

**Travis R. Marker, JD, LLM**  
Scrivener's Quill

# Catch-22, Slaughterhouse-Five, and Mental Illness in the Social Contract.



**“I became insane, with long intervals of horrible sanity.”**

— Edgar Allan Poe

**“In individuals, insanity is rare; but in groups, parties, nations and epochs, it is the rule.”**

— Friedrich Nietzsche

**“Insanity is relative. It depends on who has who locked in what cage.”**

— Ray Bradbury



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**KURT  
VONNEGUT**

"Poignant and  
hilarious,  
threaded with  
compassion and,  
behind everything,  
the catalyst of a  
thundering moral  
statement."  
—The Boston Globe



**SLAUGHTERHOUSE-  
FIVE** A NOVEL

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- “All moments, past, present and future, always have existed, always will exist.”
  - — Kurt Vonnegut, Slaughterhouse-Five
- “There is no beginning, no middle, no end, no suspense, no moral, no causes, no effects. What we love in our books are the depths of many marvelous moments seen all at one time.”
  - — Kurt Vonnegut, Slaughterhouse-Five

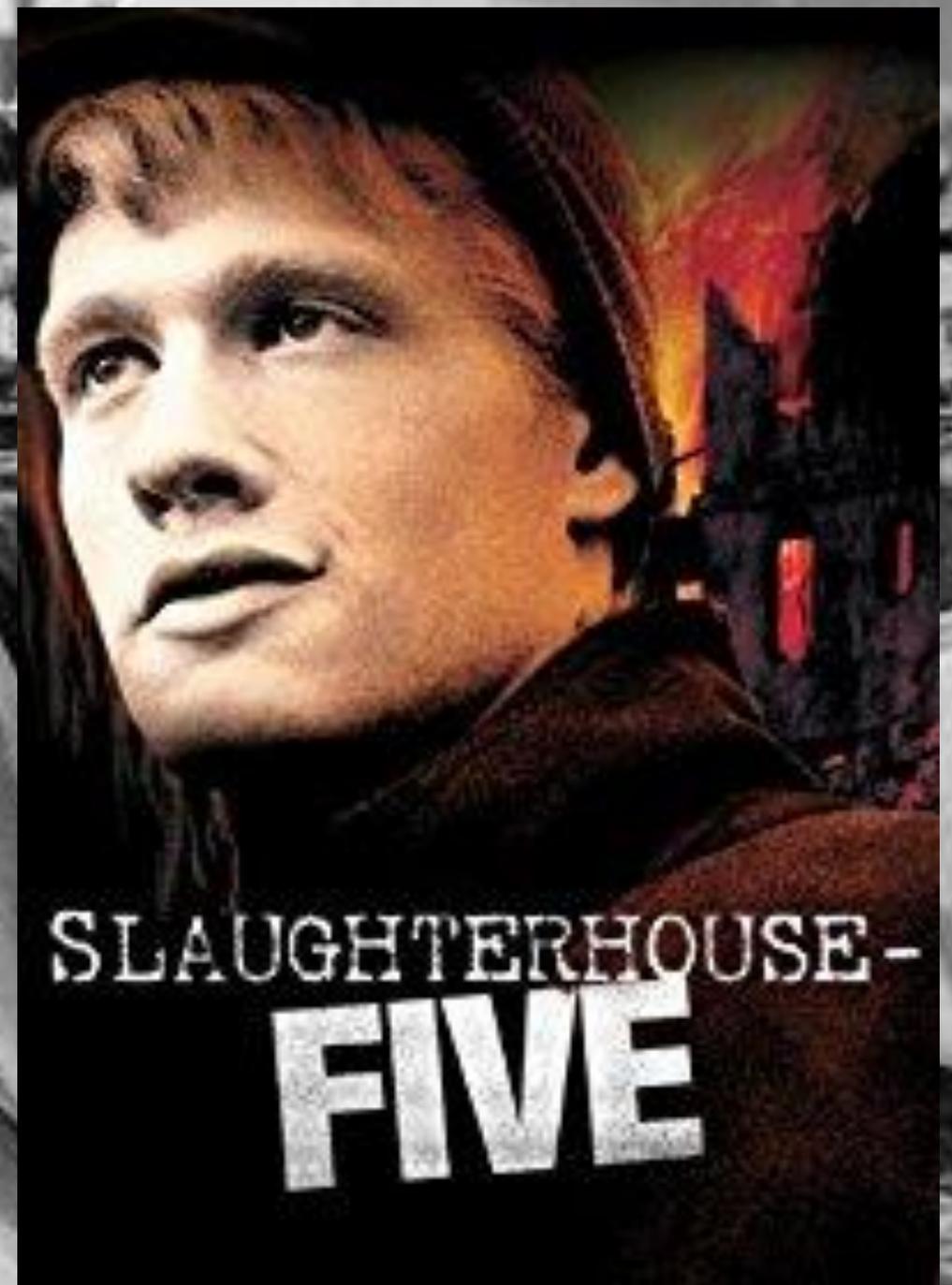


**“If I am going to spend eternity visiting this moment and that, I'm grateful that so many of those moments are nice.”**

— Kurt Vonnegut, *Slaughterhouse-Five*

**“It is just an illusion here on Earth that one moment follows another one, like beads on a string, and that once a moment is gone, it is gone forever.”**

— Kurt Vonnegut, *Slaughterhouse-Five*



PRIME ORIGINAL

# THE MAN IN THE HIGH CASTLE



“Perhaps if you know you are insane then you are not insane. Or you are becoming sane, finally. **Waking up.**”

— Philip K. Dick, *The Man in the High Castle*





PORTRAIT OF DANIEL M'NAUGHTEN.

- The rule was formulated as a reaction to the acquittal in 1843 of Daniel M'Naghten on the charge of murdering Edward Drummond, whom M'Naghten had mistaken for British Prime Minister Robert Peel. M'Naghten fired a pistol at the back of Peel's secretary, Edward Drummond, who died five days later. The House of Lords asked a panel of judges, presided over by Sir Nicolas Conyngham Tindal, Chief Justice of the Common Pleas, a series of hypothetical questions about the defense of insanity. The principles expounded by this panel have come to be known as the M'Naghten Rules, though they have gained any status only by usage in the common law and M'Naghten himself would have been found guilty if they had been applied at his trial.

- The rules so formulated as M'Naghten's Case have been a standard test for criminal liability in relation to mentally disordered defendants in common law jurisdictions ever since, with some minor adjustments.
- The insanity defense is recognized in Australia, Canada, England and Wales, Hong Kong, India, the Republic of Ireland, New Zealand, Norway and most U.S. states with the exception of Idaho, Kansas, Montana, Utah, and Vermont but not all of these jurisdictions still use the M'Naghten Rules.

The M'Naghten test establishes that I'm insanely in love with you.



somee cards  
user card



## Utah Rule of Criminal Procedure:

### Rule 11. Pleas.

(b) A defendant may plead not guilty, guilty, no contest, not guilty by reason of insanity, or guilty and mentally ill. A defendant may plead in the alternative not guilty or not guilty by reason of insanity. If a defendant refuses to plead or if a defendant corporation fails to appear, the court shall enter a plea of not guilty.





## • Gray v. State, 400 P. 3d 1081 - Utah: Court of Appeals 2017

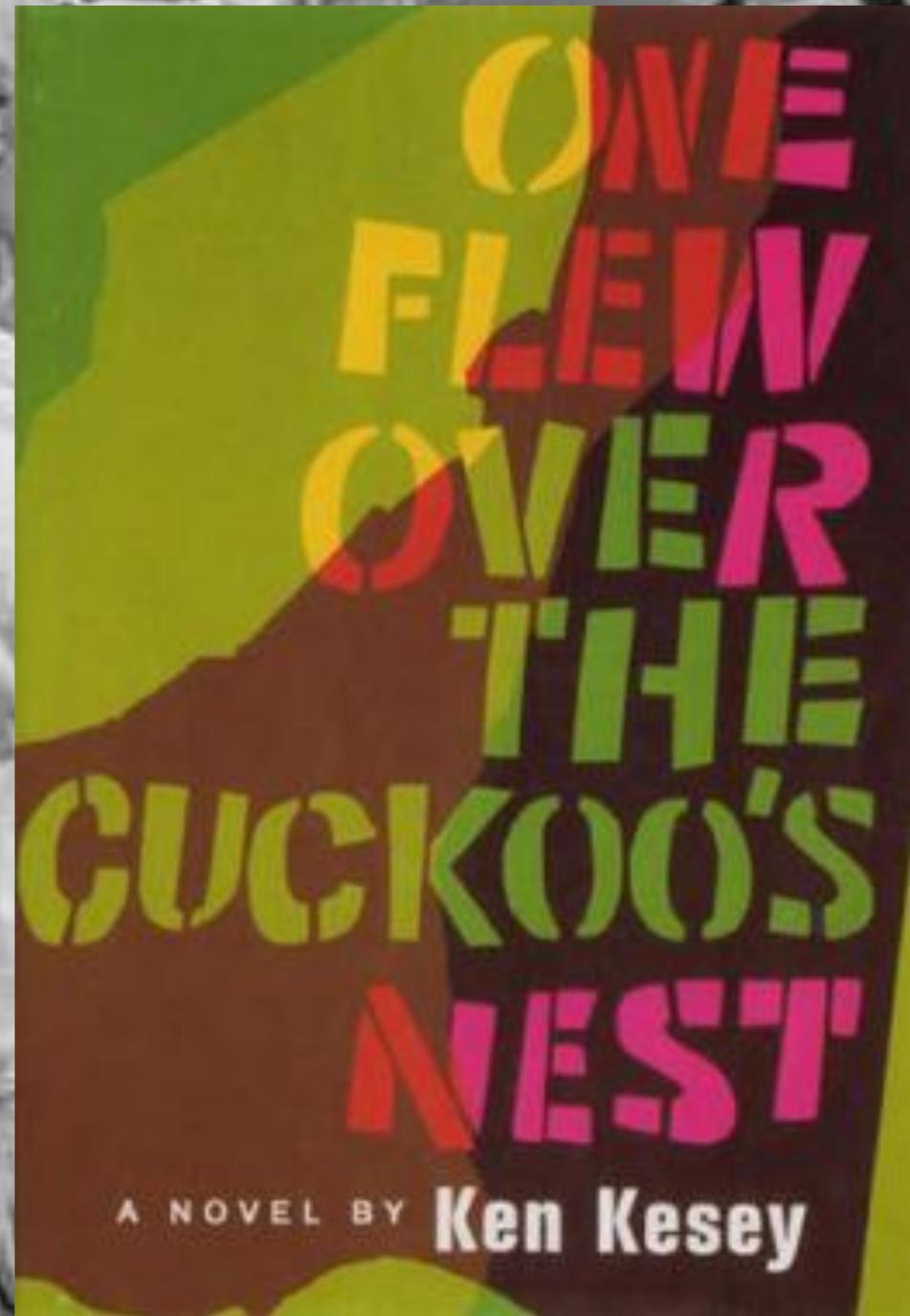
- First we address the defense of insanity. . . ."It is a defense to a prosecution under any statute or ordinance that the defendant, as a result of mental illness, lacked the mental state required as an element of the offense charged." Id. § 76-2-305(1)(a). This defense is narrow; it applies only where the defendant "did not have the requisite mens rea of the alleged crime." . . . Thus, if an individual kills someone "thinking that he is merely squeezing a grapefruit, [the individual] does not have the requisite mens rea for murder" and qualifies for the insanity defense under the statute. Gray provided no evidence below, and points to none on appeal, to suggest that when he murdered his girlfriend, he did not know he was killing a human being or otherwise lacked the mental state required for the crime of aggravated murder.



- "There was only one catch and that was Catch-22, which specified that a concern for one's safety in the face of dangers that were real and immediate was the process of a rational mind. Orr was crazy and could be grounded. All he had to do was ask; and as soon as he did, he would no longer be crazy and would have to fly more missions. Orr would be crazy to fly more missions and sane if he didn't, but if he was sane he had to fly them. If he flew them he was crazy and didn't have to; but if he didn't want to he was sane and had to. Yossarian was moved very deeply by the absolute simplicity of this clause of Catch-22 and let out a respectful whistle.
- "That's some catch, that Catch-22," he observed.
- "It's the best there is," Doc Daneeka agreed."
- — Joseph Heller (Catch-22 (Catch-22, #1))







“What happened, you see, was I got in a couple of hassles at the work farm, to tell you the pure truth, and the court ruled that I’m a psychopath. And do you think I’m gonna argue with the court? Shoo, you can bet your bottom dollar I don’t. If it gets me outta those damned pea fields I’ll be whatever their little heart desires, be it psychopath or mad dog or werewolf, because I don’t care if I never see another weedn’ hoe to my dying day.”

— Ken Kesey, *One Flew Over the Cuckoo's Nest*



**JACK NICHOLSON**  
**ONE FLEW OVER  
THE CUCKOO'S NEST**



*Fantasy Films* presents  
A MCA HOME ENTERTAINMENT FILM "ONE FLEW OVER THE CUCKOO'S NEST"  
Starring JACK NICHOLSON and WILLIAM REDFIELD. Screenplay by LAWRENCE DRECHER and BOB GARDNER  
Based on the novel by KEN Kesey. Director of Photography: DANIEL WENZEL. Music: JACK NICHOLSON III.  
Produced by ARTHUR ZANDER and ADRIAN CRONIN. Directed by MILOS FORMAN. 

- “Never before did I realize that mental illness could have the aspect of power, power. Think of it: perhaps the more insane a man is, the more powerful he could become. Hitler an example. Fair makes the old brain reel, doesn't it?”
- — Ken Kesey, *One Flew Over the Cuckoo's Nest*





# • Ed Gein

- This grave robber was perversely fascinated with his deceased mother and the intimacy of female body parts. In 1957, he was arrested and tried for the murder of Bernice Worden, although he also confessed to killing at least two others but was not charged due to cost issues according to the judge in his case. Gein pled not guilty under reason of insanity and was deemed legally insane. After a 11 year stint in the hospital for the criminally insane, he was tried in 1968 and was found guilty of first degree murder. Gein served a life sentence in a mental hospital until his death. Gein gained further notoriety because the county sheriff Art Schley was so horrified by the severity of his crime that he assaulted Gein during questioning. He subsequently suffered a heart attack and died a month after testifying at the trial.



# • Daniel Sickles

- This was the first example of use of the insanity plea in the United States.
- Daniel Sickles was known for being a New York politician and Civil War Union General as much as his public scandals and controversies.
- He shot and killed Philip Barton Key in Lafayette Park for having an affair with said his wife Teresa.
- In the much publicized trial, he claimed temporary insanity as he was enraged with his wife's infidelity at the time.
- Before an all-male jury, Daniel Sickles was acquitted of his murder charges in 1859. In the aftermath of the trial, the public was not only nonchalant to the outrageous claim, but applauded his actions for liberating the ladies of Washington from the adulterer Philip. Coincidentally, Philip was also the son of Francis Scott Key, the writer of The Star-Spangled Banner.



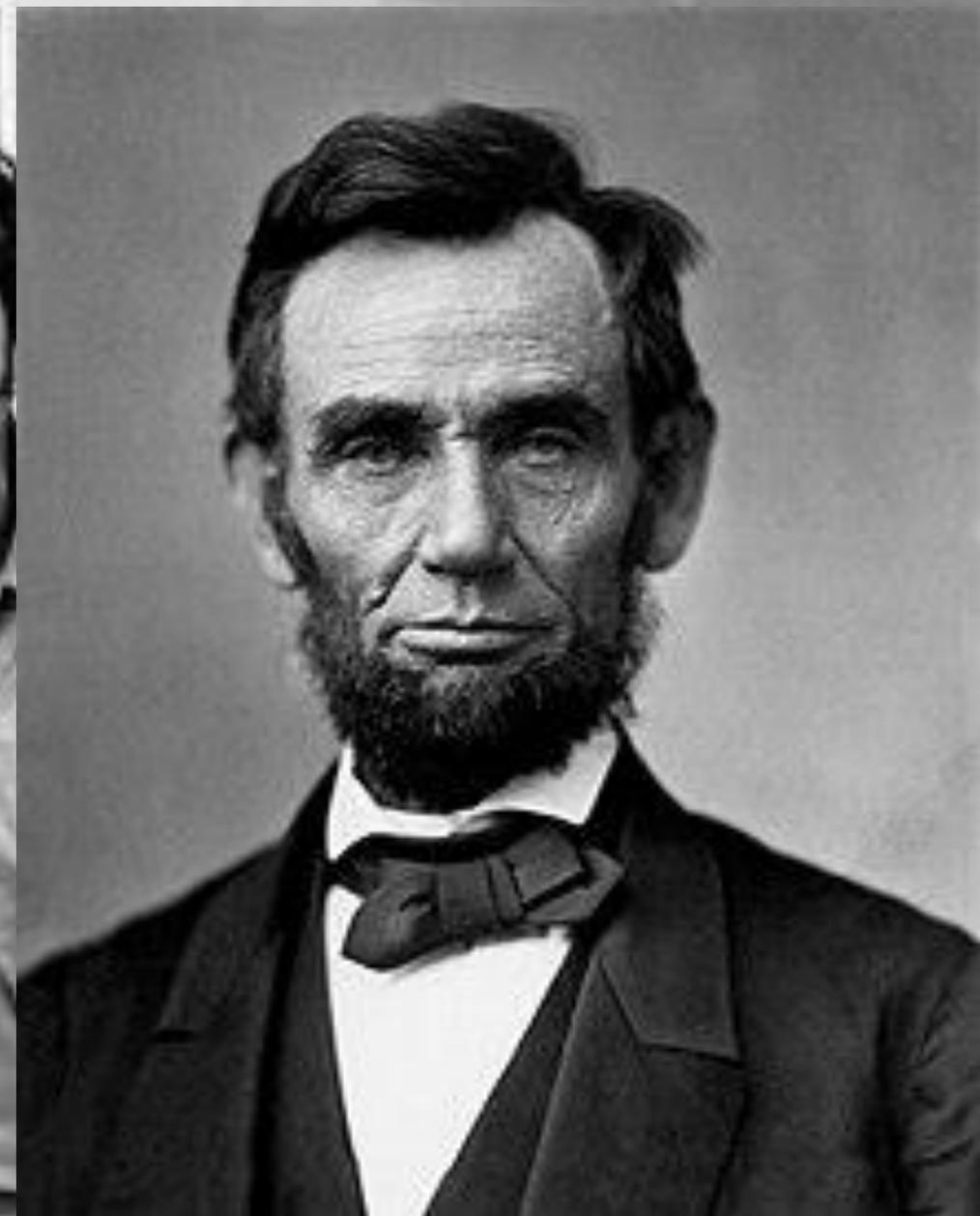


In 1846, former New York State Governor William H. Seward defended two murderers using the **M'Naghten** insanity plea in both cases. Seward contended that the accused became insane due to brutal beatings administered while they were in the Auburn penitentiary. **In the William Freeman trial, nine physicians testified that the murderer was insane while eight said he was sane. Juries convicted both prisoners; one was hanged and the other died in prison awaiting a new trial. Seward's legal defense attracted much attention to the jurisprudence of insanity and to insanity in general.**

Allen D. Spiegel; Marc B. Spiegel -  
<https://link.springer.com/article/10.1023%2FA%3A1018772532482>

- A confederate civilian physician shot and killed a white Union officer who was drilling Negro troops in Norfolk, Virginia. With no question as to guilt, President Abraham Lincoln decided to have a medical expert conduct a professional sanity/insanity examination. Documentation indicates that legal and political factors may have influenced Lincoln's decision. As a lawyer, Lincoln prosecuted a case where the insanity plea was used as a defense. Two influential Cabinet members, William H. Seward and Edwin M. Stanton, also had legal experience involving the insanity plea. . . . Upon Seward's recommendation, Lincoln chose a physician who had a reputation for finding the accused sane and who did so in this case. As the southern physician was hanged, Lincoln's means achieved the desired legal and political ends.

- “Abraham Lincoln and the insanity plea,” Allen D. Spiegel, Preventive Medicine and Community Health, State University of New York, Health Science Center, College of Medicine Brooklyn





# • Anthony and William Esposito

- In 1941, the two brothers robbed a payroll truck in Manhattan and killed an office manager and a police officer in the process. In the subsequent trial, the brothers attempted to prove their insanity through extreme behavior. **For example, they would bang their heads against the table until they bled, bark like dogs, drool, and cry uncontrollably.** The court was unconvinced and proceeded to charge them for their offenses. Towards the end of their incarceration, they pursued a hunger strike for a total period of 10 months refusing any food. On the 12th of March 1942, they were taken to the electric chair in a state of near-death and executed. **Until the present day, the Esposito's trial verdict remains a record for the deliberation time which took approximate one minute to deliver.**



- **John Wayne Gacy**
- Gacy was a prolific serial killer in the 1970s in the US. He gained notoriety as the Killer Clown for dressing up as “Pogo the Clown” and performing at parties and events. He later raped and killed 33 young boys and men in Chicago. Gacy was found guilty of each murder and was sentenced to death by lethal injection.
- Even after his sentencing, he continued to draw controversy. During his 14 years spend in death row, Gacy painted various drawings which were sold for amounts up to \$9,500. This drew the ire of the community towards Gacy for making money from the sales and the art exhibitions held in his name, leading to communal bonfires in which the paintings were bought for the sole purpose of being burned.
- Not only that, Gacy also inspired films and books which chronicled his killings and life.

# DEATH OF A "JEWISH AMERICAN PRINCESS"

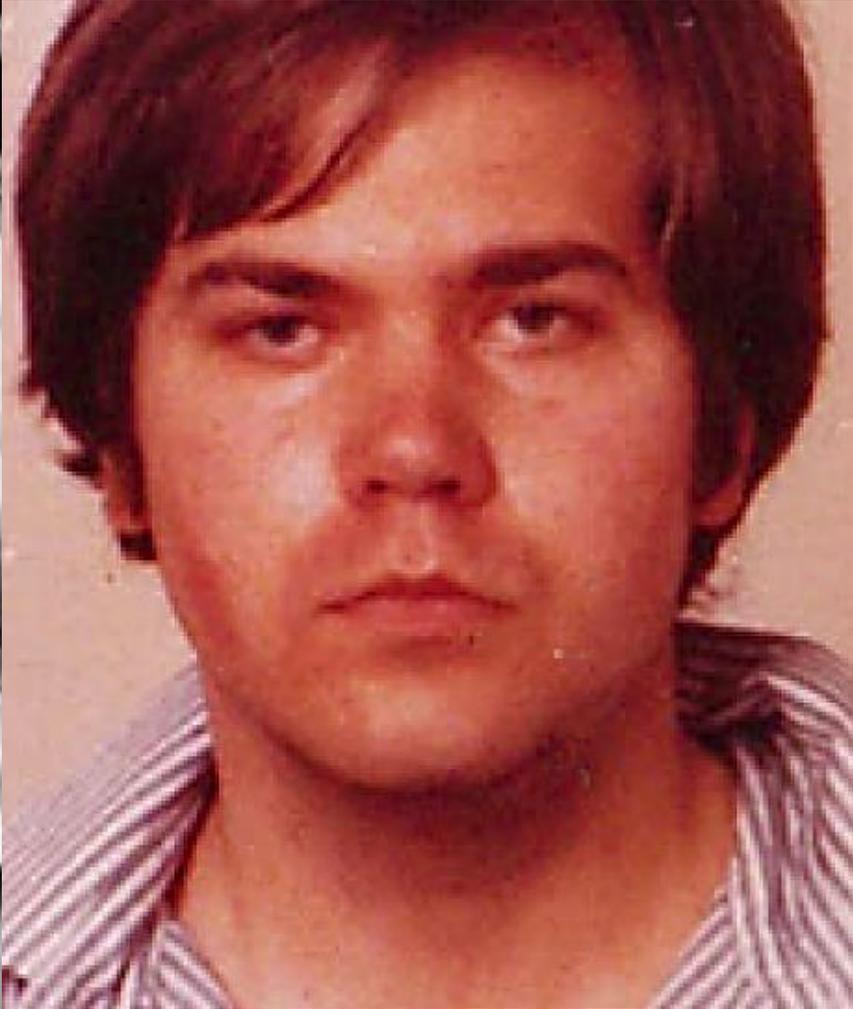


The True  
Story of  
a Victim  
on Trial

SHIRLEY FRONDORF

## • Steven Steinberg

- In the year 1981, Steinberg was charged with killing his wife Elena with a kitchen knife. Elena was stabbed 26 times. It should also be noted that Steinberg was the one who called the police reporting an attempted burglary gone awry, though the police found no signs of a break in. The case drew much publicity in Arizona not only for the heinous crime, but because it was a case of homicidal somnambulism, or simply known as sleepwalking murder. Steinberg claimed he did not remember the crime and was sleeping at the time, hence the murder while sleepwalking. Not only that, he did not deny the fact that he murdered his wife. **In his criminal trial, the jury found him not guilty on the grounds that he was temporarily insane when he committed the crime.** Although Steinberg fabricated the story about the intruders, he walked away as a free man. Members of the jury were also quoted later to saying they were aware that they were releasing a killer but he was not criminally responsible for his actions.



# John Hinckley Jr.

In 1981, Hinckley developed an obsession with the movie *Taxi Driver*, in which Jodie Foster stars as a child prostitute and Robert DeNiro plays Travis Bickle, who plots to assassinate the presidential candidate in the film. He personally watched the movie 15 times consecutively and grew infatuated with Jodie Foster. Hinckley then began to stalk the actress by relocating to New Haven, Connecticut, near Yale University where she was enrolled. Eventually he decided to attempt an assassination on President Ronald Reagan. He shot six times at Reagan, wounding a few other people in the process. Hinckley's defense team pled for insanity defense and succeeded, he was acquitted of all of his 13 charges of assault, murder and weapon counts.

Due to the high profile of the case, the public perceived the insanity defense as a loophole in the legal system.

The controversy laid in the fact that prior to the assassination attempt, the insanity defense was only used in 2 percent of the felony cases and in those cases failed over 75 percent of the time.

Nonetheless, most states were pressured to reenact reforms of legislation regarding the use of the insanity defense.

# • Jeffrey Dahmer

- Dahmer was a notorious serial killer and sex offender in 1991. His long list of offenses involved sex, cannibalism, necrophilia, and dismemberment. In 1991 Tracy Edwards, a would-be victim overpowered Dahmer, ran through the streets and waved for the police car. In the trial, Dahmer pled not guilty by reason of insanity. The plea was subsequently rejected and Dahmer was convicted of all 15 murder charges and sentenced to 15 consecutive life sentences. The case was seen by many as the death of the insanity plea. They contended that if a deranged criminal like Dahmer is rejected on the insanity plea, then no other criminal would qualify for the defense.





# • Lorena Bobbitt

- Lorena and John Bobbitt was a young couple from Virginia. John had a history of mentally and sexually abusing Lorena throughout their marriage. On June 23th 1993, John arrived home highly inebriated and proceeded to rape Lorena. After the incident, Lorena stepped into the kitchen for a drink of water and saw a carving knife on the counter.
- During the trial, Lorena revealed the details of their marriage and the domestic abuse. Her defense claimed that she was suffering from clinical depression from it causing her to wound her husband. **The jury deliberated and Lorena was acquitted of her charges due to temporary insanity and could not be held responsible for her actions.** She was however ordered to go under psychiatric evaluation for 45 days and was released thereafter. In the aftermath of the much publicized trial, she appeared on the Oprah Winfrey Show to talk about her experience and has since been an advocate for domestic violence causes herself.

# Jonathan Schmitz

In the year 1994, Jenny Jones, a national talk show, was in the midst of producing a program about same-sex crushes. They hunted for people who would openly admit to having a crush on television and found Scott Amedure, who had a crush on his friend Jonathan Schmitz. Three days later, Amedure left Schmitz a suggestive note. Upon finding the note, Schmitz purchased a shotgun, confronted him, and finally shot him twice in the chest, killing him. **This is a special entry because of the defense used, known as the gay panic defense. It is defined as a state of temporary insanity caused by undesirable homosexual advances.** It is controversial because it is a little known psychosis and its validity is widely debated within jurisdictions. Despite the defense, Schmitz was found to be guilty of second degree murder and sentenced to 25 to 50 years of jail. The Jenny Jones Show was also later sued for negligence, for creating a hostile scenario without considering the potential consequences.



# • Andrew Goldstein

- The reason this case drew much controversy is because Goldstein was committed to the hospital for a total of 13 times in the course of 1997 and 1998. Each one of his commitments was done voluntarily, and he once even requested for permanent hospitalization. However, each time he was turned away and was put in the waiting list for hospitalization, despite his efforts to commit himself. The tragedy in this case was that the system was firm in their stance to cut costs and had failed to protect the people. After a gridlock in his first trial, the second jury found him guilty and convicted him of second degree murder. In the wake of the crime, public outrage led to the introduction of a state law called Kendra's Law, which allows the right for families to demand involuntary hospitalization for their relatives. Controversy continued as some say that the law was irrelevant in this case as Goldstein voluntarily requested for hospitalization. Finally in 2006, Goldstein admitted that he was aware of his actions when he killed Kendra Webdale; just shy of his pending third trial and finally laying the case to rest.

