

First Declaration of David V. Foster

Nov. 12, 1997

U.S. District Court, Eastern District, Sacramento
I, David Vernon Foster. M.D.. declare as follows:

1. I am a physician licensed to practice in the states of California and Hawaii. I received a B.A. degree in 1968 from Pacific Union College in Angwin, California. I studied under developmental psychologist Jean Piaget in Geneva, Switzerland, and in 1973 I received my M.D. degree from Loma Linda University, Loma Linda, California. I completed a medical internship at white Memorial Medical Center in Los Angeles (1973-1974) and a residency at the Los Angeles County/USC Medical Center (1974-1977). Subsequently, I completed a fellowship in child psychiatry at the UCLA Neuropsychiatric Institute (1977-1979). I am Diplomate of the American Board of Psychiatry and Neurology and am Board Certified in Child and Adolescent Psychiatry. (A copy of my curriculum vitae is attached to this declaration as Appendix A.)

2. I currently maintain a private practice in Auburn, California, specializing in child, adolescent, and adult neuropsychiatry. I am also Medical Director for Community Psychiatric Center's Auburn Oaks Partial Hospitalization Program, a program for assisting those with severe psychiatric disorders to avoid or shorten in-patient hospitalization. I am also psychiatric consultant for the Placer County Children's Collaborative, a multi-agency, multi-disciplinary project designed to produce significant improvement in the outcomes for children and youth at risk for serious behavioral, legal, emotional, educational, and family problems.

3. From 1989 to 1993, I was Medical Director of Adolescent Services at Charter Hospital of Sacramento. From 1987 to 1989, I was chief of Children's Mental Health for Hawaii State Department of Health. During this time I also was an Attending Psychiatrist at Kahi Mohala Hospital in Ewa Beach, Hawaii. Prior to that, from 1979 to 1987, I held several positions at New England Memorial Hospital in Stoneham, Massachusetts, including Director of Adult and Adolescent Inpatient Services, Acting Director of the Department of Human Services (1985); Acting Chief of Psychiatry (1984-1985), Acting Director of the Child Inpatient Psychiatric Unit (1982-1984), Psychiatric Supervisor of Outpatient Services (1979-1983), and Senior Clinical Supervisor of Child Inpatient Services (1979-1983). I was founder and former Co-Director (1981 - 1984) of the Center for Family Treatment in Stoneham, Massachusetts.

4. I was a Clinical Instructor in Psychiatry at Harvard Medical School from 1979 to 1987. During that period, I also supervised residents and fellows in psychiatry and child psychiatry, and pre- and postdoctoral fellows in psychology at Cambridge Hospital's Department of Psychiatry. I was responsible, with other colleagues, for teaching courses in child psychopharmacology and psychopathology to fellows in child psychiatry. From 1980 to 1984, I was a lecturer in child psychiatry, family therapy and biopsychosocial medicine in the family practice residency program of Boston Univer-

sity's School of Medicine. I have served as a consultant to physicians, rehabilitation programs and health care providers, both public and private. I have lectured extensively on behavioral neurology and brain and behavior relationships.

5. I have testified or submitted declarations in state and federal court for both the prosecution and the defense in criminal proceedings. I have conducted many evaluations of prisoners in county jails and state prisons.

6. Counsel for Theodore J. Kaczynski requested that I evaluate Mr. Kaczynski regarding the nature, presence, and severity of any mental disorders suffered by Mr. Kaczynski and assist counsel in exploring with Mr. Kaczynski mental state evidence that should be presented at trial.

7. In order to perform the requested task, it was necessary for me to review extensive background material relating to Mr. Kaczynski and to the offenses with which he is charged: The materials I reviewed included volumes of Mr. Kaczynski's personal journals, decades of correspondence between Mr. Kaczynski and his family, detailed notebook entries, news clips he collected, treatises on technological society, correspondence with legislators and others, social history documents, medical records, family history records and other documents provided by counsel. I have also interviewed members of Mr. Kaczynski's family and reviewed reports of interviews of persons who observed him at different periods in his life. These data provide an indepth picture of Mr. Kaczynski's social history and global functioning.

8. Mr. Kaczynski's writings and life history data provide a clear and consistent picture of schizophrenia, paranoid type; a chronic neurobiological brain disorder with possible genetic etiology that is characterized by substantial impairments in inferential thinking, behavioral monitoring, and other aspects of psychosocial functioning. A central organizing feature of Mr. Kaczynski's delusional system is a belief that every aspect of his existence is controlled by an omnipotent organization against which he is powerless.

9. During the course of my consultation with Mr. Kaczynski's attorneys, I met with him five times for periods of up to three hours. My interviews of Mr. Kaczynski confirmed my diagnostic impression that he suffers from schizophrenia, paranoid type, but did not disclose diagnostic symptoms in addition to those identifiable in his writings. In my professional opinion, which I hold to a degree of medical certainty, it is possible to render a reliable opinion of the mental disease suffered by Mr. Kaczynski based on the volume, frequency, and content of his writings and the specific symptoms of brain disorder demonstrated throughout his childhood and until the time of his arrest.

10. Mr. Kaczynski's writings cover a span of nearly four decades from adolescence to his arrest and chronicle his delusional thinking. Social isolation and preoccupation

with delusional themes such as mind control, civilized society's efforts to destroy him, and annihilation by technological society are consistently found in his writings. The delusions that plague Mr. Kaczynski have invaded all spheres of his life and dictate his actions. He believes, and rejects any argument to the contrary, that technological society intends to destroy him and others like him. According to his writings, Mr. Kaczynski chronically views accidental or intentional personal contact with other people, newspaper articles, scientific advances, commercial and residential development, air traffic, and radio and television broadcasts as threats to his survival.

11. His writings, in combination with physical evidence removed from his cabin following his arrest, document his disorganized behavior in a variety of ways. He experienced unpredictable episodes of agitation in response to a chance encounter with another person in the wilderness or thoughts of technological advancement. His psychosocial functioning deteriorated markedly over the course of his illness.

12. Mr. Kaczynski's writings and other background material chart a course of increasing deterioration in his social functioning, another symptom of schizophrenia. His deteriorating functioning in these domains is distinct from the evidence of his organized survival-motivated behavior, including those behaviors that were the product of his delusional system.

13. An essential component of Mr. Kaczynski's brain disorder is his deeply ingrained fear of being considered mentally ill. The series of meetings I held with Mr. Kaczynski were for the purpose of serving as liaison between him and his counsel to encourage Mr. Kaczynski to explore the mental health issues involved in his case. I approached the meetings mindful from his writings and background that Mr. Kaczynski had expressed a perception of psychiatrists as agents of a science of the brain given to mind control and personality alteration. In Mr. Kaczynski's perception, psychiatrists seek to eliminate free will and personal autonomy by creating a population that is wholly compliant with the needs of an omnipotent system.

14. A significant feature of Mr. Kaczynski's illness is his pathological fear and compulsive aversion to evaluation by psychiatrists. I attempted to proceed cautiously in each of our meetings and to be respectful of his life-long fears and concerns. I acknowledged his fears and concerns and explained the necessity of addressing the symptoms of his illness. Upon broaching with any degree of specificity the symptoms and course of his illness. Mr. Kaczynski became visibly upset and shortly thereafter discontinued the meetings. At no time did I discuss with Mr. Kaczynski the conduct with which he is charged. The state of Mr. Kaczynski's cabin and personal effects, and the unusually thorough, voluminous and descriptive material available for review provide ample evidence of his mental illness. This is clinically evident despite Mr. Kaczynski's symptom-based failure to cooperate fully with psychiatric evaluation. The information available to me,

exclusive of personal observations of Mr. Kaczynski, provides compelling evidence that Mr. Kaczynski's psychiatric condition drove him to seek isolation and that isolation amplified his psychosis. The available data further demonstrate that Mr. Kaczynski's conduct was the product of his sincere belief that he needed to defend himself against annihilation by an omnipotent organization against which he felt helpless.

The foregoing is true and correct and executed under penalty of perjury under the laws of the state of California and the United States of America on this 11th day of November, 1997.

(Signature)

DAVID VERNON FOSTER, M.D.

The Ted K Archive

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