

The Great Disappearin' Machine

Case Study Two: Justice, or Just Vengeance?

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cannot demonstrate how she would behave in the free world, yet she cannot re-enter the free world until she demonstrates how she would behave there. Thus she twists in the wind, condemned by her past mistakes to have no future.

Were she to have been found guilty in court as a criminal and sent to the penitentiary, whatever the penalty, we could debate the fairness and justness of the sentence. Yet she was found not guilty, and sent to the hospital for treatment. She fulfilled her responsibilities by returning to sanity and no longer being dangerous, but because of the nature of her reason for being there and the inflammatory rhetoric used by the prosecutor and the media she was painted as such a monster that the courts felt justified in creating a new cage in which to keep her. They let their emotions reign, and changed the rules. They piled harm on top of harm for the sake of sating the mob's thirst for blood.

Is that justice, or just vengeance?

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For as long as I can remember America has had a fixation – bordering on a compulsive obsession – with what television, the media, politicians, and other similarly situated loud, influential, profit-oriented voices call 'justice.'

JUSTICE: the quality of being just, impartial, or fair; the principle or ideal of just dealings and right action.

JUST: conforming to truth, fact, or reason.

The purpose of justice in a society is to maintain order and civility, so that a community of human beings might be forestalled from descending into an orgy of barbarism when the inevitable conflicts that arise from gathering too many freethinking individuals together threaten to supplant reason with emotions. Simply put, mob rule is a coup by feelings that topples logic, an anathema to anything civil.

Justice, in a society that actually practices it, serves as the release valve for the tension that comes when things get, as the Grinch says, too 'peoply.' Justice allows the wheels to turn and life as folks have become accustomed to it to continue without everybody freaking the fuck out because they can't reconcile their feelings with the circumstances surrounding them. Justice balances the iconic scales, and balances out emotional reactions with rational contemplation.

Unfortunately, we don't practice justice in this country.

VENGEANCE: punishment inflicted in retaliation for an injury or offense.

When someone hurts us our knee-jerk reaction is to hurt them back. This is not rational; it is an emotional response, a reflex, a little kid-ism that if indulged becomes a real nasty habit. We

didn't heed the warning label, so now we need to break this habit before its toxic byproducts deliver to our society an ugly, painful, premature death.

There's no patch, or pill, or 12 step crutch for kicking vengeance but that doesn't mean we're helpless.

There may not be any methadone-esque substitutes for brutally excoriating those fellow citizens whose actions run counter to what has been quite literally by hook or by crook established as the baseline of what our society deems acceptable, but there's something better than any synthetic skag or going cold turkey: forgiveness.

There are few more misappropriated, misused, or misunderstood concepts in our modern lexicon than forgiveness, but much of that confusion is manufactured and disseminated by the same aforementioned hooks and crooks who prodded us into this mess to begin with. Rather than quibble over rhetoric let's stick with the old wordbook:

FORGIVENESS: to cease to feel resentment against.

Forgiveness doesn't mean excusing a wrong or permitting its commitment. It doesn't even mean not punishing someone. It's just about accepting the past – which cannot be changed – and moving forward without holding a grudge. It is, in short, about justice.

When someone does wrong, an emotional response calls for wrong to be done back to them – an eye for an eye. Retribution. Vengeance. Yet once we take off the blinders that being led around by the nose care of our feelings put on us, the logical mind recognizes that answering harm with more harm only leaves us with a collective that has suffered twice. We can't

newspapers whipped the public into a frenzy, rehashing the gory details of Wanda's crime and warning that a 'throat-slashing psycho mom' was coming to a suburb near you. This inflammatory rhetoric brought immense scrutiny and backlash – emotional firestorms, just as the papers intended by dropping such incendiaries.

The prosecutor filed an appeal, citing that there existed 'no clear and convincing evidence that [Wanda] would not reasonably be expected to inflict serious harm upon herself or others,' should she be allowed out of the secured environment of the state hospital. The keystone that his entire argument rested upon was none other than Wanda's self-reported suicide attempt from years before.

After less than two weeks living in her own apartment on conditional release, the courts agreed with the prosecutor that Wanda could possibly still be a threat to public safety despite the overwhelming lack of evidence; in over 90 instances she was assaulted yet she never once even defended herself, and in all this time the only person she'd ever harmed, once, was herself. She was ordered back into the hospital's custody and she turned herself in.

She remains there to this day. Her prospects for ever earning a release seem grim. Because of the court's ruling, the burden of proof for Wanda – and anyone else seeking release from her state's hospital system – has been shifted to the petitioner. Meaning: in order to be released, Wanda must prove *while she is in custody* that she will never harm herself or anyone else were she not in custody.

Our legal system rests upon a foundation of 'innocent until proven guilty' precisely because of the inherent impossibility of proving a negative. In this instance, while locked up Wanda

physically, and sexually abused by hospital employees. They also violated her sense of safety with intrusive searches at all hours, cavity searches to humiliate her, and sleep deprivation to ratchet up her stress until she developed PTSD. Some even encouraged her to kill herself and one went so far as to provide her a plastic bag and instruct her to wrap it over her head so she could suffocate.

Still – Wanda had never been a pushover. She weathered years of abuse, refused to take the medications which had led her into this nightmare to begin with, and petitioned for discharge in order to return home and care for her dying father. Despite being neither psychotic or dangerous she was denied. In a moment of despair she attempted to end her own life by taking pills, but she only became ill. The next day she self-reported her suicide attempt but did not require any medical attention.

Two years later Wanda petitioned for a conditional release again. This time the judge recognized that due to the longstanding antagonistic relationship between Wanda and the head psychiatrist, she could never receive effective mental health care while confined to the state hospital. The judge believed her to have a personality disorder, to be 'difficult, disagreeable, and narcissistic' as well as 'unlikeable,' but to neither be psychotic nor dangerous, so the judge – the same one who presided over her original trial years before – ordered her to be conditionally released pursuant to a five year plan the thrust of which was that Wanda would live in her own apartment in the community rather than at the hospital and would receive ongoing mental health treatment from a private psychologist who in turn would promptly report any violations of the many conditions of Wanda's release should they come to pass, much the same way a parole agent would.

Wanda was released. The irresponsible hacks at the local

heal harm with more harm any more than a doctor can beat broken bones back whole.

That we still try to do just that speaks volumes about the insanity of building an orderly society then surrendering its maintenance and care to the emotional whims of the aggrieved heart and the offended sensibility.

Speaking of insanity, let's talk about Wanda Mercer. More specifically, let's decide whether our system for determining where a person is 'insane and dangerous' is itself insane and dangerous. If we find that it is, hopefully we can then agree that to consign anyone to it, regardless of their past, would be an act of vengeance that flies in the face of any true justice, and is therefore in nobody's best interest save for the fear mongers and string pullers.

I don't know about you, but I'm pretty sick of them running the show.

The following tale is not pleasant and doesn't have a happy ending. I don't ask you to reserve your judgements, only to be aware of them and to consider whether they are at their core an emotional reaction or the product of rational, objective consideration.

Wanda Mercer dedicated her life to serving others. She was a mother, a homemaker, a United States Army veteran, a law student, an artist, and a poet. She was also a strong, intelligent, outspoken, ambitious individual who rarely sat idle and never played a passive role in her own life.

Yet life pulled no punches when it came to Wanda. After struggling in silence for many years she sought help from a professional to get out from under the crushing emotional

burden brought on by an abusive marriage and contentious custody battles. The doctor prescribed an antidepressant to her and she believed that she would soon feel less stressed and sad.

But Wanda's struggles were only beginning. Over the next sixteen years the doctors she trusted prescribed her more psychiatric medication to combat the problems in her life that only seemed to grow more intractable as her dosages crept ever upward. Eventually Wanda experienced a rarely discussed but frighteningly common reaction to her mind-altering regimen: instead of helping her through her most difficult times, she became delusional. As she withdrew further and the medication's hold on her senses became total, Wanda tumbled into a bottomless hole of social and existential isolation, psychotic, paranoid, and completely separated from the people in her life who might have recognized she was in crisis.

In the depths of this darkness she then did something so shocking to the conscience that it threatens to cloud an outsider's reason as thoroughly as the meds clouded hers: Wanda took the life of her beloved daughter, then attempted to kill herself as well. She did not act with malice, but out of a love expressed through the warped lens the meds had imprinted on her mind. She believed her child was in imminent danger of being kidnapped by Satanists hellbent on consigning her to a brutal life of exploitation and damning her eternal soul. So, she did the only thing she could think of to spare her daughter.

Wanda was arrested. She spent days in the hospital recovering from the wounds she had inflicted upon herself, then she went to jail. After two years the court found her Not Guilty by Reason of Insanity. Despite no longer being acutely psychotic, the crime which came to define her life stood too large in the

public attention for forgiveness to even be considered. With the media fanning the flames, justice was abandoned in favor of vengeance. Instead of asking how a person who had fallen so far but survived such an ordeal might be made able to grieve her devastating loss and become once more whole, Wanda was thrown away into the forensic hospital system.

The purpose of involuntarily committing someone to a state psychiatric hospital is ostensibly to administer treatment to the individual so that they might record from the disorder or disease which rendered them 'insane and dangerous,' the prerequisite for confinement under her state's NGRI laws.

Yet Wanda had been dangerous only because she was psychotic, and psychotic only because she'd been prescribed an irresponsible cocktail of psychotropics and left to her own devices until she imploded. Once the medication no longer polluted her mind she was neither.

But 'justice' – *vengeance* – must be served, and her time within the state hospital designated to heal her saw only harm piled atop harm as the doctors tried to beat her broken psyche back to wholeness.

Wanda was assaulted over 90 times by other patients over the next dozen years. She had her hair pulled out by the fistful, she was beaten, kicked, clubbed, stabbed, and attacked with a chair resulting in five bulging discs in her neck. Her attackers were sometimes psychotic, egged on by malicious staff members. Other times those who assaulted Wanda did so in exchange for favors, treats, or privileges from the nurses and technicians in charge of the facility.

These same staff members also took a more direct role in her torment: during the same twelve years, Wanda was verbally,