

The CHAIRMAN. "Sociopathic and psychopathic personality is not disease or defect." If it is not a disease or defect, what is it?

Dr. GUTTMACHER. Well, it is a characterological deformity which has been present in the individual from childhood, but would not necessarily have been noticed until later years.

The CHAIRMAN. You would take that particular definition completely out of any proposed statute.

Dr. GUTTMACHER. That is right.

Of course, it is not in the *Durham* rule, and it is not in *McNaghten*, and it is not in a good many others. The ALI rule, of course, has gone out of its way to make this what I think is a gratuitous statement.

There are, of course, very, very few responsible psychiatrists who have had any kind of experience in this field—there are a few arm-chair theorists, perhaps—who would say that just the ordinary recidivist, the man who is dissocial, who has been raised in an environment which has given him poor ethical and social standards, that these people are indistinguishable from the group we call the psychopath. But the vast majority of psychiatrists, particularly those who have had any clinical experience in this field, I think, do not hold that.

I think that there are a group of people who are just ordinary recidivist, and I think there are people who, because of their character deformity, which has been for the most part produced by early noxious situations in which they grew up, that their character deformity is of such magnitude that they are quite incapable of deep-lying drives and attitudes and complexes, that they are not capable of conducting themselves as normal people.

Senator DOMINICK. Mr. Chairman, I wonder if I might ask a question?

It is my understanding—and if I am incorrect, I hope either the chairman or the witness would correct me—that this is a policy decision by the House of Representatives, and what the House, in effect, is saying is that history to date has indicated that sociopathic and psychopathic people should not be put into an institution for rehabilitation because up to date there has been nothing to prove that you can rehabilitate them, and that they can by virtue of their particular type of personality get released from a place like this, and immediately go ahead and commit the same crime again. So therefore, you ought to deter or try to deter them by punishment rather than by rehabilitation.

Dr. GUTTMACHER. As I said, sir, in my remarks a little while ago, from a practical point of view, if you intend to establish a special institution to deal with these people on a treatment basis, I do not think any great harm is done. But I would say that in 99 cases out of 100 these people are—well, that is a figure that perhaps is too high—but in 90 percent of the cases these people are not changed by the ordinary penal institution, and they come out, and they form the most serious group of criminals, or among the most serious groups that we have.

Now, what our batting average is going to be in a place like the Patuxent Institution in Maryland is too early to say.

If we are able to get 50 or 60 percent of these people to be law abiding it will be a triumph. Now, I cannot guarantee that the method we are using in Maryland is going to cure all these people. But I can say that is going to cure—at least in theory, and I believe