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Innocence by Reason of Insanity

by Marien Helz

On a dreadful October night in 1994, Susan Smith murdered her two children by strapping them into their child seats and driving the car into a river. From then until the time of her trial, everyone in the nation wanted her dead. She was the hated object of talk shows. The town where she lived wanted her obliterated from their history.

Then came the trial and with it the details of her life. Included were a father's suicide when she was a young child, molestation as a teenager by a seemingly irreproachable stepfather, a husband who had left the marriage for his mistress. The recalcitrant husband played endless games: threatening a man she was seeing not to call "his wife," having his mistress follow Smith around spying on her. In a self-pitying article by Smith's husband, he reported that during the trial, she asked to see him and in that visit she suggested that they should have more children. He referred to that incident as causing him to feel that she was so awful that never wanted to see her again. What the statement proved, however, was that Susan Smith had moved out of the realm of rational thought. She was, at the time, facing the death penalty. As it was, she was sentenced to "life" in prison with a possibility of parole in something like thirty years. At that point, it will be unlikely, if even possible, for her to have more children.

Susan Smith was clearly insane. The men who used her were tampering with a mind too fragile to endure it. The sheriff who solved the case, Howard Wells, was "disgusted by the men who used her and in their own ways contributed to the tragedy," according to an article written by Rick Bragg for the N.Y. Times News Service. Bragg quoted Wells, "Susan Smith is smart in every area except life." What a loss.

In 2001, Andrea Yates, in a crime infinitely more horrible, drowned her five children in the family bathtub. The crime was unthinkable because the children, most of whom were too young to get so much as a drink of water without her assistance, knew that their own mother was murdering them with intent, and she killed them with her own hands. The eldest, seven years old, had tried to escape her knowing by that time what she had done to the others. She, herself, told a psychiatrist that the three year old had come in as she was filling the bathtub and asked, "Mommy, are we going to take a bath today?" That scene, as it's painted for us, evokes horror beyond measure. It reveals the sweet purity of young children who can take pleasure and interest in the simplest things and slams that against the depraved evil of Yates' intentions. Within the span of what must have been approximately half an hour, those living, breathing, thinking, feeling children were irretrievably dead.

Yates suffered from postpartum depression in perhaps its most severe form. She and her husband had been told by her psychiatrist that she must not become pregnant again after their fourth child was born. The doctor noted in the record that the client and husband were determined to have as many children as nature would allow. After Yates was found guilty, her mother revealed that Russell Yates had bragged after the birth of their fourth child that he had never changed a diaper. After the trial, Russell Yates stated, some people "don't understand the biochemical nature of Andrea's illness." That implied that he did. He should have understood it since he was informed about it from her doctors. He also should have understood that when there is such a severe biochemical problem, sleep deprivation dangerously exacerbates it. Since Andrea Yates was doing all the care taking for five children from the ages of six months to seven years old, she had to be exhausted beyond endurance. Anyone who has been responsible for a newborn understands how tiring that is even with the assistance of the other parent. It is unfortunate that our laws cannot be sophisticated enough to charge Russell Yates with the crimes of which he is morally guilty.

Andrea Yates' crimes were actions so aberrant that by their very nature, they indicate insanity.

Yet for both Smith and Yates, the insanity defense was unsuccessful. In essence, the juries' decisions were a statement that there are some crimes for which one cannot be insane enough to be innocent by reason of insanity.

And they are right.

Again and again, psychiatrists have released murderers from mental institutions asserting that they are no longer a danger to themselves or others:

- ◆ **In 1990 Lamont Reukauf attempted the murder of his mother. He had been released from Buffalo Psychiatric Center as the result of an insanity plea after he murdered his four year old son. His doctors had thought that his mental illness was "in remission."**
- ◆ **In 1983 Frank Mohan killed one of his brothers, seriously wounded another, and then shot two policemen after being recently released from a psychiatric unit.**
- ◆ **In 1975 Paul Harrington spent two months in a psychiatric facility for killing his wife and two children. Authorities thought that he could lead a normal life. In January 2000, in Detroit, he murdered his second wife and their three year old son.**
- ◆ **In Atlanta, in 1990, James C. Brady, who had been recently released from a mental institution, opened fire in a shopping mall killing one person and wounding four others.**
- ◆ **In Manhattan, in 1995, an escaped mental patient murdered a woman by pushing her beneath a subway car. Weeks before that he had been released from an institution after a team of psychiatrists and other mental-health professionals decided that he was "not dangerous to himself or to others." He was one of hundreds of LWOC [leaves without consent] mental patients in the previous two years.**
- ◆ **In Buffalo, George Fitzsimmons was judged innocent by reason of insanity of killing his parents in 1969. He was released from the Psychiatric Center after doctors declared him no longer "a danger to himself and others." His aunt and uncle in Pennsylvania took him in. In 1973, he murdered them with a hunting knife.**

The list goes on. Psychiatrists clearly have no idea whether or not someone who has murdered is any longer "a danger to himself or others." Yet, some of them are willing to assert that they do know. If those mental health workers were held accountable for any subsequent murders committed by people whose release they effected, they certainly would be more cautious about their assertions. They should, in fact, be charged as accessories to the crime because that is what they are. In a number of cases, they feel that the murderer will be perfectly normal if they continue taking their medication. There is no way, however, to ensure that those released continue taking medicine.

In both Susan Smith's and Andrea Yates' cases, the juries made the tough call. How could anyone not feel sympathetic toward Susan Smith who was barely out of childhood herself at the time of her crime. Her mother's account of her life in prison reveals that she lives in anguish and torment, especially on the dates of her children's births. She apparently injures herself with any implement available to her. Had the judge and jury been kind, they would have sentenced her to death, and her agony would be over. It is not the courts' duty to be kind, however. It is their duty to be just.

It is our duty, the duty of every last one of us, as members of the society, the culture, the world, to never in any way become inured to these crimes, to never be less shocked or horrified by them on such occasions that they recur, and to never overlook the seriousness of them by allowing the perpetrators to repeat the actions as a result of false sympathy on the part of the justice system.

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The Ethics of Silence

by Susan Johnson

In the U.S., we're born with the right to life, liberty, and the pursuit of happiness. But, are we born with the right to silence? When the Constitution was signed, quietude wasn't hard to find. Internal combustion engines hadn't been invented and neither had telephones or electronic devices. In the time since, nearly everything we use has been motorized and amplified, trading peace and quiet for the benefits of technology.

Nature first provided humans with ears, our highly sophisticated personal hearing devices, for one important purpose—safety. Thousands of years ago it was necessary to stay out of a mastodon's way—easier to do if you first heard it coming. Loud sounds still have an extreme effect on a person's central nervous system because they can be the first indication of a flight or fight situation.

In the years that came between mastodons and mass production, we also used our ears to find food. The honk of a goose or the rustle of a rabbit told our ancestors that dinner was nearby. We used them for pleasure as well. The song of a bird must have seemed as sweet to the Neanderthals, at some level, as it does to us and the percussion of drums must have echoed in their chests as much as it does in ours.

Though the ancients might marvel at our range of mechanical, musical and virtual sounds, it was they who possessed one that is nearly impossible for us to find or duplicate today—the sound of natural silence.

There are millions of people who have never experienced the sweet hum of nothing but a nearby bee. Neither in their homes nor outside have they been without the drone of engines, the beep of horns and phones, and the relentless cacophony of radio and television. Gone forever in their world is the music of wind funneling through a canyon and the soft flap of wings made by overhead ravens.

Inevitable as it is in cities, noise has come to the wilderness as well. This is as tragic in its proportions as it is in its origins, for with this discord comes the death of our relationship to nature, that pure and fathomless force that gave all of us life. To sever this bond is to, ultimately, sever our very lifeline—for every human mystery has its answer in nature. How can we hear its clues when we are deafened by engines?

Solving the riddles of our existence, both physical and metaphysical, can only be done with sustained mental reflection, but how are we to have a continuous revelatory thought when even the shortest of thoughts are constantly interrupted? When you consider the fact that nearly every great symphony was composed, nearly every brilliant theory was developed, that the most important facets of the universe were deduced before a person needed soundproofed walls or a thousand empty acres between themselves and others, we may come to realize that the paucity of recent discoveries is due to one missing element—silence.

Our psyches need silence for reflection. Regardless of one's religious beliefs, silence is the language of our souls, a necessary condition of meditation, and a means through which we can receive intellectual and emotional epiphanies.

Noise not only deprives us of this enlightenment but is injurious on physical levels as well. Loud noises can permanently damage the tiny hairs called cilia that are located inside our inner ear and enable us to hear. Learning, reading, physical balance, and speaking are all adversely affected by damage to our hearing and, more than any other sense, including sight, hearing enables us to communicate with others, a precious capability without which one quickly becomes separated from humanity.

Separation is only the beginning of the damage that can be done. At certain decibel levels, the death of humans and other mammals can occur. Beaked whales in the Bahamas that were being tested by the Navy for their response to sonar died from its effects. Three other types of whales off the coast of Hawaii that were subjected to high sonar frequencies abandoned their calves, a reaction not only uncommon but unheard of in nine years of oceanic research on these mammals by Dr. Marsha Green, an Albright College psychobiologist who is a plaintiff in an action against the Navy's testing.

So powerful are the effects of loud noises on humans that acoustic weapons are now being developed for law enforcement agencies to use in riot control and to stun hijackers. Though these government agencies are eager to have non-lethal sound weapons, their sister agencies, the FAA and the EPA, have done little and sometimes nothing to protect innocent citizens from the constantly worsening aircraft noise near airports and from the hundreds of small sightseeing helicopters and biplanes that ruin the experience of many of the United States' most beautiful natural attractions. Even the thunder of Niagara Falls can barely be heard over the clamor of the 'copters while a few thousand miles away, the silent grandeur of the Grand Canyon has become a nightmare of noise, both airborne and terrestrial.

This is all the more maddening because people who pay for a helicopter ride simply want a helicopter ride. It doesn't matter to them what they see. Nature isn't the least bit important to them. If it were, they wouldn't be trying to see it from an aircraft. Nature isn't about manmade noise nor is it about being separated by glass and metal from soil and substance. It's about treading softly on land that provides sanctuary and the opportunity to worship directly the form of nature's creations.

If it doesn't occur to the visiting tourists, it ought to be painfully obvious to the operators of these loud and intrusive aircraft that their presence in a natural environment is morally wrong. National parks and forest land were not set aside so that anyone with a pilot's license would benefit financially at the emotional expense of everyone else who came to experience the areas on foot.

The problem is one of expectations. Wherever we travel, there are certain decibel levels that are appropriate. At a rock concert, one expects to hear hard throbbing noise. At a race track, one expects to hear huge engines. A forest or canyon has its own set of expectations—in particular—the sound of natural silence. It's as wrong to insist on silence at a race track as it is to create mechanical noise in a wilderness, but, while the race tracks follow this logic by getting progressively louder, the woods do not—they're getting louder too.

This disaffection is all the more jarring because our five senses of sight and sound, and touch, taste, and smell are acutely aligned. The slightest disconnection between any of them signals to the brain that something is wrong. When one's eyes look out upon a vast protected canyon, one expects to hear only the murmur of nature, of wind and water and wildlife. If it sounds like an airport, the brain says that one is not in a natural place, not in a refuge. The experience is ruined.

Vacationers aren't the only ones suffering from noise pollution. In offices and homes where we conduct ourselves among others, it is also common to encounter unwelcomed sound.

The problem here is one of simple civility. The person who prefers silence does not infringe in any way on the person who wants noise because sound (along with its attendant risk of hearing damage) can be obtained by anyone who wants it, at whatever decibel level they want, through the use of headphones. However, the person who insists on outward sound is infringing on everyone who prefers silence, and is, and should be, considered to be as polluting as a smoker who fouls the air for everyone nearby.

It took decades before smokers were finally ousted from offices and restaurants. Lessons learned from smoke pollution ought to be helpful in the law-making process of prohibiting sound pollution so that years from now we won't have the same sort of lawsuits against noise-making machinery makers that we now have against the tobacco conglomerates.

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