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Strom Thurmond

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The Challenge of the Sex Criminal

I feel very close to the medical profession. My grandfather was a doctor. My two brothers are doctors, two of my brothers-in-law are doctors. I have always taken a greater interest than the usual layman in medicine.

There is no profession I can think of which is nobler in its ideals than medicine. In the truest sense, the physician dedicates his life to service to humanity. Nothing in the scheme of civilization is finer than helping the sick and relieving pain.

From the days of Hippocrates, the doctor has earned himself a place apart from other men, and rightly so. His education, his preparation for his profession, are long and arduous. To the end of his career, the physician must study and learn.

In my opinion, medicine can never be put on an assembly-line basis. The great clinics, the great research laboratories, make fine contributions to the advancement of medical science. But in the end, it is the individual doctor - the man himself - who wins the battle against pain and disease.

We live in a miracle age. Atomic bombs and bacteria may doom large cities in a matter of minutes, and machines travel through space faster than sound. Yet the greatest accomplishment of man has been and will continue to be, to prevent illness, conquer disease, and safeguard and improve health.

The achievements of medicine in the past can never be minimized. But the job ahead can only be characterized as tremendous. I was shocked to learn that 4,000,000 men called by Selective Service were physically unfit to bear arms in defense of our Nation when it was in peril during the war. In my own State of South Carolina, 1 out of every 3 men was rejected. Surely something can be done to improve that record.

There are some other things about health in South Carolina which I would rather leave unsaid, but I cannot conscientiously do so. In 1946, 16,000 mothers of my State gave birth without the attendance of a doctor. 90 to 95 percent of our elementary school children need dental attention. We have the third
highest rank in the Nation in infant deaths, the fifth highest rank in venereal dis-
ease. Fifteen of our Counties are without hospital facilities.

One vital need of South Carolina, and most other States, is a well-
organized, long-range health program, to attain the highest possible level of mental, 
physical, and social well-being of our people. It is high time for all of our South-
ern States to set up and carry out such a program. The public is entitled to it.

We need more hospitals, properly distributed and adequate in size, with 
facilities for the application of medical discoveries to the benefit of our people. 
There is a critical shortage of doctors, nurses, and every other type of health and 
medical personnel in South Carolina. According to surveys, South Carolina has 1 
doctor for every 1,659 persons, while the minimum should be 1 for each 1,000. South 
Carolina has 1 dentist for every 5,541 persons, while it should have 1 for every 
2,000. South Carolina has 1 nurse for every 982 persons, while the national aver-
age is 1 for every 357.

In my Inaugural Address, I recommended steps which would vastly in-
crease the benefits of our health system in South Carolina. One of the most neces-
sary was the establishment of a great teaching hospital for the Medical College of 
South Carolina. I am glad to say that this recommendation was enacted into law by 
the Legislature, and I signed the bill some months ago.

As a subject on which to address you tonight, I have chosen one which 
is unpleasant but which, at the same time, is one in which physicians have a consid-
erable interest. My topic is "The Challenge of the Sex Criminal." It has long been 
customary to consider the sex criminal a legal problem, but we now know that he is, 
properly speaking, a medico-legal problem. The increase in sex crimes has given me 
much concern, both as a private citizen and as Governor of South Carolina. Listen 
to a case history:

An offender was sent to prison for larceny, then was paroled. He 
joined the Army and quickly deserted. Arrested, he escaped from military custody. 
In company with another young man, he lured a 13-year-old girl to a deserted cabin, 
raped her, and compelled her to submit to unnatural acts. For this he was sentenced 
to a term of up to 15 years. In less than 2 years he was paroled. He was soon 
picked up for violating the Mann Act, and was returned to prison as a parole vio-
lator. He got another parole within a year. Married and divorced, he took a 
common-law wife. He abandoned their illegitimate child in a hospital. Then he
impersonated a U. S. Marshal, passed a worthless check, and raped a young girl in a rented room. This brought arrest and a sentence to a 2-year probationary term for the impersonation of a U. S. Marshal. He took another common-law wife but soon abandoned her. He promised movie contracts to 2 girls, 16 and 17, and raped each. He murdered one, the other escaped. He was finally executed for the last crime. This is the terrifying, but not very unusual, record of society's failure in dealing with a sex criminal. It forces us to a sobering realization of the shortcomings of our present methods of meeting this menace. We might well examine some of the pertinent facts in this man's record.

1. Before he finally committed murder, he had a long and revealing criminal record. Most sex criminals have such records.

2. Young girls constituted his prey. This is true of a great many sex criminals.

3. His was not a normal sex drive. Marriage, or living with a woman, did not bring satisfaction. Rather there was a morbid, horrifying urge which drove him to acts of sadistic cruelty upon innocent and young victims.

4. His career ended in terror and blood.

5. The law, and society as a whole, failed in its responsibility.

Let me cite another case. The screams of a 10-year-old girl brought neighbors who seized her attacker before he had accomplished an attempted rape. The man was a young sailor. Through the cooperation of an enlightened solicitor and the Naval authorities, he was placed in the psychiatric ward of a Naval hospital for observation and study. A strange story was unfolded. Reared in a broken home, with a vicious father, he had become aware, by the time he passed adolescence, that normal sex had no attraction for him. There was, rather, an overwhelming urge to touch genitals of little girls. This man almost exemplified the story of Dr. Jekyll and Mr. Hyde. He struggled against the demands of his baser nature. The first year of the war came, and he enlisted in the Navy. In the bloody engagements of the Pacific, he gained the reputation among his fellows of bravery to the point of recklessness. He was cited repeatedly for cool courage under fire. So long as he was on his ship he was removed from temptation. He refused shore duty and even shore leave. Finally the war was over and he was forced to face his problem. He married, but normal sex relations brought no satisfaction. His diseased fantasies grew stronger. He began to drink heavily in an effort to escape them, but this only served to lessen his
inhibitions. On the day of the assault he returned to his flat, after having taken several drinks. His wife was out, and the little girl from the adjacent flat was in the hall. The beast in him came to the surface. Calling her into his room, he shut the door and seized her. By God's mercy, her screams were heard.

This man is now receiving skilled psychiatric treatment in a government institution. Perhaps he can be cured. If not, he will be segregated the rest of his life. Let us suppose that he had been handled like the first case I cited and given a short sentence, then paroled, with no effort to understand his warped personality. As sure as the sun shall rise tomorrow, we would shortly have read of another shocking crime, a young life would have been snuffed out, and a family rendered desolate.

Hear what J. Edgar Hoover, Director of the Federal Bureau of Investigation, has to say about the sex criminal and the law: "Every State in the Nation has some kind of law penalizing sex offenders, but only a small portion of the sex offences committed are even known to law enforcement. Too frequently, even after an arrest, the very persons wronged and their families are reluctant to appear in court and testify. Even if prosecution is successful, it invariably is only a stop-gap because some judge may grant probation or some soft-headed parole board may grant a release, or a kind-hearted but expedient governor may grant a pardon."

Consider the first case I have related to you. A man, sentenced for larceny, was paroled. As a former jurist, I stand opposed to paroles and pardons, but in this instance of a parole for larceny, I cannot find any other criticism. Then note the man's future course. He rapes a 13-year-old girl and is arrested. He is sentenced to 15 years. Consider this well - he is paroled in less than 2 years. Arrested for violating the Mann Act, he is returned to prison - within 1 year he again gets a parole. Now, at practically the same time, he passes a rubber check, impersonates a U. S. Marshal, and rapes a young girl. Is he sentenced for rape? He is not! He is given a 2-year-probationary sentence for impersonating a U. S. Marshal. He is then free to end his trail with rape and murder.

We all abhor sex crimes. We consider sex criminals loathsome. We all agree that they are among the worst menaces to society. We think that the sex criminal is worse than the murderer. But we, the members of society, have failed.
to assume complete responsibility for the laws which we make to govern ourselves. Because sex crimes are so repugnant and difficult for the normal person to understand, it is a human failing to forget about them or to put them out of mind. Thus we play directly into the hands of the habitual sex criminal.

In the year 1944, 1,693 people convicted of rape were released from the Nation's prisons. Of that number only 396 had served their full time. Paroles were given 1,281, and 16 received pardons. The average time the rapists had served in prison was 36.2 months — barely more than 3 years. Did they lose their danger in that time? I don't think so. Few, if any of them, had any treatment designed to cure them. They were simply imprisoned on the theory that a man pays his debt to society by serving time. This is outmoded thinking. While serving time, they merely mark time. They are turned loose again on society. Imprisonment alone is virtually useless.

Let me recite you a few bare statistics which tell a chilling and horrible story. During the past 10 years, arrests of rapists with records of prior offenses increased 181%. During that same time, arrests of persons charged with rape increased 62%. Arrests of people charged with prostitution and commercial vice increased 110%. Arrests of other sex offenders jumped 142%. All this means that somewhere in the United States, once in every 43 minutes of every day and every night, a woman or a child is raped.

During 1946, the police authorities of America knew of 8,150 cases of rape. They made 8,308 arrests. During the same year, they arrested 16,256 men and women for sex crimes other than rape and prostitution. My own State of South Carolina made her full share in this frightful record. 15 of my State's cities reported 33 cases of rape in 1946. The same cities reported only 28 in 1945.

We are now suffering from a post war wave of crime. In the first half of 1947, larceny throughout the Nation increased 1.1% over 1946, robbery 1.5%, burglary 2.1%, and assault 2.7%. Rape increased 3.5%.

The number of known sex crimes is now running at the rate of about 40,000 a year. The fault lies both with law-enforcement officers and with us as members of society.

We must face the fact that at the present time the law actually is not equipped to deal with sex criminals. Few States, as reflected by their laws, recognize that sex perversion is a medical as well as a legal problem. It was not
so many years ago that the common practice in case of insanity was simply to in-
carcerate the unfortunate people. Nowadays we know that such imprisonment helped
them in no way. We know that they can be brought back to society through psychia-
tric treatment. We look upon the treatment of insane people in that old method as
a hangover from the Dark Ages. But the sex criminal is still treated in just as
stupid a manner as ever.

We need a complete re-orientation of our thinking with regard to
this type of degenerate. In the first place, there has been too much reluctance
to press charges because of fancied danger to the reputation of the victim. Such
false pride may easily lead to death of the next child victim.

All cases should be prosecuted with the full and relentless vigor
of the law. Too often, because law officers do not have the facilities with which
to deal with sex offenders, the criminals are let off lightly. The pattern is for
minor sex offenders to be given fines, or jailed for short terms, and quickly released.

Two states, in my opinion, have particularly good laws relating to
sex crimes. These are California and Wisconsin.

California requires every person convicted of a sex offense to reg-
ister with the Chief of Police or County Sheriff wherever he lives in the State.
He must re-register whenever he moves. This method enables California law-enforce-
ment officers to keep a list which proves most valuable when new sex crimes are
committed. Generally speaking, it is true that when a person commits one sex crime,
he may commit others. Sex offenders, probably more than any other type of criminal,
repeat.

Wisconsin has a law which makes it possible to detect and hospitalize
potential sex offenders before they have a chance to commit crimes. On petition of
the District Attorney, the court may conduct an examination of anyone suspected of
sexual psychopathy. The suspected psychopath is permitted counsel. The hearing
may be closed to the public. Two court-appointed physicians make an examination.
If the physicians find that the suspect is potentially dangerous, he is committed
to an institution. The sentence is indeterminate; he is released when certified
harmless. He is allowed to appeal to the Supreme Court of the State. The Wiscon-
sin law seems particularly wise to me because of its preventive effect. All author-
ities agree that the proper way to solve the sex-crime problem is to stop it before
it begins. The question of thus committing potential sex criminals is worthy of
serious consideration. South Carolina has no such laws; it has no facilities for
treatment of sex offences. Most States do not.

Earnest study of the problem has convinced me that sex criminals,
even on their first offense, should not be given jail sentences for specific terms.
They should be sentenced to confinement and treatment until they are mentally safe
for release. This may be in a few years, or never. They are not normal human
beings. Their minds are dangerously warped and they are themselves driven by ter-
rible urges. They are much more dangerous to society than those suffering from
ordinary insanity. While in confinement for observation and treatment, they should
receive the best care and rehabilitation of psychiatrists, doctors, and even surgeons
if necessary. Such treatment would cost a great deal, it is true, but it would be
cheap as compared to the misery and unhappiness which these criminals bring all over
our nation.

Here are some suggestions leading to a concrete sex-crime prevention
program which I would like to give you for your consideration tonight:

1. Every city and every town in our nation should have special of-
icers detailed for the detection of potential sex criminals. These specialists
should investigate every reported instance of a sex offense. They should also con-
tinually cover such places as bars, motion picture houses, places of public enter-
tainment, and playgrounds. The sex criminal makes his contacts in places where
people congregate. These local officers should maintain a file on all suspects—
and I mean suspects, as well as convicted persons—and forward copies and infor-
mation on every one of them to State law-enforcement headquarters and to the Fed-
eral Bureau of Investigation for maintenance of a master file.

2. Officers on such details should be given special courses, short
but intensive, in the detection and prevention of sex crimes.

3. All citizens—and I include every one of you—should report to
the police every person they know to be a sexual pervert, and every act which causes
them to believe that a sex crime was contemplated.

4. All suspects picked up should have medical and psychiatric ex-
aminations before they are brought to trial.

5. No "bargain" sentences should ever be imposed. It is true that
it is often difficult to convict a sex criminal. It is, therefore, perhaps natural
that officers of the law should bargain. For instance, in a 6-months study of New
York City courts, it was found that in all charges involving statutory rape, bargain pleas for lesser offenses were accepted in 82% of the cases. Too often, also, offenders are let off because of their "youth". This merely encourages sex criminals, who frequently begin operating at early ages. We all recall cases in which the youth of the offenders did not prevent them from committing murder.

6. Persons convicted of sex crimes should immediately be segregated from other prisoners for confinement and treatment. Penal institutions should have adequate medical and neuro-psychiatric services.

7. Sex suspects and parolees, even though they are certified harmless and are released from imprisonment, should be kept under strict supervision for extended periods.

8. There should be a continuing survey, adequately financed and on a national level, to study the whole problem of sex crimes and sex criminals.

9. Sex education should be given in secondary schools and marital courses in institutions of higher learning. Sex crimes cannot be fought by prudery, and curiosity makes children and adolescents easy victims.

Experience or knowledge gained in one State or community should be available for all parts of our land. Public opinion must be aroused and intelligent interest maintained.

Finally, we must carry always the knowledge that the sex criminal is mentally ill. But his illness is highly dangerous to the children and young people of America. This disease carries more menace than a virulent case of smallpox or meningitis. Should we discover a case of leprosy, which science knows to be very feebly contagious, on the main streets of any city in America, a great hue and cry would be raised. But, ladies and gentlemen, in the main streets of every city in our land walk men with distorted minds and unrestrained urges who are a thousand times more dangerous than any leper. Let us unite in finding them, diagnosing them, quarantining them and perhaps curing them.