



Written by [Jack Kenny](#) on January 15, 2011

Tucson Shooting Sparks Calls for Involuntary Commitments

In an op-ed article in Wednesday's [Wall Street Journal](#), Dr. E. Fuller Torrey, author of the 2008 book *The Insanity Offense*, argued that states aren't doing enough to protect society from people such as Jared Loughner, the accused killer in the Tucson shooting.



That killing spree and others like it "are the inevitable outcome of five decades of failed mental-health policies," Torrey charged in his *Journal* commentary. Starting in the 1960s, he said, states began to empty their hospitals of mentally ill patients without providing the needed outpatient care. "By the 1980s, the results were evident — increasing numbers of seriously mentally ill persons among the homeless population and in the nation's jails and prisons," he wrote. A 2007 study by the U.S Department of Justice, he said, found that 56 percent of state prisoners, 45 percent of federal prisoners, and 64 percent of inmates in local jails suffer from mental illnesses.

Loughner's mental state has been the subject of intense media speculation for two reasons. One is that there is still no known motive for the attack on Rep. Gabrielle Giffords, the apparent target of the shooting that occurred as the Congresswoman was having a "meet and greet" with her constituents at a local shopping plaza. The other, more obvious, reason is Loughner's disoriented and disruptive behavior that resulted in repeated run-ins with the authorities at Pima Community College, where he was suspended, with his return conditioned on clearance by a mental health professional.

"The solution to this situation is obvious — make sure individuals with serious mental illnesses are receiving treatment," Torrey wrote. "Many such patients will take medication voluntarily if it is made available to them. Others are unaware they are sick and should be required by law to receive assisted outpatient treatment, including medication and counseling, as is the case in New York under Kendra's Law. If they do not comply with the court-ordered treatment plan, they can and should be involuntarily admitted to a hospital."

["Kendra's law"](#) is a New York statute empowering judges to require seriously mentally ill patients to undergo psychiatric treatment. It was named after Kendra Webdale, who was killed when a man who had been diagnosed with schizophrenia, and was off his medication, pushed her in front of an oncoming subway train.



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William Galston, a former advisor to President Clinton and a senior fellow at the Brookings Institute, called for involuntary commitment of the "mentally disturbed" in a column in [The New Republic](#).

The story repeats itself, over and over. A single narrative connects the Unabomber, George Wallace shooter Arthur Bremer [sic], Reagan shooter John Hinckley, the Virginia Tech shooter — all mentally disturbed loners who needed to be committed and treated against their will. But the law would not permit it.

In fact, as Torrey pointed out, Arizona law does make it easier to have someone forcibly committed for mental health treatment than it is in most states, where someone may be committed only if judged to be a danger to himself or others or incapable of caring for himself. In Arizona, anyone can call county or regional health authorities about someone's mental health and authorities are required to send out a mobile unit to investigate. Anyone filing a request for commitment must list the names of two witnesses who can attest to the subject's behavior, though the complainant need not sign the form. The law also provides up to 90 days of inpatient hospital treatment. A judge can order a patient to take his medication; patients who refuse can be sent back to the hospital. But few are actually committed because the state lacks enough hospital beds and mental health professionals to fully implement the law.

"The state laws are some of the best in the country," Jack Potts, a forensic psychiatrist in Phoenix, told [USA Today](#). "The follow-up is not." While Arizona has one of the nation's lowest ratios of psychiatric beds to state residents, *USA Today* reports that budget cuts in hospitals across the country have resulted in the loss of 4,000 inpatient psychiatric beds. But regardless of the availability, [Glenn Greenwald](#) at Salon.com argues that using involuntary commitments in an effort to prevent crimes before they occur is bad policy and bad law. John and Robert Kennedy, Malcolm X and Martin Luther King were all assassinated in the 1960s and the attempted killing of George Wallace occurred in the early '70s, he pointed out, an era when people were committed to mental health institutions in greater numbers than they are today. He continued:

Those who suffered mental illnesses were locked away for years and sometimes decades despite having done nothing wrong and despite not being a threat to anyone, while countless people who simply exhibited strange or out-of-the-ordinary behavior were deemed mentally ill and similarly consigned. The harm that would come from forcibly consigning thousands and thousands of people who have done nothing wrong is so much greater than the harm from the once-every-20-years attack on a political official that the excessiveness of his solution is self-evident.

Meanwhile, members of Congress have responded to the shooting of their colleague in myriad and, in some cases, imaginative ways. Dan Burton (R-Ind.) has proposed a bulletproof glass barrier to separate the House chamber from the gallery. Jesse Jackson (R-Ill.) wants to increase the House budget by 15 percent to provide for yet-unspecified security measures. Peter King (R-N.Y.) wants a movable gun-free zone, making it a crime for an armed person to come within 1,000 feet of any federal official, wherever that official might be. Rep. Bob Brady (D-Pa.) wants to ban the practice, not uncommon in political ads or on websites, of using of bull's eyes or crosshairs to designate a member of Congress targeted for defeat — prompting one blogger to suggest that Target department stores "will really have to watch their advertising."

In the Senate, Barbara Boxer (D-Calif.) has called for a federal law on concealed-carry permits and Frank Lautenberg (D-N.J.) wants a ban on a large ammunition clip like the one used in the Tucson shooting. Other proposals include having Capitol police accompany members on trips home to their



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districts — a costly proposition. The [Orange County Register](#) suggested a simpler and less expensive measure. Why not, it queried in an editorial, simply notify the local police when the Congress member is going to be at an event? The horrible occurrence last Saturday need not give rise to panic, but as the *Register* suggested, "a little protective prudence might be in order."



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