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Valerie P. Hans

*Cornell Law School*, [valerie.hans@cornell.edu](mailto:valerie.hans@cornell.edu)

Dan Slater

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# John Hinckley, Jr. and the Insanity Defense: The Public's Verdict

VALERIE P. HANS AND DAN SLATER

ON June 21, 1982, a Washington, D.C. jury found John W. Hinckley, Jr. Not Guilty by Reason of Insanity (NGRI) on all charges arising from his attempted assassination of President Reagan. No verdict in recent history has evoked so much public indignation. An ABC News poll conducted the day following the verdict revealed that three-quarters of the Americans surveyed felt "justice had not been done" in the Hinckley case (ABC News, 1982b). Interviews with members of the public (e.g., Phil Donahue Show, August 9, 1982; ABC News, 1982a, 1982b) as well as letters to Judge Barrington Parker, who presided at the trial (New York Times, 1982b), have documented the public's negative opinion of the verdict.

The public's negative reaction has stimulated reforms of the insanity defense. The day after the Hinckley verdict was reached, the

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**Abstract** Public furor over the Not Guilty by Reason of Insanity verdict in the trial of John Hinckley, Jr. already has stimulated legal changes in the insanity defense. This study documents more systematically the dimensions of negative public opinion concerning the Hinckley verdict. A survey of Delaware residents shortly after the trial's conclusion indicated that the verdict was perceived as unfair, Hinckley was viewed as not insane, the psychiatrists' testimony at the trial was not trusted, and the vast majority thought that the insanity defense was a loophole. However, survey respondents were unable to define the legal test for insanity and thought Hinckley would be confined only a short period of time, contrary to the estimates of experts. These findings, in conjunction with other research showing the public is not well informed about the insanity defense, underscore the importance of examining determinants of opinion about the insanity defense before additional reform is undertaken.

Valerie P. Hans is an Assistant Professor of Criminal Justice and Psychology, and Dan Slater is an Assistant Professor of Communication, at the University of Delaware. Correspondence concerning this article should be addressed to Valerie P. Hans, Division of Criminal Justice, University of Delaware, Newark, DE 19711.

Delaware legislature passed a law providing a Guilty But Mentally Ill verdict alternative in insanity cases. Proposals to abolish or restrict the insanity verdict are before legislatures in other states, and the White House has announced its plan for revision of the insanity defense (Hoffman, 1982; Philadelphia Inquirer, 1982; Putzel, 1982; New York Times, 1982a). The Hinckley trial promises to be a benchmark in the reform of the insanity defense.

The purpose of the study reported here is to provide a more complete account of public opinion about the Hinckley trial and insanity defense. In an attempt to understand the determinants of reactions to the trial, the paper also explores demographic and attitudinal correlates of opinions about the Hinckley verdict.

Previous research on perceptions of the insanity defense is sparse, but the available literature indicates that the public always has taken a dim view of the defense (e.g., Moran, 1981). Public opinion polls consistently have shown that a majority of Americans believe the insanity defense is a loophole that allows too many guilty people to go free (Bronson, 1970; Fitzgerald and Ellsworth, 1980; Harris, 1971). Perhaps as a consequence of this perception, the reluctance of juries to find defendants NGRI is legendary. More detailed analyses of perceptions of the insanity defense or the criminally insane show decidedly negative attitudes but widespread misconceptions (Howell, 1982; Pasewark, 1981; Steadman and Coccozza, 1977).

Therefore, we expected our survey to reveal: (1) considerable negativity about the insanity defense in general, and the Hinckley verdict in particular, and (2) poor to moderate knowledge about the insanity defense.

## Method

### SURVEY RESPONDENTS

Respondents were 434 men and women from New Castle County, Delaware.<sup>1</sup> Respondents were contacted by telephone using random-digit-dialing techniques. The telephone numbers were selected by computer using a random number generator from the universe of all telephone numbers of all prefixes in New Castle County. The demo-

<sup>1</sup> New Castle County encompasses the northern third of the state of Delaware and includes the urban center of Wilmington, the university community of Newark, and both suburban and rural/farming areas. New Castle County is the home of major corporations (e.g., DuPont, Hercules) as well as large automotive plants (Chrysler, General Motors). Census studies of voter registration, persons voting, and households with telephone service show that residents are within 3 percent of national averages. Delaware residents, on the whole, have a higher per capita income than the national average (Bureau of the Census, 1980).

graphic characteristics of the sample were as follows: 41 percent male and 59 percent female; 86 percent white, 12 percent black, 2 percent other nonwhite; 5 percent were less than 18 years of age; 11 percent were 18–24 years; 29 percent were 25–34 years; 17 percent were 35–44 years; 17 percent were 45–54 years; 12 percent were 55–64 years; and 10 percent of the sample was 65 or more years of age. A third of the sample (34 percent) had only a high school diploma, while 14 percent had not graduated from high school; 27 percent had completed one to three years of college, 15 percent had a college degree, and 10 percent of the sample had done graduate work.<sup>2</sup>

#### PROCEDURE

Nine paid interviewers conducted the survey beginning one week following the announcement of the verdict on four consecutive evenings from June 28 to July 1, 1982. The interviewers included one faculty member, four graduate students, three university graduates, and a college senior. All but one had previous experience with telephone interviewing or had systematic training in survey research techniques prior to this study. Interviewers went through a group training session for this study with the project director. Topics covered in the training session included: (1) use of random telephone number lists; (2) introductory statement to the respondent; (3) question-asking techniques; (4) the range of possible responses; (5) dealing with the open-ended questions; (6) prompting methods; and (7) recording the data on the questionnaires. The project director monitored calls by all of the interviewers to ensure standardization of data collection methods.

The interviewers introduced themselves to the person answering the telephone by saying:

<sup>2</sup> Demographic data for Delaware collected in 1980 by the United States Census Bureau allowed us to estimate the representativeness of our sample. The racial composition of the community (86 percent white, 14 percent nonwhite) was reflected accurately in our sample, but women were overrepresented in the sample (59 percent) as compared to the census (52 percent). Census data indicated that 26 percent of New Castle County residents who were 18 years of age or older had less than four years of high school, and 19 percent had one to three years of college education. Our sample (which included some respondents under the age of 18) had relatively fewer respondents without a high school diploma (14 percent) and relatively more with one to three years of college (27 percent). Finally, comparison of age categories indicated that our research project undersampled individuals under the age of 24 (persons age 18–24 comprised 20 percent of the census but 11 percent of the sample) and oversampled people in the 25–34 age range (22 percent of the census versus 29 percent of the sample). Our sample thus was somewhat better educated and older than the community.

Hello. My name is \_\_\_\_\_. I am calling from the Department of Communication at the University of Delaware. We're conducting a brief opinion poll and would very much like your assistance. As you may have heard, John Hinckley, the man charged with attempting to assassinate President Reagan last year, has been on trial. He pleaded Not Guilty by Reason of Insanity, and the jury, in fact, found Mr. Hinckley Not Guilty by Reason of Insanity. We would like to know what you think about this case and would like to ask you a few questions.

Not all interviewers kept accurate records of refusals (some recorded business, nonresidential, and other inappropriate numbers with the same notation used for refusals), but the remainder of the interviewers had a refusal rate of about 5 percent. Another telephone survey of New Castle County residents also conducted in the summer of 1982 had a refusal rate of 3 percent (Ratlidge, 1982). If there was no answer, or the number was disconnected or was a nonresidential number, interviewers proceeded to the next randomly generated telephone number. After ascertaining the individuals' willingness to participate, the interviewers proceeded with the questions.

#### QUESTIONNAIRE

The questionnaire contained items related to the Hinckley trial, the insanity defense, media use, attitudes toward psychiatry and the death penalty, and demographic characteristics (for question wording see Appendix). Since most questions had fixed answer choices, coding was relatively straightforward. The exception was the open-ended question in which respondents provided definitions of legal insanity. A coding system with 14 different categories was developed. Two raters coded each of the 434 responses individually and initially agreed on 86 percent of the answers. The responses which generated disagreement were discussed and in all instances a code was agreed upon by the two raters. In those few instances in which respondents provided multiple answers, raters selected the first coherent or complete statement for coding.

### Results

#### REACTIONS TO THE HINCKLEY VERDICT

In line with expectations, respondents displayed very negative reactions to Hinckley's NGRI verdict, as shown in Table 1. About half thought the verdict was not at all fair, and another quarter felt it only slightly fair. When asked what decision they would have reached had they been jurors, the vast majority would have convicted Hinckley; only a minority would have reached the same NGRI verdict

**Table 1. Reactions to the Hinckley Trial**

Fairness of verdict	Not at all fair	53.7%	Slightly fair	22.4%
	Somewhat fair	15.4%	Very fair	8.5%
Respondent's verdict	Guilty	73.3%	Don't know	12.0%
			NGRI	14.7%
Hinckley insane	No	65.7%	Don't know	10.0%
			Yes	24.4%
Consequences of NGRI	Jail			2.3%
	Mental hospital			80.9%
	Go free			10.1%
	Don't know			1.8%
	Other			4.9%
Length of confinement	6 months or less			21.9%
	7 to 12 months			22.5%
	13 to 24 months			17.5%
	25 to 60 months			17.5%
	Over 5 years but less than life			13.5%
	Life			7.0%
What should happen to Hinckley	Punishment			26.4%
	Both punishment & treatment			59.5%
	Treatment			14.1%
Insanity defense is a loophole	Agree			87.1%
	Neither agree nor disagree			6.1%
	Disagree			6.8%
Confidence in psychiatric testimony	Not at all confident			39.9%
	Slightly confident			19.6%
	Somewhat confident			28.1%
	Very confident			12.5%
Psychiatrists' ability to determine legal insanity	All of the time			1.0%
	Most of the time			17.1%
	Some of the time			47.0%
	Every once in awhile			23.5%
	Never			11.4%
Definition of legal insanity	Complete definition			.2%
	Partly correct definition			29.0%
	Incorrect definition or don't know			70.8%

the jury rendered. A substantial majority believed Hinckley was not legally insane at the time of the shooting.

#### CONSEQUENCES OF HINCKLEY'S NGRI VERDICT

As indicated in Table 1, 80.9 percent of the sample correctly responded that Hinckley would be sent to a mental hospital as a result of this NGRI verdict. Some persons erroneously believed that Hinckley would either go free or be sent to jail. Of those respondents expressing an opinion on how long Hinckley would be confined, most predicted a relatively short period of confinement. A total of 61.9 percent said that Hinckley would be out in two years or less; only 20.5 percent thought Hinckley would spend more than five years in

confinement. About a quarter of the sample felt that Hinckley should only be punished for his behavior, while a smaller percentage felt he should just receive psychiatric treatment. The majority felt Hinckley should receive both punishment and psychiatric treatment.

#### KNOWLEDGE AND ATTITUDES ABOUT THE INSANITY DEFENSE

Table 1 illustrates the sample's strong negative feelings about the insanity defense. An overwhelming majority (87.1 percent of the sample) agreed that the insanity defense is a loophole that allows too many guilty people to go free, while only 6.8 percent disagreed. Similar negative attitudes were expressed about the value of psychiatric testimony in legal insanity defenses. Over half the sample responded that they would have been "not at all" or only "slightly" confident in the psychiatric testimony had they been jurors in the Hinckley case. Respondents also revealed only modest confidence when asked to what extent psychiatrists could determine whether or not someone was legally insane.

The question asking for people's definitions of legal insanity indicated very little knowledge of the elements of the test for legal insanity. Only one of our 434 respondents gave a reasonably good approximation of the Model Penal Code definition of legal insanity which was used in the Hinckley case and was employed here in Delaware at the time of the Hinckley trial. In addition to the lone correct respondent, a little less than a third of the sample was able to provide one of the three elements of the test for legal insanity.<sup>3</sup>

#### PREDICTORS OF PUBLIC ATTITUDES TOWARD THE HINCKLEY CASE

To explore further the determinants of public opinion concerning Hinckley, multiple regression analyses using dummy variable coding as appropriate were performed on three variables which were thought to represent different aspects of reactions to the trial: the fairness of the verdict, the estimated length of Hinckley's confinement, and punishment-treatment orientation to Hinckley. The results of these analyses are presented in Table 2.

<sup>3</sup> There are three elements in the definition of insanity under the Model Penal Code test. Defendants are entitled to be found NGRI (1) if as a result of mental disease or defect, (2) they lacked substantial capacity to appreciate the wrongfulness of their conduct, or (3) were unable to conform their conduct to the requirements of the law. Among respondents who were able to provide at least one of the elements, 3.9 percent said legal insanity was "mental disease;" 12.3 percent answered that a person is legally insane when they "cannot tell right from wrong;" and 12.8 percent equated legal insanity with "having no control." The modal response produced by 23 percent of the respondents was "didn't know what he was doing." No other content code accounted for more than 6 percent of the responses.

Table 2. Multiple Regression Analyses of Reactions to the Hinckley Trial

	Fairness of Verdict		Length Hinckley Confined		Punishment- Treatment	
	Beta	F-ratio	Beta	F-ratio	Beta	F-ratio
Hinckley trial: knowledge & attitudes						
Fairness of verdict	—	—	.14	4.07*	.20	9.90*
Respondent's verdict	.35	46.61*	.01	0.03	.11	3.34
Confidence in psychi- atric testimony at Hinckley trial	.13	7.01*	.09	1.93	.06	1.25
Hinckley insane	.13	6.29*	.04	0.31	.10	3.06
Consequences of NGRI	-.07	2.39	-.16	8.14*	.02	0.21
Length of confinement	.09	4.07*	—	—	-.05	1.01
Punishment-treatment	.16	9.90*	-.06	1.01	—	—
General knowledge & attitudes						
Psychiatrists' ability to determine legal in- sanity	-.01	0.07	-.06	0.98	-.20	12.82*
Definition of legal in- sanity	-.03	0.45	.09	2.50	.09	3.25
Insanity defense is a loophole	.12	6.24*	.09	2.34	.07	1.53
Death penalty scruples	-.00	0.00	.08	1.77	-.00	0.00
Death penalty verdict	-.04	0.55	-.01	0.01	.08	1.99
Demographic & media use variables						
Gender	-.03	0.38	.07	1.43	-.04	0.52
Race	-.01	0.02	.02	0.16	-.08	2.43
Age	-.09	3.67	-.03	0.28	.16	8.55*
Education	-.01	0.04	.06	0.91	.03	0.35
TV as main informa- tion source	-.05	0.60	.17	5.16*	.02	0.08
TV newscasts per week	.01	0.03	-.00	0.01	-.07	1.81
TV hours per day	-.00	0.00	.01	0.01	-.04	0.69
Newspapers as main information source	-.08	1.71	.12	2.52	.04	0.30
Newspaper days per week	.05	1.29	-.06	1.23	-.06	1.40
Multiple $R^2$	.43	11.71*	.15	2.67*	.29	6.23*

\*  $p < .05$ .NOTE: The degrees of freedom for the multiple regression analyses are 20 and 306, while the degrees of freedom for  $F$ -ratios associated with individual variables are 1 and 306.

Respondents' perceptions of the fairness of the Hinckley verdict were strongly related to the verdict they would have reached in the case. Other case-specific attitudinal variables also were significantly related to perceived fairness. Individuals who thought the verdict was fairer had more confidence in the psychiatric testimony in the trial,



were likelier to consider Hinckley insane, thought he would be confined for a longer period of time, and favored treatment rather than punishment for him. They also were likelier to disagree with the statement that the insanity defense was a loophole.

For respondents' estimates of the length of time Hinckley would be confined, both perceived fairness of the verdict and electronic media as the primary sources of information about the trial were statistically significant predictors. People who reported that television or radio was their main source of information about the trial estimated that Hinckley would spend a longer period of time in confinement. However, other media use variables were not related to estimates of confinement length. Finally, there was a significant relationship between respondents' perceptions of the NGRI verdict consequences and their estimates of the time Hinckley would be confined. More severe perceived consequences (such as jail) were associated with greater length of confinement estimates.

A final dimension of public reaction to Hinckley is represented by the punishment-treatment orientation to him. The fairer the perception of the Hinckley verdict, the more likely respondents were to have a treatment orientation toward Hinckley. In addition, the perception of psychiatrists' abilities to determine when someone is legally insane was a significant predictor of punishment-treatment orientation. The more trust people had in psychiatrists' abilities to detect legal insanity, the more willing they were to prefer treatment for him. Age was a significant predictor; older respondents were more likely to prefer treatment over punishment.

### Discussion

This survey of Delaware residents documents the negative reaction of the NGRI outcome of the Hinckley trial. Our sample respondents thought the verdict was unfair, believed Hinckley was not insane, had little faith in the psychiatric testimony presented at the trial, and asserted they would have reached a guilty verdict had they been jurors in the trial.

Despite intense media coverage of the Hinckley case, knowledge of the insanity defense was not extensive, supporting previous research showing that the public is not well informed about the insanity defense (Howell, 1982; Pasewark, 1981). The majority of our sample estimated Hinckley would be confined only a relatively short period of time. Of course, there is no way of determining precisely when, or if, he will be released, but experts indicate that Hinckley is likely to undergo a lengthy period of confinement (ABC News, 1982a). Since

the trial's conclusion, Hinckley's behavior in the hospital (in threatening to rape and kill Jodie Foster) has if anything reduced the likelihood of an early release.

While the sample's attitudes toward Hinckley and the insanity defense are predominantly negative, the results evidence some ambivalence. The sample's strong but somewhat contradictory preference for a combination of punishment and treatment for Hinckley is at odds with the premise of our legal system that defendants should either be treated if legally insane or punished if legally guilty. While most of the sample thought Hinckley was not insane, most felt he should receive some treatment. Even among those respondents who said they would have found Hinckley NGRI, over half (54.9 percent) thought some punishment was appropriate for him.

The multiple regression analyses suggest that, along with other factors, people's views of the extensiveness, success, and consequences of the insanity defense affected their perception of the fairness of the Hinckley verdict. The impact of views about psychiatric testimony on perceptions of verdict fairness found in this survey is congruent with one study showing a relationship between attitudes toward psychiatry and opinions about the insanity defense (Arafat and McCahery, 1973). However, in contrast to Simon's (1967) research on jurors' verdicts in insanity trial simulations, demographic variables were largely irrelevant in this study.

As a sample of the residents of one geographical area, this study has obvious limitations in its generalizability. Coverage of the trial in this area was primarily by network television and radio news and national wire services, so that information about the trial in this community was probably similar to coverage in other areas. The overall negative reactions to the verdict and to the insanity defense found in this survey are, in fact, consistent with results of other polls (ABC News, 1982b; Bronson, 1970; Fitzgerald and Ellsworth, 1980; Harris, 1971). However, Delaware residents are comparatively better educated and somewhat more affluent than the national averages, characteristics which could enhance knowledge of and attitudes toward the insanity defense. Furthermore, our survey oversampled women, more highly educated individuals, and people 25-34 years old. While our data showed no strong or consistent effects for demographic variables, we cannot rule out their potential impact on attitudes toward the insanity defense.

The value of this study lies in its analysis of one community's reaction to this important trial and in revealing the complexity of the public's attitude toward the insanity defense. Two avenues for future research are suggested: (1) an exploration of the foundation of atti-

tudes toward the insanity defense, in particular the apparent divergence between public opinion and contemporary legal rules governing the disposition of NGRI defendants, and (2) the accuracy of the public's knowledge about the insanity plea. Since legislators and policy makers have reacted to negative public opinion following the Hinckley trial by initiating reforms of the insanity defense, such research is essential.

### Appendix: Questionnaire Items

1. Over the course of the trial, where would you say you got most of your information about the trial—from TV? Radio? Newspapers? Magazines? Friends? Relatives?
2. In your opinion, how fair would you say the verdict in this case was, on a scale of 1 to 5, where 1 is not at all fair and 5 is extremely fair?
3. If you had been a juror in the Hinckley case, what decision would you have reached—would you have found him guilty, not guilty, or not guilty by reason of insanity?
4. Again, if you had been a juror, how confident would you have been in the psychiatrists' testimony—on a scale of 1 to 5 where 1 is not at all confident and 5 is extremely confident?
5. To what extent do you think psychiatrists can determine whether someone is legally insane—do you think they can determine that all of the time, most of the time, some of the time, every once in a while, or never?
6. Now that John Hinckley has been found not guilty by reason of insanity, what do you think will happen to him? Will he go to jail, a mental hospital, or what? (If answer is jail or mental hospital: How long do you think he will be confined?)
7. What do you think should happen to John Hinckley—should he be punished, treated, or both?
8. In a few words, what do you think is the legal definition of insanity?
9. According to your definition, and from what you know and have read and heard, do you think that John Hinckley was legally insane at the time he shot President Reagan?
10. How strongly do you agree or disagree with the following statement: "The insanity defense is a loophole that allows too many guilty people to go free." Do you strongly agree, agree, disagree, strongly disagree, or neither agree nor disagree with that statement?

### References

- ABC News  
 1982a "Hinckley-Insane." Nightline: June 21.  
 1982b "Insanity plea on trial." Nightline: June 22.
- Arafat, Ibtihal, and Kathleen McCahery  
 1973 "The insanity defense and the juror. *Drake Law Review* 22:538.
- Bronson, E. J.  
 1970 "On the conviction-proneness and representativeness of the death-qualified jury: an empirical study of Colorado veniremen." *University of Colorado Law Review* 42:1-32.
- Bureau of the Census  
 1980 *Statistical Abstract of the United States, 1980*. Washington, D.C.: U.S. Department of Commerce.
- Fitzgerald, Robert, and Phoebe C. Ellsworth  
 1980 "Due process vs. crime control: the impact of death qualification on jury

- attitudes." Paper presented at the annual meeting of the American Psychological Association, Montreal.
- Harris, Louis, and Associates  
1971 Study No. 2016 (on file at NAACP Legal Defense Fund, 10 Columbus Circle, New York, NY 10019).
- Hoffman, David  
1982 "Proposal to abolish insanity defense plea sent to Hill." *Washington Post*, September 14, p. A6.
- Howell, Robert J.  
1982 "In defense of the insanity plea." *Bulletin of American Academy of Forensic Psychologists* 3 (August):1-2.
- Moran, Richard  
1981 *Knowing Right from Wrong: The Insanity Defense of Daniel McNaughtan*. New York: Free Press.
- New York Times  
1982a "Alabama moves to end insanity plea in trials." *New York Times*, August 15, p. 19.  
1982b "Letters to Hinckley judge criticize acquittal." *New York Times*, September 12, p. 37.
- Pasewark, Richard A.  
1981 "Insanity plea: A review of the research literature." *Journal of Psychiatry and the Law* 9 (Winter):357-401.
- Philadelphia Inquirer  
1982 "Smith asks revision on proof rules." *Philadelphia Inquirer*, September 13, p. 5A.
- Putzel, Michael  
1982 "Reagan: tighten insanity, other legal loopholes." *Wilmington News Journal*, September 13, p. A3.
- Ratledge, Edward  
1982 Personal communication. Center for Urban Affairs, University of Delaware, September.
- Simon, Rita James  
1967 *The Jury and the Defense of Insanity*. Boston: Little, Brown.
- Steadman, Henry J., and Joseph J. Cocozza  
1977 "Selective reporting and the public's misconceptions of the criminally insane." *Public Opinion Quarterly* 41:523-33.