

# LASKA MENTAL HEALTH

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## HEARINGS

BEFORE THE

## SUBCOMMITTEE ON TERRITORIES AND INSULAR AFFAIRS OF THE COMMITTEE ON INTERIOR AND INSULAR AFFAIRS UNITED STATES SENATE EIGHTY—FOURTH CONGRESS

SECOND SESSION

ON

### H. R. 6376

AN ACT TO PROVIDE FOR THE HOSPITALIZATION AND  
CARE OF THE MENTALLY ILL OF ALASKA,  
AND FOR OTHER PURPOSES  
( WITH PROPOSED SUBSTITUTE )

### S. 2518

A BILL TO PROVIDE FOR THE HOSPITALIZATION AND  
CARE OF THE MENTALLY ILL OF ALASKA,  
AND FOR OTHER PURPOSES

### S. 2973

A BILL TO PROVIDE FOR THE HOSPITALIZATION AND  
CARE OF THE MENTALLY ILL OF ALASKA  
AND FOR OTHER PURPOSES

( AND ALSO THE PROVISIONS OF S. 1027 AND S. 1028 )

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FEBRUARY 20, 21, AND MARCH 5, 1956

Among the witnesses we have with us today are Senator Neuberger, and Congresswoman Green, both of Oregon.

Congresswoman Green sponsored the legislation which passed the House of Representatives, H. R. 6376.

I would like to call first upon Congresswoman Edith Green for her statement.

Mrs. Green, we will be very pleased to have the benefit of your views.

**STATEMENT OF HON. EDITH GREEN, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF OREGON**

Representative GREEN. Thank you, Mr. Chairman. I certainly appreciate the opportunity to appear before this committee and to tell a little bit of what I know about this bill and the reasons for its enactment over in the House, or its endorsement by the House committee and by the full House.

You have certainly accurately summed up the commitment procedures, which I think most people have described as barbaric. There would be only one thing that I would add to your statement there, and that is that these commitment procedures also apply to children. One of the things that was quite shocking to me at Morningside Hospital was the number of youngsters who have gone through this procedure of having been charged with being insane, and then being taken thousands of miles away.

This hospital, Morningside Hospital, is in my district. I have known of its operations for a good many years.

I would like to say very emphatically that this bill was conceived in humanitarian principles. It was a desire to improve the care of the mentally ill of Alaska that I think motivated all of us on the committee.

At the present time the Federal Government prohibits the Territory of Alaska from doing anything, from passing any laws to care for their mentally ill. Morningside Hospital in Oregon is the only institution of its kind in the United States where a private party contracts with the Federal Government for care of the mentally ill, and necessarily profit becomes one of the primary considerations in it.

This bill of course, as you indicated, has had wide support, and as Congressman O'Brien in the House said, it is not the Green bill, it is not the O'Brien bill; it is a bill widely approved by the Department of Health, Education, and Welfare, the Department of the Interior, the Budget Bureau, and by every psychiatrist who appeared before the committee.

This last year I was privileged to be at many hearings with Delegate Bartlett and during the time I was with the committee with Dele-gate Bartlett and during the time I was with the committee, there was not one single person in the Territory of Alaska who did not approve of this bill; in fact, they pleaded for Alaska who did not ap-prove of this bill; in fact, they pleaded for its adoption.

I can remember one of the women, president of a mental society in Anchorage, who made the statement that in Alaska children, from the time they were very young, were told that if you do not behave you will be sent to Morningside. It was a threat and they are very bitter about that, because they do not have the rights the same as other people in other States.

Of course, this bill is not designed to take care of the mentally ill of the people of Oregon, Washington, or California or any other State. It is only for the care of the mentally ill of Alaska. We have no intention of shipping up any of the people from any of the States to Alaska.

In fact, if that were the case, I would be the first one to object to it. The changes that this bill would make can be summed up very briefly.

First, it would change the barbaric commitment procedures.

As you indicated a few moments ago, a person who is charged with the crime of being insane is tried by a lay jury. This would change and the person who is thought to be mentally ill would be examined by competent medical doctors, and upon the basis of their recommendations, the commissioner would determine what action should be taken as far as commitment is concerned.

The individual also has the right, and this is guaranteed in the bill, to appeal and have a jury trial if he demands it or if his counsel demands it.

The second main change beyond the change in the commitment pro-cedures is the delegation of the responsibility to the Territory of Alaska so that they can draw up their own rules and regulations, and there are three provisions in this:

First, there is a grant of \$6 million for operating expenses over the next 10 years.

Secondly, there is a grant of \$6.5 million for the building of facili-ties in Alaska, and this is in the plural. If the people in Alaska decide that they want one hospital in Fairbanks or Anchorage or Juneau, that is up to them to decide, the Department of Health in Alaska.

Thirdly, it provides for a grant of 1 million acres of land. This grant of land, of course, is for the purpose of providing revenue for the operation of the hospital and the expenses involved.

Senator JACKSON. Something like our school lands?

Representative GREEN. Exactly the same.

When Oregon became a State, and I am sure it was true when Washington became a State, certain sections out of every township were set aside so that the revenues from those lands might be used for the operating of schools. In fact, we have those same lands set aside in both of our States, I know.

I think that the question might be asked: What kind of care is being given at Morningside Hospital?

I do not feel that this is the most important question under con-sideration. Even if it were the best care in the world, and I do not accept that, but if it were, it still seems to me basically wrong for the Federal Government to say to the people of Alaska that you cannot take care of your own mentally ill; that you have to ship them down to Portland, Ore.

I am sure that the people in my district in Portland would feel very, very bitter if the Federal Government said to them or to the people of Nevada, California or any other place, "You cannot care for your loved ones when they become mentally ill, you have to send them to Alaska or Illinois or some other place."

So we are only asking the same rights for the people of Alaska as the people of Oregon or any other State enjoy at the present time.

For those people who would be concerned primarily about the dollar sign, at the present time the Federal Government is spending between \$800,000 and \$900,000 a year at Morningside Hospital for the care of the mentally ill. This is a Federal obligation and Federal funds are being spent for it.

I might point out, Mr. Chairman, though there is the sum total of \$12.5 million which would be granted to the Territory of Alaska, that at the end of a 15-year period, if we are considering only the cost that the Federal Government would have, it would be better off financially to turn over the responsibility to the Territory, because at the end of 10 years there would be no additional grants being made by the Federal Government where, at the present time, we are spending at least \$800,000 or more.

There are those who argue that, well, as the population of Alaska increases, then we are going to have to provide additional grants for it.

I might point out, Mr. Chairman, that the same thing is true under the present setup. If the population increases and if the mentally ill number increases, then the Federal Government is going to be faced with the same problem of providing more funds at Morningside Hospital.

Simply based on humanitarian principles, it seems to me that we would be doing the wise thing to turn over to the Territory the responsibility.

I would like to read one very short paragraph which is at the end of an editorial in an Anchorage paper, the Anchorage Daily Times of June 20, 1955, which says:

The procedures under the law are barbaric. The complaints against the effectiveness of patients in the institution give rise to substantial questions of the greedy. Supervision in the public interest seems to be lacking. I think that is an accurate statement.

Thank you.

Senator JACKSON. Does that conclude your statement?

Representative GREEN. Yes.

Senator JACKSON. Senator Kuchel?

Senator KUCHEL. Yes. First of all, I do want to congratulate you for taking an interest in this subject. I think the chairman and I will both recall that we had somewhat similar legislation before us in the previous Congress.

This question does occur, however, Mrs. Green: Are there any points at issue in the bill today? Are there any objections to any part of it?

Representative GREEN. Senator, the only thing that I can say is that there are objections in the mail which has recently come to my desk. That has been in the last 2 weeks. During the time the House was holding hearings both here in Washington and at Morningside Hospital in Portland and in Alaska, there was not one single witness who appeared before the committee in opposition to any part of the bill with the exception of the owners of Morningside Hospital. They did appear in opposition.

Senator KUCHEL. Generally speaking, the comments which I have not had an opportunity to study, which the Department of Interior

made by way of recommendation for some changes, are those generally incorporated now in the bill before us?

Representative GREEN. Yes; they are.

I might say that I think the Department of Health, Education, and Welfare and the Department of Interior have done a magnificent job in helping to draw up this bill, their recommendations and the time they have spent on it.

Senator KUCHEL. Where, actually, would the commitment take place under the bill?

Representative GREEN. In Alaska.

Senator KUCHEL. That would be the purpose of our authorizing the expenditure so that a hospital could be constructed there?

Representative GREEN. Of course, the commitment takes place there now; I mean those proceedings which are in the nature of criminal proceedings.

Senator KUCHEL. And where, actually, would the commitment be? Where would the mentally distressed person be lodged?

Representative GREEN. In the facilities in Alaska, in the mental-care hospitals which would be built there.

Senator KUCHEL. I see.

That is all I have, Mr. Chairman.

Senator JACKSON. Senator Bible?

Senator BIBLE. Mr. Chairman, I think I have only one question that has been suggested to me. I likewise want to join in complimenting you, Mrs. Green, for your work along this line.

If there is anything in this bill that indicates you might send someone from Nevada or California, or even in Washington, to Alaska for incarceration in a mental institution, where is it?

Representative GREEN. I can find nothing like that at all in the bill. I can find no reference, no statement, that would imply in any way that any citizen of any State could ever be sent up to Alaska for confinement and care. However, that inference has been drawn.

I think, Senator, that I am right in saying that it has been erroneously drawn and there is nothing in the bill that would permit any such action. There was no intention whatever to permit any such thing. These bills would be simply for the people who are in Alaska and who become mentally ill there. This legislation would allow them to be treated close to their loved ones instead of 3,000 miles away.

Senator BIBLE. The way you have stated it is the way it should be. Representative GREEN. Yes.

Senator BIBLE. I was just wondering if there was anything in the bill that gives a basis for this suspicion or this apprehension or this fear? It could very easily be remedied by positive language in the act itself.

Undoubtedly you have received, as I have received, a number of letters indicating that might be done.

Senator JACKSON. I wonder what the legislative basis for that claim happens to be?

I understand that is part of the recent opposition to it?

Representative GREEN. I find just no basis in the bill itself. I have studied it over and over again to try to find it.

Senator JACKSON. As I understand your proposal, Mrs. Green, is to effect and to give to Alaska the same jurisdictional authority that

Washington, Oregon, California, all States now have on the subject of mental health; is that correct?

Representative GREEN. That is correct.

Senator JACKSON. Not to increase that power or to lessen the power but to give local responsibility by the action or by the legislation that is being proposed here?

Representative GREEN. Senator, it is my firm conviction that this bill does not give to Alaska any rights or any privileges or any powers that are not at the present time enjoyed by every State in the Union and by Hawaii and by other Territories. The sole exception is the grant of aid.

Senator JACKSON. Yes, but that is to get the program started, and in recognition of the tremendous continuing responsibility that has been exclusively Federal since 1912, is it not?

Representative GREEN. Yes.

Senator, I might say too that at the present time the Federal Government owns over 99 percent of all the land in Alaska, and consequently the Territory has no tax base.

Senator JACKSON. That is right.

Representative GREEN. Also, the Federal Government prohibits them from issuing revenue bonds. There are those who propose that the funds be granted on a matching basis; it would be difficult, if not impossible, for those people in Alaska to participate in any such program.

Senator KUCHEL. Mr. Chairman, let me ask Mrs. Green this question:

Suppose X was a citizen of California and went to Alaska for an indeterminate period of time, say that he stayed up there a year. He continued to be a bona fide resident of California. Assume that during that time he would become mentally deranged so that it would be advisable for him to be hospitalized and he was so hospitalized under the procedure of this bill.

Is any provision made for him to be transferred to a California institution?

The chairman gives me, on page 25 of the bill, line 23, the following subsection:

*For the purpose of facilitating the return of such nonresident patients, the Governor may enter into a reciprocal agreement with any State providing for or Alaska who are mentally ill.*

Representative GREEN. Senator Kuchel, it is the same reciprocity that is now enjoyed by the different States.

Senator JACKSON. I take it that it is the law in most States that a resident who becomes mentally ill in any State, although not a legal resident of that State, can obviously be committed because that involves the police powers of the State. I assume that is the law.

Representative GREEN. I think that would be correct. I would like to refer that to Secretary Perkins or one of his staff.

Senator JACKSON. As a lawyer, I will take a gamble on that one. We used to commit them when I was prosecuting attorney in my county. We did not check where they happened to come from; it was a question of their mental condition.

Of course, obviously, that is the test. So if a person went to Alaska and became mentally ill, they could be cared for in Alaska just like

they do in any State of the Union, so there is not anything new in that concept except that some people get concerned that Alaska is quite far north, but I do not know that that has any particular point.

But there is this reciprocal provision in here which I am sure the Territory would rely heavily upon. I do not imagine that any State wants to care for the mentally ill of another State if they can lessen their tax burden by sending them to their home State.

I cannot conceive of a governor lasting too long with the legislature supporting him if he is going to take it upon himself to care for the mentally ill of other States who might happen to be in Alaska when they became ill.

Excuse me, Mrs. Green.

Representative GREEN. I was going to add, Senator, that one of the main purposes, too, of this bill is to give the Territory of Alaska an integrated mental health program.

It certainly is the testimony of the experts who were before the committee that if we have that kind of a program operating in the Territory, it will be possible to observe some of these patients early enough so that a serious mental illness may be avoided.

That will not only be an advantage to the individual patient, of course, but also the advantage of the taxpayers.

Senator JACKSON. I want to commend you for a brief, concise and to-the-point statement on the subject. I think you made an excellent presentation.

Representative GREEN. Thank you.

Senator JACKSON. Delegate Bartlett, we would be very pleased to have any statement from you at this time, or if you wish to defer until later, we would be glad to do that, too.

#### STATEMENT OF HON. E. L. BARTLETT, DELEGATE IN CONGRESS FROM THE TERRITORY OF ALASKA

Delegate BARTLETT. Thank you, Mr. Chairman.

I do want to testify and I am extremely anxious to testify. In fact, this is proposed legislation on which I feel I must testify, but in view of the fact that Assistant Secretary Perkins and Assistant Secretary D'Ewart are in the room, and other departmental witnesses also are here, with your permission I will defer my statement until a later time.

I do want to say, though, that I think this is urgently needed legislation. I approve of the act which is before you and, in furtherance of what Mrs. Green stated to you, I want to say that nothing legislatively before the Congress of the United States has provoked the emotional response that this subject has in Alaska.

To my knowledge, there is not one Alaskan who is opposed to this bill, and many, many Alaskans have expressed themselves as being for it.

Senator JACKSON. As I understand it too, Delegate Bartlett, extensive hearings were held in Alaska to afford the people an opportunity to be heard on this by the House committee?

Delegate BARTLETT. Extensive hearings were held last fall throughout Alaska, and additionally, this subject in a general and sometimes in a specific way has been before the Congress for 6 years now.

I would appreciate, Mr. Chairman, the opportunity of testifying at a later date.