

**Declaration of Phillip J. Resnick,
M.D. in United States v. Kaczynski.**

November 19, 1997

Declaration of Phillip J. Resnick, M.D.

I, Phillip J. Resnick, do hereby state as follows:

1) I am a board certified psychiatrist with Added Qualifications in Forensic Psychiatry. I am currently employed as a Professor of Psychiatry at Case Western Reserve University School of Medicine in Cleveland, Ohio.

2) I have a Bachelor of Arts degree in Psychology and a medical degree from Case Western Reserve University. I completed a one year internship at William Beaumont Hospital and a three year psychiatry residency at University Hospitals of Cleveland.

3) I have reviewed the voluminous writings of Mr. Theodore Kaczynski, the defense motion dated November 18, 1997, and the attached declarations of Dr. Xavier Amador, Dr. David Foster, and Dr. Karen Froming. In addition, I interviewed neighbors and associates of Mr. Kaczynski in Lincoln, Montana.

4) Mr. Robert Cleary has requested that I communicate my opinions regarding the refusal of Mr. Kaczynski to submit to a psychiatric examination by government experts.

5) It is my opinion that Mr. Kaczynski's refusal to submit to a psychiatric examination by government experts is willful, based on his own goals. Specifically, I believe that Mr. Kaczynski does not want to be labeled mentally ill. The following evidence supports this opinion:

- a. Mr. Kaczynski wrote in his journals that one of the reasons he was leaving a written record of his motives for his planned killings was to avoid the possibility that his actions would be explained as those of a "sickie." The following excerpts demonstrate this:

"I intend to start killing people. If I am successful at this, it is possible that, when I am caught (not alive, I fervently hope!) there will be some speculation in the news media as to my motives for killing (As in the case of Charles Whitman, who killed some 13 people in Texas in the '60s). If such speculation occurs, they are bound to make me out to be a sickie, and to ascribe to me motives of a sordid or "sick" type. Of course, the term "sick" in such a context represents a value-judgement. I am not very concerned about the

[The below text is half-finished error correcting]
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negative value-judgements that will be made about me, but it does anger me that the facts of my psychology will be misrepresented. For that reason I have attempted to give here an account of my own personality and its development that will be as accurate as possible."

"As I said, if I succeed in killing enough people, the news media may have something to say about me when I am killed or caught. And they are bound to try to analyse my psychology and depict me as "sick." In [s/o] this connection I would point out that many tame, conformist types seem to have a powerful need to depict the enemy of society as sordid, repulsive, or "sick." This powerful bias should be borne in mind in reading any attempts to analyse my psychology."

- b. Mr. Kaczynski was intent on doing well on the psychological testing with Dr. Froming and assured her there was nothing wrong with him. He authorized the testing only because he believed that it would prove that he did not suffer from any neurological deficit impairing his social functioning (Froming declaration).

6) It is possible that Mr. Kaczynski is not suffering from a severe mental illness and does not want to be unjustly labeled as mentally ill. He may have rationally concluded that if he were labeled mentally ill, his political anti-technology agenda would be denigrated. It is also possible that Mr. Kaczynski is mentally ill and lacks insight into his illness. Since the majority of schizophrenics lack insight into their illness, the lack of insight itself does not explain his refusal to be examined. Most schizophrenics without insight referred for court mandated examinations cooperate in such examinations.

7) It is my opinion that Mr. Kaczynski is not fearful of a psychiatric examination by government experts due to any mental illness. The following evidence supports this opinion:

- a. Mr. Kaczynski did not reveal fear of being examined to any of his mental health examiners. Specifically, he did not reveal fear of examination to Dr. Foster or Dr. Froming.
- b. Mr. Kaczynski was willing to see Dr. Foster due to some health concerns and he was willing to see Dr. Froming to prove that he was not mentally or neurologically impaired.
- c. Although Dr. Foster alleged in his declaration that the letters submitted by the government in support of their motion filed November 14, 1997 confirmed Mr. Kaczynski's genuine terror at the prospect of examination by

government experts, I could find no evidence of terror in any of those letters, redacted or unredacted.

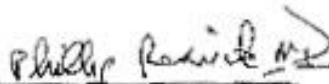
8) Dr. Amador stated in his declaration, "It is not at all surprising, in my experience, that Mr. Kaczynski, with his paranoid delusions, would refuse an evaluation demanded by a government agency that seeks his death. Given the number and type of paranoid delusions held by Mr. Kaczynski, it is my opinion that he would be incapable of trusting the truthfulness and moral integrity of anyone representing the government." It is my opinion that even in the absence of paranoid delusions, a reasonable person would be appropriately guarded and uneasy with psychiatric examiners employed by a government that is seeking his death.

9) It is my opinion that the writings of Mr. Kaczynski alone would not provide an adequate basis to rebut an allegation that Mr. Kaczynski's illness precluded his formation of the requisite mens rea for the crimes with which he is charged. A face to face examination in which I could inquire directly about his thinking and motives for the crimes would provide invaluable data.

10) A defense motion has suggested that mental health professionals who both had contact with Mr. Kaczynski and relied on documents, should be allowed to testify based upon the documents only. It is my opinion that once a mental health expert has seen documents and seen the defendant, it would not be possible to rule out unconscious contamination of the opinion from having seen the defendant personally.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on November 19, 1997.


Phillip J. Rasnick, M.D.

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b. Mr. Kaczynski was intent on doing well on the psychological testing with Dr. Fromling and assured her there was nothing wrong with him. He authorized the testing

only because he believed that it would prove that he did not suffer from any neurological deficit impairing his social functioning (Framing declaration).

6) It is possible that Mr. Kaczynski is not suffering from a severe mental illness and does not want to be unjustly labeled as mentally ill. He may have rationally concluded that if he were labeled mentally ill, his political anti-technology agenda would be denigrated. It is also possible that Mr. Kaczynski is mentally ill and lacks insight into his illness. Since the majority of schizophrenics lack insight into their illness, the lack of insight itself does not explain his refusal to be examined. Most schizophrenics without insight referred for court mandated examinations cooperate in such examinations.

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b. Mr. Kaczynski was willing to see Dr. Foster due to his health concerns and he was willing to ask Dr. Framing to prove that he was not mentally or neurologically impaired.

c. Although Dr. Foster alleged in his declaration that the letters submitted by the government in support of their motion filed November 14, 1997 confirmed Mr. Kaczynski's genuine terror at the prospect of examination by government experts, I could find no evidence of terror in any of those letters, redacted or unredacted.

8) Dr. Amador stated in his declaration, "It is not at all surprising, in my experience, that Mr. Kaczynski, with his paranoid delusions* would refuse an evaluation demanded by a government agency that seeks his death. Given the number and type of paranoid delusions held by Mr. Kaczynski, it is my opinion that he would be incapable of trusting the truthfulness and moral integrity of anyone representing the government.* It is my opinion that even in the absence of paranoid delusions, a reasonable person would be appropriately guarded and uneasy with psychiatric examiners employed by a government that is seeking his death.

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20)

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[signed]
Phillip J. Keshick, M.D.

The Ted K Archive

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