

American Heiress: The Wild Saga of the Kidnapping, Crimes, and Trial of Patty Hearst

By Jeffrey Toobin. New York: Doubleday, 2016. 384 pp. \$28.95

Jeffrey Toobin, attorney, staff writer at *The New Yorker*, and legal commentator on CNN, has taken on the life and times of Patty Hearst, heiress turned urban terrorist in the 1970s. Mr. Toobin's previous subjects include the Supreme Court and O. J. Simpson. The context of Ms. Hearst's transformation was the post-Vietnam War unrest in America, manifesting as pop-up anarchy. Mr. Toobin, by extensive use of back stories and inside information, renders her seemingly inexplicable story organic with the times, and brings this era to life.

In his Author's Note, Mr. Toobin expresses regret that Ms. Hearst declined to participate in the project. The absence of her direct perspective, however, enables the reader to experience her saga exactly the way the American people, and her jury would, with only a pattern of reported facts and the opportunity for multiple, if conflicting, interpretations to explain them. As the title promises, Mr. Toobin recounts the kidnapping, crimes, and trial of Patty Hearst, and recreates the struggle for the reader of the central question of her case: was Patty Hearst a willing participant in the crimes she committed, paradoxically liberated from the trappings of her previous life by her abduction by the Symbionese Liberation Army (SLA)? Or, was she coerced into these acts under the threat of death and instead the victim of a phenomenon similar to Stockholm Syndrome?

The Prologue begins with the dramatic kidnapping of Ms. Hearst, the privileged daughter of Randolph and Catherine Hearst. Ms. Hearst was a sophomore at the University of California and had become recently engaged to a teaching fellow at the same university. Questions arise early about tensions between Ms. Hearst and her family, her tendency toward rebellion, and her concerns about feeling trapped by the life that stretched before her on a "kind of automatic pilot" (p 23). After her brutal

abduction, Ms. Hearst is held captive in a closet by the SLA, a disorganized and ragtag counterculture group with an "anarchic intensity" (p 15) and an attraction to "guerilla theater" (p 15) and media attention. In her evolving relationship with the SLA, Ms. Hearst becomes part of their political escapades: they demand the Hearst family pay for food for the poor in California, rob banks at gunpoint together, and participate in a police shoot-out that remains the largest in American history. As Ms. Hearst's hands are freed from cuffs and wrapped around weaponry instead, she adopts the name "Tania" and spends a year on the run with the SLA avoiding authorities, becoming romantically involved with her abductors, and forgoing multiple opportunities to escape them, once again raising the question of whether "Tania" was a product of the coercion of capture or the liberation of a persona dormant in the heiress all along.

Mr. Toobin correctly notes that, despite the resonance between the details of the kidnapping of Hearst and the events in Stockholm, the similarities were not the focus of the trial, likely because too little time had elapsed between the eponymous robbery and the trial for the theory to be applicable. Stockholm Syndrome has been used to describe the positive emotional bond a kidnap victim can come to experience toward his captor.¹ Hearst's defense instead rested on the concept of mind control and the idea that she could not be convicted because she lacked the requisite criminal intent, having been forced into these actions against her will and under the threat of harm.

Hearst's lawyer, F. Lee Bailey, hired three psychiatrists to evaluate her state of mind at the time of the crimes; in legal terms, the defense narrowed to "physical coercion." As Mr. Toobin points out, this defense was a very narrow one and "not, strictly speaking, a defense of brainwashing, which doesn't exist in federal court in the United States" (p 297). The prosecutors objected to the defense psychiatrist's expert testimony on grounds that it was irrelevant, since the psychiatrists could not attest to whether Hearst was physically compelled to rob the bank. The court denied their motion, stating that "whether the defendant's initial status as a kidnap victim and the subsequent treatment . . . deprived her of the requisite general intent to commit the offense charged—is not only relevant to the asserted defense of coercion but also beyond the common experience of most jurors and within the special competence of the experts."²

The defense proceeded with Dr. Louis West, who testified that Hearst's state of mind was such that "for her, it was to be accepted or to be killed."³ Dr. Martin Orne lent credence to Hearst's testimony by describing her answers as "very different from what I would have gotten from somebody simulating,"³ whereas Dr. Robert J. Lifton found that "after physical and psychological abuse there's a . . . tremendous eagerness to comply in any way possible and necessary . . . to survive."³

The prosecution characterized Hearst as "extremely independent, strong-willed, rebellious, intelligent," traits that are in opposition to those ripe for coercion. Prosecution psychiatrist, Dr. Joel Fort, noted Hearst's dissatisfaction with her previous life, depicting the kidnapping as "perversely, almost a form of liberation" (p 301). The second psychiatrist, Dr. Harry Kozol, supported Dr. Fort's conclusions, calling Hearst "a rebel in search of a cause" (p 302), and opined "this was all in her . . . without knowing it, for a long time" (p 302). In the end, the jury agreed, and the defense failed.

Ultimately, Mr. Toobin does not answer the question at the heart of the Hearst saga as to whether she made a voluntary decision to join the SLA. Nevertheless, he recreates for the reader both the shifts in the public's mood toward the heiress and the debate between victimization and responsibility. In reference to the trial, Mr. Toobin comments that "the battle of experts did have one clear loser: the psychiatric profession itself" (p 303), supporting his statement with the observation that "leaders in the field reached diametrically opposing conclusions based on the same evidence—that is, the contents of Patricia's head" (p 303).

Since the trial of Ms. Hearst, the field of forensic psychiatry has come a long way. The presence of conflicting interpretations of the same data does not undermine the credibility of the field, but reinforces its very importance to the judicial process. Because the inner workings of the mind of another human are so complex, the application of psychiatric principles to legal cases remains challenging. This book, entertaining and enlightening, also serves to emphasize the importance of forensic psychiatry and how it is both shaped by the time in which it is practiced, and has the power to shape the narratives that define the time.

References

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The Night Of

Written by Richard Price and Steven Zaillian. Directed by Steven Zaillian and James Marsh. Appeared on HBO. First Episode July 10, 2016.

The Night Of is a litmus test of our views on justice. The HBO limited series premiered on July 10, 2016, and ran for eight episodes. The story is relatively simple, hardly distinguishable from other police procedurals. The network describes the show as a "fictitious murder case in New York City . . . follow[ing] the police investigators and legal proceedings, all while examining the criminal justice system and purgatory of Riker's Island."¹ Yet the tense pacing, vivid character portrayals, and unresolved questions distinguish it from other crime dramas. Its ambiguity allows viewers to create their own narrative, largely filtered through their views on crime and justice.

In the first episode we meet Pakistani-American protagonist Nasir "Naz" Khan (played by Riz Ahmed, British actor and rapper). We watch as he attends calculus class, views basketball games, visits his parents, and helps other students with their studies. He appears quiet, thoughtful, and intelligent. Soon, he is arrested for the brutal murder of a young woman he had met the previous night: *The Night Of*, that is.

We have no sense of Nasir's interior monologue during or surrounding his arrest. He appears doe-eyed, frightened, and without recollection of a murder, despite finding the body upstairs. At this point, the viewer is confronted with the driving question of the series: did Nasir Khan do it?

After meeting the victim Andrea (Sofia Black-D'Elia), a passenger who randomly gets into his father's borrowed cab, Naz says of himself, "You do