Cabin Fever; Walden Was Never Like This

William Glaberson

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LAWYERS for Theodore J. Kaczynski, the man accused of being the Unabomber, had his tiny cabin brought here last week on a flatbed truck from Montana so that jurors at his trial will be able to inspect it.

"You've got to see this cabin to understand the way this man lived," said Quin Denvir, a member of the defense team. And with the defense claiming that Mr. Kaczynski is too mentally ill to be found guilty of sending bombs with the intent to kill, the purpose of the move seemed clear: Mr. Kaczynski's cramped residence will be evidence that anyone who lived in it must have been crazy.

Some commentators suggested that it sounded like a "Thoreau defense," aimed at tapping an American suspicion of people who forsake conveniences and live apart from society.

In his day, Henry David Thoreau's choice of isolation at Walden Pond over the annoyances of Concord society "was certainly felt to be eccentric," said John Burt, a professor at Brandeis University, a few miles from Walden Pond outside Boston.

Any parallel between one of the country's most important philosopher-writers and a man whose lawyers say he was a delusional paranoid schizophrenic would clearly be flawed. But as a matter of courtroom tactics, the Thoreau defense has won praise from lawyers.

Even if, as seems likely, the judge limits the psychiatric testimony because Mr. Kaczynski refused to be examined by prosecution doctors, the defense will almost certainly be able to argue that Mr. Kaczynski's life and writings prove he was anything but healthy.

Prosecutors have said the tiny shack, which had no electricity or running water, was stuffed. Among 600 items listed on a Government inventory: newspaper clippings, fishhooks, notebooks, empty cans, more than 200 books, old diplomas, antidepressant pills, five guns and three typewriters.

In a trial where the defense is trying to show mental illness, said Judd Burstein, a New York defense lawyer, the goal is to suggest "a complete lack of normalcy."

He said that Mr. Kaczynski's cabin — and it is not clear yet just where it would be set up for the jurors' viewing — could help. "There is a hope," Mr. Burstein said, "that the jury would say, 'Would a normal person live like this?' "

A few potential jurors have suggested that the image of Mr. Kaczynski's solitary life was unsettling. When asked by the judge what she remembered from the publicity about the case, one woman remembered the isolated shack. "That's what stuck with me was this old cabin," she said. "I wondered how anybody could live like that."

Mr. Burt said the cliche of Thoreau as the archetypal hermit was inaccurate. Though Thoreau, like Mr. Kaczynski, did live in a cabin off on his own, Thoreau kept up with his friends and kept his cabin bare and orderly. And though Thoreau, like Mr. Kaczynski, was critical of technology and industrial society, Thoreau's complaints certainly lacked the anger and violence of the Unabomber's writings.

Dr. Burt added that there were other obvious distinctions that might not serve the defense well. Mr. Kaczynski, according to the prosecutors, had several items in his

cabin that Mr. Thoreau lacked: triggers, pipes and chemicals used to make explosive devices and one unexploded bomb.

There was one other difference, Dr. Burt added, between the two famous cabins. Thoreau's was 10 feet by 15 feet. Mr. Kaczynski's was only 10 by 12.

Letter to the Editor

It is not only Henry David Thoreau's lack of explosives that distinguishes him from Theodore J. Kaczynski, the suspect in the Unabom case. After "Walden," Thoreau wrote "Civil Disobedience," which inspired the nonviolent strategies of Mohandas K. Gandhi, the Rev. Dr. Martin Luther King Jr. and others intent on correcting injustices.

Thoreau valued obedience to one's conscience over allegiance to the state, but here's his formula for lawbreaking: "If it is of such a nature that it requires you to be the agent of injustice to another, then, I say, break the law."

His method of lawbreaking was refusing to pay a poll tax, for which he was jailed until Ralph Waldo Emerson paid the tax. The story goes that when Emerson asked Thoreau, "What are you doing in there?", Thoreau responded, "What are you doing out there?"

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The New York Times, December 14, 1997, Section 4, Page 12. <www.nytimes.com>

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