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Justice & Civil Society

I pledge that I have neither given nor received unauthorized assistance during the completion of this work.

As the political machines gear up for the 2016 elections, the concerns of many Americans rest on issues close to home: unemployment, health-care, and gun control. No serious politician bothers to mention homelessness or gun violence in the context of a mental health crisis. In fact, for most Americans, the mental health crisis conjures images of a dark chapter in American history, rather than a modern issue contributing to rising numbers of homeless and incarcerated. Articles about Greyhound therapy and Adacia Chambers, a woman who ran-over people in a parade, go largely ignored in favor of the latest sensationalized sound-byte from Donald Trump. *The Insanity Offense* by E. Fuller Torrey argues that the deinstitutionalization of state-run insane asylums in the 1960's succeeded in breaking path dependence upon isolating undesirables within the confines of filthy hospitals. However, it gave rise to a new social crisis that, in many cases, proves worse than the intolerable anachronism it resolved to erase by disbursing the severely mentally ill into poor neighborhoods with no social support. In an argument where there is no clear solution, no 'good guy', no 'villain', Americans face the difficult task of discussing obligations of care to the mentally ill. Torrey argues that by employing laws to restrict public mental health-care, reducing government funding for mentally ill so that 'Greyhound Therapy' is a normality, and blindly applying civil rights to volatile individuals such as Adacia Chambers, Americans have institutionalized the oppression of our most vulnerable citizens, rendering them homeless, incarcerated, and altogether invisible.

The deinstitution revolution began as a movement dedicated to shedding light on abusive asylums, but ended in the reallocation of the mentally ill to equally invisible roles in society as homeless or members of the penal system. In 1946, *LIFE* magazine published

an investigative report, “Bedlam,” revealing the filthy interior and inhumane treatment in mental health facilities which reached a critical capacity of citizens to make a previously hidden social problem into a pressing social need.¹ By 1955, 50 million Americans were on a new drug, Thorazine, which calmed psychotic symptoms and allowed institutions to mass release patients into boarding homes, creating a progress trap as America tried to medicate its way out of mental illness.² From 1955 to 2006, public mental institutions went from supporting 558,000 mentally ill patients to only 40,000, despite doubling of the overall population during that same time period.³ Streets of poor neighborhoods began to resemble open-air psychiatric wards as the mentally ill flooded out of asylums and into boarding homes where community psychiatry “in most places varied from inadequate to invisible.”⁴ The Lessard Decision altered the course of mental health law in 1964 by stating that involuntary commitment was unconstitutional unless the person was imminently dangerous, which thereby reversed 700 years of western precedent of societal obligation to those like the mentally ill who cannot protect themselves.⁵ The Lessard Decision was a manifestation of the American Paradox in which fear of big government overruled society’s dependence on it to care for the mentally ill.⁶ The parallel increase in homelessness suggested that deinstitutionalization falsely cleared American conscience because the

¹ *Social Problem vs. Social Need*- A social problem occurs when there are conditions that some people believe have negative effects on a large number of people. It is a subjective term depending on a community’s values. A social need occurs when there is an appeal for service and action to solve a social problem. Although some Americans may acknowledge the negative conditions imposed upon American mentally ill, there has yet to be a call to action which validates the problem an immediate need.

² Julian Hayter, “Open-Air Asylums and The New Repositories” (lecture, University of Richmond, Richmond, VA, November 3, 2015).

³ E. Fuller Torrey, *The Insanity Offense: How America’s Failure to Treat the Seriously Mentally Ill Endangers its Citizens* (New York: W.W. Norton & Company, 2012), 2.

⁴ Torrey, 2.

⁵ Torrey, 82.

⁶ The American Paradox first occurred during the Great Depression in reaction to the New Deal. A fear of big government is engrained into America’s revolutionary roots. However, this fear clashes with increased reliance on governmental programs seen during and after the Great Depression.

vulnerable were simply displaced onto the shoulders of poor communities, where they were no longer of concern to anyone.

Deinstitutionalization may have initiated a new course of invisibility, but the recent rise of Greyhound therapy, whereby mental health institutions send newly discharged patients to a new city via bus, furthers Torrey's point that state government lacks the resources to combat mental illness. by proving that it also actively works to hide the mentally ill population. The day after admission to a psychiatric center in Las Vegas for threatening to kill himself, Mr. Theisen received a bus ticket to San Francisco along with a bagged lunch and a day's supply of medication.⁷ His future on the streets was all but guaranteed. Mr. Theisen is one of approximately 1,500 mentally ill patients carted from Nevada and then abandoned on an unfamiliar city street with no resources.⁸ The mere occurrence of Greyhound therapy is an atrocity because it denies basic human dignity, but it speaks to the larger problem that the institutions do not have the beds or resources to keep severely mentally ill for an extended period of time. The infrastructure available is not helping mentally ill get the treatment they need, but rather catalyzing their trip into homeless centers and into oblivion.

Under the guise of civil liberties, the justice system carelessly provides mentally ill, like Adacia Chambers, responsibility for their own well-being; then it retroactively admits that they may not be able to make basic judgements of right and wrong. Without a doubt, the asylums of the early twentieth century denied patients basic human rights, but in the

⁷ Rick Lyman, "Once Suicidal and Shipped Off, Now Battling a State Over Care," New York Times, September 21, 2013, 17, accessed November 9, 2015.

http://www.nytimes.com/2013/09/22/us/once-suicidal-and-shipped-off-now-battling-nevada-over-care.html?_r=0

⁸ Lyman, "Once Suicidal and Shipped Off, Now Battling a State Over Care."

rush to correct the atrocities, courts hastily gave even the severely mentally ill full reign of civil rights in addition to human rights. The claim to civil rights assumes that the individual has the capacity to determine what is best for his or her own well-being.⁹ Adacia Chambers, a woman with a history of mental illness, did not exercise this capacity as she drove her car through a parade killing several bystanders without being able to later recall the event.¹⁰ Current laws are retroactive instead of preventative in identifying individuals like Chambers *before* they destroy lives. Like children, those with mental illnesses severe enough to delude their decision making capacity for their own and others' well-being should not be given full reign over their civil rights. Benevolent paternalism has its place in society when a member does not have the capacity to take care of their own well-being. Draconian laws which prevent involuntary commitment, haphazardly shower civil rights upon all citizens, ultimately acting as a buffer to further distance policy makers from evaluating the individual situation. If we don't need to look at the details of any one particular situation, we can ignore the otherwise apparent needs of the mentally ill community.

The Insanity Offense, paired with the current examples of Greyhound therapy and Adacia Chambers, shows how society is structured to hide and ignore the mentally ill until they become violent. The question remains, why politicians and much of the American public ignore that the country fails to provide the most vulnerable citizens with basic necessities and the opportunity for a good life. We see consistently that responsibility for

⁹Torrey, 81.

¹⁰Sean Murphy, "Oklahoma Woman Charged with 4 Counts of Second-Degree Murder for Parade Crash," Washington Times, November 4, 2015, accessed November 10, 2015, <http://www.washingtontimes.com/news/2015/nov/4/oklahoma-woman-charged-in-parade-crash-that-killed/?page=all>.

the the mentally ill is constantly pushed from one entity onto another: mental health institutions use Greyhound therapy to push it onto other states; states defunded their mental institutions because they wanted government to take responsibility; friends of Dylann Roof failed to take responsibility and report him. No entity or peoples has taken responsibility for the mentally ill, and as a result, no one has had to ask the difficult questions, the first of which is: can America be a truly civilized nation if it allows its citizens to mentally deteriorate without stepping in?