

on for  
of the  
retro-  
apter  
t now  
ened.  
t age,

tribu-  
ld be  
ately.  
EN, of  
e who  
re the  
outset  
f this  
would  
g the  
or so  
unity.  
New  
Act,  
aged  
as in  
e the  
t and  
there  
L, of  
e In-  
and  
nsyl-  
er of  
epre-  
then  
the

ng so  
Sena-  
ur V.  
nator  
and  
icism  
ut it

some  
urse,  
cer-  
e to  
ding,  
er of  
i, was  
olser,

nany  
now,  
is all  
story  
ow of  
hich  
have  
day

time  
As I  
olved  
nate.  
ex-  
she  
good  
egis-  
acri-  
ense  
in-  
her  
con-  
be-  
any.  
liefs  
ered  
d ill  
her.  
se of  
was

what  
the  
nore  
rit-  
nous  
d at

There being no objection, the article was ordered to be printed in the RECORD, as follows:

"HOPE FOR ALASKA'S MENTALLY ILL

"(By Marjorie Shearon, Ph. D., editor, Challenge to Socialism, formerly consultant to the late Senator Robert A. Taft)

"This is Alaska

"Alaska is our last frontier and our first line of defense. One-fifth the size of the continental United States, it is a land rich in oil, minerals, and forests. Its coastal waters abound in seal and salmon, which have given the territory two great industries. Development of these natural resources has barely started. A million new settlers are needed to take up homesteads, to raise cattle, to explore mineral resources, and to expand the oil, fishing, fur, and lumber industries.

"Recognizing the strategic importance of Alaska, the United States has already spent \$400 million on listening posts in the far North, up to and beyond the Arctic Circle. These constitute the DEW line—distant early warning line—which Air Force Secretary Quarles would now extend through the Aleutian Islands at an additional cost of \$68 million. We in the States find further protection in the thousands of members of the armed services station in Alaska, for here the United States comes within 45 miles of Russia's Siberia.

"Alaska, so dimly known, so long neglected, and so little appreciated, is now of greatest strategic importance. Our very lives—yours and mine—may one day depend on the early information flashed from isolated, advance outposts along the DEW line in Alaska and Canada should Communist planes attempt a surprise attack on the United States across the North Pole.

"What sort of country is Alaska? What of its people? Are Alaskans citizens of the United States? Do they fight our wars, pay our taxes, share our joys and sorrows? What is this distant territory that has come in for such abuse in recent months? Why have some Americans stateside tried to thwart Alaskan hopes for control of the territory's mentally ill?

"This is Alaska. A wild, undeveloped country like our wonderful West of a century or more ago. But there are important differences. Alaskan cities, though small, are modern, with schools, general hospitals, airfields, railroad stations, electricity, post offices, taxis, bus lines, and chambers of commerce. It is a country where modern civilization abuts on a primeval wilderness.

"The University of Alaska, a land-grant college on a 2,250-acre tract at Fairbanks, boasts a new geophysical institute. This million-dollar building provides some of the finest facilities in the world for the study of the Arctic, the stratosphere, and regions beyond.

"The climate of Alaska is about like that of Norway, Sweden, Scotland, and Minnesota. Conditions in southern Alaska are comparable to those in our Northern States. Temperatures range from  $-78^{\circ}$  to a maximum of  $100^{\circ}$  at Fort Yukon on the Arctic Circle. At Anchorage the range is from  $-36^{\circ}$  to  $92^{\circ}$ .

"Alaska's greatest handicap is not her climate, but her lack of statehood. She is a territory clamoring for the right of self-determination, of self-government. She wishes to handle her own finances, to pass laws governing her own people. She seeks responsibility, not dependency. Alaska is neither a poor relation, nor a helpless child needing a guardian. She is a vast territory of latent wealth which has already yielded timber, waterpower, fur animals of the sea, gold, platinum, copper, coal, and silver; and of the land, fish, agriculture, trapping, fur farming, oil—sources of wealth barely tapped, awaiting development. This is Alaska.

"We stateside find it hard to picture Alaska. Accustomed as we are to cities of 100,000 to 7 or 8 million, we cannot easily imagine a

country of over half a million square miles which does not have a single city with as many as 60,000 persons. Alaska's largest city, Anchorage, in 1955 had a population of 27,000 in the city, 32,000 in the metropolitan area. It compared favorably in size with Marion, Ind., Tucson, Ariz., as it was in 1940, and Hillsboro, Tex.

"On July 1, 1955, the civilian population of Alaska was only 168,000. On July 1, 1954, the combined civilian and military population was 208,000—a little less than the population of Syracuse, N.Y. Indeed, the territorial population is so sparse that if it were uniformly spread over the entire surface of 375,290,000 acres, every family of 4 would have 7,217 acres, or more than 11 square miles in which to roam. Looking at it another way, we may compare the density of population in the Nation's Capital in 1950, which was 13,150.5 persons per square mile, with that in Alaska, where it was 1 person per 5 square miles.

"Many Alaskans are aborigines—Eskimos, Aleuts, and Indians—numbering about 33,000 or about one-fifth the civilian population. Alaskans are citizens of the United States, enjoying some of the privileges of citizenship and sharing in all the responsibilities. They pay income taxes and serve in the Armed Forces. Their Governor, however, is not elected by the Alaskans, but appointed by the President. And their Delegate to Congress cannot vote.

"Some of Alaska's problems stem from sparsity of population, inadequate road systems, lack of land transportation between towns and villages, the short growing season, and the low temperatures in winter. The presence or permafrost, permanently frozen ground, has accounted for much of the difficulty encountered in building roads, railroads and houses. Permafrost was found to a depth of 1,000 feet near Barrow, Alaska, when the Navy was drilling for oil. However, Alaska is not alone in having to face this problem. One-fifth the land surface of the world is underlain by permafrost. It is present in one-half of Russia.

"There are some 42 villages, cities, and districts in Alaska, but no counties. Of this number, 13 are villages with populations of less than 500, while 10 villages and towns have populations of 500 to 999. Of the 42 localities, 32 have populations of less than 2,500. In 1950, Fairbanks had 5,771; Juneau, the capital, 5,596; Ketchikan, 5,305, and Nome, 1,876.

"The principal means of transportation between the larger cities is by plane. Daily flights go out from the principal communities to scores of smaller places, carrying to them passengers, mail, and freight. Once a week a plane flies from Anchorage to the Pribilof Islands, center of the fur seal area, via the Aleutians.

"Alaska, presently, has only 560.1 miles of railroads. There is one main highway, the Alaska Highway, constructed as a military necessity by the United States and Canada at a cost of \$113,824,220. Running from Dawson Creek, British Columbia, to Fairbanks, Alaska, through the very heart of the peninsula, it is 1,523 miles long.

"Vast areas are still without roads or plane service. Many of the smaller villages are isolated and present health, sanitation, and other problems because of their inaccessibility. Native settlements of 50 to 100 persons are often without any medical facilities, physicians, nurses, welfare agencies, courts, or jails.

"So extensive is this territory that when a map of Alaska is placed on a map of the continental United States, the Aleutian Islands touch the coast of California, while the southern Alaskan Pacific mountain region reaches to the eastern shores of South Carolina.

"Once called Seward's Folly and American Siberia, Alaska is now an invaluable fron-

tier for young pioneers and the guardian of the international boundary between the United States and the U.S.S.R.

"Russian interest in the Arctic North America led to the discovery of Alaska. Early in the 18th century Peter the Great commissioned a Danish sea captain, Vitus Bering, to explore the northwest coast of the American Continent. In 1728 he discovered the passage now known as Bering Strait. The Russians made their first settlement on Kodiak Island in 1784. Later they explored all the western coast of this arctic part of the North American Continent.

"On the strength of the two voyages by Bering, Russia laid claim to this northwestern portion of the New World. She warred on the Indians and Aleuts; her fur traders depleted the country of furs. In 1799 they created a trading corporation, the Russian-American Company. Under a 20-year concession, renewed periodically, the Russians assumed absolute domination in Alaska. They established a capital at Kodiak which they later moved to Sitka on Baranof Island, south of Juneau.

"A century ago, during the Crimean War, the Russians became worried about the possibility that England might try to seize this northwestern tip of the American Continent. In 1855 Russia made overtures to the United States for the sale of Alaska, but nothing came of the proposals for more than a decade. Finally, on October 18, 1867, after many delays, the sale was consummated by treaty and a congressional appropriation was made. Secretary of State William H. Seward signed the treaty for the United States. Thus we acquired a fabulously rich territory of 586,400 square miles (375,296,000 acres) for \$7,200,000, or a little less than 2 cents an acre.

"For several decades the United States paid little attention to Alaska. There was scant appreciation of the value of the natural resources nor was there any immediate attempt to develop them. Alaskan affairs were administered first by the Army of the United States, then by the Treasury, and later by the Navy.

"It was not until May 17, 1884, that the Congress of the United States provided for appointment of a governor and the organization of a government in the District of Alaska. For the first time the Secretary of the Interior was empowered to enforce U.S. law relating to education and to mining claims.

"Under an act of May 7, 1906, Alaska was empowered to elect a nonvoting delegate to Congress, and by the organic act of August 24, 1912, the incorporated Territory of Alaska was created with a bicameral legislature.

#### "Alaska's mentally ill

"It was in this early period, before Alaska was incorporated as a Territory, that Congress enacted a law (June 6, 1900) providing that the Governor of Alaska should contract for the care and custody of persons adjudged insane in the district of Alaska. Five years later the powers of the Governor were transferred to the Secretary of the Interior.

"At first there was only one insane person to be sent to the States. For several years there were only four or five and these were cared for in Idaho, Oregon, and Washington. Then, in 1904, a private hospital, the Morningside Hospital, in Portland, Oreg., obtained the contract to care for Alaska's mentally ill. That arrangement has persisted for over 50 years. Recently there have been some 345 Alaskans at Morningside Hospital. The proprietor has taken a yearly fee of \$30,000, his son \$12,000. Over and above that the profit has been \$69,000 a year. An audit demanded by Representative GREEN of Oregon this year revealed large-scale padding of the hospital's items of expense resulting in a much larger profit. The Federal Government has paid \$184 a month per patient, the annual expense being about \$800,000, not

counting transportation charges to and from Oregon.

"The care at Morningside Hospital has been primarily custodial. There is some therapy, but the hospital has had only one psychiatrist, a physician who had not passed his board examinations. Nursing personnel has been quite inadequate. Furthermore, 115 of the 345 patients, or one-third, are mentally retarded and should not be in a hospital for mental illness.

"About 40 or 45 years ago Congress authorized the building of two hospitals for the insane in Alaska, one at Nome, the other at Fairbanks. The Nome hospital was never built, since funds were not appropriated. At Fairbanks a small, two-story frame detention house was constructed in lieu of a hospital.

"The building deteriorated so badly that it was finally closed as unfit for human use. About 25 years ago it burned down and was never replaced. Thus, there is not now and never has been a hospital for mental illness in the Territory of Alaska.

"The only other provisions which were ever made were the reservation of 18 beds in a general hospital in Anchorage. This hospital is under the Alaska Native Service which, unfortunately, does not have jurisdiction over the care of the mentally ill, not even the natives. Such jurisdiction has been vested exclusively in the Department of the Interior. Consequently, because of Federal prohibitions, those 18 beds, which might have been used for acute cases of mental illness, have remained vacant or have been used for other types of patients.

"Under the law as it has stood, the commitment procedures are those which were enacted 50 years ago by our Congress (33 Stat. 619; 48 U.S.C. 47). They were not out of line with similar procedures in the States at that time. But in the light of advances in psychiatry during the past half century, the old law seems barbaric and cruel. Under it, a person accused of being insane is subjected to procedures similar to those of a criminal trial. It has been impossible for Alaskans to improve the old law because when the Territory was created under the Organic Act of August 24, 1912 (37 Stat. 512; found in 48 U.S.C. 24), the territorial legislature was expressly forbidden from changing the then existing law respecting commitment of the insane of Alaska.

"The law in the Territory, unchanged through the years, provided that a person who was charged with being insane should be thrown in jail to await a jury trial. The jury consisted of six residents, possibly trappers, miners, fishermen. A medical diagnosis might be made, but was not required. Persons were often adjudged insane without having a medical opinion. After the trial, if the person was adjudged guilty of insanity, he was returned to jail to await the long trip to Portland, Oreg., up to as much as 2,000 miles away. He might be kept in jail for weeks or months until enough prisoners were assembled to warrant the trip to the States by a U.S. marshal. Then the insane person might be forced to travel with murderers and other criminals.

"Young children adjudged insane were given the same treatment. They might be mentally retarded or epileptic; they might have cerebral palsy. As the law stood, if a lay jury decided the child was insane, it was sent to Oregon. Idiots were classed as insane. One extreme case was that of a 17-day-old baby which was adjudged insane and sent to Portland, Oreg.

#### "Congress held out hope

"Since the Federal law forbade Alaskans to improve the statutes respecting insane persons in the Territory, the Congress sought to divest the Government of its authority by transferring it back to Alaska where it was originally. All States and Hawaii are empowered to pass mental-health laws for

the insane within their boundaries. Alaska alone has been prohibited by law from legislating for its mentally ill. For 50 years this prohibition has stood. Efforts have been underway for 8 years to correct this unfair situation. To this end several professional studies were made in Alaska by competent authorities.

"In 1948 the American Medical Association made the first field study of mental health in Alaska. The following year the Department of the Interior appointed a committee headed by the distinguished psychiatrist, Dr. Winfred Overholser, Superintendent of the largest and oldest Federal hospital for mental disease in the United States, St. Elizabeths in Washington, D.C.

"This committee spent 3 weeks in Alaska, holding public hearings at Juneau, Sitka, Palmer, Anchorage, Nome, and Fairbanks. On February 10, 1950, they submitted a report recommending:

"1. Development of a comprehensive mental health program under the territorial department of health;

"2. Emergency treatment and observation centers in most of the general hospitals to be operated by the territorial department of health;

"3. Drafting of model legislation for Alaska, and

"4. Amalgamation and unified direction of all public mental health services under the territorial department of health.

"While these field surveys were being made in Alaska, the Council of State Governments was expressing interest in mental health programs in all States. In June 1949, the Governors' conference directed the council to make a comprehensive, factual study of the activities and facilities of the several States in the field of mental health and to submit a report at the 1950 Governors' conference. Leaders in public welfare and psychiatry served as a technical advisory committee to the council. Representatives from State hospitals, the American Public Welfare Association, and the National Committee for Mental Hygiene served on the advisory committee along with such eminent psychiatrists as Dr. Winfred Overholser, Superintendent of St. Elizabeths, Dr. Karl Menninger, and Dr. George S. Stevenson.

"The council in 1950 produced a most helpful volume entitled: 'The Mental Health Programs of the 48 States.' This provides a wealth of comparative material on admission laws, financing of institutions, care and treatment of patients, and related matters.

"While the State governments were working on this project, a legislative drafting project was being undertaken at the request of the Advisory Mental Health Council. After the President had approved the National Mental Health Act on July 3, 1946, and the National Institute of Mental Health had been established in the U.S. Public Health Service, many States had asked for assistance in revising their outmoded mental health laws.

"As a result of this increased interest in State mental health laws, the Federal Security Agency early in 1949 undertook to write a model draft for a State law. The first 'Draft Act Governing Hospitalization of the Mentally Ill' was completed in 1950 and revised in September 1952. It represented the work of attorneys inside and outside the Government aided by Dr. Winfred Overholser and Dr. R. H. Felix, Director of the National Institute of Mental Health. Referring to this draft act, Dr. George S. Stevenson, medical director of the National Association for Mental Health, stated:

"The provisions of this draft act can be sincerely recommended as a forward step in our handling of the mentally ill and in the maximum utilization of our mental hospital facilities."

"In 1952, the Governor of Alaska requested a further study of mental health conditions in the Territory. Former Surgeon General

Thomas Parran and some 18 experts (sanitary engineers, physicians, an anthropologist, a biometrician, etc.) made an exhaustive study of social and economic conditions and of health problems in Alaska. Their report was published in 1954.

"On the basis of the several recommendations made by the professional groups which had studied the mental health problems of Alaska, Delegate E. L. BARTLETT introduced H.R. 610 on January 5, 1955, and Representative EDITH GREEN, of Oregon, introduced an identical bill, H.R. 5092, on March 21, 1955. These bills dealt with commitment procedures and other provisions for the care and treatment of Alaska's mentally ill with a view to establishing 'an integrated, modern program for the hospitalization, care, and treatment of residents of and persons in Alaska who are mentally ill.'

"Mr. BARTLETT and Mrs. GREEN also introduced two additional bills, H.R. 3991 and H.R. 5093, respectively, on February 14, 1955, and March 21, 1955. These identical bills provided for the location, equipment and operation of a hospital for the mentally ill of Alaska. An open-end appropriation was authorized for the purpose of constructing a hospital and related buildings, 'together with such other in- or out-patient mental health facilities as may be required for the establishment and operation of a comprehensive mental health program in Alaska.' These four bills, two by Delegate BARTLETT and two identical ones by Mrs. GREEN, would have served to provide funds for the care of Alaska's mentally ill and the construction of hospital and other facilities in the Territory. Commitment procedures were set forth based on the provisions in the Draft Act of 1952.

"These bills would have transferred authority from the Secretary of the Interior to the Secretary of Health, Education, and Welfare. All expenses for construction and subsequent administration would have been the responsibility of the Federal Government.

"Since the bills related only to the Territory of Alaska and not to the people of the United States in general, they were referred to the Committee on Interior and Insular Affairs in the House. The Subcommittee on Territories and Insular Affairs, headed by Representative LEO W. O'BRIEN, of New York, held hearings April 21, May 18, June 15, and July 7 and 8, 1955. There were no opposition witnesses.

"After the first day of hearings representatives of the Department of the Interior and the Department of Health, Education, and Welfare indicated they would prepare rather extensive amendments to the two pairs of bills. This they did, producing a single bill, H.R. 6334, which Representative O'BRIEN, as subcommittee chairman, introduced on May 18, 1955.

"In the light of subsequent violent accusations regarding plots of the HEW Department and of the Public Health Service to enter into some sort of world plot for the incarceration of U.S. citizens from the States in an Alaskan concentration camp, it is interesting to note that Mr. O'BRIEN's bill, drafted by administration officials, specifically divested the Federal Government of all future control of Alaska's mentally ill.

"The O'Brien bill was a great improvement over the prior bills inasmuch as it made more adequate and specific provision for funds for construction and for a land grant that would provide future sums for administration. Commitment procedures were carefully spelled out. Based on the Draft Act, they were modified in the light of conditions existing in Alaska. The draftsmen recognized that any realistic bill would have to take account of the sparsity of population in the Territory, the paucity of professional personnel while the program was being developed, and the difficulties of transportation. Critics of the mental health bill have given

little or no thought to these practical problems which will beset the Alaskans for some years.

"H.R. 6334 was introduced into the hearings on May 18, 1955, by Mr. O'BRIEN. Witnesses from the Department of the Interior and from the HEW Department made it abundantly clear that they were trying to turn over to Alaska the entire responsibility for care of the Territory's mentally ill. Their willingness to accept language changes in the bill and their obvious wish to be helpful to the Alaskans precluded any possibility of their being involved in a diabolical plot, as later charged.

"Governor Heintzleman, of Alaska, stated on May 18, 1955: 'I want to say that I heartily endorse the proposed bill by the Department of the Interior, drafted by the Department of the Interior and the Department of Health, Education, and Welfare as a substitute for H.R. 610 and its associated bills.'

"On June 15, 1955, H.R. 6376 was introduced into the House hearings. This is the same as the O'Brien (administration) bill. There was general belief that an Alaskan mental health bill, which would ultimately void the contract of the Morningside Hospital in Portland, Ore., would have to be sponsored by a Representative from Oregon if it were to be passed. This is the bill that was finally enacted by the House on January 18, 1956, with strong bipartisan support. Since the bill was not controversial in the House, it was passed by voice vote, as is customary in such cases. A rollcall vote in the House takes at least 20 minutes and is used only on demand in the case of hotly contested measures.

"After conclusion of the hearings in July 1955, the House Subcommittee on Territories and Insular Affairs went to Alaska where they spent 3 weeks, visiting 22 cities. They took testimony on many of Alaska's problems, including mental health. Alaskans were unanimous in approving H.R. 6376 and in urging its enactment. There was also much testimony on public lands and on the great naval oil reserve (Pet. 4) in northern Alaska which had been set aside under Public Land Order 82 during World War II. Though no one thought about it at the time, this oil reserve was to figure in the final opposition to H.R. 6376 as it was reaching the end of its hectic history in the Senate.

"As the bill passed the House it:

"(1) Transferred from the Federal Government to the Territory of Alaska basic responsibility and authority for the hospitalization, care, and treatment of the mentally ill of Alaska;

"(2) Modernized the procedures for such hospitalization (including commitment), care, and treatment and authorized the Territory to modify or supersede such procedures;

"(3) Authorized an appropriation of \$6,500,000 to enable the Surgeon General to make payments to the Territory of Alaska as the total contribution of the Federal Government to be used in the construction of hospital and other facilities in Alaska needed for the carrying out of a comprehensive program for the mentally ill of Alaska;

"(4) Provided for a 10-year program of grants-in-aid to the Territory, in a total amount of \$6 million, to enable the Territory gradually to assume the full operating costs of the program; and

"(5) Provided for a land grant of 1 million acres to the Territory to assist in placing the program on a firm long-term basis.

"In the House, debate was friendly, for there was no significant opposition. Representative MILLER, Republican physician from Nebraska, had already proposed in committee an amendment to increase the land grant from 500,000 acres to 1 million, for he feared the smaller amount would be inadequate to provide funds for the continuing costs of a long-term mental health program. The House approved the amendment and the bill was passed by a voice vote.

"On the same day, January 18, Senator Arthur V. Watkins, Republican, of Utah, a minority member of the Senate Committee on Interior and Insular Affairs, introduced S. 2973 which was the same as the House-passed H.R. 6376. It contained the same money grants and the million-acre land grant and omitted the criminal procedures. Senator HENRY M. JACKSON, Democrat, of Washington, had previously introduced S. 2518 on July 15, 1955. This was the draft which had been prepared by the Department of the Interior. The two Senate bills and H.R. 6376 were referred to the Committee on Interior and Insular Affairs, headed by Senator James E. Murray, Democrat, of Montana. There they were assigned to the Subcommittee on Territories and Insular Affairs consisting of HENRY M. JACKSON, Washington, chairman; RUSSELL B. LONG, Louisiana; THOMAS H. KUCHEL, California; William R. Laird III, West Virginia; Barry Goldwater, Arizona.

"Hearings were held on the three bills on February 20 and 21 and on March 5, 1956.

*"A 'noisy small minority'"*

"Since the whole plan to transfer authority for the care and treatment of Alaska's mentally ill from the Congress to the Territory had been under discussion for 7 or 8 years and since it was the Delegate from Alaska, E. L. BARTLETT, who had introduced the basic bills in the House, no one anticipated any last-minute opposition to these humane proposals.

"Furthermore, the legislation had proceeded at a leisurely pace. House hearings had extended from late April to early July 1955. The House Subcommittee on Territories and Insular Affairs, headed by Representative LEO W. O'BRIEN, Democrat, New York, had held prolonged hearings in Alaska in September 1955, where there was universal support for the legislation. (Hearings, in 3 parts, comprised 871 pages). From April 1955, until the bill passed the House on January 18, 1956, there had been no opposition from any quarter.

"The Departments of Interior and Health, Education, and Welfare had been strongly in favor of divesting the Federal Government of its authority over Alaska's mentally ill and of transferring that authority to the Territory. All expert testimony had favored the proposals, including the commitment procedures. Support for H.R. 6376 had been bipartisan in the House.

"Senator JACKSON had not even expected to hold subcommittee hearings on H.R. 6376 because of widespread approval of the bill and also because of the adequacy of the House hearings. However, suddenly a wild, irrational furor arose in California. As Representative O'BRIEN testified on March 5, 1956, before the Senate subcommittee:

"There has been, and I use the words advisedly, a 'noisy, small minority' which have conjured up things in this bill which just do not exist."

"Mr. O'BRIEN, stating that he had not intended to testify, pointed out that testimony had been given before the Senate Subcommittee on Territories and Insular Affairs which, in effect, 'charged that a small group of men and women behind closed doors, concocted a sort of witches brew, a dark and fearsome thing which we suddenly set loose upon the American people.

"It was that it was all part of a plot close to treason under which we planned to send political prisoners to 'Siberia,' United States of America.

"I say to you, Mr. Chairman, if this is a vicious bill, if this is a plot against the people of this country who might disagree with our political thinking, then many stand indicted in connection with that plot." Those so indicted are the House of Representatives, the administration, and the Departments of Interior and Health, Education, and Welfare which drafted the bill.

"Senator JACKSON said to Mr. O'BRIEN:

"Frankly, we thought you had done such a good job over there that we would not need any further testimony over here."

"Despite this general feeling in Congress, in both parties, that H.R. 6376 was an admirable bill, sudden opposition developed. Like an unheralded tornado, an outcry arose in California in January 1956, whirling across the country to strike the astonished Members of Congress and the White House staff. Nothing quite like it has ever happened before.

"A handful of patently ill-informed housewives in California became greatly disturbed shortly before H.R. 6376 passed the House. They had previously been fighting mental health bills in California. Now they centered their attack on H.R. 6376. Drawing upon their weird imaginations, they conjured up visions of an Alaskan Siberia for political dissidents in the United States. One woman, Mrs. Leigh F. Burkeland, of Van Nuys, Calif., wrote a lurid description of H.R. 6376 early in January 1956, entitled 'Siberia, U.S.A.' Although Mrs. Burkeland's analysis of the bill was farfetched and imaginative, it made a great appeal in limited quarters.

"At about the same time, a group of some 100 housewives, known as the American Public Relations Forum, Inc., headed by Mrs. Stephanie Williams, president, took up the hue and cry against H.R. 6376. This group had sounded a warning against the bill late in 1955. But it was the Burkeland release that caught popular fancy in a few noisy quarters. This fantastic and untrue statement was mimeographed by the California State Chapter of the Minute Women of the U.S.A., Inc., sometime in January 1956. They mailed it out far and wide through the Nation.

"On January 24 the Santa Ana Register, California, one of the papers in the R.C. Hoiles Syndicate, published an editorial headed 'Now Siberia, U.S.A.' It was apparently a rewrite of the Burkeland release, although Mrs. Burkeland herself has refused to answer questions on the subject.

"Then, in rapid-fire succession, several individuals and organizations took up the 'Siberia' slogan, amplifying it as suited their fancies. On February 2, the Concordians, Box 16, Toluca Lake Station, North Hollywood, published a 5-page bulletin on mental health legislation with special reference to H.R. 6376. It gave a false analysis of the bill and ended with: 'Is this to be the Siberia of the United States?'

"A few days later, Dr. George A. Snyder, of Hollywood, issued a vitriolic letter addressed to all Members of Congress asking for a 'complete investigation of the Alaska Mental Health Act, H.R. 6376, for elements of treason against the American people behind the front of the mental health program.'

"In rapid succession across the country the Burkeland-Snyder charges were repeated. On February 15 Mervin K. Hart in New York City published an Economic Council Letter (No. 377) in which he spoke of the possibility of railroad dissenters to Alaskan mental institutions.

"As these scare bulletins appeared in different parts of the country they betrayed a common origin, for all referred to the railroading of persons from the States to Alaska and made horrified mention of 'Alaskan Siberia' or 'Siberia, U.S.A.' Next to pick up the slogans was Dan Smoot, of Dallas, Tex., who published a special issue on mental health on February 17, 1956. He spoke of the well-organized drive for mental-health legislation most of which would permit seizure, incarceration, and treatment of mentally ill people without trial by jury and without the due process of law prescribed by our Constitution.

"In a flippant, meaningless statement, Dan Smoot, referring to the definition of mental illness given in H.R. 6376, said: '... a mentally ill person is defined as a mentally ill

person.' Mrs. Burkeland had been even more flippant, for she had said the definition of mental illness was so broad 'as to include anything from dandruff, headaches, toothaches, or fallen arches.' The Burkeland phraseology was lifted by the Greater Nebraska magazine, published in Omaha by George J. Thomas, executive director of the Congress of Freedom at the same Omaha address. A variant of the Burkeland remarks turned up later when Dr. L. D. Sprague, of Tucson, Ariz., stated that the definition could cover 'anything from falling hair to ingrown toenails.' The Sprague variant was then sent out nationwide by the Association of American Physicians and Surgeons in their March Newsletter.

The Burkeland-Dan Smoot criticisms of H.R. 6376, made prior to the Senate hearings in late February, were mailed to papers and organizations from coast to coast. They were rehashed and embellished. Individuals and extreme rightist groups initiated secondary mailings of the original 'Siberia, U.S.A.' or the Smoot mental health release, or of the rewrites.

"These are the people referred to by Representative O'BRIEN as a noisy, small minority. It seems clear beyond any reasonable doubt that not one of these alarmists had studied the legislative history of the Alaska mental health bill. At that time—late January and early February—none of the House hearings was available in print. Five volumes (1,228 printed pages) appeared during March and April. Up to that time they had been available only in transcript form in Washington.

"There is no evidence that Mrs. Stefanie Williams or Mrs. Leigh F. Burkeland or Dan Smoot came to Washington to study the legislative history of the bill or to acquaint themselves with the published research material and reports on Alaska mental health before writing their opposition releases. It is impossible to interpret any bill without attending the hearings or studying them in printed form. Federal attorneys and members of the Supreme Court rely heavily on the legislative history of any act, but Mrs. Burkeland, Mrs. Williams, and Dan Smoot presumably were able to form an opinion without this essential background information.

"Thus, this entire furor over the bill can be traced back to the fanciful interpretations placed upon it by two California women who publicly admitted their professional incompetence to form an opinion about Federal legislation. On February 20, 1956, when Mrs. Williams was testifying before the Senate Subcommittee on Territorial Affairs, she stated: 'I am only a housewife.' This was her explanation for not knowing that 'State' is customarily defined in Federal and State laws as meaning 'any State, Territory, or possession of the United States, the District of Columbia, and the Commonwealth of Puerto Rico.' (Sometimes Puerto Rico and one or more of the territories are omitted in a particular definition.)

"In the tortured mind of Mrs. Williams, inclusion of the customary definition of 'State' in H.R. 6376 meant that the legislation was 'an international bill \* \* \* set up, I believe, I have been told that it comes under the United Nations World Health Organization.' This flimsy, undocumented type of testimony was characteristic of Mrs. Williams' objections.

"Mrs. Leigh F. Burkeland, who wrote the 'Siberia, United States of America' article, presumably early in January 1956, before passage of H.R. 6376, directed much of her Senate Interior testimony to the 'hospital at Fairbanks, Alaska.' She wanted to know why mentally ill patients were being placed in jails instead of in the Fairbanks hospital. When pressed to state the improvements she would like to have made in the bill, she said: 'I would have to know the condition of the

hospital [at Fairbanks], why it is not being used."

"Later she said that the Congress 'would have to make an appropriation for doing over the Fairbanks hospital that already exists.'"

"When Senator Malone, Republican, of Nevada, pressed Mrs. Burkeland to state which provisions in the bill should be deleted and what should be added, she replied: 'I am no expert.'"

"That was clear. Mrs. Burkeland, while in Washington to testify, might easily have inquired about the Fairbanks hospital. She had only to ask Delegate BARTLETT why the Alaskans had not used the hospital she thought was at Fairbanks. On the same day Mrs. Burkeland testified, Mr. BARTLETT told the subcommittee:

"Funds were appropriated and a so-called detention hospital was built at Fairbanks \* \* \* I am sure it was built shortly after 1910. It was not a hospital, sir, at all. It was merely, in respect to this one community in all the communities in Alaska, a place where the patients were kept temporarily prior to their being sent to Morning-side if they were found to be disturbed mentally. They were not treated there \* \* \* It was a 2-story, ramshackle, frame building, but actually reference to that detention hospital has no pertinency to the debate now whatsoever because that was consumed by fire, Mr. Chairman, at least 25 years ago, to my knowledge, and probably somewhat longer."

"Senator BIBLE asked: 'Nothing was ever rebuilt on the site?'"

"Delegate BARTLETT replied: 'No, nothing was ever built on the site.'"

"As a matter of fact, because the U.S. marshal who had custody declared it to be unsafe for human habitation in any form, it was not in use for any purpose, as I recall it, for 2 or 3 years before fire destroyed it."

"Senator BIBLE queried further: 'As of this date, you do not even have a so-called detention hospital at Fairbanks, because it has been burned?'"

"Delegate BARTLETT replied: 'That is correct, we have nothing but jails.'"

"This discussion about the 'hospital at Fairbanks' has been given in detail because it illustrates the type of misinformation about H.R. 6376 that was disseminated by Mrs. Burkeland. She chose to include in her original statement on 'Siberia, U.S.A.' false assertions, unverified charges, and fancied dangers. If she had been qualified to analyze the bill, she would have checked her statements carefully. She could easily have verified such a simple fact as whether or not there was a hospital at Fairbanks. She could easily have ascertained from the legislative history of the bill whether there was anything in the bill that would have enabled the Federal Government to railroad political dissidents to Alaska."

"It was unfortunate enough that Mrs. Burkeland should have written her misguided release early in January 1956, and that she should have taken the trouble to appear on February 21 before the Senate Interior Subcommittee where she rambled through a maze of incorrect assertions, beliefs, hearsay statements, and groundless fears."

"The real damage done by Mrs. Burkeland came through the circulation of her 'Siberia, U.S.A.' release to all parts of the United States by the California State Chapter of the Minutewomen, U.S.A., sometime during January. Although the release was palpably false, hysterical, and highly imaginative, it was picked up by a certain small segment of the population which developed into the opposition to H.R. 6376—the 'small, noisy minority.'"

"Practically without exception, this opposition to the Alaska mental health bill came from individuals and organizations

lacking in professional competence to pass on Federal legislation. They did not understand the customary language of Federal laws. Definitions, interlocking provisions, and general language appearing in nearly all bills were wholly unfamiliar to many critics. Sinister meanings were ascribed to harmless words and phrases. Mass hysteria developed among extreme conservatives whose opinions were molded by a steady stream of inflammatory releases, bulletins, and newsletters mailed from a few centers in California to secondary mailing centers in Texas, Arizona, Nebraska, Indiana, New York, Illinois, and a few other places."

"Although the Alaskans were uniformly in favor of the bills designed to give them control over their own mentally ill and while the Federal agencies directly involved were eager to divest themselves of authority over Alaska's mentally ill, a few excited, ill-informed, and, for the most part, nonprofessional alarmists sought to keep the Alaskans from gaining their goal. Competent psychiatric societies and psychiatrists, as well as attorneys, favored H.R. 6376. The American Medical Association gave strong endorsement to the bill. But there was a noisy medical minority that joined the bewildered housewives of California."

#### "A noisy medical minority"

"Dr. George A. Snyder, of Hollywood, Calif., from early in February 1956 until the enactment of H.R. 6376, put on a one-man campaign against the bill. He appeared before the Senate Interior Subcommittee to testify against the bill and to serve as sponsor of Mrs. Leigh F. Burkeland and the Finn twins of California. These twins, George C. and Charles Finn, had had considerable newspaper notoriety in California in connection with their difficulties with the Federal Government. Dr. Snyder is reported to have hired them at \$100 a week to stay in Washington to fight the bill."

"The charge brought by Dr. Snyder against the Federal Government was made in a 4-page letter, dated February 6, 1956, which he mailed to Members of Congress and to individuals serving as secondary distributors of rightist material. He asked for a complete investigation of the Alaska Mental Health Act, H.R. 6376, for elements of treason against the American people behind the front of the mental-health program. He referred to medical fraud and medical atrocity."

"In addition to Dr. Snyder there was a single medical group that opposed H.R. 6376. This was the Association of American Physicians and Surgeons, a small extremely conservative organization formed some 13 years ago to study and act on the social, economic, and legislative aspects of medicine. It is not a scientific group like the American Medical Association, the American Academy of General Practice, and the many specialty societies. The AAPS has a small office in Chicago headed by an executive secretary, a high-school graduate with no professional training. He writes their legislative bulletins, subject to approval by AAPS officials in other cities, handles much of their correspondence, and has managerial responsibility for mailings, banquet arrangements, and the distribution of educational material. AAPS legislative bulletins are sent to all State medical societies and to a limited number of physicians in the several States."

"On February 25, 1956, a week after Dan Smoot issued his mental-health release against H.R. 6376, AAPS mailed out an emergency bulletin headed 'Mental Health Bill Is Incredible, Inane Legislation.' Referring to H.R. 6376 as 'another horrible and vicious bill' which is nearing enactment 'unless you and thousands of others act at once,' AAPS stated that the bill 'applies to every U.S. citizen—you and me.'"

"Quoting from the customary reciprocal reimbursement provisions (the famous section 119(c), AAPS warned: 'This means the creation of a potential "American Siberia" where an "interested party," in disagreement with your libertarian views because they do not conform to "normal human behavior of liberals" could "send you away!"'

"Commenting on the definition of a mentally ill person as given in the bill, AAPS said: 'Thus, a mentally ill person is defined as a mentally ill person.'"

"They continued: 'The bill is backed by the United Nations and three of its agencies, UNESCO, World Health Organization, and the World Federation of Mental Health.'"

"These quotations were taken directly from the Dan Smoot release without credit being given to him. All the statements were false and irresponsible, repeating the irrational fantasies which were being voiced at that time by the lunatic fringe and by Dan Smoot. For a national medical organization, however small, to adopt the slogans and misrepresentations of the bewildered California housewives must have given considerable comfort to the muddled opponents to H.R. 6376. Indeed, in response to the alarmist AAPS bulletin, many members of the organization sent telegrams of opposition to H.R. 6376. A staff member of the Senate Interior Committee said they were surprised and worried about this medical opposition. To be sure of their ground, they asked the American Medical Association to give its opinion of the bill."

"In the meantime, the Association of American Physicians and Surgeons made its own position perfectly clear. It had adopted the Burkeland-Smoot 'Siberia' line, recklessly, without careful study."

"On February 24, Dr. Arthur G. Blazey, of Washington, Ind., cochairman of AAPS legislative committee, had sent out a completely irrational letter headed 'Alaskan Concentration Camp for Americans.' Presenting a false analysis of H.R. 6376, he wrote:

"Here are the salient features of an international Socialist plot foisted upon our sleepy Congressmen with the blessings of our new Department of Health, Education, and Welfare, via the World Federation of Mental Health:

"1. A section of Alaska larger than the State of Rhode Island is designated for confinement of individuals having psychiatric or other diseases which impair their mental health.' [Mrs. Burkeland in her early January 'Siberia, U.S.A.' had compared the size of the million-acre grant to the size of Rhode Island. Since when have reputable physicians taken their views from uninformed housewives?]

"2. Commitment is expedited by removing the time-tested laws that require examination by three physicians for certification of insanity.' [Does Dr. Blazey think 3 psychiatrists could make a living in an Eskimo village of 50 persons, or 100, or 500?]

"We have long heard about how the Red Gestapo whisk deviationists out of their living quarters to oblivion. \* \* \* Now we are hearing some of these same stories in our own country, and are now faced with a cunning scheme, under the guise of mental health, to establish a facsimile of a Red Siberia for our own citizens.'"

"This wild, irrational statement came from the legislative cochairman of the Association of American Physicians and Surgeons."

"Then, on February 25 the alarmist AAPS emergency bulletin, written, presumably by their office manager, who has only a high-school education and who lacks professional competence to analyze Federal legislation, was issued. On receipt of this bulletin on February 27, I protested vigorously to Dr. James L. Doenges, then president of AAPS. He telephoned the office manager, Mr. Harry



Northam, to call me. Mr. Northam telephoned five officers of AAPS and got them to agree to back his February 23 bulletin which, we may assume, they had previously hastily OK'd. On February 29 Mr. Northam called me, protesting my stand in favor of H.R. 6376. He stated cockily that he had on another occasion told the AMA that AAPS did not agree with them. Now he was telling me. He said: 'I don't care what happens to the Alaskans (as though they were citizens of Russia or China). I'm worried about what will happen to the citizens of the United States.' (As though the Alaskans were not.) He concluded his telephone conversation by stating: 'I hope we defeat the bill.'

"On March 1, 1956, 5 days after AAPS had taken a position against H.R. 6376, their then president, Dr. James L. Doenges, wrote me:

"I am sorry to see that you feel the AAPS is in error on the matter of the mental health bill, and I am impatiently awaiting the arrival of the copy of the present bill, since I certainly would not want AAPS to make that kind of an error.' (Obviously Dr. Doenges had OK'd the emergency bulletin of February 25 opposing H.R. 6376 without having seen the bill.)

"On March 2, Dr. Arthur G. Blazey wrote to Senator James E. Murray further denouncing H.R. 6376 and saying: 'Regardless of the above changes, H.R. 6376 should be tabled by your committee because it is a further transgression on the proper limitations of Federal authority.'

"The same Dr. Blazey on March 3 wrote me: 'The barbarism of Alaskan treatment of mental patients is Alaskan business until it affects these United States, as stipulated in H.R. 6376. The international activities of Overholser in connection with the U.N. (actually nonexistent), and his domestic activities in the instance of Lucille Miller (he released her from St. Elizabeths after her home State, Vermont, had sent her to the Federal hospital) and others does not render him an acceptable authority on mental health in my opinion - or others.'

"Dr. James L. Doenges wrote me on March 6: 'If AAPS is wrong, we will certainly admit our error and publish a correction. \* \* \* If we should be proven wrong by the facts, we will retract. \* \* \* We certainly have no intention of attempting to take credit for anything such as the rewording of a bill, so you need not worry about that.' (I had written Dr. Doenges that I thought they would try to claim credit if the committee made any changes in the bill for any reasons.)

"By March 17, Dr. Doenges had shifted his ground. He wrote me: \* \* \* if we are proven wrong, we of AAPS will publish a bulletin and will retract. However, if the committee or the Senate makes changes in the provisions of the bill to which we have objected, then you and all others must regard that our objections and criticisms are valid and correct.'

"On March 20 the American Medical Association sent a letter of approval of H.R. 6376 to the Senate Committee on Interior and Insular Affairs. It became available to the public the following day. On March 22 the Association of American Physicians and Surgeons announced a shift of position. Moving away from their intransigent stand of opposition to the bill, which would also have placed them in opposition to the AMA, they wired a hastily drafted set of amendments to the committee, indicating that if these were adopted the bill would be satisfactory. Among other corrections, they asked for deletion of the customary 'and for other purposes' in the preamble.

"Six days later AAPS asked the Senate Interior Committee to disregard most of its former amendments and to substitute others. They showed unseemly haste and great inde-

cision. So insistent were they to have their amendments accepted that they induced Senator WARREN, Republican, of Utah, to have them printed. (Committee print, Apr. 10, 1956.) Officials of the Department of Health, Education, and Welfare reviewed the AAPS amendments and condemned them as administratively incongruous and as inconsistent with other provisions in the bill. The definition of mental illness proposed by AAPS was described by the HEW Department as "in complete disagreement with all modern concepts for the care and treatment of the mentally ill," inasmuch as they would have refused hospital care to persons in the early stages of mental illness. (Committee Print No. 3, Apr. 19, 1956.)

"Other amendments proposed by AAPS with respect to commitment procedures showed their lack of understanding of modern medical opinion regarding such procedures. All told, their proposals were so unworkable and so inconsistent with current medical and legal practice in the care and commitment of the mentally ill, that the committee rejected the suggestions and did not even discuss them. Thus, the effort of the only medical organization that set out to defeat or mutilate the bill came to naught. AAPS was discredited as having published an irresponsible and untrue bulletin on February 25, 1956, and for failing to retract as requested to by the Alaska Territorial Medical Association. The amendments which they proposed indicated clearly that the drafting of Federal legislation is not a task to be lightly undertaken by amateurs.

"Viewed as a whole, opposition to H.R. 6376 was stirred up by a noisy, ill-informed minority comprising housewives, a few editors, and a scattering of physicians. A partial list includes: The American Public Relations Forum, Inc.; Mrs. Stephanie Williams, president; Association of American Physicians & Surgeons, especially Dr. James L. Doenges and Dr. Arthur G. Blazey; Mrs. Leigh F. Burkland; the Concordians; the Finn twins; the Greater Nebraskan; Mervin K. Hart; the Hoiles Syndicate; Brig. Gen. Herbert C. Holdridge, retired; Dan Smoot; Dr. George A. Snyder; and the Tablet.

#### "Ignorance bred fear of H.R. 6376

"In the main, opposition to H.R. 6376 stemmed from ignorance which bred fear and distrust. It centered on three or four provisions in the bill and on certain language which is standard in virtually all bills.

"Among the trivial objections was one to section 101(m): 'The term "State" or "States" includes the States, the District of Columbia, the Territories and possessions of the United States, and the Commonwealth of Puerto Rico.' Mrs. Stephanie Williams, president of the American Public Relations Forum, Inc., objected to the definition, saying that similar language appeared in the Connecticut and Illinois laws. Senator BUELE, Democrat, of Nevada, said he saw no cause for alarm in the definition, since it was 'customary.' To which Mrs. Williams replied: 'You are so accustomed to this. I am only a housewife.'

"Of course, the term 'State' must be defined, since some laws apply to all States and territories while others exclude Alaska or the Commonwealth of Puerto Rico. The definition is indeed customary in State and Federal laws and should not be considered alarming or sinister.

"Similarly, several individuals and the Association of American Physicians & Surgeons were alarmed at the phrase 'and for other purposes' in the preamble of the bill. The AAPS went so far as to wire the Senate Interior Committee to delete the phrase. Later they wired to leave it in.

"Actually, anyone who is alarmed at this phrase betrays woeful ignorance of Federal and State legislation. The phrase is to be found in the preamble of thousands of bills

for the simple reason it is impossible to list all the purposes of most bills. This covering phrase 'and for other purposes' is found not only in bills and laws, but also in contracts, articles of incorporation, and other legal instruments. However, one opponent to the bill, Brig. Gen. Herber C. Holdridge, retired, vice presidential candidate on the Prohibition ticket, wrote to President Eisenhower on March 12, 1956, stating his own peculiar ideas of what 'and for other purposes' meant. He said that the bill was 'a dastardly attempt to establish a concentration camp in the Alaskan wastes.' In impassioned phrases he asserted: 'The bill establishes a weapon of violence against our citizenry far more wicked than anything ever known in recorded history—far worse than the Siberian prison camps of the Czars or the Communists, or the violence of the Spanish Inquisition. \* \* \* These are clearly the 'other purposes' stated in the title of the bill. He continued: 'The plot of wickedness revealed in this bill fairly reeks of the evil odor of the black forces of the Jesuits who dominate the Vatican, and, through affiliates in our Government, dominate our policies.'

"Later, on March 24, the same brigadier general wrote to Senator James B. Murray, Democrat, of Montana, chairman of the Senate Interior Committee: 'I shall retain your letter of March 21, 1956, as documentary evidence that you yourself are insane, subversive, or, at minimum, incompetent. It may prove useful if your reciprocal provisions ever become effective.'

"Many persons expressed alarm over various provisions in the commitment procedures, although these have been incorporated in the laws of many States and are working satisfactorily. Numerous critics demanded that compulsory jury trial be included in the procedures. This demand unquestionably arose from ignorance of current practice in the States. Compulsory jury trials have been abandoned by all States save Texas, which is even now working on that reform. A majority of States have optional trial by jury. As a rule, patients and their families wish to avoid the publicity and stigma which accompany jury trials.

"Furthermore, mental illness is no longer regarded as a crime in informed quarters. Enlightened thinkers in this field are endeavoring to do away with criminal procedures in handling such cases. One of the worst features about compulsory trials is that patients who desire voluntary commitment in the early stages of mental illness are deterred from applying and are likely to wait until they are in advanced stages of mental deterioration.

"One of the most hotly debated provisions of H.R. 6376 was that providing 1 million acres to aid Alaska in defraying future operating costs of the program. The California opponents and their followers reached the conclusion that Congress and Alaska were engaged in a Marxist plot to sell the million acres to Russia for a concentration camp. Mrs. Stephanie Williams was of that opinion and during May 1956 her organization went so far as to suggest that an oil lease which the Department of the Interior was negotiating with a Colorado oil company was part of the same plot to transfer the public domain to Russia, a million acres at a time, with the connivance of the Congress of the United States, the controlling committees in Congress, the Department of the Interior, and the Legislature of Alaska.

"Other disturbed opponents thought Alaska might be planning to build a stockade around the million acres and to turn loose within the compound persons falsely adjudged insane in the States and railroaded to Alaska. The fact, there was nothing in the bill to justify such conclusions has not bothered the noisy, bewildered critics. These weird interpretations have been made almost exclusively by persons without ade-

quate professional background in analyzing Federal legislation and without a knowledge of American history and the place of land grants in State organization.

"Unquestionably the section of the bill that was most generally misunderstood was the compact clause, section 119, which covered the customary reimbursement provisions between States. Such clauses antedate our Constitution and appear in one or another form throughout welfare legislation. Thus, States are in the habit of ascertaining the legal residence of all recipients of public charity. If the person in question does not have legal residence in the State where he becomes a public charge, he may be sent back to the State where he has such residence or that State may be charged for his care.

"Similar provisions are customary in State laws dealing with the mentally ill or with prisoners. If a State lacks adequate facilities or treatment centers, it may arrange with another State to incarcerate a prisoner or to provide for a mental patient needing special treatment. These arrangements are made on a reimbursable basis under a compact clause of a type which has been sanctioned in American jurisprudence for over 170 years. They antedate Marx, communism, and the United Nations by many decades. Such a compact clause was included routinely in section 119 of H.R. 6376.

"It is incomprehensible that a provision which has been in common use for over a century and a half in State and Federal laws should suddenly arouse such fears as did section 119. The compact clause was widely misunderstood as having something to do with commitment procedures. Yet it referred only to financial reimbursement. Failure to distinguish between a compact clause and commitment procedures led the noisy minority to claim that Congress was authorizing the States to railroad political dissidents to a Russian-owned corral in Alaska.

"Probably no bill has ever been so garbled, distorted, and misunderstood as H.R. 6376. Yet it was perfectly clear from the hearings in the House and Senate and from conversations with Federal officials who aided in the drafting of the measure that no one in Washington had any plot in mind. At no time did any Government official in the Interior Department or in the Department of Health, Education, and Welfare make a particular point about the wording of any single provision. Nor was any Senator or Representative wedded to particular language as would have been the case if some deep plot were afoot.

"It was clear beyond any possibility of doubt that the only desire anyone connected with the drafting of the bill had in mind was to draft a good bill that would redress old wrongs and would transfer authority in the field of mental health from the Federal Government to the Territorial government. To these ends an original grant was proposed for the construction of facilities, while grants-in-aid on a decreasing scale were authorized for a 10-year period and a grant of 1 million acres was authorized to provide for long-term financing of the program. Old laws were repealed. Modern commitment procedures were set forth. The Federal Government was divested of power. These provisions attested the good faith of Congress.

"To impugn the motives of those who wrote and sponsored this legislation is to see plots and evil designs where none exist. It was the Alaskans who sought long-overdue redress of cruel treatment accorded their mentally ill and retarded. It was the Alaskan Delegate, E. L. BARTLETT, who introduced the first bill in the present series and later introduced others. It was a respected Republican, Representative Miller, a physician, who fought for the million-acre grant and won necessary House approval. It was the Republican Assistant Secretary of the Inter-

rior, Wesley A. D'Ewart, who disclaimed any scheme for Alaskan concentration camps. This is not to detract in any way from the fact that it was the Democrats who introduced and sponsored the bills. Representatives LEO W. O'BRIEN of New York and EDITH GREEN of Oregon, as well as Senator HENRY M. JACKSON, of Washington, fought rationally and judiciously to give the Alaskans a fine mental health program.

"The entire history of this legislation attests the integrity of purpose and the high ideals motivating congressional action. For half a century the Alaskans had suffered a cruel form of inhumane punishment in seeing their loved ones railroaded to a hospital in some cases 2,000 miles or more from home. Then when Congress, after due and careful study and after obtaining the best available professional help in drafting this complex bill, was about to complete action, an avalanche of protests poured into Washington from persons who would in no way be affected by the bill.

"Protests voiced indifference to, or hatred for, the Alaskans. None of the opponents in January, February, and March 1956, seemed to have any interest in the plight of the Alaskans. Ignorance, fear, malice, and strange aberrations characterized the opposition to H.R. 6376. When before has a small, noisy minority of housewives in California, editors in Santa Ana, Calif., Dallas, Tex., McClellan, Tex., New York City, and Omaha, Nebr., bestirred itself over a small Alaskan bill? It is as bizarre a situation as has occurred in the memory of many an oldtimer in Washington.

#### "Historical precedents

"Alaska is eagerly awaiting statehood. Bit by bit the United States is giving more authority to the Territory. Historically the Federal Government has made large grants of land to all Territories as they approached statehood. Precedents in history and in American jurisprudence shaped the important provisions of H.R. 6376.

"Land grants for public purposes: Land grants for schools, colleges, and other public purposes go back more than 170 years in our history. They were established under the Ordinance of May 20, 1785, and the Northwest Ordinance of 1787. Those early grants were in Ohio where lot 16 in each township was set aside by the Government for schools. Later, land-grant colleges were endowed by the Government.

"Between 1880 and 1906 five Western States received land grants for the care of their insane. These Federal grants were made at the time of the enabling acts of Idaho (1890), Oklahoma (1906), South Dakota (1889), Utah (1894), and Wyoming (1890). The grants ranged from 30,000 acres in Wyoming to 200,000 acres in Oklahoma and constituted up to 0.3 percent of the State's area. The proposed Alaskan grant of 1 million acres is less than 0.3 percent of the land area of the Territory.

"This modest grant to Alaska actually looks small compared to the U.S. grants of 10 million acres of the public domain to Arizona, nearly 9 million acres to California, 24 million acres to Florida, 16 million acres to Minnesota, 7 million acres to Oregon, and 4 million acres to Indiana. These 6 States have a total land area of 548,809 square miles which is only 22,000 square miles less than Alaska's 571,000 square miles. The land grants to the 6 States in question have amounted to 70 million acres as against the 1 million now being proposed by Congress for Alaska. These 6 States have enjoyed land grants amounting to over 70 times the amount now being proposed for Alaska. Presently the Federal Government owns more than 99 percent of the Territory, thus having a stranglehold on one of the chief sources of revenue that might make Alaska more nearly self-sustaining. Since the United States paid

only 2 cents an acre for Alaska, the proposed million-acre grant for a mental health program would represent only a \$20,000 outlay.

"Elective jury trial for the insane: Although the new version of H.R. 6376, which was reported by the Senate Interior Committee and voted by the Senate (the Goldwater amendment), omitted the commitment procedures of the House-passed bill, many persons are demanding inclusion of provisions for compulsory jury trial.

"Such inclusion would go against modern judicial opinion and medical experience. The Council of State Governments, which has been devoting considerable attention to modernizing State mental health laws and procedures, published a valuable document in 1952 on the 'Mental Health Programs of the 48 States.' They give a table entitled 'Legal Provisions Governing Admissions and Commitments of the Mentally Ill, by States, 1949' (p. 52) which shows the following 26 States provide for trial by jury, but that only Texas makes this mandatory: Alabama, Arkansas, California, Colorado, Delaware, Florida, Georgia, Illinois, Iowa, Kansas, Kentucky, Massachusetts, Michigan, Missouri, Montana, New Jersey, New Mexico, New York, Oklahoma, Rhode Island, South Dakota, Tennessee, Texas, Washington, Wisconsin, Wyoming.

"There is clear medical evidence that mandatory jury trial should be avoided. Where it is optional, patients show their preference by avoiding a jury commitment. In St. Elizabeths Hospital only 16 patients out of 1,700 asked for jury trial.

"Legal opposition to jury trials in such cases is that mental illness is not a crime and consequently constitutional protection under the 'due process' clause is not applicable. Court decisions support this view:

"'Insanity is not a crime and therefore the constitutional guaranty of jury trial is not applicable.' (*Barry v. Hall*, 99 F. 2d 22, 225 (1938, C.A., D.C.).)

"'It has been frequently announced by this and many other courts that due process of law, within the meaning of both the Federal and State Constitutions, does not necessarily imply a trial by jury.' (*In re Brewer* (Iowa, 1937), 276 N.W. 766, 768.)

"'Since an insanity case is a civil case (*State ex. rel. Peper v. Holtcamp* (235 Mo. 232, 138 S.W. 521)), it would seem at least that due process of law does not require that there be a jury trial, whether demanded or not, and we so hold.' (*In re Moynihan* (Mo. 1933) (62 S.W. 2d 411, 413).)

"Involuntary detention for acutely ill mental patients: Members of Congress have been bombarded with protests over provisions in H.R. 6376 dealing with involuntary detention. Since the Senate had already voted to accept the Goldwater amendment which omits commitment procedures and since Senate and House conferees have accepted this version, none of the commitment procedures are at issue.

"However, in order to answer some of the most common objections which have been raised, we would point out that the common-law rule has been that 'a dangerous maniac may be restrained temporarily until he can be safely released, or can be arrested upon legal process, or committed to the asylum under legal authority.' (*Kelcher v. Putnam* (1880) (6 N.H. 30, et al.).)

"Provisions authorizing temporary detention of dangerous insane persons are found in the statutes of most States. A compilation which appears in the 'Mental Health Programs of the 48 States' indicates that in 1949 30 States provided for emergency commitment without court order.

"The common-law rule, with certain limitations designed to protect the interests of both the patient and the arresting officer, is embodied in section 104(a) of H.R. 6376. Simply stated, this section says that if a licensed physician issues a certificate that an

individual is mentally ill and because of illness is likely to injure himself or others if allowed to remain at liberty, then any health, welfare, or police officer, or any person deputized by a U.S. commissioner shall have authority, upon medical certification, to take the individual into custody, apply to a designated hospital for his admission, and transport him thereto.

"However, there will be times when it is impossible to obtain medical certification. If a person who gives evidence of being mentally ill and seems likely to injure himself or others cannot be medically certified at once, any health, welfare, or police officer may take such individual into custody, apply to a designated hospital for his admission, and transport him thereto (sec. 104(b)).

"One opponent to this bill wanted to have this section deleted. We wonder what he would suggest for handling the case of a person who went berserk in Alaska 500 miles from the nearest physician—let alone 3 psychiatrists as he suggests.

"Another opponent to H.R. 6376 wanted this section deleted. However, that would be impractical, considering the conditions of travel in Alaska. If a person in a remote village of 50 or 100 persons should go berserk 500 miles from the nearest physician and 1,000 miles from a psychiatrist, some person in authority would have to act to protect the public and the patient. The proposal made by an official of the Association of American Physicians and Surgeons that an Alaskan who became mentally ill should have his family physician accompany him and that three psychiatrists be consulted is wholly unrealistic.

"The following States have procedures substantially identical to those under section 104(a): Idaho, South Carolina, Utah, and Florida. Provisions similar to section 104(b) are to be found in the laws of Arizona, California, Colorado, Florida, Idaho, Utah, and Missouri.

"Criminal provisions of H.R. 6376: Several witnesses objected to the fact that when the bill was passed by the House, section 31, providing fines and imprisonment for persons conspiring to cause unwarranted hospitalization of anyone or denial of rights granted under the act, was omitted. This was not the result of a sinister plot to expedite hospitalization on false charges. Instead, there was a general feeling that criminal provisions belonged in the Criminal Code, not in a mental health bill.

"Conclusions: As one analyzes the objections to the Alaska mental health bill, one sees that they were based on ignorance of American history, of State and Federal laws, and of conditions in Alaska. These objections, raised by a noisy minority, represented the obsessions conjured up by extremists, fanatics, and gullible dupes who lacked professional competence to form a judgment about the bill.

#### *"Reason prevailed*

"The small minorities opposing H.R. 6376 made so much noise at first that they sounded like a large army marching on Washington. Then, as Members of Congress and their staffs began to compare notes, there was observed a similarity of wording in opposition letters, telegrams, releases, and bulletins. Over and over the same scare phrases appeared: 'American Siberia,' 'Alaskan concentration camps for Americans,' 'U.N. plot,' 'UNESCO plot,' 'Marxist plot' etc. Exception was taken to the million-acre grant, to the commitment procedures, to the absence of compulsory jury trial. The Siberia theme showed up in certain newspapers—never many.

"Congress began to realize that the opposition was not really nationwide. It had originated with one woman and one group of housewives in California. Across the country there had rolled an extreme rightist chant—'Siberia, U.S.A.' Housewives, retired Army

officers, a few editors, and a scattering of physicians picked up the slogans, opposition arguments, and scareheads. In January, February, and early March 1956, the scare-mongers seemed to have taken over.

"Then, in March, the tide began to turn. On March 1, Challenge to Socialism, a conservative weekly paper published by Marjorie Shearon, legislative analyst and former consultant to Senator Robert A. Taft, published a calm analysis of H.R. 6376, with an explanation of some of the more controversial sections. Dr. Shearon published four issues on Alaska mental health during March, explaining the reasons for the commitment procedures and pointing to the historical precedents for land grants and provisions for reimbursement for the care of public charges on a reciprocal basis by the several States. All told, Dr. Shearon published over a dozen issues, devoted in whole or in part to the historical background, legislative history, and legal precedents for this much-needed, humane, and entirely innocuous bill.

"On March 16, 1956, Leo H. Bartemeier, M.D., chairman of the Council of Mental Health of the American Medical Association, wrote to Delegate BARTLETT:

"During the past fortnight I studied this bill, and I personally believe that it is in complete agreement with our procedures and our methods of caring for the mentally ill. It will be of great benefit to the people of Alaska."

"Four days later, on March 20, the American Medical Association, which had made a careful study of the bill and of its legislative background, wrote to Senator Murray, chairman of the Senate Committee on Interior and Insular Affairs:

"With the reservations hereinafter discussed, the American Medical Association supports and recommends the enactment of H.R. 6376, 84th Congress.

"Three studies of the situation of the mentally ill in Alaska have been made in recent years. The earliest of these, in 1948, was conducted by the American Medical Association. The report of the group of physicians which visited Alaska in the course of this investigation was critical of the existing commitment procedures and the lack of facilities in Alaska for the care and treatment of mental patients. It recommended the establishment of a centrally located hospital for the needs of the Territory. \* \* \*

"\* \* \* in our opinion, the procedures set forth in H.R. 6376 are on a par with the better procedures adopted by the several States, and are superior to those presently followed in Alaska."

"The reservations of which the American Medical Association spoke were one dealing with possible inclusion in the bill of criminal procedures in the case of unwarranted hospitalization and one clarifying the language of section 119(c), the compact clause for reciprocal reimbursement.

"On March 15, the Alaska Hospital Association had urged Senator Murray to support the bill. On April 3, the Medical Society of the District of Columbia expressed its approval of the bill and stated:

"In the opinion of our board this bill should receive high priority in health legislation because of the urgent need for improving the care of the mentally ill in Alaska."

"One of the first health and medical groups to go on record as favoring H.R. 6376 was the Alaska Board of Health which passed a series of resolutions on October 12, 1955, urging that 'this legislation, so badly needed, be passed and approved without further delay.'

"Similar approval was given by the Juneau Parent-Teacher Association on February 23, 1956, by the Church of the Holy Trinity in the capital city of Alaska on February 10, and by the Juneau Chamber of Commerce on February 20.

"Dr. George S. Stevenson, national and international consultant for the National Association of Mental Health, supported the bill wholeheartedly, going into the major provisions in considerable detail. He said:

"This bill will do much to advance the care of the mentally ill of Alaska from the present primitive provisions to that which is enjoyed by mentally ill persons in our most advanced States.

"This bill will modernize the processes of admission of Alaska's mentally ill to a mental hospital. It will replace the mandatory jury adjudication by providing for a professional evaluation and still maintain the judicial safeguards. Many patients have been irreparably injured by the formal court process through which they have to pass. This bill guards against such damage.

"The provisions made by this bill for the commitment of patients are those that are found in many of our States, and the anxieties which have been voiced by some as to what might happen because of the liberality of the provisions actually do not happen in those States where these same provisions obtain.

"It also makes it possible for Alaska to care for residents of other States who happen to fall ill while in Alaska. This provision can be either by resources within Alaska or by transfer to another State. Again this makes it possible to do what is best for the patient. There have been criticisms of this aspect of the bill, but these criticisms reflect a lack of understanding of the provision and of the fact that this is already an approved procedure in some States has shown none of the dire results that are attributed to it."

"Since the Alaskans were strongly in favor of H.R. 6376 and since the American Medical Association supported the bill, favorable action by the Senate Territorial Subcommittee and later by the full Committee on Interior and Insular Affairs was assured. There had been no informed, responsible medical opposition. The Association of American Physicians & Surgeons, which set out on February 25 to defeat the bill and which in its March newsletter repeated its false analysis of the bill, later attempted to introduce crippling and unworkable amendments. The committee paid no attention to the proposals and after the AMA had supported the bill, AAPS retreated from its untenable position although it failed to retract its early false bulletin.

"There had been two schools of thought about the best way to handle the legislation. One advocated repeal of the old laws dealing with mental illness in Alaska, transfer of authority from the Federal Government to Alaska, the grant of transitional funds, and a land grant. The other school of thought advocated all this and a spelling out of the commitment procedures. In the end, the Senate Territorial Subcommittee decided on the first line of action. Senator Goldwater, Republican, of Arizona, introduced an amendment to H.R. 6376 which was virtually the same as the House-passed bill except that it omitted the commitment procedures.

"The feeling was that Alaska had progressed to such a point that it was capable of writing its own procedures. Furthermore, there was little point in Congress writing the procedures and then simultaneously giving Alaska authority to rewrite the procedures in any way it saw fit. As a practical reality, Alaska will undoubtedly enact the procedures as they were written into H.R. 6376, since much professional thought had gone into the drafting and since medical authorities in Alaska had already approved the language in the bill.

"On April 23 the Territorial Subcommittee voted to accept the Goldwater amendment in principle. On May 14 the full Senate Committee on Interior and Insular Affairs approved the Goldwater amendment to H.R. 6376. The Senate unanimously approved the



bill on June 7. House and Senate conferees were appointed. They accepted the Senate version with minor changes on July 16. The bill, as amended, was then unanimously approved by the Senate. The House on July 20, by a vote of 130 to 16, passed H.R. 6376 and it is now Public Law 830 of the 84th Congress.

"Thus, at long last, Congress, unmoved by the lunatic fringe, has passed a forward-looking piece of legislation, soundly conceived and wisely drafted. The Democrats sponsored and fought for the bill, but throughout it received bipartisan support. Hope, finally, has been vouchsafed to Alaska's mentally ill."

#### PROPOSED EXTENSION OF THE WEST FRONT OF THE CAPITOL

Mr. MOSS. Mr. President, after reading the Washington Post story headed, "Original Sandstone Quarry Offered To Rebuild the Capitol's West Front," one cannot help but wonder whether the objections to the extension of the west front of the Capitol really go only to the type of building stone that will be used. The tenor of the story by Elsie Carper is that the owners of the quarry where the original sandstone was extracted would be willing to open it again so that the Architect of the Capitol could acquire similar sandstone to build the new walls of the Capitol. Apparently, this would resolve all of the objections that have been raised. Of course, this comes as a total surprise to me; I had understood that the great wail of objection had gone up simply because people felt that the original stones must remain in the Capitol wall and that not one change could be made without "desecrating our Nation's Capitol." Of course, it must be pointed out that the original surface is not going to be preserved in any event because the stone walls have been painted over many times and although the interior of the stones may have been in place for some time, the exterior is the paint that now is visible on the walls of the Capitol.

But does not this whole matter reduce to an absurdity when one finds that we are talking about whether to build with sandstone or marble? I return again to what I have said before about the east front. The marble walls that have been put in place are, in my opinion, greatly superior and certainly more beautiful than the sandstone walls which were there before. I would point out also, that the exact facade of the west front is not the original and therefore, would not be violated if modest changes were made. Of course, like everyone else, I believe that the general contours of the Capitol should not be changed, that the building should "look the same as it does now to the casual observer," but like the east front, the west front could be extended and the area within the Capitol altered to make room for further uses of the Capitol Building. This could be done without in any way changing the appearance or the architectural style of the Capitol Building. But for goodness sakes, let us not reduce this silly chorus of opposition to the factor of whether sandstone or some other building material should be used to replace the crumbling walls of the Capitol Building.

#### THE UNITED STATES-U.S.S.R. FISHERY CONFERENCE

Mr. KENNEDY of Massachusetts. Mr. President, the State Department announced today the results of a conference held in Moscow last week involving the United States and U.S.S.R. fishery officials.

This conference dealt, among other things, with two vexing problems involving Soviet fishing fleets fishing off the Atlantic coast of the United States and an equally serious problem involving Russian fishing fleets off the west coast.

For several years our Atlantic coast fishing States have been confronted by the presence of large Soviet fleets fishing off Georges Bank, the great traditional Massachusetts fishing ground. Indeed it is my understanding that at the present time the Russians take more fish from this area than do our own fishermen. More recently, within the last 3 years, the Russian fleets have moved immediately south and are now fishing off Cape Cod and to the south of Cape Cod in the mid-Atlantic area.

The presence of these fleets has posed a threat to the effective consideration of our fish stocks; but in addition the very presence in such large numbers of Russian ships in relatively small fishing areas have often created problems of crowding—with the result that our own fishermen are often effectively fenced out of those areas.

It is my understanding that as a result of last week's conference, the Russians have agreed to a complete exchange of scientific and statistical information in order to determine the exact extent to which depletion of our salmon runs is taking place off our shores.

I intend to recommend that the scientific meeting to be held this fall on this question be followed by a meeting with the Soviets which would include representatives of the administration, the Congress, and industry.

It is my hope that at this meeting an understanding can be reached with the Soviets which will ensure in the future the conservation of these precious fishing resources off our east coast. I also intend to urge the administration to follow through on the Russian agreement to consider the problem of "crowding," so that our fishermen will be able to pursue their livelihood fishing off our coast in traditional areas without harassment.

It is also my understanding that the Soviets have agreed not to fish within 12 miles of the Oregon and Washington coast lines. Such an agreement is particularly salutary at this time, when Russian hake boats are fishing almost to the 3-mile territorial limit within 4½ miles of our western coast.

I believe that our fishery limits should be 12 miles off both our coasts. The Senate has recently passed legislation which would provide that measure of protection for our fisheries on both the Atlantic and the Pacific coasts, and I am hopeful that favorable House action will soon be forthcoming.

I am pleased with the encouraging reports that I have heard of the progress

being made in our negotiations with the Soviets on this question, and I intend to follow these developments closely in order to insure that the interests of our fishing industry are adequately protected.

#### RASMUSSEN APPOINTMENT APPLAUDED

Mr. METCALF. Mr. President, I am pleased to note that Boyd L. Rasmussen was sworn in this morning as Director of the Bureau of Land Management.

Mr. Rasmussen has had a distinguished career in another leading resource agency, the U.S. Forest Service, of which he was deputy chief before his promotion. I regard him and his fine family as fellow Montanans. From 1961 to 1964 he served with distinction as regional forester in Missoula. His daughter, Mary, is a graduate of the University of Montana.

His experience covers a range of problems common to managers of public lands, whether they are administered by one Federal agency, another, or a State agency. He has been responsible for the Forest Service operations involving State and private forestry. He has had charge of that agency's cooperative forestry programs and insect and disease control throughout the 50 States. He has had responsible positions in fire control work and for a time was in charge of national forest resource management. He brings to his new position experience, enterprise, and enthusiasm.

#### VETS LOSING \$26 MILLION ANNUALLY

Mr. BYRD of West Virginia. Mr. President, an article titled "Vets Losing \$26 Million Annually," appeared in the August 2 edition of the Beckley, W. Va., Raleigh Register.

I ask unanimous consent that the article be included in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

#### DON'T KNOW THEIR RIGHTS: VETS LOSING \$26 MILLION ANNUALLY

(By Ray Cromley)

WASHINGTON.—Some 100,000 veterans, widows and children are losing about \$26 million a year in disability and death pension benefits.

New government estimates show that these benefits are being lost because qualified Americans haven't applied for the increased benefits to which they are entitled under a law effective in 1960 and amended in 1964.

These pensions are paid to wartime veterans (including Korea) permanently and totally disabled from causes not traceable to their military service.

Payments are also made to widows and children of wartime veterans, who have died of causes unrelated to their military service. Veterans of Viet Nam and their widows and orphans are not eligible.

All veterans, widows and orphans who came on the pension rolls after June 30, 1960 receive pensions under the new system. But qualified Americans already on the rolls on July 1, 1960, have continued to receive pensions under the old system unless they applied for transfer. They may be receiving less money than they should.