

Second Declaration of David V. Foster, M.D.

Nov. 17, 1997

I, DAVID V. FOSTER, M.D., declare as follows:

1. I have reviewed the government's pleading filed November 14, 1997 in support of its motion to preclude mental health testimony in Theodore Kaczynski's case. Cited as evidence that Mr. Kaczynski is not refusing psychiatric evaluation due to his mental disorder are five letters of Mr. Kaczynski written in 1988, 1991 and 1993 to various mental health professionals or agencies seeking help with depression, insomnia and severe social deficits. In the redacted letters submitted to the court, several clinically significant passages are deleted. These constitute contemporaneous documentation that Mr. Kaczynski suffered severe psychiatric disability. In these deleted sections, Mr. Kaczynski describes significant psychological torment, gives indications of his paranoia, provides evidence of some of his very impaired social and economic functioning, and describes both depression as well as insomnia resulting from his inability to comprehend the nature of his disabilities.

2. Even unredacted portions of the letter of July 11, 1988 reflect that he would "prefer" to correspond in writing rather than communicating face-to-face with a potential therapist. In the letter of July 12, 1991, he relates his lack of friends or social contacts. His comfort with solitude is contrasted with his longing for even a single close, personal, loving and respectful relationship. He describes a lack of social skills and social self confidence and a painful interpersonal sensitivity, that, in spite of his longing for a nurturing intimate relationship, has kept him socially isolated. He expresses a wish for help in learning basic social skills and social self confidence. As is typical of those with severe psychiatric impairments, he seeks to explain his disabling problems in simplistic ways that demonstrate lack of insight into his psychiatric disorder. In his letters of October 6, 1993, he requested help for intractable insomnia. He reports that he had sought help from his general practitioner, but that the antidepressant he was placed on to help with sleep did not work and gave him troubling side effects. (He alludes to his embarrassment in discussing sexual side effects, but antidepressants are also known to frequently make psychotic symptoms worse.) He goes on to describe why he feels his problem is probably beyond the qualifications of a general practitioner, and to express exaggerated and convoluted fears that information discussed with his doctor would be disclosed to the general community.

3. In summary, the deleted portions of these letters are consistent with and support the large body of evidence available in Mr. Kaczynski's other writings that Mr. Kaczynski suffers from a severe mental impairment that has caused him intense emotional pain, has impaired his social and emotional functioning, is accompanied by intolerable interpersonal sensitivity, and has given rise to all-encompassing delusional, paranoid thought processes. Given his stated views that psychiatrists are agents of the social machine which was increasingly invading and assaulting his life and depriving all in its path of free will, the fact that he was seeking help at all is evidence of the degree of

mental agony from which he suffered. The fact that he did not succeed in getting the therapy he desperately longed for is evidence of how his psychiatric condition impaired him from getting the most basic assistance with his problems.

4. Mr. Kaczynski agreed to see me very reluctantly and primarily to assist him in evaluating his health worries – such as his over sensitivity to sound, his sleep disturbance, and his fear that his heart might burst from the anxiety of going through his trial. His paranoia about psychiatrists made it very difficult to broach his psychiatric symptoms with him in a direct way. In fact, early on in our sessions, he looked me in the face and said, "You are the enemy." As I have previously indicated, after significant efforts to build a relationship with Mr. Kaczynski, when I finally addressed his symptoms with any degree of specificity, he refused to see me further. Based on my subsequent consultation with Karen Bronk Froming, Ph.D., a qualified neuropsychologist, I am informed that Mr. Kaczynski consented to neuropsychological testing in the hope of proving that he did not suffer the neurological deficit that gives rise to the symptoms of the disorder from which he suffers. When Dr. Froming discussed some of Mr. Kaczynski's deficits with him, he refused to see her further as well.

5. This lack of insight and agitated or avoidant behavior in response to a discussion of deficits, as well as the neuropsychological test results, are all clinically consistent with Mr. Kaczynski's mental illness. No single document or selection of documents from Mr. Kaczynski's voluminous personal writings is indispensable to an accurate diagnosis. When considered in full and in the context of other evidence of his illness, the letters submitted by the government confirm, rather than refute, Mr. Kaczynski's genuine terror at the prospect of examination by the government psychiatrists.

The foregoing is true and correct and executed under penalty of perjury under the laws of the United States of America on this 17th day of November, 1997.

DAVID V. FOSTER, M.D.
(signature)

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