

1927

Year

426

Chapter

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State of New York

In Assembly

MAY 2 1927

Ordered, That the Clerk deliver the bill entitled

AN ACT

To amend the insanity law, to conform to the state departments law, generally, and repealing the mental deficiency law, certain provisions of article thirteen of the state departments law, article eight of the state charities law and amending the prison law, in relation to Dannemora and Matteawan state hospitals and the institutions for defective delinquents at Waparush

to the Senate, and request their concurrence in the same.

By order

FRED W. HAMMOND

Clerk

IN SENATE
Passed Without Amendment

MAR 23 1927

By order of the SENATE

Ernest A. Gray

CLERK

Office Hours
9 to 1
By Appointment

*Get Bill
status
to desk*

MICHAEL OSNATO, M. D.
34 East 64th Street, New York
121 East 60th Street

J. T. S. (308)
(A-13) for you
Telephone Rinkelander 8947
March 4, 1927.

Governor Alfred E. Smith,
Executive Mansion,
Albany, New York.

My dear Governor:-

This letter refers to Assembly Bill No. 308, Introductory, (print numbers 359, 1285). The Society for Clinical Psychiatry, the New York Neurological Society, the Psychiatric Section of the Academy of Medicine and the New York Psychiatric Society have appointed a committee to study this bill, and the full committee has already had a hearing before the Committee on Reorganization, which sponsors the bill above mentioned. The full committee has appointed a sub-committee of which I am chairman, with instructions to lay before you their views concerning this bill as regards four points. These refer to the following:

1. Page 11, line 22, the provision for the inspection of State hospitals.
2. Page 44, line 23, the provision empowering the Governor to appoint a superintendent in case of a disagreement between the Commission and the Board of Visitors.
3. Page 52, line 20, the provision which empowers the Commissioner to promulgate new by-laws, rules and regulations governing the internal management of State hospitals.
4. Page 8, line 14, which provides for the tenure of office of the Commissioner of Mental Hygiene

Governor Alfred E. Smith.

co-terminous with that of the Governor.

5. Page 9, line 23, which provides that the Assistant Commissioner in charge of the Division of Mental Hygiene shall be a physician of actual experience in the care of mental diseases, but does not specifically give the qualifications as referred to the length of his experience.

The medical societies which have appointed members of the Committee interested in these matters are all of the special medical organizations in this State especially interested in the treatment and care of the nervous and mental patients. The members of these societies naturally have a keen interest in the welfare of the patients and of institutions in this State charged with the care of the mentally sick, and they are extremely desirous of bringing to your attention their views concerning Assembly Introductory Bill No. 308.

May I, as Chairman of the Sub-Committee representing these societies, have the privilege of receiving an appointment to present these views to you at your convenience?

Sincerely yours,

Michael Deane

M.G./EJH.

March 15, 1927.

Dr. Michael Osnato,
121 East 60th Street,
New York City.

Dear Doctor:

I have your letter of March fourth in relation to Assembly Bill, Introductory No. 308 to amend the insanity law. The bill is not before me. If there is anything in it to which you object, I would strongly suggest that you get in touch with the leaders of both houses or with the Commissioner of Mental Hygiene. Of course I will be glad to see you and put you in touch with them any time you desire to call. I will be here all this week and all of next.

sincerely yours,

March 18, 1927.

Governor Alfred E. Smith,
Executive Mansion,
Albany, New York.

My dear Governor:-

Thank you very much for your letter dated March 15, 1927, in answer to mine of March 4th. Since writing you I find that all of the proposed provisions which occupied the attention of the committees of the various societies which I represent and which were objectionable to them in Assembly Bill No. 308 Introductory, have been satisfactorily amended, with the exception of the provision for the tenure of office of the Commissioner of Mental Hygiene, page 8, line 14; and the provision describing the qualifications of the Assistant Commissioner in charge of the Division of Mental Hygiene, page 9, line 23.

We feel very strongly that the tenure of office of the Commissioner of Mental Hygiene should not end with that of the Governor. This particular commissionership should be placed on a par, in this respect, with those of Education and Health. As it would work out if the bill became a law, no properly qualified man of attainments and position would think of taking the job.

I understand that the present Commissioner, Dr. Parsons, to protect himself against eventualities, has not deemed it wise to resign his position as Superintendent of the Buffalo State Hospital. This, of course, is neither fair to

Governor Alfred E. Smith.

the Acting Superintendent of the Buffalo State Hospital, who cannot with assurance undertake any constructive work at that institution; nor is it fair to the Commissioner of Mental Hygiene, who cannot broaden his vision and lay his plans beyond the two-year term of Governor, or the four-year term as the proposed change in the Constitution provides. This is an example of what will happen with the limited tenure. Naturally Dr. Parsons, for obvious reasons, cannot himself advance arguments against this provision of the Bill No. 308. It would be indelicate for him to do so.

I am given to understand that Senator Moses, the introducer of the bill, sticks rather rigidly on this one provision; therefore it might not be possible to influence the leaders of the houses, as you suggest. Certainly there is no need of my seeing Dr. Parsons, because I know that he is heartily in favor of our point of view. However, if you feel that a trip to Albany, with presentation of our viewpoint to leaders of both houses is the thing to do, I will come up whenever you can arrange such an interview, as you have graciously offered to do. There is the fear, however, that the objectionable provision will probably be allowed to remain in the bill, and that for the sake of its otherwise favorable provisions, you may sign the bill, and thus the proposers hope to make the Commissioner of Mental Hygiene one of the plums of political patronage.

May I ask you to write me what day next week would be the most favorable one for my trip, if you feel that I should present our ideas on this subject to the leaders of the Senate and Assembly.

Respectfully yours

7
Maxwell Belmont

March 19, 1927.

Michael Conato, M. D.,
121 East 60th Street,
New York City.

Dear Dr. Conato:

I have your letter of March 18th and I note its contents. If you expect to have any amendments made to the bill of which you speak, you will have to be here early in the week as the Legislature is scheduled for adjournment on Friday. I do not think your objection is so very serious in so far as it relates to the Commissioner himself, and as to the other part of it your letter gives no reason for your objection. I have been given to understand that this bill has the complete approval of Dr. Parsons. As far as the tenure of office is concerned it does not mean anything. In the last analysis all department heads hold office practically at the pleasure of the Governor. No department head or commissioner can remain in office if the Governor desires to get rid of him. You had a sample of that during the administration of Governor Miller. When two members of the Hospital Commission appeared before the Senate and made the statement that the amount of money included in the appropriation bills for the care and management of the institutions for the insane was inadequate, Governor Miller promptly sent for them and asked for their resignations. No commissioner feels like holding office after the Governor's expressed wish to the contrary, so that as a matter of fact tenure of office does not mean anything.

I repeat, I do not know anything about your objections to the provision describing the qualifications of the Assistant Commissioner in charge of the Division of Mental Hygiene. I do know, however, that that section of the bill, in fact the whole bill is approved by Dr. Parsons.

Best wishes.

Sincerely yours,

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MICHAEL OSNATO, M. D.
121 East 60th Street
New York

REGENT 2670

March 22, 1927.

Governor Alfred E. Smith,
The Executive Mansion,
Albany, New York.

My dear Governor:-

I have your very kind letter of March 19th, 1927. Referring to the objection to the provision describing the qualifications of the Assistant Commissioner in charge of the Division of Mental Hygiene, please note that I have since learned that in the amended bill re-organizing the State Hospital services, the qualifications of this appointee have been satisfactorily provided for.

That leaves only the objection which relates to the tenure of office of the Commissioner himself as the only point of interest engaging the attention of the Academy of Medicine, Section of Neurology, the New York Neurological Society, the Society for Clinical Psychiatry and the New York Psychiatric Society, all of whom I represent, as Chairman of the Sub-Committee.

Of course when you say that in the last analysis all department heads hold office at the pleasure of the Governor, we realize that that is so. However, if a term of office of say seven years were written into the law, the presumption of a tenure beyond that of the Governor would be of sufficient comfort to encourage men of the proper timber and qualifications to undertake the responsibility of the Commissionership. My Committee is very anxious about this point.

However, I talked with Dr. Parsons last night, and he seemed to be fearful that if any attempt were made now to change the law in what appeared to him to be this unessential particular, there was a very good chance that the whole re-organization of the State Hospitals Systems might be indefinitely postponed, and the bill not passed at this Legislative Session.

We of course desire to do nothing to tie up Dr. Parsons' hands in the administration of his difficult work, and for that reason I thought better of my original plan to go with the Committee to Albany to make a final plea that the tenure of office of the Commissioner of Mental Hygiene be made not co-terminus with that of the Governor, but be for a much longer period.

Thank you very much for your consideration.

Respectfully,

Michael Osnato

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M. O. /EJH.

COUDERT BROTHERS
2 RECTOR STREET

5205-1a30d

NEW YORK March 17th, 1927.

Hon. Alfred E. Smith,
Governor of the State of New York,
The Capitol, Albany, New York.

My dear Governor:

I am writing this letter, not as a lawyer but rather as one father to another. Senate Bill No. 210 was introduced by Senator Westall for the creation of a Department of Mental Hygiene. Its terms are such that the Department might contend for broad jurisdiction not only over those who are mentally backward or defective and who are a menace to the community, but also over those who are as harmless as infants. I happen to be the father of one young lady who has never been adjudged incompetent but who is simply a child mentally.

For years my daughter attended the well-known Seguin School in Orange, N. J. Mrs. Seguin told us, after she had been with her for more than ten years, that it would be better to place her with someone like Miss Brewster of Newburg, N. Y., who would give her all the comforts of a home. My wife (who is now dead) and I after a very careful investigation placed my daughter with Miss Brewster. Her health so improved that we never regretted the change. For the past few years some State officials have been striving to make Miss Brewster take out a State license, and submit to State jurisdiction.

Miss Brewster has but eight adults and children in her care, and, on the advice of friends, lawyers and parents, she

COUDERT BROTHERS
2 RECTOR STREET

NEW YORK March 17th, 1927.

To Governor Smith

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has steadily declined. Now, her lawyers tell her that if Senate Bill #210 becomes a law, she will probably have to submit to the State. As the parent of one who is in no way a danger to the public, I submit that I can care for my daughter at my own home or in a home of my selection without State interference. All I ask is, that such right be respected, and that the Bill be made clear on that point. An amendment to that effect has been submitted to Senator Westall. A copy of it is enclosed herewith. Will you kindly say a word to Senator Westall; and if an interview is requested by counsel for Miss Brewster will you kindly grant it?

Thanking you in advance, and with Best Wishes for your future, and for your continued success, I remain,

Respectfully yours,



JOHN P. MURRAY.

JPM:MG

Enclosure.

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Nothing in this act contained shall be construed to interfere with the right of any parent or guardian of a feeble minded child or adult, who has not been certified or adjudged to be mentally defective, to retain such child or adult in his or her own custody and control or in that of any relative or other person selected by such parent or guardian. The commissioner shall have no power to supervise, control, investigate or in any manner interfere with persons in the custody of such parents, guardians, relatives or persons selected by them; provided, however, that upon proof that any such feeble minded person is neglected or ill treated so as to endanger his or her health, or is a menace to the community, the commissioner may apply to a judge or justice specified in Section 120 of this act for an adjudication of mental defectiveness and for commitment of such feeble minded person to an institution as therein provided. No such application shall be made except upon due notice to the person having the actual custody of such feeble minded person, and no order shall be made thereon except after a hearing at which any parent, guardian, relative, or other person requesting to be heard on behalf of such feeble minded person shall have an opportunity to present evidence and shall be heard.

March 19, 1927.

Mr. John F. Murray,
Messrs. Conder Brothers,
2 Rector St.,
New York City.

Dear Sir:

Replying to your letter of March 17th, I beg to advise that with the amount of legislation coming here in the last few days of the Legislative Session, it is impossible for us to make the investigation of the proposed laws that you request. We have all we can do in looking after the bills that actually pass the Legislature.

I have filed your letter with the bill and if the bill does come here the Governor will see your letter.

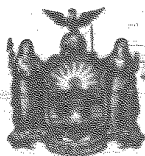
In the meantime, I believe you ought to expend all your energy on the introducers.

With kindest regards, I am

Very truly yours,

Counsel to the Governor.

200/24



STATE OF NEW YORK
DEPARTMENT OF MENTAL HYGIENE

ALBANY March 30, 1927.

Hon. Edward G. Griffin,
Counsel to the Governor,
Albany, N. Y.

Dear Mr. Griffin:

I have your memorandum of March 26 requesting a statement regarding Assembly Bill, Int. No. 308, Pr. No. 2051, amending the Insanity Law generally, and establishing the Mental Hygiene Law.

This Bill is one sponsored by the Committee on Reorganization. It has been amended twice to correct obvious errors appearing in the first print, and as a result of criticisms made at the public hearing conducted by the Joint Senate and Assembly Committees.

I favor the approval of the Bill by the Governor, and at this time I know of no serious defects in the Bill as passed by the Legislature.


In the general plan, the Bill follows very closely the recommendations of the Committee on Reorganization of the State Government. The most important departure from the recommendations of that

Mr. Griffin

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Committee, is the final decision to transfer the Matteawan State Hospital and the Institution for Defective Delinquents at Napanoch, to the jurisdiction of the Department of Correction. I personally, favor this transfer because I am convinced the primary function of these institutions is penal rather than curative.

Very truly yours,


FREDERICK W. PARSONS, M.D.
Commissioner

FWP/W