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## MISCONCEPTIONS ABOUT JUVENILE DELINQUENCY

EDWARD H. STULLKEN

This paper was read before the Conference of Prosecuting Attorneys at the Law School of Northwestern University on August 3, 1955. The author is Principal of the Montefiore Special School in Chicago, a school for maladjusted children which he organized in 1929. He was a member of the White House Conferences on Child Welfare in 1930, 1940, and 1950; President of the International Council for Exceptional Children in 1937-1939; President of the Illinois Education Association 1944-45, and of the Illinois Academy of Criminology 1954-55. He is at present one of the Vice-Presidents of the Illinois Congress of Parents and Teachers. Mr. Stullken is co-author of several volumes in the field of School Administration, and has written extensively in the field of Special Education—particularly for maladjusted children.—EDITOR.

Our daily press and current magazines could lead many of us to assume that the problem of juvenile delinquency is not only a pressing one but that it is peculiar to the present generation. A survey of history would show, however, that every generation has been concerned with the problems with which youth confront us.

An Egyptian Priest almost 6000 years ago wrote on the walls of a tomb:

"Our earth is degenerate in these latter days. There are signs that the world is coming to an end because children no longer obey their parents."

Socrates wrote a paragraph over 2400 years ago that might well have appeared in this morning's paper. He said,—

"Children now love luxury, they have bad manners, contempt for authority, they show disrespect for elders, and love chatter in place of exercise. Children no longer rise when elders enter the room. They contradict their parents, chatter before company, gobble up dainties at the table, cross their legs, and tyrannize over their teachers."

Mark Twain, the American humorist, capitalized on the problem boys of his generation by leaving us the delightful stories of the escapades of Tom Sawyer and Huckleberry Finn. It must be pointed out, however, that the modern city prototype of the original Tom Sawyer and Huckleberry Finn are not engaged in harmless fishing expeditions, playing pirate on the Mississippi, nor exploring haunted limestone caves when truanting from school and running away from home today.

To discuss misconceptions about any subject may at first seem to be only a negative approach to the solution of a problem; a mere "muddying of the waters." The process of "muddying", however, may be likened to that of a chemist who pours various solutions into a vial and seemingly is producing only a cloudy mixture, while actually he is precipitating a residue which tells him much about the composition of the materials with which he is working; so a discussion of the misconceptions of a perplexing problem may yield a residue of facts which could help in understanding and perhaps solving the problem. It is hoped that this discussion will in some way help all of us to understand juvenile delinquency better and to point out ways in which the problem can be attacked.

## TERMINOLOGY

Juvenile delinquency is thought of in social, psychological, medical and legal terms. The juvenile delinquent has even been defined as "a child trying to act like a grown-up". The sociologist, the psychologist, the psychiatrist, and the teacher often think in terms of children as delinquents in ways quite different from the legal profession. Actually, delinquency is a legal term and a juvenile delinquent is what the law says he is. In Illinois, the law defines a delinquent child as follows:<sup>1</sup>

any male child who while under the age of 17 or any female child who while under the age of 18 violates any law of this state; or is incorrigible, or knowingly associates with thieves, vicious or immoral persons; or without just cause and without the consent of its parents, guardian, or custodian absents itself from its home or place of abode, or is growing up in idleness or crime; or knowingly frequents a house of ill-repute; or knowingly frequents any policy shop or place where any gaming device is operated; or frequents any saloon or dram shop where intoxicating liquors are sold; or patronizes or visits any public pool room or bucket shop; or wanders about the streets in the night without being on any lawful business, or lawful occupation; or habitually wanders about any railroad yards or tracks or jumps or attempts to jump onto any moving train; or enters any car or engine without lawful authority; or uses vile, obscene, vulgar, profane or indecent language in any public place or about any school house; or is guilty of indecent or lascivious conduct.

Under this definition practically every boy and girl can be defined as a delinquent or at least a potential one as nearly everyone has committed one or more of the acts designated in the Illinois law.

Sociologists stress the fact that a juvenile delinquent is a person who not only commits a delinquent act but who also is so labeled by the way in which society reacts to it. Psychologists stress not only the act of delinquency itself but the way the juvenile thinks about it; psychiatrists would emphasize the emotional tones and attitudes involved and any mental pathology. Ordinary lay citizens probably view the question of terminology very loosely and in varied ways depending upon whether they have suffered or are likely to suffer by the commission of a delinquent act.

Another question involved in terminology is the question of the age of responsibility. In Illinois the age of criminal responsibility is ten years. There have been attempts to raise it. When speaking about who is a delinquent one must first consider the age range of children who may be considered juvenile delinquents.

One may conclude that different definitions will yield different kinds of delinquents, and that different disciplines will have different conceptions about who should be considered delinquent. Certainly not all children and youth called delinquents are alike. They are only alike in that different people have given them the common name by which they are designated—delinquent.

## NATURE OF DELINQUENCY

Many people view delinquency much in the same way that they view some physiological disease. They think of it as something specifically pathological in the body of society. This is a misconception. Truancy, incorrigibility, delinquency, are but symptom pictures of underlying conditions the roots of which may be found in the

<sup>1</sup> Ill. Rev. Stat. c. 23, §§190-221 (1951).

family relationships, the school adjustment, the environmental background of the child, or in some psychological or physiological aspect of the individual's personality. In other words delinquency is a symptom and not a disease. The medical profession recognizes a fever as a symptom, a symptom which may be present in many diseases. The doctor may prescribe something to temporarily allay the symptom but if he is a good practitioner he will spend most of his efforts in locating the focal point or points of infection and, by removing them, cure the disease and remove the symptom—fever. Delinquency is much like a fever. Many things or a combination of several things may cause it. Until a thorough diagnosis is made and until we treat fundamental causes as well as the symptoms, little progress can be expected. Moreover, delinquency is often the result of a combination of factors some of which may be found in the environment of the child and others within the child himself. The nature of delinquency therefore will differ both because of environmental forces and because of the nature of the delinquent child. It is well to remember in this connection that one delinquent act does not necessarily mean that a child has a psychotic personality. In fact many delinquents have quite well adjusted personalities.

#### THE POINT OF VIEW

Most problems, most questions can be studied from more than one point of view. It is a misconception to assume that there is only one way of considering delinquency. Certainly one must consider not only the delinquency but the delinquent as well. There is no one nor even a known correct attitude to take toward the problem. Students of the problem must recognize all possible attitudes and points of view. A juvenile may steal because he is hungry; he may steal because it is more exciting than doing something better; he may steal to please some adult, even a parent; he may steal because he is a kleptomaniac; or he may steal something for no discoverable reason.

Delinquent behavior is complex and has many different meanings in different social contexts. To the judge and policeman, stealing, for example, is contrary to criminal law and the child who steals is a delinquent; to the psychologist, who is interested in the theory of learning, the child has learned to steal—a lesson that society as a whole wishes he had not learned; to the psychiatrist stealing may be viewed as a way of resolving some emotional conflict or tensions which have arisen from the child's inability to cope with life's situations; to the citizen who owned the property stolen, the child is a threat to the safety of property and should be punished; to the parent the child's stealing may be viewed as the work of the devil, as a mental disorder, as an act of rebellion, as an attempt to ruin the family reputation, as a bad habit, or even as an act of carelessness about getting caught which the child should avoid the next time he steals. To the child's playmates, stealing may be an act in an exciting and dangerous drama; and the young thief may be judged by whether he lives up to their code, shares with them or refuses to tell on those who have stolen with him. And of course it is most important to know what stealing means to the child himself.

From the educator's point of view delinquency is learned, and in looking for conditions that give rise to delinquency he finds many that are common to other kinds of

poor learning development—broken home, poverty, emotional conflicts in family life, retarded mental development, poor neighborhood background, etc. It is necessary therefore to study these conditions; to discover how some children learn delinquency in these conditions, and how other children in the same home, school, and neighborhood, often with the same intelligence and basis for emotional conflict, learn socially acceptable behavior; it is necessary to learn how children can unlearn delinquent behavior; and most of all we must know how more desirable social behavior can be learned.

#### A DEFINITE CAUSE AND A DEFINITE PANACEA

Many believe that delinquency has definite causes. Some blame poverty, others slum conditions, and still others find the cause for delinquent acts within the warped personalities of the delinquents. One reads that the home or the parents are to blame, that the school and teachers are at fault, or that the churches have in some way failed to meet the needs of modern youth. The lack of recreational facilities, the increased amount of leisure time, the laws making it impossible for children under 16 or 17 years of age to go to work, have been cited as causes. Progressive education with its increased freedom for pupils in modern schools, even modern religion with less emphasis upon hell fire and damnation, have been blamed for increases in juvenile delinquency. Modern urban society, with its increased facilities for communication, with better and faster means of transportation, with greater concentration of population, quite different from the rural life of a generation or two ago, has to some writers and speakers caused the present problem of juvenile delinquency. Delinquent parents, broken homes, bad politicians, insufficient police protection, the presence of adult vice and crime are often mentioned. The movies, the comic books, television and radio programs, filthy literature, suggestive art, are other causes frequently given. The causes given for delinquency are almost as numerous as those who write or talk about the subject.

No doubt some of these beliefs are more or less correct. The careful student, however, must try to determine whether or not any one or all of the causes given may or may not be other symptoms, just like delinquency, or more fundamental reasons why some juveniles become delinquents while others do not. The educator, the student of the law, the psychologists, the psychiatrist, the social worker must strive to dig down deeper than many of the superficial reasons that are often given for producing delinquents if he wants to understand the problem.

In the same way that there are those who believe they know the cause of delinquency, there are those who think they know how to cure it. Some believe that more, better, or stricter laws will solve the problem. They often forget that laws are only as effective as the public concern in their enforcement and that adding more legal prohibitions will not save juveniles from becoming delinquent. Many today say that parents should be held responsible for the acts of their children and that we should fine or imprison the parent whenever a juvenile commits some delinquency. No doubt parents should be awakened and educated to their responsibilities as parents but it is questionable whether mere punishment of parents will accomplish the end in view.

Others believe that if proper recreational facilities are provided in greater degree, if more athletic activities are sponsored by schools, churches, or other agencies of the community, and if more playgrounds are available to all boys and girls, then delinquency will be reduced. Some in Illinois believe that an Illinois Recreation Commission, created by legislative action and supported by the state will prevent delinquency. The enactment of such legislation will probably be good for many children but it is doubtful whether the argument that it will prevent delinquency has much validity.

Many also believe that the schools can provide a panacea for juvenile delinquency. The school today, is concerned with helping students to guide their conduct by reason, to use intelligence in reaching decisions rather than blind obedience, habit, or prejudice, and to acquire a knowledge of self and an understanding of the consequences of behavior. The school today aims to develop young people physically, spiritually, and morally as well as intellectually so that they can take a competent and effective part in daily life, contribute to the welfare of others and make their own lives happy and good. The schools recognize and integrate all those aspects of life—moral, ethical, economic, civil, social—in which people need to exercise intelligence and understanding. Schools, therefore, are concerned with all the problems of life, the delinquency problem included; but their concern is primarily one of dealing with all children in such a way that delinquent behavior will not likely result on the part of individual children.

Others advocate punishment as a cure for delinquency. One hears and reads much about a return to the historic "woodshed scene"; but the fact that most juvenile delinquents have already been the recipients of a great deal of physical and often unintelligent punishment, casts doubt upon punishment as a cure for delinquency. The delinquency problem is less likely than any other crime problem to respond to the purely negative measures of punishment.

Just as there is no single cause for delinquency, so it is doubtful that there is any single, simple, solution to the problem. It is a misconception of the problem to believe there is a simple solution or that one can be found. Only as local communities become aroused, only when all agencies will cooperate and coordinate their efforts, and only when the citizens of a given community will work together for the welfare of all children can they hope to successfully attack the problem.

#### TREATMENT BY REMOVAL

It is a misconception of the problem to assume that it can be solved by removing the delinquent from the community. Many believe that all delinquents should be apprehended and committed to correctional institutions. They forget that such juveniles must return someday to the community or at least to some other community. All too often, the delinquent when he returns from an experience in an institution will be even more difficult to adjust than he was before he was sent away. They at least come back with the added difficulty of an institutional experience to prevent their acceptance by the community.

Somewhat similar to the idea that the problem of delinquency can be solved by removing the delinquent from the community, is the idea that the delinquent should

be referred from one agency to another agency. Too often the referral of cases from agency to agency is merely a case of "passing the buck". The fact that a delinquent or his case is transferred from one locality to another, from one agency to another, from one institution to another is no indication that his problem can be solved.

Unless a community removes the causes of delinquency, unless a neighborhood works with and for its juveniles, there will always be new cases of delinquency, no matter how many known delinquents are removed from the community. Too often citizens want the benefits of reform without going through the agony and work of reforming themselves and their own neighborhood.

Dr. Clifford Shaw in his work in the Chicago Area Project has pointed the way by which a community can do much not only to help solve the problem of juvenile delinquency but also to reassimilate those who have been found delinquent, have had an institutional experience, and have returned to the community.

#### PREDICTION

It has always been an objective of those interested in the problem of juvenile delinquency to identify potential delinquents. Lombroso, the father of modern criminology, thought that he could identify criminals by physical characteristics that differentiated the criminal from the non-criminal. While Goring disapproved Lombroso's theories it has not discouraged others from seeking some constitutional basis for identifying criminals. The late anthropologist Hooten did find small differences in physical characteristics but they proved very ineffective in helping to identify criminals. The results of modern research in the prediction of delinquency lead to the conclusion that potential delinquents cannot be identified biologically.

Others have attempted identification psychologically by emotional reactions. Healy and Bronner found one marked factor in the delinquent group which they studied that was almost unrepresented in their control group; i.e., a major emotional disturbance due to feelings of rejection, to lack of parental affection, frustration, inferiority, mental conflict, feelings of guilt, or disharmony of parents. Emotional disturbances were present in ninety-one percent of the delinquents and in only thirteen percent of the nondelinquents.

Dr. Ernest W. Burgess, of the University of Chicago, says that,

These findings would be most convincing if the children had been interviewed before they became delinquent. Unfortunately, from the scientific standpoint, they were interviewed after they were delinquent. It cannot therefore be determined whether the emotional disturbance caused them to become delinquent or whether their emotional disturbance was the result of having become delinquent. We know from observation that not all emotionally disturbed children become delinquent. Therefore, emotional disturbance cannot be used to identify the potential delinquent.

The Gluecks have also attempted to find a psychological basis for predicting juvenile delinquency. They have prepared prediction tables on the basis of their findings; but it is difficult to determine whether the categories in each of their three tables can be considered as causes or effects of juvenile delinquency. Here, Dr. Burgess states that—

the conclusion is inevitable that the Gluecks have not demonstrated the feasibility of prediction from their tables. The only way to have proof of their assumptions and conclusions would be to

have examinations of children by their methods at the age of six years and then determine at the age of 11 to 17 what characteristics are related to those that did and those that did not become delinquent".

Burgess believes that the Gluecks by their study have shown that the one item most closely correlated with delinquency was association with delinquents. The Gluecks found that 98.4 percent of delinquents chummed largely with delinquents while, despite the fact that the non-delinquents lived in similar neighborhoods, only 7.4 percent of the non-delinquents had intimates who were delinquents.

Burgess also says that,—

this method of determining potential delinquents by association has strong support in studies of delinquents and criminals. Clifford R. Shaw found that 90 per cent of male delinquents charged with offenses against property committed the delinquent acts which brought them into the juvenile court with one or more associates. He has also traced by court records the network of contact and communication of one delinquent with another over a considerable time period. Through his intensive case studies he has shown that almost always delinquency is learned behavior, the previous non-delinquent boy learning from more experienced friends. Only seldom is delinquency an expression of a basic personality structure".

We may conclude that while authorities differ as to whether delinquency can be scientifically predicted, it is still true that the influence of a child's playmates are exceedingly important, and parents, teachers, and others can usually determine whether a child is likely to become delinquent by the kind of associates with whom he becomes intimate.

#### PREVENTION

The prevention of delinquency is a very elusive concept, notwithstanding its popularity. We read that the parents should be educated; that parents should be punished; that curfews should be established to keep juveniles off the streets; that better houses, better schools, more neighborhood agencies, and more recreational facilities should be provided; that radio, movies, television, children's literature particularly comic books should be censored; that juveniles should not drink nor drive automobiles; and that many other things should or should not be done if delinquency is to be prevented or reduced. There is, however, little scientific evidence to show whether any one or any combination of the suggested preventive measures actually is effective in preventing delinquency.

Authorities in the field do agree that mere severity of punishment or treatment is not an effective deterrent to delinquency. It is rather swiftness and certainty of justice, not the severity of punishment, which deters. It is pretty generally agreed also that more should be done for first offenders than merely to admonish them and give them another chance. This is usually spoken of as giving them "a pass", and such "a pass" is not a chance. Too often it serves only to breed a contempt for the law. Any real chance for a first offender requires that something be done to meet the juvenile's needs and to place him in touch with someone or some agency which is equipped to fill those needs.

Prevention of delinquency can be understood better if one remembers that there are three general categories under which prevention programs may be classified.

In the first place, to some proponents, delinquency prevention is almost synonymous with the promotion of the healthy development of all children. Those who hold this viewpoint try to prevent delinquency by improving all aspects of American life that bear upon the personality development of children and by improving all services that serve children. Many of the measures contemplated do not concern children directly, and none of them singles out individual children because of supposed proneness to delinquency. In the second place, to others, delinquency prevention means reaching potential delinquents before they get into trouble. This approach to prevention is distinguished from the first not only by its limited clientele but also by the character of the activities undertaken. Emphasis is placed upon direct measures applied to children and sometimes to their parents instead of upon measures designed to improve environmental conditions for all children. The third conception of prevention stresses the reduction of recidivism and the reduction of the likelihood of serious offenses rather than reaching children who have not yet committed offenses. From this point of view it is the aggravation of delinquent behavior—its continuance rather than its onset that is to be prevented.

It will help also to clear up misconceptions in relation to prevention if one will remember that there are two main avenues of approach to the problem—first, the environmental approach, and second that of services to individual children or selected groups of individuals. The environmental approach to the prevention of delinquency usually involves housing reform, improving home life generally, providing better neighborhood facilities for children, school betterment, the general reduction of prejudice and discrimination, increasing neighborhood cohesiveness, and building a sense of responsibility for prevention on the part of the citizens of a community. The individual approach involves identifying potential delinquents, mobilizing resources in their behalf, giving them psychiatric or social treatment, and redirecting the energy and interests of delinquent groups.

Witmer and Tufts made an appraisal of the effectiveness of Delinquency Prevention Programs for the U.S. Children's Bureau and concluded that rather little is known with certainty about how to prevent or reduce delinquency. Their review of findings of studies indicated, first, no panacea for preventing or reducing delinquency has been discovered; second, counseling services, recreational services, psychiatric treatment, and the usual group work services appear to have little effect upon delinquency prevention; third, child guidance and associations of neighbors in slum areas seem to lessen the delinquent acts of particular types of children; and fourth some kinds of children and their families will respond to friendly approaches that are persistently sustained.

In view of these findings everyone should examine carefully the claims that are made for any program for the prevention of delinquency. We shall be most likely to discover how to prevent delinquency if research and evaluation are undertaken coordinately with the development of new measures and the refinement of old ones.

#### THE AMOUNT OF DELINQUENCY

Much has been written and said about the increase in juvenile delinquency in recent years, particularly in the last five years. The most recent statistics from the

Federal Bureau of Investigation indicate that the greatest increase in crimes has occurred among the youth of the country, and that it has been greatest in the small incorporated and unincorporated areas as compared to the larger cities. The F.B.I. figures indicate that arrests of young people, 17 years and under, increased 2.3 percent in 1954 as compared to 1953, while arrests for persons 18 years and over decreased 1.9 percent. The records of the Family Court of Cook County, Illinois indicate an increase of about 30 percent in the number of referrals in the past five years. In addition, the number of juvenile commitments from Cook County to State Correctional Institutions has increased more than commitments from other counties in the State. The U.S. Senate's Subcommittee to Investigate Juvenile Delinquency reports that today approximately 1,250,000 youngsters in the United States annually get into trouble with the law. This committee has found that an increasing number of the younger children are committing serious offenses.

When first read, these and other statistics take on alarming proportions. They do point out the seriousness of the problem of juvenile delinquency and they do indicate that all citizens should become more concerned with what is happening to youth today.

However, to avoid misconceptions these and other statistics must be carefully evaluated. In the first place a mere recital of numbers of children involved with the law is not a valid index as to whether the rate of delinquency has actually increased or not unless the total number of children of the particular age group is also considered. Number of children apprehended, taken to court, or committed to an institution may have increased in recent years while the actual proportion of such children out of the total child population may have been no greater or even less than in previous years. In fact, studies made by Dr. Clifford Shaw of Chicago show that there has been little change in recent decades in the actual rates of juvenile delinquency in Cook County, Illinois.

Moreover, even delinquency rates are not always a dependable index of the amount of delinquent conduct in a community. The number of delinquents and the rates of delinquency increase or decrease with changes in the laws and with changes in the administrative procedures of law enforcement agencies. In addition changes in a community's attitude toward children's conduct will also affect the amount of delinquency recorded. What is considered a delinquent act at a specific time or place may not be so considered at some other time or place.

It is easy to see that many factors must be considered in addition to actual numbers of children reported as delinquent when one attempts to determine whether delinquency is increasing.

Probably the number of children who are considered as being juvenile delinquents has increased in recent years, while the actual rates of delinquency have not changed much, and the public attitude toward the conduct of children may have had something to do with the volumes of statistics we read about.

#### CONCLUSION

One may conclude from an examination of the many misconceptions about juvenile delinquency that generalized statements about the problem are hard to formulate

and of doubtful value when applied to individual situations. In general we do not need more laws but more concern for the welfare of children. We should capitalize on the general concern that is felt regarding juvenile delinquency and try to direct the activities of interested citizens into those channels that seem at the present time to offer the best means for dealing with the problem. Facilities, procedures, educational and other programs should be increased and improved, remembering that good conduct is caught quite as much as it is taught. Example is always better than precept when trying to improve a child's conduct.

The tubercular child profits from the sale of Christmas seals, the Crippled Child profits from the Easter seals, the polio victim from the March of Dimes, the Mentally Retarded from the activities of the National organization interested in their care; but the maladjusted child, the disturbed child, the truant, the incorrigible and the delinquent child has few friends. Everyone who sees a crippled child or one who is blind expresses feelings of sympathy and a desire to help. Too often the child with a short brain or a warped personality or who lives on the wrong side of our social and economic tracks not only evokes no sympathy but arouses feelings of anger and resentment and a desire to do something *to* him instead of *for* him.

When the general public attitude toward the delinquent is changed from thinking in mere punitive terms to thinking in constructive ways about his welfare and about ways in which he can be helped then we will make real progress in solving the problem of juvenile delinquency.

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