

An Illustrated History of the Insanity Defense

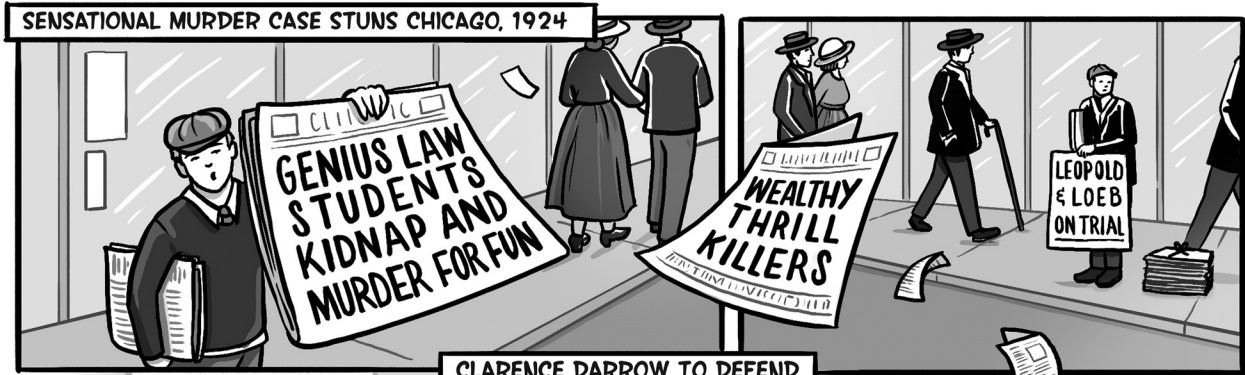
CHAPTER 5: AND SO IT GOES...

TEXT BY KEN WEISS & MICHELLE JOY
ILLUSTRATIONS BY HANNAH AGOSTA

FOLLOWING THE TRIAL AND EXECUTION OF PRESIDENTIAL ASSASSIN GITEAU, INSANITY JURISPRUDENCE SEEMED HOPELESSLY DEADLOCKED. INSANITY WAS A LEGAL TERM WITH A MEDICAL BASIS AND WAS REVEILED BY A CITIZENRY INSISTENT ON ACCOUNTABILITY AND JUSTICE. PSYCHOANALYSIS AND CONSIDERATION OF PSYCHOSOCIAL DETERMINANTS OF BEHAVIOR IN THE 20TH CENTURY GAVE PSYCHIATRY A BOOST, AND ISAAC RAY'S GUIDANCE REEMERGED IN THE 1954 FEDERAL *DURHAM* DECISION. *DURHAM* WAS RETIRED IN 1972 AND REPLACED IN FEDERAL AND OTHER JURISDICTIONS BY THE AMERICAN LAW INSTITUTE TEST. MONTANA ABOLISHED THE INSANITY DEFENSE IN 1979 AND THE ASSASSINATION ATTEMPT ON PRESIDENT REAGAN IN 1981 LED TO LEGAL REFORMS. FOUR MORE STATES ABOLISHED THE INSANITY DEFENSE AND ATTEMPTS TO CONSTRUE IT AS A RIGHT HAVE THUS FAR FAILED. THE FUTURE LOOKS TOWARD INCLUDING MORE CONSIDERATION OF CULTURAL, SOCIAL, AND ECONOMIC FACTORS IN SUCH DECISIONS.

J AM ACAD PSYCHIATRY LAW 50:325-32, 2022.
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DISCLOSURES AND CONFLICTS OF INTEREST: NONE.

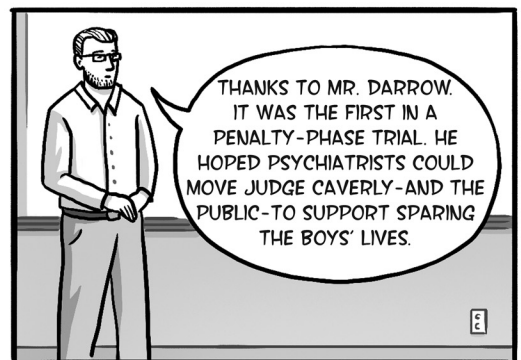
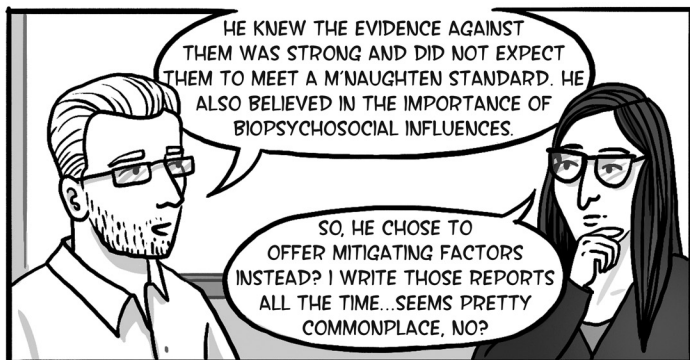


CLARENCE DARROW TO DEFEND

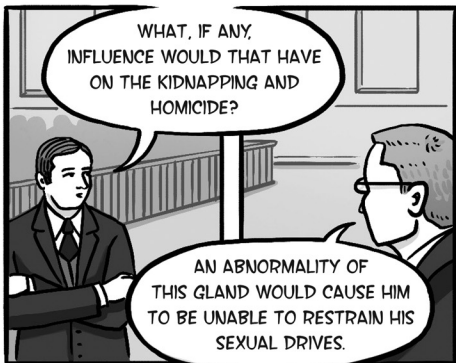
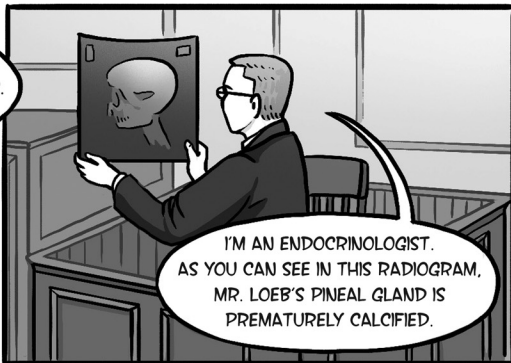
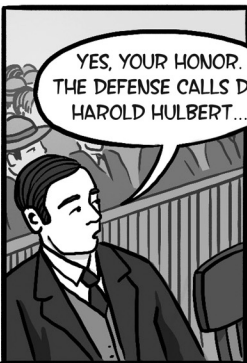
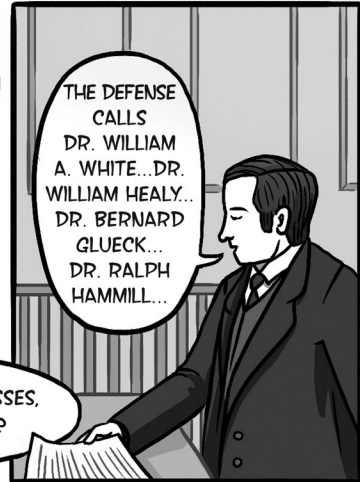
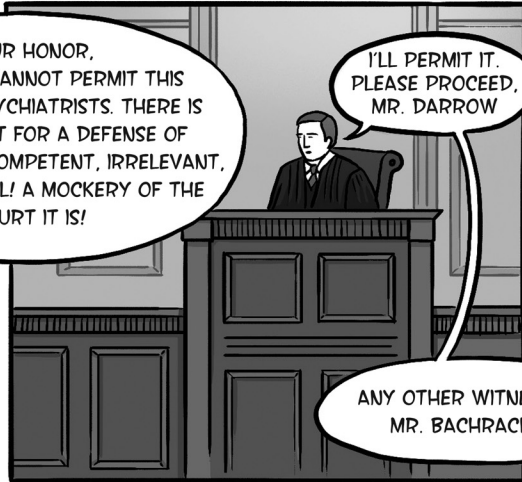
DEFENSE OFFERS SURPRISE GUILTY PLEA



BACK AT PENN



TRIAL OF THE CENTURY



WILLIAM RANDOLPH HEARST, CHICAGO



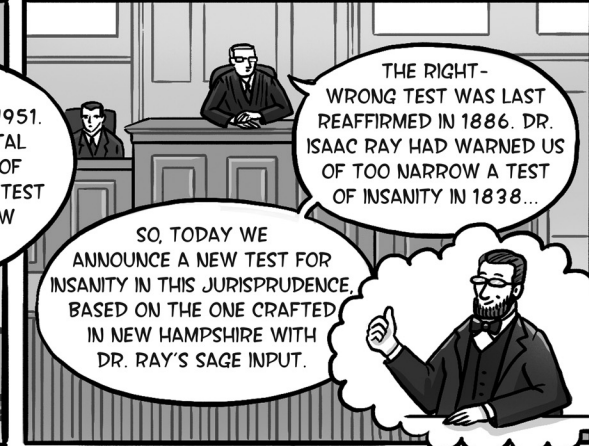
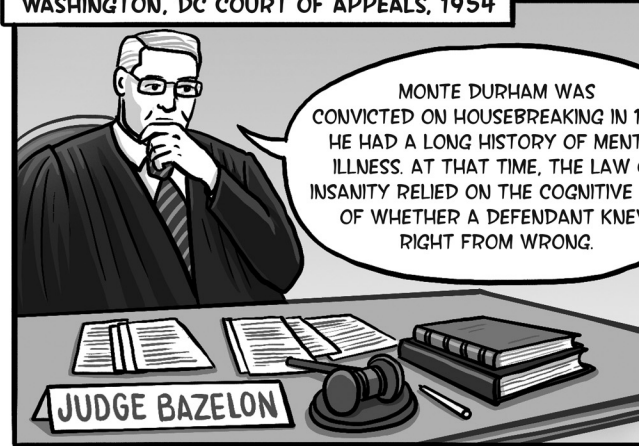
SIGMUND FREUD, VIENNA

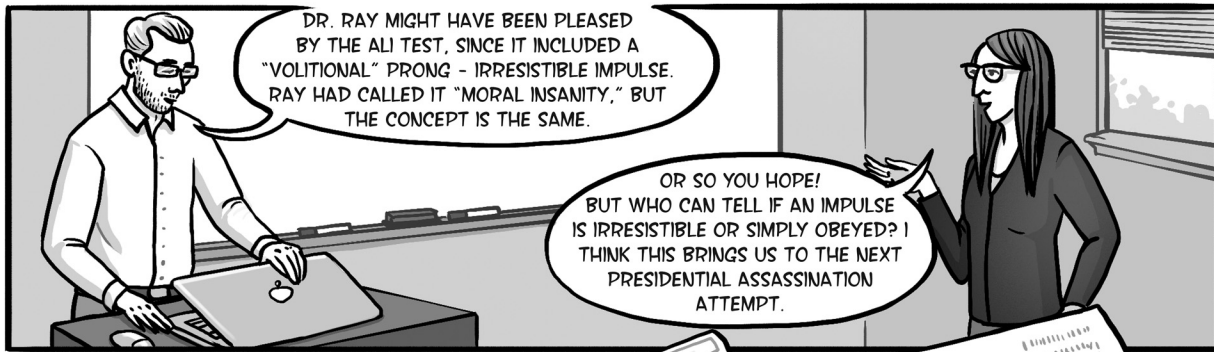
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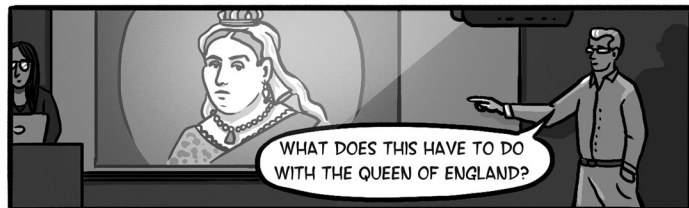
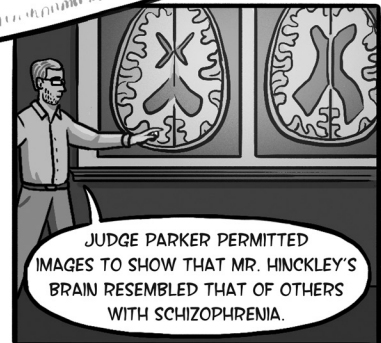


WASHINGTON, DC COURT OF APPEALS, 1954

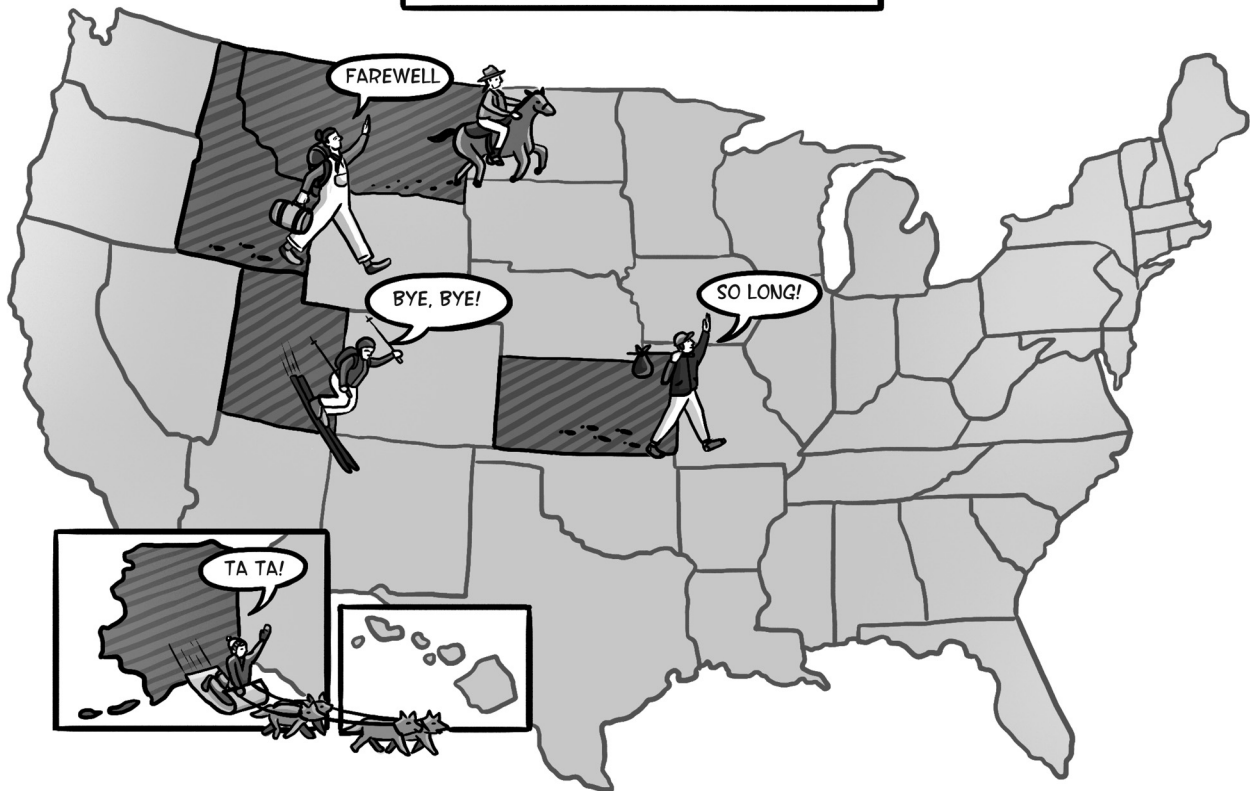




PRESIDENT REAGAN COMING OUT OF THE HILTON HOTEL

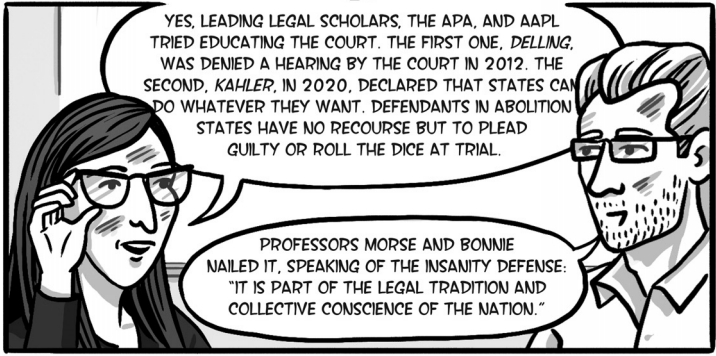


THE INSANITY DEFENSE SAYS GOOD-BYE



THE INSANITY DEFENSE IN THE 21ST CENTURY





Suggested Reading

1. WEISS KJ. HEAD, EXAMINED: CLARENCE DARROW'S X-RAY VISION OF CRIMINAL RESPONSIBILITY. *J PSYCHIATRY LAW*. 2011 WINTER; 39(4):627-661
2. BAZELON DL. THE MORALITY OF THE CRIMINAL LAW. *S CAL LAW REV*. 1976 MAR; 49(3):385-405
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4. PERLIN M. ADVANCED INTRODUCTION TO MENTAL HEALTH LAW. CHELTENHAM, UK: EDWARD ELGAR PUBLISHING; 2021
5. MORSE SJ, BONNIE RJ. ABOLITION OF THE INSANITY DEFENSE VIOLATES DUE PROCESS. *J AM ACAD PSYCHIATRY LAW*. 2013 DEC; 41(4):488-495
6. AMERICAN PSYCHIATRIC ASSOCIATION, AMERICAN ACADEMY OF PSYCHIATRY AND THE LAW. AMICUS CURIAE BRIEF IN SUPPORT OF THE PETITIONER (IN *DELLING V. IDAHO*), 2012. AVAILABLE FROM [HTTPS://WWW.PSYCHIATRY.ORG/FILE LIBRARY/PSYCHIATRISTS/DIRECTORIES/LBRARY-AND-ARCHIVE/AMICUS-BRIEFS/AMICUS-2012-DELLING.PDF](https://www.psychiatry.org/file-library/psychiatrists/directories/library-and-archive/amicus-briefs/amicus-2012-delling.pdf). ACCESSED MARCH 1, 2022
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9. BLOOM JD, KIRKORSKY SE. ARIZONA'S INSANITY DEFENSE, *CLARK*, AND THE 2007 LEGISLATURE. *J AMER ACAD PSYCHIATRY LAW*. 2021 DEC; 49(4):618-622
10. FELTHOUS AR. RATIONALITY WAS LOST ON THE UNITED STATES SUPREME COURT IN ITS *KAHLER* DECISION. *J AMER ACAD PSYCHIATRY LAW*. 2022 MAR; 50(1):97-105