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## THE RELATION OF THE PSYCHIATRIST TO THE JUVENILE COURT<sup>1</sup>

HAROLD S. HULBERT, M.D.<sup>2</sup> and FRANK J. SHEEHAN<sup>3</sup>

This is the sixth of the series of talks on Child Guidance from a psychiatric viewpoint, under the auspices of the Child Guidance Mental Hygiene Clinic of the Gary Public Schools.

One advantage of treating children of school age while they are in school is that the more serious deviations of personality may be headed off. Anti-social conduct is best understood by studying and treating severe cases first, such as men and women in prisons, then studying such cases as they appear in the criminal court. After understanding such obvious cases, a study of less serious cases is fruitful. Youths sent to reform schools may be comprehended and interpreted. When one becomes experienced in these cases it is possible to be of psychiatric assistance to a Juvenile Court which treats of younger cases with still less deviation. That is our topic now: The Relation of the Psychiatrist to the Juvenile Court.

Our goal of course is to catch these children as early as possible, understand them, straighten out their kinks, and help them to grow into upright citizens. That is what we are attempting to do in our school child guidance clinics where the children are living under normal circumstances in their own homes and attending common school.

The greatest results for the effort are achieved in child guidance work in the schools before the unusual children become fixed in their conditioning or attitude which in time might bring them to the Juvenile Court. The psychiatrist aids in interpreting to the Court the problem children who are different from the ordinary children who appear before the Court, and in making recommendations to the Court for treatment or disposition and in forecasting life history of these children. The psychiatrist does not presume to have any professional opinion on legal questions or on sociological problems. "You feel that skilled psychiatric advice was of some benefit to the Juvenile Court over which you presided, do you not, Judge Sheehan?"

<sup>1</sup>A Radio Program from Station WIND, Gary, Indiana, March 6, 1934.

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"Indeed I do, Dr. Hulbert. For example, do you remember the case of that high school boy, doctor, who caused so much trouble and perplexity to his parents because of his silly stealing?"

"Do you mean the one who bought an overcoat and charged it to his father, then took it to a hotel and checked it in the coat room, then went to another store and bought and charged a second overcoat and checked it in another hotel check room, and then bought a third at still another store and charged it to his father and left it at still another hotel check room—all in one afternoon?"

"Yes, it all seemed so purposeless."

"Stealing like this for no profit is pathological stealing. It may be called kleptomania, although usually kleptomania means stealing a certain type of thing like a fetish, but without profit. Stealing for profit is not kleptomania.

"The treatment for stealing for profit is social—including socio-legal. The theory is very simple—take all the profits out of it. To cure a thief, so penalize him that he suffers loss, not profit, and also that he suffers more pain than pleasure. We will have embezzlers as well as juvenile thieves just as long as we permit more profit than loss and until we inflict more pain than there is pleasure derived from theft. The same theorem holds in the crushing of commercialized vice—take the profits out of it. That means, take out the profits for the 'higher-ups,' and from those who by bribes or influence have a divided share of the profits.

"Thorough study of this boy showed that the reason for his stealing was to get revenge on his father. The boy was overly attached to his mother and was jealous of his father. Therefore he punished his father by financially embarrassing him. The father was not a bad man, as the boy thought. Actually the boy was the wrong acting one, and he indulged in habits that he knew were wrong, naughty, or wicked. Then when he felt particularly contemptible, he would be mad at his father for imagined or magnified grievances."

"I recall that in this case you recommended probation and a program of athletic and outdoor activities wherein the boy had a chance to develop himself, and then to excel."

"Yes, his feelings of contempt gradually disappeared as he developed feelings of respect first for himself and then for his father."

"Last I heard of the boy, he had taken up golf and sometimes caddied for his father and sometimes played with his father."

"The last I heard of him, he had finished high school without

distinction and did not attract attention to himself for being very good or very bad in any way."

"Do you remember, Dr. Hulbert, the case of that very pretty blonde girl whose father died and who got along pretty well with her step father until her mother died, but did not get along with her foster mother?"

"Do you mean the girl who was running around with older boys and who was regarded as pre-delinquent?"

"Yes, you told me that it was pathetic when you asked her to name two or three of her good characteristics and two or three of her bad ones—she said she could think of only one good trait, namely, that she did not steal money, but that she had been told her faults so often that she could tell half a dozen without pause."

"I think I told you in Chambers, Judge Sheehan, that there is one type of endocrine gland disorder in children associated with financial and other untrustworthiness, where their legs are disproportionately short in comparison with their arms, so that the arms hang down to the knees like an ape's, and that such a person in childhood and in adult life is a victim of violent outbursts of temper which he cannot control.

"This girl, this ward of your Court, was of the opposite type of endocrine gland disorder. The lower half of her body was very large and strong and mature, in contrast with her chest, arms, and head. She had the legs and body of a woman, fully matured. She had the chest and arms of a girl and a baby face. In fact her arms were not sufficiently strong to be fully extended from the shoulders and be held straight out at the sides. Her mind and judgment were those of a girl of her age, namely fifteen, but her appetite, tastes, and social cravings were those of a woman of 20 or 22. Consequently she was making a mess of things, running after the boys and young men."

"And according to the rule so frequently observed in life, in pursuit the most easily caught boys and girls are the least valuable associates."

"It is vastly better to prevent a girl from becoming delinquent than later to try to alter her social tendencies."

"You made two types of recommendations."

"We wrote to the family physician recommending a certain program of endocrine gland treatment."

"Your social recommendations went to the Court, to the parents, and to the school. In general they were to the effect that the girl had

outgrown her foster mother and her supervision, but that they should comment with more emphasis upon the girl's success in doing right things rather than upon the girl's mistakes, just as two neighbor ladies in their conversation comment nicely to each other about each other, but do not misuse their time by mutual criticism. You told the school people to keep her busy for a year with a full program of things that she could do well, so that she could find a source of pride in her marks. The thing that impressed me the most was your statement that the prematurely matured girl is most helped by having contacts with some fine women, for example some sympathetic aunt, some lady who is very maternal whose successfully reared children are now in college, but who would like to semi-adopt and befriend some child who is of the age of early adolescence. I had thought that the best companions for a child who might be regarded as pre-delinquent would be a crowd of fine boys and girls of her own age."

"It seems natural that a girl whose lower half of the body is most developed would be docile and acquiescent especially if we find for her social activities suitable to her physiology. Skating, dancing, or horseback riding would be better for her and more natural for her than tennis, basketball, sewing, or playing cards."

"Doctor, it seems as if an unduly large proportion of our cases are the feeble-minded, and that the feeble-minded children are of such large families. What is your view of sterilizing the feeble-minded as is done in many countries?"

"May I phrase my answer in two parts? A feeble-minded delinquent cannot reform himself nor be reformed, and therefore he is a repeated offender if given the opportunity to be delinquent again. He cannot reform because his mental age does not increase as he grows older, and therefore his maturity does not increase. That is what we mean by arrested mental development. It is true that the Juvenile Court sees an undue number of feeble-minded children. My experience tells me that it is not true that the feeble-minded in North America are prolific.

"Most feeble-minded people are parents of no children or at most of one or two children. Failures themselves, they do not seek to increase their responsibilities, and also being failures, they are ignored rather than besought by others as life partners. In the Juvenile Court you do not see these adult failures, childless people, as the Salvation Army sees them in their missions and shelters. Furthermore, with progressive feeble-mindedness, worse in each generation, there is a progressive non-fertility, and although there are exceptions,

such as the Kalakaks and the Jukes, the general rule in my experience is that the unfit families breed out and become sterile in about three generations. Nature is more wise, more thorough, and discriminating, more ruthless, and much more efficient in eliminating unfit families and strains than any court or formal human organization could possibly be. Nature abhors extremes and eliminates them. The pity of it is that Nature with equal ruthlessness cuts down the potential birth rate of the extremely fine families. Nature puts emphasis upon the rugged and the adaptable.

Personally, from a humanitarian viewpoint, I disapprove of inflicted sterilization because of the mental anguish and the warping of the personality which later follows. Segregation and colonization throughout the child-bearing years is the practical, kind, time-tried method. It is expensive socially, but is equally expensive on the individuals to be denied full freedom. The reason that it has not been successful is that each state has had but one colony for the feeble-minded, whereas obviously it should have one colony for the non-delinquent feeble-minded and another colony for the delinquent feeble-minded, because as we have said, they can never be reformed."

"In the case of that girl you called paranoid and sadistic, but not feeble-minded, you said she had a bad future, no matter in what environment she might be placed."

"She certainly was no angel. She enjoyed being maliciously cruel to other children, in fact she got a thrill out of it. That is what I meant when I called her sadistic. When brought to task for her bad conduct, she always tried to excuse herself by blaming others. That is a child-like trait possibly, but when it becomes exaggerated, it is a sign of mental abnormality. It was not possible, even by patient explanation, for the teachers to get her to realize that she was to blame, even in part. My definition of a paranoid person is one who, when things go wrong, is 'of himself excusatory but of others accusatory.' Paranoid states of mind are one form of Psychopathic Personality, or as it is sometimes called, C. P. I., meaning Constitutional Psychopathic Inferiority. Experience with countless children has taught us psychiatrists that psychopathic children, unlike normal but underprivileged children, do not do better if transplanted to a favorable environment such as a good foster home. On the contrary, they tend to be goody-goody about a few things and become a prey to irresistible impulses to do malicious things. Many C. P. I.'s become depraved, many become cultists, and many become the victims of drug addiction. This condition is usually hereditary,

but may follow destruction of brain tissue in the well born, and therefore it is not curable. In this case the father was alcoholic and abusive, and the mother was a case of Inadequate Personality.

It is true that in children many traits first show themselves in the reverse form from which the same instincts will show themselves in adult life. For example, a little boy of two may kick over a building built of building blocks by his five year old brother, and yet when he himself is five, he will build buildings: then he will resent his baby sister's kicking over his building of blocks; this shows that the instinct of construction may show itself first in the reverse phase, called the instinct of destruction. In psychopathic cases the primitive form may persist throughout adult life. Now in this girl the instinct of tenderness will never develop, but its preliminary manifestation of cruelty will persist. It is true, she has had no good example set for her. She never saw her parents exemplify affection toward each other. It is a good thing for children to see their parents kiss each other and hear them talk lovingly. It is also good for children to see their mother tenderly croon over a baby. It is good for children to come to realize that their father may modify discipline with mercy. In the treatment of this girl we could not expect that tenderness would ever grow and replace cruelty. We could only hope that the facts of life might educate her to realize that her indulging in cruelty would bring her more pain than that she inflicted upon others. The thing to do is to follow the old pedagogy of the country district school where the sixth grade bully was not allowed to play with sixth grade children at recess and crack down on them for his own aggrandizement, but where he had to play with eighth grade boys while the teachers turned their backs if, as, and when he got his 'come-uppings.' Children are great educators of other children.

"There may be room on the frontier, but there is no room in civilized society, for the bloody-handed killer or for the slugger who gets a vicarious sex thrill from his violence toward weaker persons who are non-compliant toward his whims. From the time of Cain and Abel, it has been vaguely realized that such persons are always recidivists or repeated offenders."

"I am impressed with the emphasis you place on physical conditions in the children we must understand in order to help. You consider general health impairment, such as anemia, Bright's disease, tuberculosis, children's diseases such as occur in teeth, tonsils, eyes, and endocrine diseases."

"We thoroughly realize that a half-sick body is inhabited by a

half-sick mind; and persons who think in a sickly way cannot learn normally and are more likely than not to misconduct themselves."

"There are social implications from physical pathology. Often delinquency and pre-delinquency are determined by states of health and ill health."

"Yes. Such children are not understood and cannot be helped socially until they *are* diagnosed.

"Take the case of a thirteen year old seventh grade girl who had become unpopular and was socially dropped because of her apparent rudeness.

"She was big for her age, rather matured. She resembled her large and pretty mother. In the last year she offended the teachers by often being found asleep in the auditorium when the lights were turned on. They thought her naughty. You know how gossip grows worse with each retelling. The girls regarded her as rude. During the lulls of basketball she would sit down by a post and nap. She was hard to rouse. She became unpopular. Then too in the class room when she was supposedly studying with the others in the back of the room—while the front section was reciting—and she came to something hard and baffling like arithmetic she would sometimes put her head down on her arm on the desk. The teacher would tell her to sit up. No reaction. The teacher would walk around to stand beside her and tell her to sit up. She would reply, 'Yes, Miss Smeeth,' look up but not sit up. Non-conformity in classroom is regarded by the faculty and students as worse than misconduct away from school. Furthermore, the teachers and girls noticed that on some days she would very often excuse herself to go to the toilet. That has evil implications.

"So the girls at school, regarding her as a bad girl, dropped her from the girls' band, from the girls' orchestra, from the girls' glee club, and from their social life—the bad girl. But she was socially inclined and craved companionship, so she had a 'come-hither-eye' for the boys. She was a pre-predelinquent.

"At home the mother noticed that she got plenty of sleep, even on the nights she was up many times to go to the toilet. Occasionally the mother had to scold her, and sometimes when scolded 'she would plop down on the davenport and not even rearrange her skirts' when spoken to, although she would say she would do so. She was much beloved and the home and its spirit were exceptionally fine."

"I believe this pre-predelinquent child was not brought to the judicial notice of the court."



"No, sir. We were able to correct this condition without referring her to the Juvenile Court. Our diagnosis was Narcolepsy. Not Epilepsy.

"Narcolepsy is a rare and only recently recognized disease. Its two major symptoms are sudden and overwhelming sleep coming on either after exercise (here basketball) or after unusual quietness (here auditorium), and the symptom of motor tonelessness or limpness with full consciousness after being emotional (here head on arms on the desk when baffled by arithmetic and replying 'Yes, Miss Smeeth' but not sitting up, or 'popping' down on the sofa at home when reprimanded). Sleeping and plopping down.

"She also has intermittent *diabetes insipidus*, which explains her frequent trips to the toilet at home and at school.

"The symptoms ceased when she took the medicine we prescribed for her, namely, a capsule of ephedrine twice a day.

"We explained to the teachers that she was a sick girl and not rude nor naughty, and that as they had wronged her by misjudging her they should befriend her and belove her. They did so. Then the girls imitated this new attitude of the faculty and took her back into their social circles. She no longer craved boys' society. She will be a fine woman, with the risk and heartache of delinquency avoided and forgotten. We are all pleased, and so are she and her family."

"A great many of our Juvenile Court cases are brought to court because of truancy from home and from school. I take it that you psychiatrists believe there is no one universal cause of truancy and that in any one child there may be several causative factors?"

"A study made of some of the causes of truancy shows an evolution from the first thought that all truant children were bad or naughty, through the concept that truant children were simple minded or feeble-minded and thus could not appreciate the educational opportunities offered to them. We now realize that there is a large third group of normal children who are truant in attempting to escape from an unsuitable, unfavorable, or hostile environment. Another group are those who are not endowed with sufficient energy or aggression to compete with other children. This group includes the inferiority-complex timid children. They make mild attempts at truancy. There is another group of undisciplined children who come from undisciplined homes where the parents lack self-discipline and the children from example grow up to be abnormal and evasive. A normal child who meets too much stress and strain at home may show his normality by running away from that home, although he

may return to it because of his incompetency to survive unaided. Many such children are primarily truant from home, and only secondarily truant from school, whereas the feeble-minded children, over-graded where too much is expected of them, tend to be truant from school and not from home, unless they are very suggestible and have been sought out and worked upon by vicious characters. Children are more likely to escape from a home broken by sudden death or by divorce than by an impoverished environment or where death of a parent followed a long sickness. Some children become truant because they are ashamed of their parents or other relatives. Others, because the parents quarrel too much with each other or with the children. Sometimes truancy is found in children who are exceptionally rugged and mature for their age. All children must eventually wean themselves by eighteen, but some children may attempt this prematurely.

### *Conclusion*

"There are multiple causes of the tendencies toward delinquency and no one single generalization as to cause will explain all of the cases of conduct disorder. Such children need individual study and individual treatment."

Follow up announcement by broadcasting engineer. "The radio audience will understand, of course, that the cases mentioned were true cases with the identity masked and were not cases from our community, because both the Judge and the Doctor thought that the privacy of children is to be as much respected as is the privacy of adults."