

DAN SUTHERLAND  
DELEGATE, ALASKA

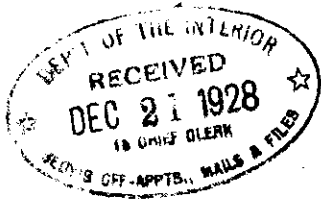
*pl*

# Congress of the United States

House of Representatives

Washington, D. C.

Dec. 20th, 1928.



Hon. John H. Edwards,  
Assistant Secretary of the Interior,  
Washington, D.C.

*9-1-10  
General*

My dear Sir:--

I transmit to you herewith copy of a letter received from Mr. Frank H. Foster, an attorney, of Cordova, Alaska, calling attention to the inadequacy of the Morningside Sanitarium for the incarceration of dangerous criminals who show symptoms of insanity sufficient to warrant the court in committing them to the institution for the insane rather than trying them on a criminal charge.

I call this matter to your attention at this time by reason of the proposal to renew the contract for the care of the Alaskan insane, as I thought it possible that in the new contract provision might be made for the care and confinement of this particular class of criminally insane persons.

You will note from Mr. Foster's letter that the Attorney General holds that St. Elizabeth's Hospital does not admit insane persons from Alaska, and that raises the question as to whether there is any Federal institution to which the criminally insane from Alaska could be admitted.

Sincerely,

*Dan Sutherland*  
↓  
Delegate from Alaska.

DEC 21 1928 Answered

FRANK H. FOSTER  
ATTORNEY AT LAW  
CORDOVA ALASKA

December 4th, 1928.

Hon. D. A. Sutherland, M.C.,  
Washington, D.C.

Dear Sir:--

At the session of the District Court of the Third Division of Alaska, recently adjourned, a true bill was found by the Grand Jury charging one McKenna with the crime of murder in the first degree. The facts as reported, seem to indicate a deliberate and wanton killing for which no justification whatever could be shown. The defendant refused to plead and interposed a plea of insanity. Two reputable doctors testified, after examination of the prisoner, that they believed him to be feigning insanity. One of the jail guards was called and testified that he had observed the man for six months or more and was of the opinion that he was sane. One doctor testified that he thought the defendant insane.

Judge Clegg ruled that the man was not in possession of sufficient of his mental faculties to be tried and committed him to Morningside Sanitarium to be held until his mental condition became such as to permit a trial of the case against him.

I wish to call attention to the inadequacy of the Morningside establishment for the keeping of such men as McKenna. The United States Attorney wired the Attorney General requesting permission to place him in a more suitable place and was informed that the only other place, St. Elizabeth's in Washington, was not available to Alaska.

It seems to me that steps should be taken to change this situation. I know personally of a number of patients at Morningside who have walked out of that institution at will. One man killed two persons at Seward a number of years ago. He pleaded insanity and was sent to Morningside. On inquiry as to his condition some six months later, the enquirer was informed that he had "eloped."

There has been much discussion as to the merits of the contract system for the caring for Alaska's insane. As to the merits of the controversy I have no opinion. But I am fully informed as to the ease with which patients make their escape from the Morningside institution and respectfully suggest that some other place be provided for the care of the criminal insane. Very respectfully, FRANK H. FOSTER.

UNITED STATES  
DEPARTMENT OF THE INTERIOR  
OFFICE OF THE SECRETARY

WASHINGTON

DEC 21 1928

*Allen*  
mhb

Honorable Dan Sutherland,  
Delegate from Alaska,  
House of Representatives,  
Washington, D. C.

My dear Mr. Sutherland:

Your letter of December 20th, 1928 has been received, inclosing copy of a letter from Mr. Frank H. Foster of Cordova, Alaska, calling attention to the inadequacy of the Morningside Hospital for the incarceration of dangerous criminals who show symptoms of insanity sufficient to warrant the court in committing them to that institution rather than trying them on a criminal charge.

In response thereto I have to state that the Sanitarium Company of Portland, Oregon, which now cares for the Alaskan insane under contract with the Department, is required to provide for the legally adjudged insane of the Territory, irrespective of whether they are homicidal or otherwise dangerously insane. Inasmuch, however, as there have been but three patients of this class committed to this institution during the present contract, the Department could not reasonably insist on the company going to the expense of inaugurating a department for the special care of the criminal insane. Through the courtesy, however, of the State authorities of the State of Oregon such persons having criminal tendencies committed to the Morningside Hospital are provided for in the State Asylum at Salem, Oregon, where they have special facilities for the care of the criminal insane.

In this connection attention is invited to the fact that House Bill 170, which has been reported on favorably by the House Committee on the Judiciary, and now No. 477 on the union calendar, provides, among other things, for the commitment of residents of Alaska who become insane and have dangerous or criminal tendencies to the Saint Elizabeths Hospital, Washington, D. C.

Respectfully,

(Sgd.) JOHN H. EDWARDS

Assistant Secretary.