Department of Justice

HONORABLE ROBERT F. KENNEDY

ATTORNEY GENERAL OF THE UNITED STATES

ASSOCIATION
FOR THE HELP OF
RETARDED CHILDREN
DINNER

NEW YORK, NEW YORK

MAY 24, 1962

I am grateful for the honor you are paying my wife and me this evening. This recognition might have more appropriately gone to other members of my family who have done the real work in this field. I am particularly grateful for an honor coming from you who have done so much to enrich the lives of our retarded children.

I am not an expert on the problems of retardation in children--only a very interested layman. I must say, however, that I do have some qualification as at least a seasoned amateur on the problems of children generally.

But I would like to look at this problem of retardation tonight from a national perspective--what it means to us as a nation. As Attorney General of the United States, I am charged with the responsibility for seeing that no citizen is deprived of equal protection of the laws, and we are doing a good deal these days to discharge that responsibility. We don't want second class citizens of any kind in this country.

Yet, I believe that we are treating the mentally retarded of this country as second class citizens. We are treating them as second class citizens even among all those who suffer some affliction.

A large number of Americans are involved. There are at least five million people in this country who are mentally retarded. Their condition intimately affects mothers, fathers, brothers and sisters so that at least one in 12 of every Americans lives daily with the difficult problems of retardation.

A great deal is being done in the fights against diabetes, tuberculosis, and muscular dystrophy--and these are important fights that must be won--but mental retardation is ten times more prevalent than diabetes, 20 times more prevalent than tuberculosis, and 25 times as prevalent as muscular dystrophy.

We have shamefully neglected this crucial problem. Government has not done its job. Until 1954, there were no comprehensive state health programs offering special service to the mentally retarded. Until 1957, little federal money was spent for specific research on this subject.

The private record has been no better. Of the 15,000 private foundations in this country, only three or four are working on this problem. Last year the public gave $700 million for health charities of one kind or another, but less than $12,000,000 of this went to help the mentally retarded. That's less than 2% for an affliction which haunts the lives of five million of our fellow citizens.

There are complex social and medical reasons for this neglect. In the early days of our history, people looked upon mental retardation as in some way connected with evil--a visiting of the sins of the fathers upon the children. We were embarrassed by the mentally retarded and cast them out from society.

There are medical reasons also. Retardation isn't a disease in and of itself, but rather a sympton--a symptom that can be related to many diseases or combinations of circumstances. In all, there may be over a hundred different causes. Thus, there is a little chance of dramatic breakthroughs. A long, arduous, piecemeal process is involved. This prospect has not attracted enough attention from enough medical researchers or from those who support them.

This, then is the problem: five million of our fellow citizens and their families are saddled with a great physical, emotional, and financial burden and not enough is being done for them.

We must right this wrong and it can be done.

Very basic things are needed--better care, better training, and research into the causes and cures of retardation.

Too often our care of the retarded has amounted to commitment to grim institutions away from society and family--a segregation just as vicious as other forms we are breaking down. And there aren't even enough beds in these institutions to care for all who seek it. There are over 200,000 mentally retarded patients in institutions and the waiting lists for admittance are long.

Training of the mentally retarded is a hopeful aspect of this problem. A large percentage--at least eighty percent--of all mentally retarded children, if properly handled by parents and carefully educated can be trained for worthwhile jobs in our economy and thus, for normal lives. There is a big "if" in that statement--let me repeat it--"if properly handled by parents and carefully educated."

Little is being done to help parents with retarded children. Parental love can go a long way, but in addition, special knowledge is needed and parents must be provided with this knowledge.

Our educational program for the retarded is inadequate. Less than 25% of our retarded children have access to special education. There are simply not enough teachers and money available. States are pressed on all sides for funds for education and special education projects have been too often neglected.

As late as 1956 no medical school in the country had a research program dedicated to mental retardation; yet almost every major institution had one dedicated to heart disease and one to cancer. In 1960 the Federal Government spent $80 million on cancer research and $80 million on heart disease research but only $10 million on mental retardation.

Research can find cures for retardation; it can help ease its effects; it can find better methods for educating the retarded.

In addition to pure medical research, more needs to be known about long-range social effects. What is the impact of the retarded child upon the family? What is the relationship of juvenile delinquency and retardation? What are the relative merits of institutional and home care?

The retarded are of special concern in my particular area of responsibility--the administration of justice.

Half a century ago we looked upon all retarded persons as basically criminal. In 1912, Walter E. Fernald, the medical superintendent of the Massachusetts School for the Feeble Minded told the Massachusetts Medical Society:

"Every feeble-minded person, especially the high grade imbecile, is a potential criminal needing only the proper environment and opportunity for the development of his criminal tendencies. . .it has been truly said that feeble-mindedness is the mother of crime, pauperism and degeneracy."

We have come a long way in the past fifty years. Now we realize that retardation in itself has nothing to do with criminality. Some studies do show that there is a higher incidence of crime--particularly petty offenses--among the retarded, but we know that this is because of social and economic conditions rather than retardation. In our Federal prisons, the percentage of retarded persons is less than it is in the general population.

The legal problem in this field is not high crime rates among the retarded--this, for the most part is a fantasy; it is how we treat the retarded before the law.

Children and the mentally ill have long been the special concern of the courts. Those unable to defend themselves have been defended by our legal procedures and there is a large body of law on this subject.

But there is virtually no law on the subject of the retarded. We must recognize that low mentality in a defendant is a danger signal for us. We must proceed with caution.

During arrest and interrogation, retarded defendants must be treated with due care. They are likely to be intimidated more easily than others and their judgment in defending their rights is likely to be poor. They may make confessions merely in an effort to please.

Even though we do not know a great deal about mental retardation--we know even less than we know about mental illness--we have a duty to apply what we do know about the mentally retarded to the protection of their rights.

This is not to say that we condone crime because of retardation. It is to say that we must take into account the full circumstances of the crime.

And we must continue to consider these circumstances in the punishment. In the Federal prisons, we are administering intelligence tests and

giving special training to retarded prisoners. The new medical center planned for the Federal prison system which will be located in North Carolina will give special treatment to retarded prisoners. It will also conduct research into the relationships between retardation and crime.

In the long view, however, the legal problems involving the retarded are intertwined with the overall social problem. William H. Seward, Lincoln's Secretary of State and a great trial lawyer, put this issue clearly in a summation to a jury over a hundred years ago. He said:

> "Human life is not safe against pestilence, or against war or against the blow of the maniacs. You can guard against war if you cultivate peace. You can guard against the lightning if you will learn the laws of electricity, and raise the protecting rod. . . . You will be safe against the maniac if you will watch the causes of madness and remove them."

Seward's language is somewhat dated but his logic still is irrefutable. The long term cure for yellow fever was the draining of the swamps which bred the disease carriers. The long range cure for mental retardation will be the clearing of the swamps of ignorance, poverty, malnutrition and superstition which breed it. True, we don't even know many of the causes yet, but some of the tools are at hand and we must forge now.

There are hopeful signs that we are beginning to gird ourselves for a full-scale effort against retardation.

The Federal Government is beginning to move. The President is extremely interested. He has named a panel of distinguished leaders in

science, medicine, law, and education to recommend a national program of research and service. The panel is now at work and will report to the President not later than the end of this year.

These 27 distinguished leaders will present recommendations on the personnel needed, the most promising areas of research, the adequacy of present programs and the relationships among the Federal Government, the states, and private resources in the common effort to help the retarded.

In fiscal 1959, the Federal Government spent only $12.4 million on all services for the retarded including research. This fiscal year we are spending twice that amount--$24 million, and for the next fiscal year, the President has requested $4 million more. This total program of $28 million will bring our efforts for the retarded more in line with what is being done in other fields.

States are beginning to increase their services. In the past five years, state vocational agencies have more than tripled the number of retarded people trained for employment. Beds in residential institutions have increased by 10 percent in the past five years.

Private agencies are bolstering their efforts. The work those of you with the New York chapter of the Association for the Help of Retarded Children has been exemplary. Other organizations have been equally diligent.

Universities, medical schools, and hospitals are stirring. There are exciting things going on at Stanford, the University of Illinois, Johns Hopkins, and Massachusetts General, to name only a few.

And the foundations are beginning to come around. This honor bestowed on me tonight recognizes the work that the Kennedy Foundation has

done, and I hope that others will increasingly turn their efforts in this direction.

But much, much more is needed--needed from the Federal Government, from the states, from the research institutions of the country, from private organizations and foundations.

We as a nation cannot afford to leave this problem unattended. As a matter of resource utilization, it is foolish. 700,000 young men were rejected in World War Two because of mental retardation. Today we are spending $300 million alone on institutional care of our retarded people. Most of these Americans could be productive citizens--tax payers rather than recipients of the tax dollar.

Money spent to help the mentally retarded is a sound investment. It is an investment in our nation's greatest resource--our people. Through care, training, and research those now dependent upon others for the most basic functions of living can be made self-sufficient, and in most cases they can become excellent workers. We have learned that the blind and the physically handicapped, when well trained and well placed, do an excellent job. We have established special, protected outlets for their products. It is time we put the lessons learned with them to work to help the mentally retarded and to help ourselves.

I hope that the training work like you are doing in your workshops here in New York will greatly expand across the country. You are performing a public service so typical of America and it is an obligation of all of us in these times.

As we reach into space for the moon and the stars, we must reach also out to the children at our feet who need our help. This is no esoteric

problem incapable of solution. Certainly it is difficult, and much more is needed. But with your help and work I am confident we will move forward and make significant progress in the years ahead.