

MEMORANDUM ON THE CENTER FOR THE STUDY OF VIOLENT BEHAVIOR

Prepared by the Committee
Opposing Psychiatric Abuse
of Prisoners - April 5, 1973

In his January, 1973, State of the State message Governor Reagan announced the formation of a Center for the Reduction of Life-Threatening Behavior. Several proposals have been drafted to obtain funding for this project, the most recent of which has been submitted March 1 to Dr. Stubblebine and the CCCJ, and which will be considered by the Senate Health and Welfare Committee on April 11th. The project has been re-named the Center for the Study of Violent Behavior.

We recognize, as all citizens must, that violence is a major concern today. It is therefore uncomfortable for us to be put in the position of opposing an attempted solution to this most severe problem. Nevertheless, because we are concerned both with the reduction of violence and with the protection of human rights, we are forced to object strenuously to a plan which is lacking in scientific merit and which contains no ethical or legal safeguards against abuse.

In 1968 California officials secretly amygdalotomized three prisoners, paying scant regard to legal and ethical issues of informed consent. This serious tampering with the human brain yielded no favorable results for reducing crime or violence. In fact, the prisoner reported by officials to be the most improved is still in prison. His old symptoms have returned, and he now suffers additionally from memory loss and other effects of the brain destruction. A program of mind-crippling psychosurgery was nearly established in 1971, before secret documents came to public attention and forced the Department of Corrections and the University of California, San Francisco (which had agreed to perform the operations) to back off from their plan. The proposed Center for the Study of Violent Behavior represents a resurrection of this same scientifically invalid, ethically deficient, and legally questionable practice. Although the present proposal represents only a small proportion of the research to be conducted by the Center, already the guidelines are clear as to the direction in which the Center's work will be navigated. Chemical castration, psychosurgery, and testing of experimental drugs on involuntarily incarcerated individuals are prominent features of the proposal. Notably lacking is research into the ethical and legal limitations on such activity. In the press release accompanying the proposal Dr. Stubblebine emphasizes that the Center will "develop standards to absolutely protect the legal, civil, and human rights of any person volunteering to participate in any program to be conducted by the Center." No such research is outlined in the proposal, yet the projects it seeks to fund immediately involve the most severe intrusion into the human psyche. The proposal establishes no mechanisms to protect the rights of the persons who will be experimented upon.

In an age of rapidly advancing technology, when new methods of scientific control of mind and behavior are becoming a reality, and when the cry for law and order at any cost is at its most shrill, it is necessary to be even more sensitive to the preservation of human dignity and fundamental principles of liberty and freedom. It is also necessary to be sensitive to the possibility of political manipulation of scientific research to repress healthy dissent and legitimate disagreement in a changing society. Our examination of the proposed Center convinces us that it is particularly susceptible to political manipulation, totally devoid of protections for human rights and liberties, scientifically inadequate, and generally unresponsive to the pressing need for a decrease in the level of violence in our culture. A brief examination of the reasons why we are forced to this conclusion follows.

POLITICAL MANIPULATION

It is significant that the latest proposal does not address itself to the key administrative points: how the Center is to be structured and who shall control it. Examination of earlier drafts of the Center proposal, in which these points are covered in some detail, reveals that the original plan for a partly University-controlled Center has been replaced with a facility controlled by politically appointed State officials. For example, in Draft No. 2 it is stated that the University of California will obtain direct operational control almost immediately and that the Health and Welfare Agency (HWA), in establishing the Center, will conform to policies and procedures of the University (p. 11). In draft No. 3, however, control by U.C.L.A. has evaporated. Fiscal and operational control is vested in two committees, neither of which contains a University majority. Draft No. 3 drops the requirement that HWA meet U.C.L.A. policies and procedures.

In Draft No. 2 the "Advisory" Committee to assist the Director in running the Center is to be appointed by the President of the University after consultation with the secretary of HWA. The Committee is to be composed of 80% faculty members or "University-related" members and 20% State of California members. One important function of the Committee is to make the operation of the Center and its research and action projects responsive to the needs of HWA (p. 14).

Draft No. 3 retains the "Advisory" Committee and its functions, but makes a highly significant alteration in its structure. Under the new draft, the ratio of University to State members is reduced from 80%-20% to 50%-50%, thus insuring that the University will not control the Center. In addition, now that the University has lost control of the Committee, the function of the "Advisory" Committee becomes one of governance. Page 8 of Draft No. 3 states that "The Center will be within the University of California, and will be controlled by an Advisory Committee composed of University and State members." Thus this Committee is advisory in name only; in actual fact it replaces the Director as the governing agent of the Center.

Draft No. 2 gives the Director authority to secure non-State funding without the consent of the State's Coordinating Council (p. 13). Draft No. 3 gives the Director no such authorization, thus making all outside funds politically dependent on State approval and appraisal.

In addition to an "Advisory" Committee, both drafts include plans for the establishment of a Coordinating Council to be composed exclusively of State officials appointed by the Secretary of HWA. In Draft No. 3 the membership of this Council includes members of the legal, medical, and law enforcement communities on an ex officio basis (p. 7). Draft No. 2 contained no such provision. The explanation for this change is found in the objectives of the Center. Draft No. 3 states that the Center will serve as a focus for the University, the State Government, the judicial system, and law enforcement for the development of models to reduce violence (p. 8). Draft No. 2 did not as clearly tie the Center into providing models for the judicial and law enforcement officials. Both drafts, however, view the function of the Coordinating Council as insuring that the programs at the Center pursue the objectives and priorities of HWA. One wonders what happens to academic freedom when the funding and direction of University professors is dictated by political appointees. The Council is also designed to see that programs developed at the Center be put into use by the appropriate State agencies (Draft No. 2, p. 14; No. 3, pp. 7-8).

The Coordinating Council in both drafts is given the authority to review and clear all grant requests not generated by the Center, which indicates that research and action outside the University will be funded through the nominally University-based Center. Where will these outside researchers be located? Will they work in the State prisons, which are specified as loci of the Center's work in Draft No. 2, but which are not named specifically in Draft No. 4?

Summary. The Center will be controlled by State officials who will determine what research and what action is carried out, how funds are to be acquired and disbursed, and how Center programs are to be implemented. U.C.L.A. will control the day-to-day operation of the Center but will have minimal ability to set goals and policies. The progression from Draft No. 2 to Draft No. 3 clearly shows the intention of HWA to retain full decisional control over the Center's work. Since the University has no members on the Coordinating Council and only 50% representation on the Advisory Committee, it is clear that control is never really turned over to U.C.L.A. Regretably, we have not yet had time to examine whether the California Constitution and laws establishing the University of California allow this type of Center to be under its auspices. Our initial reaction is that there is a Constitutional problem presented by the control mechanism as presently conceived.

This Center is, in short, a laboratory for the Department of Corrections and law enforcement officials with the diaphanous veneer of U.C.L.A. used to make it appear to be a respectable University research facility. The analogy of weapons research under Defense Department grants to University science departments immediately springs to mind. Thus, rather than basic, solid research on violence and its causes, we will see programs of control, detection, and prevention developed for implementation by law enforcement officials. Indeed, early drafts of the Center proposal indicate that these are its primary goals (Draft No. 2, p. 2; No. 3, p. 1). Both drafts concentrate on "detection, prevention, control and treatment" while virtually ignoring the most important aspect of all: the causes of violence. Such a set of applied goals, ignoring the cause, is inconsistent with an understanding of the nature of violence but perfectly compatible with

suppression techniques whose nature is to impose violence on individuals in the name of medical treatment and/or law enforcement.

ETHICAL QUESTIONS

As noted earlier, the emphasis in Dr. Stubblebine's press release on development of ethical and legal strictures on research and testing is nonexistent in the actual programs sought to be funded. It seems quite clear that the Center is not concerned with these matters, since it intends to use chemical castration drugs on involuntarily committed men (Draft No. 4, p. 25), psychosurgery and other mind-destroying interventions into the brain (p. 27 and the San Francisco Examiner (April 1, 1973) report of remarks by Drs. West and Stubblebine), and other types of human experimentation (pp. 12, 31, 35) before any guidelines have been developed as to the legality or ethical validity of these practices. A sensitivity to human values and legal rights would have made the investigation of the moral, legal and religious aspects of the question of violence the top priority that must be resolved before any human research begins. The fact that this has not been done speaks for itself.

Draft No. 4, the current draft, thus intends immediately to begin research with human subjects. To the best of our knowledge this research has not been cleared by the appropriate U.C.L.A. Committee on Human Experimentation. The University of California, San Francisco, regulations require that "No grant or contract will be approved and no gift will be accepted until the protocol has had campus approval" (emphasis in original). We assume that U.C.L.A. has similar regulations. Has their Committee on Human Experimentation approved the proposal? Have they seen it? If not, how can the Center legally operate? It should be noted here that if the Committee had already given permission they would have done so in the absence of a scientifically rigorous program and in the absence of ethical and legal limitations built-in to that research. If HWA presently funds the Center without the Human Experimentation Committee having been consulted, HWA may itself be in violation of the law.

Another point which may be subsumed under the heading of Ethical Questions is the lack of research on control over the technologies being developed. With the heavy emphasis on prior detection and subsequent suppression of violent behavior, it is certain that techniques of control will be developed which are potentially capable of political abuse by governmental authorities. We have far too many examples in this century of humanely intended research being politically used for inhumane purposes. Nowhere in the several drafts of the proposal is there any mention of a program to evaluate methods for preventing abuse of scientific research on violence. If our technology continues to advance significantly further than our ability to control that technology, we will become helpless to resist being oppressed by it. Thus research on control would seem to be a logical high priority, but it is wholly absent from the proposal. Since implementation of the Center's research and action is placed in the hands of correctional, law enforcement, and public school officials, there is even greater need to devise methods to protect citizens against manipulation for political purposes.

SCIENTIFIC MERIT

Draft No. 4 contains the fullest statement so far of the nature of the research and action to be conducted at the Center. cursory examination suggests that most of the projects are too vague to constitute scientific research and too incomplete to be seriously considered for funding. Closer examination reveals some terrifying implications.

Certain projects could be legitimate and useful, such as those which seek to coordinate the literature on violence (p. 23) or establish emergency service (p. 56). But other projects are more questionable. Why establish a public relations television program ("Violence Clinic") now when the research that is to be the basis of the programs has not yet been begun? Why fund a project on Cultural Differences in Violent Behavior from State welfare monies when the diverse American sub-cultures are not involved, but rather the investigators want a paid trip to Yemen to study what they call a tribe of "Indians" who take an exotic narcotic drug?

Of far more serious concern are the projects which involve direct intrusion into the minds and bodies of human subjects. To fund such projects on the basis of a two or three paragraph general description is to throw scientific methodology out the window. In almost all cases these projects have no fully defined goal and no specified procedure for achieving a goal. In some cases the research has already proven to be ineffective. For the purposes of this memorandum we

would like to concentrate on the project which attempts to link Violence Prediction and Brain Waves. At least one-third of the total number of projects are based on the same scientific view.

This project has been done before. It is basic psychosurgery, and associated attempts to develop mass screening methods to detect the "potentially violent" person, with no scientific basis for understanding the causes of violence. The theory which is advanced to support this research has been expressed by Drs. Vernon Mark, William Sweet and Frank Ervin. In the summer of 1967 they published in the Journal of the American Medical Association a letter suggesting that the violence in the Detroit riots was caused not by poverty, poor housing, etc., but by individuals with malfunctioning brains. This thesis is further expounded in Mark and Ervin's book, Violence and the Brain, which describes their preference for psychosurgery and indicates their desire to develop mass screening methods to predict violence through a battery of tests to be applied to the general public, or segments thereof, in routine examinations. But these doctors have not been content to sit in academic offices and expostulate theories of social control. Using almost \$1,000,000 of Federal money, they have performed brain operations to control violence. In one instance they secured the patient's consent while he was having his brain electrically stimulated. He later retracted this consent but was coerced into changing his mind again. In another case their patient committed suicide after two operations, when a third was being planned, an outcome which the psychosurgeons found to be "gratifying", since the woman's ability to plan and execute her death showed that the brain operations had not impaired too drastically her cognitive facilities. Michael Crichton's terrifying novel, The Terminal Man, is based on one of the patients of Drs. Ervin, Mark, and Sweet. The proposal listed on page 27 of the current draft is the Ervin-Mark-Sweet research project. Dr. Ervin is presently on the faculty of U.C.L.A. An earlier draft (No. 1) of the proposal indicates that he will take part in the research. Why is he not listed in the recent proposals when it is his ideas and his experience which forms the background of this program? Is it conceivable that he would not participate in a program that has been his life's work? And why did Dr. Ervin come to U.C.L.A. just as funding appeared to be imminent for continuation of his research in Boston?

The proposal to equate violence with brain dysfunction, which is so prominently featured in several of the projects under submission in Draft No. 4, was considered recently by Congress when Ervin, Mark, and Sweet applied directly to Congress for an additional \$1 million to continue their scientific exploits. Congress finally turned them down after investigation disclosed the shoddy operation they were running and the scientific invalidity of the approach they were taking. It was shortly after the denial of this money to Ervin-Mark-Sweet that the announcement was made by Dr. Earl Brian, Secretary of HWA, that \$1 million would be given to fund the U.C.L.A. Center. Coincidence?

We do not have answers to the questions of the preceding two paragraphs, but we do have the following information about Dr. Ervin and his colleagues. Fuller documentation is available for each of the facts stated below.

An internal document from the Federal funding source, the Law Enforcement Assistance Administration (LEAA), indicates that the Boston group (Ervin-Mark-Sweet) engaged in the following practices: they paid a consultant at twice the lawful daily rate in violation of express terms of their grant; they attempted to purchase equipment on a non-competitive basis from a company in which Dr. Ervin is the major stockholder; Dr. Ervin left the project without notifying LEAA, which he was required to do, and appointed as a replacement a non-qualified person. In addition, a scientific peer review of their research, requested by LEAA, found that it "contributes relatively little to our knowledge of biological factors in violence" and concluded that the project was "unsatisfactory" in carrying out the stated aims of the original grant proposal. "The authors have not come up with any test procedure for the identification of violent criminals and have advanced no concepts of heuristic value that might serve as a basis for further work." (emphasis added) The psychosurgery trial now being litigated in Detroit has revealed that one of the doctors at the Lafayette Clinic visited the Boston group and what he found was "quite disturbing": low morale on the part of the staff, low level personnel preparing the report to the funding source on the results of the program (not one member of this staff was a physician), and poor results only partially describe Ervin-Mark-Sweet's scientific research. Corroboration of this viewpoint was obtained from other doctors who had worked with them. Dr. Jose Delgado of Yale complained of "sloppy" practices. Most important of all is the fact that their research did not and cannot establish a link between temporal lobe epilepsy and violence. Careful reading of their publications shows that they use psychosurgery to pacify patients who then still retain their brain disorders

but no longer cause as much trouble to their caretakers. Ervin-Mark-Sweet do not seem to believe in follow-ups, but what evidence does exist suggests that their patients have become duller people. One is presently in a V.A. hospital in Los Angeles and is expected never to return to society again. Ervin and Mark describe him in Violence and the Brain as a "brilliant engineer." Society has lost the value of his mind through the intervention of the Boston group. This must not be allowed to happen at U.C.L.A.

Other projects in Draft No. 4 are also open to serious question. One illustration is provided by the Treatment of Violent Young Offenders project at page 46. It need only be pointed out that solitary confinement, torture, electric shock, and mind-altering drugs have all been used under the label of "behavior modification," the technique proposed for this experiment. In California in particular, these practices have been undertaken on prisoners and mental patients as "treatment." Dr. Stubblebine has been quoted by the San Francisco Examiner as saying that this behavior modification project will employ punishment -- what kind of punishment is not stated. Does Dr. Stubblebine know? Does he care one way or the other? Should open-ended funding be given for "punishment?"

CONCLUSION

This brief memorandum concludes by placing the Violence Center in the perspective of other voices heard around the country as to the "answer" to violence. A Santa Monica psychosurgeon has spontaneously offered to do brain operations on California prisoners, especially young aggressive males. Dr. Ralph K. Schwitzgebel, a colleague of Dr. Sweet, and Dr. Robert L. Schwitzgebel of the Claremont Graduate School in California have just published a book, Psychotechnology: Electronic Control of Mind and Behavior, in which they describe the present and potential uses of brain implants and radio telemetry to monitor human emotions, location, and behavior, and to control behavior in various fields, including law enforcement. Dr. Barton Ingraham and Dr. Gerald W. Smith, both recent recipients of Ph.D. degrees from the School of Criminology, University of California, Berkeley, recently advocated the permanent implantation of radio receiver-transmitters in the brains of parolees (Issues in Criminology, Fall, 1972). They envision the automatic monitoring of parolees by a computer which, if it detected a probability of misbehavior by the parolee, would cause him to abandon his activities by delivering an electrical shock to his brain and/or by calling the police to his radio-monitored location. A number of prototypes of such devices have been tested under field conditions, and the Schwitzgebel brothers have designed methods to insure that the wearer of the device cannot remove or disarm it.

A recent report, not yet fully confirmed, discloses a program in California to computerize files on "pre-delinquent" children so that early behavior problems can be filed and the individuals who exhibit these tendencies can be checked for the rest of their lives. The computer files of these primary-grade children are prepared without the consent of their parents and are tied into the files of law enforcement agencies.

This is a grim picture indeed. We ask that U.C. L. A. not become a place where politicians obtain the techniques for scientific pacification of our population. As taxpayers we ask that money be spent only on carefully drafted proposals with at least a possibility of reducing the level of unhealthy violence in our society and that a blank check not be given to pursue research on methods of repression. As concerned citizens we ask that strict adherence be paid to the legal rights and guarantees of freedom which serve as a cornerstone of our nation. And finally, as human beings we ask for the preservation of our dignity.

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