

From the Unabomber to Loughner (Preview)

Jon Michaud

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Jared Lee Loughner, the man accused of the Tucson shooting spree on Saturday, is to be defended in court by the renowned trial lawyer Judy Clarke. Clarke is no stranger to high-profile cases: she has represented the 9/11 conspirator Zacarias Moussaoui; Eric Rudolph, the Atlanta Olympics bomber; Susan Smith, the South Carolina woman who murdered her two sons, and Ted Kaczynski, the Unabomber.

The Kaczynski trial was the subject of a 1999 Reporter at Large by William Finnegan, "Defending the Unabomber." In the article, Finnegan describes the defense mounted by Clarke and others, which resulted in Kaczynski pleading guilty in return for a sentence of life in prison "without the possibility of release." Finnegan writes that the Kaczynski trial raised "fundamental questions about a defendant's right to participate in his own defense, the role of psychiatry in the courts, and the pathologizing of radical dissent in both the courts and the press."

We do not know whether Loughner will have the same contentious relations with his defense team that Kaczynski did, nor how much he will seek to participate in his own defense, but some of the other issues Finnegan highlights appear likely to be relevant to the Tucson case. The discussions of Loughner's YouTube diatribes, in which he argues, among other things, that the government controls people by manipulating their grammar, are reminiscent of those over Kaczynski's manifesto, "Industrial Society and Its Future." And it seems probable that psychiatric evaluations will have an important place in Loughner's trial. In this passage about the Kaczynski proceedings, Finnegan describes how tangled the question of psychiatric evaluations can become when combined with a murder trial:

There was never any real doubt that Kaczynski was legally sane. But his lawyers believed that the degree of his culpability for his crimes could be made to depend on his psychiatric classification—the more serious the diagnosis, the less his culpability.

They called him a "high-functioning" paranoid schizophrenic. Medically speaking, that would place him at the least-ill end of the spectrum of schizophrenia, where obvious symptoms are often absent. The primary evidence of his illness seemed to be in his writings (most of which have never been made public), in his family's stories, and in his way of life. Dr. Karen Froming, who specializes in neuropsychological assessment, gave Kaczynski a battery of tests that revealed deficits ... consonant, she said, with paranoid schizophrenia. They did not, however, prove it. What really indicated such a diagnosis to her, Dr. Froming told me, were Kaczynski's systematized paranoid delusions....

Predictably, the prosecution's psychiatrist disagreed. Dr. Froming's test findings "scream geek, not schizophrenic," Dr. Park Dietz said dryly.... Dr. Dietz had, however, read Kaczynski's journals and had not found them to show schizophrenia. "They're full of strong emotions, considerable anger,

and an elaborate, closely reasoned system of belief about the adverse impact of technology on society. The question always is: Is that belief system philosophy or is it delusion? The answer has more to do with the ideology of the psychiatrist than with anything else.”

The entire article—and the complete archives of *The New Yorker*, back to 1925—is available to subscribers. Non-subscribers can purchase the individual issue.

Jon Michaud is the author of “When Tito Loved Clara.”

A critique of his ideas & actions.



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