monday, october 5, 1981

daily nebraskan

page 5

Music protesters...

Continued from Page 4

But record albums aren't the only source of moral decay in this country. On these terms we might as well set fire to FM disc jockeys, feminine hygiene products, our state capitol, Brooke Shields, Dow Chemical, Fred Silverman, discos, Crisco, Cosmopolitan and Playboy, Calvin Klein, Madison Avenue, Bo Derek, hot tubs, Mexico, Columbia and Turkey.

Some of these claims may seem unfounded, but remember when starting a moral crusade that a little unbridled paranoia never hurts. And don't just do it

more sane..

Continued from Page 4

The present state of the matter, based on court decisions - the matter has never been legislated - is that:

-A person is not responsible for criminal conduct if, at the time of such conduct, as a result of mental disease or defect, he lacks substantial capacity to appreciate the criminality of his conduct or to conform to the requirements of the law.

-The terms "mental disease or defect" do not include an abnormality manifested only by repeated criminal or otherwise antisocial conduct.

Hatch's proposal would add this language:

"It shall be a defense to a prosecution under any federal statute that the defendant as a result of mental disease or defect lacked the state of mind required as an element of the offense charged. Mental disease or defect does not otherwise constitute a defense."

As Hatch put it, "an individual who believed that he was throwing darts at a board instead of stabbing a victim to death would not be guilty of murder. But - and this is the key distinction - he would not be guilty because he did not 'knowingly' kill another, not because he was covered by a separate insanity defense."

defendant who is "mentally ill" and another - who could be said to be the product of "crimogenic social or economic conditions."

as a symbolic action of personal taste. Iry

to infer a sense of guilt on those who don't

their own moral standards is still a sacred

freedom as long as it agrees with your own.

bonfire, make it spectacular enough to

attract a crowd. Good or bad, publicity is

publicity and you've legitimized your

cause. If the current moral decay still has

you in a fit of pique, just take a Valium, re-

lax and pray that the good Lord will some-

day have the decency to allow children to

be born with their clothes on.

The right of an individual to determine

Oh, and lastly, if you are going to have a

follow your lead.

Hatch is trying to nudge us toward the truly relevant questions: Did he do it? Did he know what he was doing?

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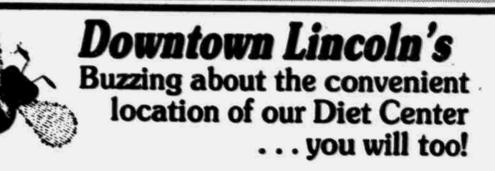
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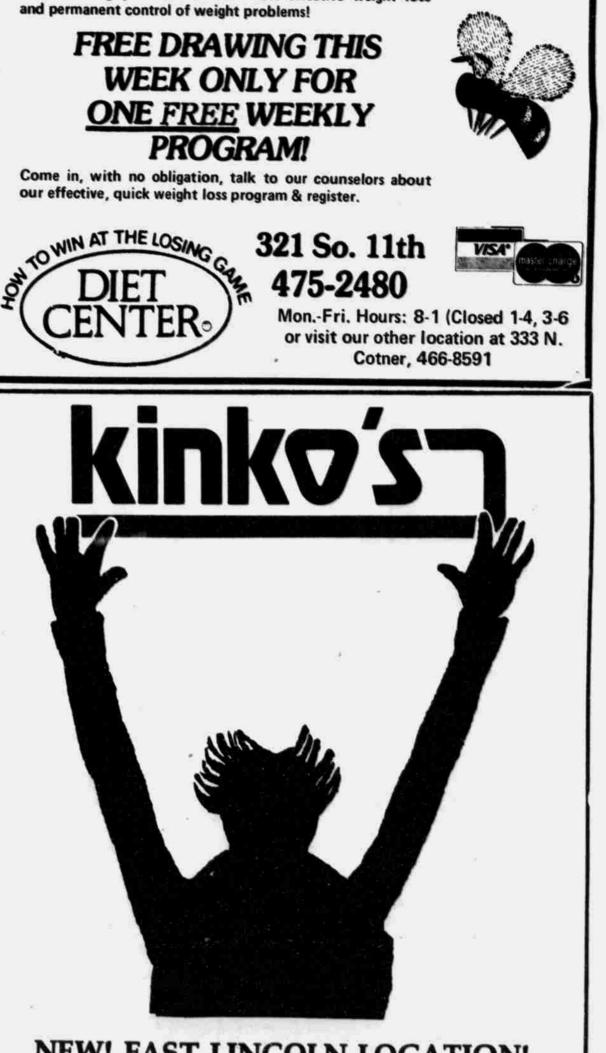
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His amendment would come into play only in borderline cases. The obviously deluded defendant would, in all likelihood, be found incompetent to stand trial in the first place.

This, in my view, does not mean that he ought to go free. Non-responsible does not mean non-dangerous.

Hatch believes that his proposal would help to rationalize the present formulation that depends on the willingness of a psychiatrist to label a defendant "mentally diseased" and the willingness of a jury to agree.

It helps in another way: by clearing up the confusing distinctions between one

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