

# **Kaczynski Agrees to Mental Exam, Seeks to Represent Himself**

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January 9, 1998

SACRAMENTO, Jan. 8—Unabomber suspect Theodore J. Kaczynski, who authorities said may have tried to commit suicide during the night in his jail cell, agreed today to a psychiatric evaluation of his competence to stand trial and to conduct his own defense.

The trial, in which Kaczynski is charged in 10 counts with mailing bombs that killed two people and maimed two more in a campaign against modern technology, was halted pending agreement among attorneys on the scope of the competency examination. In the meantime, authorities said, Kaczynski will be kept under a 24-hour suicide watch.

This will delay proceedings at least until next week, possibly until next month, taking the Unabomber case back to an initial phase soon after Kaczynski's arrest in April 1996, when prosecution and defense lawyers agreed he was competent to stand trial. The new evaluation of his mental health could lead to a reassessment of that agreement, even to a finding he is unfit to stand trial.

No mention of the reported suicide attempt was made in the court session today, in which Kaczynski sought to dismiss his lawyers and represent himself because they planned to introduce the question of his mental health. It was unclear whether U.S. District Judge Garland Burrell Jr. knew of the incident during the hearing.

After the proceedings recessed with agreement on the examination, Sacramento County Undersheriff Lou Blanas announced that U.S. marshals informed him at mid-morning that Kaczynski had arrived at the federal courthouse this morning wearing his jail jumpsuit but no undershorts. Kaczynski changes from the jumpsuit into his own clothes at the courthouse each day. He reportedly told the marshals he lost his underwear in the shower after they noticed it missing.

Blanas said an initial search of his cell did not uncover Kaczynski's underwear, leading his jailers to suspect he flushed the garment down the toilet. But during a second search, the briefs were found in a smaller plastic bag inside Kaczynski's trash can, Blanas said.

"The underwear appeared to be stretched," Blanas said. "It appeared to be used in the type of way we thought he did: putting it around his neck and trying to hang himself."

U.S. marshals also reported they saw a red rash on the right side of Kaczynski's throat while he dressed for court, leading them to conclude he had tried to hang himself with the missing underwear sometime before leaving his cell.

Jim Cooper, a spokesman for the Sacramento sheriff, said Kaczynski told his attorneys upon arriving at the courthouse this morning that he had attempted suicide during the night. The attorneys then notified the federal marshals, who noticed the rash on Kaczynski's neck and that he was missing his undershorts.

"We're treating it as a serious attempt," Cooper said, "but I would not rule out the possibility it is a ploy."

The Unabomber suspect reported feeling depressed Monday but otherwise has been described as "a model prisoner." Blanas said he will now be watched round the clock by a nurse and be forced to wear a heart monitor.

The morning began with prosecutors preparing to present opening statements. Burrell had said Wednesday that Kaczynski was barred from changing attorneys and had agreed to stick with his current defense team, meaning the statements could get underway this morning.

But then defense attorney Judy Clarke stood.

"Mr. Kaczynski has a request," she announced, "that he be permitted to go forward as his own counsel."

Clarke emphasized that Kaczynski was ready to proceed and was not seeking a delay. But Burrell said Kaczynski's competency must be established before he can rule on the request.

Clarke explained that her client emphatically did not want a mental health defense, that this was "a situation he simply cannot endure."

Kaczynski's attorneys have long wrangled with their client over the use of a partial "mental defect" defense, in which they would argue that he may have sent bombs but could not form the criminal intent to murder or maim because of his delusional state of mind.

Clarke said she believes Kaczynski's mental illness – diagnosed by defense experts as paranoid schizophrenia – manifests as one of its symptoms "the unendurability" of hearing himself described as psychologically deranged.

"His present counsel intend to present this case in light of mental illness," she said, but added that Kaczynski has had for his entire adult life an abiding fear of being considered insane.

With this announcement of his desire to represent himself – on the morning opening statements were to begin – Kaczynski's brother, David, began to sob as he sat in the courtroom front row with their mother, Wanda.

It was David Kaczynski who tipped off the FBI that his brother might be the infamous Unabomber, shortly after publication of an unsigned 35,000-word manifesto against the technological civilization of modern times, but who has since bitterly opposed the government's desire to put his older brother to death if he is found guilty.

"This is a tragedy at its worst," Clarke said outside the courthouse this afternoon, referring to Kaczynski's desire to represent himself.

Clarke denied that Kaczynski's attempt to defend himself was a stalling tactic devised by a clever if deranged individual. "This is not manipulation. This is not cunning," Clarke said. "This is not someone trying to avoid legal responsibility."

Tony Bisceglie, who represents David Kaczynski, said the family of the Unabomber suspect believes that allowing him to act as his own attorney is "to allow him to participate in a federally assisted suicide."

As Kaczynski's request to dismiss his attorneys was being discussed, Clarke and a fellow defense attorney, Quin Denvir, subtly suggested that their client might not be mentally competent to make such a decision.

Burrell then decided to order a competency exam. After adamantly refusing for months to submit to mental testing, Kaczynski agreed to be examined by psychiatrists

who will help the judge determine whether he is competent to stand trial and, as he has requested, defend himself in court.

Federal prosecutor Robert Cleary first argued that Kaczynski could not be trusted to cooperate, given his past refusal to allow government psychiatrists to interview him.

"I'm very concerned about that deep-seated, long-standing fear of psychiatrists manifesting itself again," Cleary told the judge.

Instead, Cleary suggested that Kaczynski be transferred to a federal psychiatric institution where he would at least be observed by doctors for 30 days even if he refuses to submit to examinations. Burrell, however, was assured by Kaczynski's attorney that he would submit this time.

"I'm going to trust him," Burrell said.

Later, outside the courtroom, Clarke said Kaczynski is submitting to the competency exam because of its narrow scope. But Denvir put it more bluntly: "He has no choice."

*Staff writer William Claiborne in Los Angeles contributed to this report.*

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Washington Post, January 9, 1998; Page A01. <[washingtonpost.com/wp-srv/  
national/longterm/unabomber/bkgrdstories/psych0109.htm](http://washingtonpost.com/wp-srv/national/longterm/unabomber/bkgrdstories/psych0109.htm)>

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