

DEPARTMENT OF JUSTICE.

DISTRICT COURT
DISTRICT OF ALASKA, THIRD DIVISION,
JUDGE'S CHAMBERS,

VALDEZ. March 24, 1917.

Superintendent, Hospital for the Insane,
Morningside, Orego.

Dear Sir:

Walter Stoker was committed to the Hospital for the Insane, Western Washington, in 1910, at Steillacom, he being afflicted with dangerous homicidal mania. For some unaccountable reason, in 1911 he was permitted to be released on parole, his sister in Tacoma undertaking to answer for him. He came to Alaska and last December shot and killed one man without any cause whatever and dangerously wounded another. He has just been adjudged insane and will very shortly be taken to your institution. Copies of the records of testimony taken when he was formerly adjudged insane will be handed to you by the U. S. Marshal having charge of this man. It cannot be too strongly impressed upon you that this man is very dangerous and while he may for a long period seem to be quiet and tractable, this past experience shows that he ought not in any manner be permitted to escape or be released.

I wish you would please advise me what facilities you have for taking care of patients of this kind and if there ought to be provision made for the criminally insane being taken care of elsewhere.

Yours very truly,

Frederic Brown
District Judge.

1
Stoker
Walter Stoker

STAFF:
HENRY WALDO COE, M. D.
J. W. LUCKEY, M. D.
L. O'CONNOR, M. D.

Copy.

THE SANITARIUM COMPANY
(INCORPORATED)

HENRY WALDO COE, M. D.
PRESIDENT AND TREASURER

L. O'CONNOR
SECRETARY

OFFICE: 516 SELLING BUILDING

His Honor,
Frederic Brown Esq.
U.S. District Judge,
Valdez, Alaska.

PORTLAND, OREGON, April 5 1917.

Sir:-
Under date of March 24th. you addressed us relative to one
Walter Stoker, whom you informed us had been declared insane in your
Court, giving us certain information relative thereto, and advising us
that this patient,

" ought not in any manner be permitted to
escape or be discharged."

Answering this letter we have sent you the following wire:-

" Letter received advising us to accept and not
discharge Stoker. Stoker apparently subject to
lucid intervals and generally sane. We have no
authority to hold him if he becomes sane. If you
can send him to McNeill's Island as an insane
criminal, in the interest of the public and of
our other patients, this should be done."

Kindly receive this letter in confirmation of said telegram.

At the same time the telegram was dispatched to you, by mail I
forwarded to you a copy of my recent Report to the Governor and the
Legislature of Alaska upon the Insane of Alaska, marking page 48 therein
which covers the matter of the present incident, under the title of
Insane Criminals.

In order that you may have an extra copy of the same, I am sending
you another copy of the Report by this mail.

I fully appreciate the extreme difficulty surrounding the dispo-
sition of these cases in Alaska, and I sympathize with the officers of
the Department of Justice. For this reason, except where some case has
been brought to the attention of the government by others, we have
never criticised any act preceeding delivery of such persons to us
through the Department of the Interior, - although - and having no reference

to the present case- most of these cases have been border liners, and some have been not insane, as their condition with us has subsequently developed.

You will note what the Superintendent of a state asylum with its 1400 patients has to say on this subject on page 48 of the Report, which is the cry of protest every where, a protest made specially for the welfare of the remaining patients.

(Insert. " With the criminal who becomes insane, or who is
 (thought to be insane, conditions are quite different (from these
 (non criminal persons who may while insane commit a serious act).
 (State insane asylums are constantly objecting to the admission
 (of insane criminals (tr.)
 (As the medical superintendent of the Rhode Island Asylum with
 (its 1400 inmates says in his last report: 'Insane criminals
 (should not be cared for at the state hospitals for the
 (insane.'"

The fact appears to be that in some of these cases, the officers of the Department of Justice have been at their wit's end to know what to do with an incorrigible and have taken the Morningside route to get them out of the Territory.

Here they are our greatest mischief makers, sane or insane.

They stir up strife. They embarass ourselves and the Department of the Interior by correspondence from other patients and themselves. They organize break-outs. They compel us to keep patients from outside parole, of advantage to the patients. and the peace and comfort of the institution, through seditious and evil arguments disseminated among a class of people pursuing a contented course toward recovery. if free from such influences. They advise the patients to refrain from exercise and work, moderate and kindly though the requirements at Morningside are, under direction of the Interior Department.

Morningside has a very large parole list. And yet the only patient who has eloped during the past six months was one of these. And this is largely true because the institution has been notably free from this

class during such time.

After these patients become sane there are but two we can do with them. We must either return them to the Court or discharge them. We can only return them when they come with an order so to do from the Court, and it is doubtful even then as to our legal right to revert them to the criminal class.

Let me give you a case.

Patient # 378 was sent us from Otter Precinct in 1911. She was a petty criminal and also insane. She was declared by the Governor, who knew her well, a great nuisance. She had been in jail on a two months sentence for petty thievery. She was later in jail under sentence for six weeks on a charge of vagrancy. She was harmless but a great trouble maker in Alaska. She was finally sent to us. She was an old woman, and as she improved it was difficult to know what to do with her. Finally some friends undertook to mother her and moralize with her, and she was discharged by the institution.

She brought suit against the institution, alleging conspiracy and false imprisonment. Her case covered her history in Alaska and at Morningside. (principally the former.)

Her worst charges were as to hardships she had been compelled to submit at the hands of the officials of the Department of Justice there.

Among other things she charged that an officer of such Department had sought to interpose in her affairs- the Marshal or Deputy- and to force her to submit to sexual intercourse with him or to go to jail, and that she had taken the jail sentence. The whole statement was doubtless a falsehood, but she dovetailed all her alleged troubles into a story so plausible that the jury gave her a judgement for \$2500 against us. The Court set this aside, but the cost of a trial is large, and we are, of course, not through with it yet. She should have been sent, as an insane criminal, to McNeill's Island.

With very high respect, I am,

Sincerely Yours

(signed) Henry Waldo Coe

Copy attested
Henry Waldo Coe
Apr 21, 1917

INSANE CRIMINALS.

This occasion gives me the opportunity of saying something upon a special subject of importance:

There is quite a difference between the insane man or woman who shall commit an act which in a sane person would be criminal, and the person whom we all know as an insane criminal.

The former is often a most promising patient for recovery, the criminal act, even be it homicidal, seeming to act as a sort of safety valve and relief to the nervous system, and rarely does this class of patient after recovery, have a lapse of such symptoms. It is almost always the unrecognized insane never before confined or who before was never violent, who does the violence so often described in the press. Restraint of the whole individual for a time, seems to give to the man added restraint of his nervous system, so that he is able to resist violent impulses which he formerly had, even should there be some mental recurrence. These patients are usually tractable and easily managed, and they get along peacefully and well with their patient associates, and we do not object to their occasional admission into Morningside.

With the criminal who becomes insane, or who is thought to be insane, conditions are quite different. State insane asylums are constantly objecting to their admission. As the medical superintendent of the Rhode Island Asylum, with its 1400 inmates, says in his last report: "Insane criminals should not be cared for at the state hospitals for the insane."

An insane hospital is not a prison, nor are elements of security from escape provided as in a prison, where absolute restraint is sought as a penalty for crime.

It is also doubtless true that criminals in Alaska have feigned insanity in order to be assigned to the mild surveillance existing at Morningside, in the hope that escape might soon be made and freedom gained.

We can not urge too strongly that criminals who become insane, in the interests of our other patients, as well as security in the detention of such criminals, shall through the processes of Alaska law, be committed, or at least detained at McNeill's Island, where several cells have been prepared for insane criminals. The competent medical officer at such institution, among other things, can there make study in such cases to determine whether these people are really insane, or only feign insanity.

RECOVERIES AT MORNINGSIDE.**Greatly Above the Average.**

For nearly fourteen years the Sanitarium Company has been caring for the Alaska insane, during which time an accurate record has been kept in the office of the Secretary of the Interior of the number of patients received and discharged from our institution. The average recovery of insane patients in so-called public institutions is a trifle under 30 per cent of the total number received, covering a period of twenty years. The records of Morningside in the shorter period of thirteen years show 37½ per cent of discharges. In addition to this, there were 7½ per cent of elopements, at least 5 per cent of which were in recovering patients on parole, who broke such parole and left us never to be returned. In other words, if we figured our patients as most state insane asylums do today, in the general classification, including elopements under the usual head, there would be shown a discharge of 42½ per cent in the Alaska patients at Morningside Hospital, 40 per cent greater than occurs in the average institution for the insane.

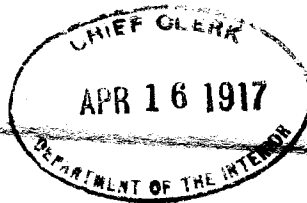
This is a striking feature covering our service. It not only refutes the criminal and damnable misstatement once made that if one gets into Morningside Hospital he must die or escape in order to get out of there, but it is a record of recoveries not paralleled in any other institution for insane in the entire world. Much in this wonderful result must indicate the class and character of the management and treatment of our insane, but as many other state institutions also are managed upon a high humanitarian plane, there must be something else than management alone leading to such a happy result. There can be but one other thing to account for this, and that is the curative effect of the change of climate from the rugged north to the mild, equable climate of Portland.

After reflection, can it be possible that Alaska shall cry out for an increase over the present of insane population within her borders!

Especially when cared for so much better outside.

STAFF:

HENRY WALDO COE, M. D.
 J. W. LUCKEY, M. D.
 C. U. SNIDER, M. D.

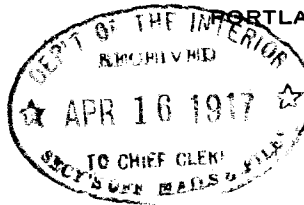


THE SANITARIUM COMPANY
 (INCORPORATED)

HENRY WALDO COE, M. D.
 PRESIDENT AND TREASURER

L. O'CONNOR
 SECRETARY

OFFICE: 516 SELLING BUILDING



PORTLAND, OREGON, April 10 1917.

The Honorable,
 The Secretary of Interior,
 Washington, D.C.

Sir:-

Walter Stoker, of whom we wrote the Department on April 6, who was adjudged as insane at Valdez and regarding whose admission to Morningside we made protest as named in ours of 6th. was delivered at Morningside on the 9th- yesterday.

In order to protect the rights of the Interior Department and ourselves we have filed notice with Judge Frederic Brown, committing magistrate at Valdez as follows:-

"Portland, Oregon, April 9 1917."

" His Honor,
 Frederic Brown Esq.
 Judge, Third Division,
 Valdez, Alaska.

" Dear Judge:-

" Under Commitment of your Court we have at Morningside Mr. Walter Stoker. We are accepting this patient under protest, awaiting further action in such case. This we are doing under the theory and belief that he does not rightfully belong to the Interior Department and that the Department of Justice should locate him either at McNeill's Island or as an expatriated patient at Stellacoom from whence he was paroled while still insane. After going over the case somewhat fully it seems to me as though the issue is more a moral than a mental one. We are making a close and careful study of the case and will shortly have a report thereon. In the interest of the insane of Alaska, I feel certain that it is your desire to co-operate with us as shall be best all around, doing no injustice to Stoker while protecting the best interests of our other Alaskans, more than 200 of them. H.W.C. "

We will write the Department further as soon as we have the case fully in hand. The papers are quite voluminous.

Sincerely Yours

Henry Waldo Coe

APR 18 1917

COPY

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DEPARTMENT OF JUSTICE

Do not read ✓

McG
185375-4

WASHINGTON, D. C. McG-TRC

May 28, 1917.

The Secretary of the Interior.

*9-15-10
sent*

Sir:

There is inclosed herewith a copy of a letter of the 11th instant from Honorable Fred M. Brown, United States District Judge at Valdez, Alaska, who recommends an amendment to Section 2272 of the Compiled Laws of Alaska authorizing the committing of a person found not guilty by reason of insanity to some Federal institution for the detention of the criminally insane. The only Federal institution of this kind appears to be St. Elizabeths Hospital which is under your control.

Your special attention is invited to the statement of the sanitarium company at Portland, Oregon, that they had no authority to hold the patient Stoker if he becomes sane and to their suggestion that Stoker be sent to the McNeil Island penitentiary as an insane criminal. It is, of course, out of the question for such cases to be committed to the McNeil Island penitentiary as that institution has no facilities for handling insane cases and is available only for convicted persons.

Respectfully,

For the Attorney General,
(Sgd.) William C. Fitts

Assistant Attorney General.

Incl. 65881.

*file for use
John C. Brown
8.*

COPY

DEPARTMENT OF JUSTICE

DISTRICT COURT,
DISTRICT OF ALASKA, THIRD DIVISION
JUDGE'S CHAMBERS,
VALDEZ

May 11, 1917.

The Honorable,

The Attorney-General, Washington, D. C.

Sir:

On March 19th I telegraphed you as follows:

"Walter Stoker committed to insane hospital western Washington in nineteen ten dangerous homicidal mania. In nineteen eleven was released or paroled seemingly without reason. Last December shot and killed one man near here and dangerously wounded another. Just tried and found not guilty by reason of insanity. Pursuant to section twenty two seventy two Compiled Laws Alaska please wire authority send him to some federal asylum for criminally insane."

On March 24th I received the following telegram from you:

"Your telegram nineteenth Insane man referred to not being a convict and not being held for crime Attorney General is without authority to act. Man should be committed to Morningside asylum Secretary of Interior having contract with that institution for care of persons legally adjudged insane in Alaska such contract being in accordance act February sixth nineteen hundred nine thirty five statutes page six hundred and one section seven."

On April 4th I received the following from Dr. Henry Waldo Coe, who is in charge of the sanitarium company at Portland, Oregon, where the insane from Alaska are cared for under contract with the Secretary of the Interior:

"Letter received advising us accept and not discharge Stoker apparently subject to lucid intervals and generally sane. We have no authority to hold him if he becomes sane. If you can send him to McNeils Island as insane criminal in the interests of the public and our other patients this should be done."

Atty-Genl. -2

On April 9th I wrote Dr. Coe as follows:

"I am just in receipt of your telegram of April 4th as follows: (quoting above telegram)

In reply I beg to say that this man Stoker was insane at the time the murder was committed. An insane man cannot be convicted of crime. There is a provision of our law where on convicted of a crime and sent from Alaska to McNeil's Island, upon becoming insane after his confinement there, may be taken to some federal hospital for the criminally insane. It would seem that there should be some change in the law to cover such a case as Stoker's and I will take the matter up with the department of justice and see what can be done.

In the meantime there can be no doubt that this man ought to be kept in close custody and not allowed to escape or injure any one else should there be a recurrence of his mania."

There seems to be no difference whether a person is found insane under Section 831 of the Compiled Laws of Alaska or under Section 2272 of the Compiled Laws of Alaska. In either event, he must be sent to the institution already designated by the secretary of the interior and from which there is danger of his being discharged upon his apparent recovery. It is manifest that one who is clearly insane, or was so at the time of the commission of the crime, cannot be convicted for such offense.

I would respectfully suggest that an amendment be made to Section 2272, authorizing the committing of a person found not guilty by reason of insanity to some federal institution for the detention of the criminally insane, where there are adequate facilities for the guarding and safe keeping of such person.

Respectfully,
(Sgd) Fred M. Brown,
District Judge.

DEPARTMENT OF THE INTERIOR

WASHINGTON

JUN 27 1917

Dear Mr. Attorney General:

Referring to your letter of May 26, 1917, inclosing a copy of a letter from Hon. Fred M. Brown, United States District Judge at Valdez, Alaska, who recommended an amendment to Sec. 2272 of the Compiled Laws of Alaska relating to the committing of persons found not guilty by reason of insanity to some Federal institution for the detention of the criminally insane, I transmit herewith copy of a proposed bill amending said section by providing for the commitment, upon the order of the court, of such persons to Saint Elizabeths Hospital at Washington, D.C. If you have no objections to this tentative bill, a copy thereof will be given to Governor Strong, who is now in the city, with a view to its introduction in Congress.

Cordially yours,

(Sgd.) H. A. MEYER

Assistant to the Secretary.

The Honorable
The Attorney General.

Inc. 16386.

9-1-10
Dwell

An Act To amend section 2272, chapter 16, title 14, of the
Compiled Laws of Alaska, 1913.

As it enacted by the Senate and House of Representatives of
the United States of America in Congress assembled, That section 2272,
chapter 16, title 14, (criminal code) of the Compiled Laws of Alaska,
1913, to wit, "Sec. 2272. That if the defense be the insanity of the
defendant the jury must be instructed, if they find him not guilty on
that ground, to state that fact in their verdict, and the court must
thereupon, if it deems his being at large dangerous to the public
peace or safety, order him to be committed to any lunatic asylum
authorized by the United States to receive and keep such persons
until he become sane or be otherwise discharged therefrom by authority
of law.", be amended so as to read as follows: Sec. 2272. That if the
defense be the insanity of the defendant the jury must be instructed,
if they find him not guilty on that ground, to state that fact in their
verdict, and the court must thereupon, if it deems his being at large
dangerous to the public peace or safety, order him to be committed to
Saint Elizabeths Hospital, Washington, D.C., to be kept until he shall
become sane or be otherwise discharged therefrom by authority of law.
The expense attendant upon the guarding, subsisting and transporting
of such insane persons shall be paid from the same source and in the
same manner as in the case of prisoners convicted of crime.

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An Act to amend section 2272, chapter 16, title 14, of the
Compiled Laws of Alaska, 1913.

Be it enacted by the Senate and House of Representatives of
the United States of America in Congress assembled, That section 2272,
chapter 16, title 14, (original code) of the Compiled Laws of Alaska,
1913, to wit, "Sec. 2272. That if the defense be the insanity of the
defendant the jury must be instructed, if they find him not guilty on
that ground, to state that fact in their verdict, and the court must
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of such insane persons shall be paid from the same source and in the
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