May 29, 1956

Honorable Herbert H. Lehman
United States Senate
Washington 25, D. C.

Dear Herbert:

H.R. 6376, the so-called Alaskan Mental Health Bill, passed the House of Representatives on January 18, 1956, and was referred to the Territories Subcommittee of the Senate Committee on Interior and Insular Affairs, of which I am a member.

Senator Jackson, Chairman of the Subcommittee, held extensive hearings on the Alaskan Mental Health Bill on February 20, 21, and March 5. The bill, as amended, was reported to the Senate on May 25, 1956. Printed copies of the hearings are available from the Committee.

The necessity for the Alaskan Mental Health Bill is two-fold. First, under the present Organic Act of Alaska, the Territorial Legislature is specifically prohibited from changing the laws respecting the commitment of the insane of Alaska. Secondly, the legislation is needed to transfer from the Federal Government to the Territory of Alaska, fiscal and functional responsibility for hospitalization and care of the mentally ill of the Territory. This responsibility is now vested in the Secretary of the Interior, and due to the lack of facilities, the Secretary has contracted with a private hospital in Portland, Oregon, for the care and treatment of the mentally ill of the Territory.

The bill, as it originally passed the House, aroused a great storm of protest from groups all over the country. It was branded "Siberia, U.S.A.," and was described as a Congressional plan to banish wrong thinkers from the country. Most of the criticism was directed at Title 1 of the House Bill which consisted of some thirty-nine pages of commitment procedures.

The bill, as reported, is, in substance, an amendment in the nature of a substitute, originally proposed by me, which, in effect, turns over to the Territory of Alaska responsibility for prescribing procedures for commitment, care, and treatment of the mentally ill. My reason for submitting the amendment was the feeling on my part...
that it was ridiculous for Congress in a paternalistic attitude to deal with the intricacies of care and commitment procedures, when by the terms of H.R. 6376, the Territorial Legislature was authorized to amend the laws passed by Congress at any time it wished. My feeling is that the Territory is best qualified to determine what procedures are suitable for Alaska, and that it—not Congress—should deal with such legislation.

The bill, as reported by the Senate Interior Committee, is composed of three parts. First, authorization for Alaska to prescribe care, commitment, and treatment procedures. Second, a grant-in-aid provision. Third, a land grant.

The first section, which I have already discussed, is the main difference between the House and Senate versions of the bill; the grants in aid and land grant being identical. A great deal of criticism has been directed at the million acres of land which Alaska, under the terms of the bill, is authorized to select from the vacant and unappropriated public lands of Alaska. The Territory consists of some 375 million acres of land, more than 99 per cent of which is Federally owned. After the Territory has selected its million acres, the Federal Government will still own 98 plus per cent of the total Alaskan Territory. The purpose of this land grant is not to provide a site for the hospital, but is designed to provide a tax base for the Territorial Government of Alaska so that the Federal Government will be relieved of the fiscal responsibility for the mental health program. The income from the million acres is not earmarked solely for mental health, but may be used for other public purposes.

The enclosed report on H.R. 6376 should answer all of the questions that may have been raised by your constituents in regard to this bill. I honestly feel that the bill in its present form is a good piece of legislation, and I encourage your support when it is considered on the Floor.

Sincerely,

Barry Goldwater

Enclosure