

the institution differs from that of the ordinary prison. We hope—and feel there is some reason to believe—that some of these people who have been among the most serious repeaters in our State will be rehabilitated.

If you are going to make provisions for this psychopath group, so that they are afforded treatment of a special kind, it seems to me that from a practical point of view this is not too important a dissent.

But I would refer you, and I am sure that you are well familiar with Judge Biggs' opinion in the *Currens* case, where I think Judge Biggs in a very masterly way takes up in a series of about four paragraphs this whole issue of whether the psychopath should be excluded from the possibility of irresponsibility.

The CHAIRMAN. How do you define "psychopath," Doctor?

Dr. GUTTMACHER. Well——

The CHAIRMAN. Who is a psychopath?

Dr. GUTTMACHER. Well, if you have the time, sir.

The CHAIRMAN. I would just like to know if I ran into one.

Dr. GUTTMACHER. I cannot do it in one word.

The CHAIRMAN. I realize this.

Dr. GUTTMACHER. I would like to——

The CHAIRMAN. We asked about sociopaths yesterday.

Dr. GUTTMACHER. I am sorry, sir, maybe I am confusing the issue. The psychopath is a special group, is a sort of subdivision of the sociopath. What we are really talking about is the same thing. The sociopath and the psychopath are to all intents and purposes for our proceedings here today identical. And if I am confusing the issue in that way, I apologize.

The CHAIRMAN. We had a definition yesterday of sociopath. And I think we had about nine categories in it, and if you had six of the nine, you were a sociopath. And it certainly looked to me like we had an awful lot of sociopaths running around the United States today.

Dr. GUTTMACHER. I am sure we have. And they are not all in prison.

The CHAIRMAN. I am sure this is true.

Dr. GUTTMACHER. That is why I think *Durham*, sir, is so important from the point of view of degree. I think there are degrees of sociopathy in some of my friends, and perhaps we should not exclude myself entirely. But at any rate, I think that this is a matter of degree. And I think that these people become incapable of controlling themselves, and this really is the basis for our decision whether they have the freewill, whether they have the ability to control themselves. I think that when this condition reaches a certain degree of malignancy, that their control system has entirely broken down. So I think it is a matter of degree. I think that this in general true of this whole problem of mental disorder.

The CHAIRMAN. Except this bill that we have before us, which is the one that we are probing at the present time, title II, says, on line 12(a):

Mental disease or defect excluding responsibility, sociopathic and psychopathic personality is not disease or defect.

Now, you take issue with that?

Dr. GUTTMACHER. That is right.