The first confirmed case of COVID-19 in the United States occurred on Jan. 21 after a man in his 30s returned to Washington state from Wuhan, China. Nearly a month later, the virus arrived in New York.

The disease arose on Nov. 17, 2019 when a 55-year-old man from the Hubei province of China contracted the first known case of COVID-19. As of April 17, more than 2 million people have been infected by the virus worldwide.

COVID-19 is not the first coronavirus. Other, similar strains of the virus caused the SARS and MERS outbreaks. Computational biologists at the Chinese Academy of Medical Sciences & Peking Union College found that COVID-19 differs from these other viruses by only five out of 30 thousand nucleotides.

"Dr. Fauci projects that social distancing will continue until a vaccine is ready to be distributed en masse. While he expects distribution to occur in 12-18 months, researchers at the Harvard School of Public Health have predicted that social distancing will continue into 2022."

Yet the SARS and MERS outbreaks were not nearly as fatal as COVID-19, which killed more than 26 thousand people in the United States over a 3-month timeframe.

COVID-19 spreads when liquid drops containing the pathogen enter a person’s eyes, nose, mouth, or ears. Those infected with the virus release these droplets when they cough, sneeze and even speak. The virus can survive in the air for several hours and on contaminated surfaces for two to three days.

Continued on next page
To reduce the spread of the virus, the CDC recommends that we avoid touching our eyes, noses and mouths. The agency also advises adherence to government guidelines regarding social distancing.

A wide range of symptoms are associated with COVID-19, including high fever, dry cough, runny nose and shortness of breath. These symptoms generally appear two to 14 days after the initial exposure.

During that window, infected people are pre-symptomatic, meaning that they have no symptoms but can still transmit the virus to others. Others, however, never show symptoms. Referred to as “carriers,” these people post a great risk to others because they can unknowingly infect others.

The CDC has said that adults 65 years of age and older, as well as those with pre-existing health conditions, seem to be at risk for contracting the virus. Nevertheless, a new report from the agency indicates that one in five coronavirus patients are ages 20-44.

In addition, children can spread the virus to more vulnerable groups of people without ever manifesting symptoms. Accordingly, New York Governor Andrew Cuomo has shut down schools until May 15.

“Even though it is clear from our experience that children and young adults do well for the most part, they do still get infected,” Dr. Anthony Fauci said. “And if they get infected, and the crowding of schools is the best place for this to happen, they may do well, but then they go home and infect their families.”

While social distancing does reduce the spread of the virus, it alone is unlikely to allow the country to reopen, especially since scientists foresee a second wave of the virus in the fall. “(O)nce we stop social distancing, all of those people who are susceptible will then be a pool in which we might see the rise of COVID-19 and its spreading again,” said Harvard professor of infectious diseases Dr. Yonatan Grad.

Instead, Dr. Fauci projects that social distancing will continue until a vaccine is ready to be distributed en masse. While he expects distribution to occur in 12-18 months, researchers at the Harvard School of Public Health have predicted that social distancing will continue into 2022.

One potential vaccine developed at Harvard Medical School will launch clinical trials in the fall. The vaccine involves injecting a strand of the common cold, coated with coronavirus antigens, into the body’s cells to stimulate the immune system.

"COVID-19 spreads when liquid drops containing the pathogen enter a person’s eyes, nose, mouth, or ears. Those infected with the virus release these droplets when they cough, sneeze and even speak. The virus can survive in the air for several hours and on contaminated surfaces two to three days.”
Discriminatory Funding

Madison Zichinnelli

The Supreme Court heard oral arguments on Jan. 22 for the Espinoza v. Montana Department of Revenue case. The case concerns Montana’s administration of a tax credit established in 2015 for taxpayers donating to scholarship organizations for private schools and their students. The state’s Department of Revenue passed a regulation, referred to as Rule 1, that withheld the tax credits from citizens who donated to scholarships for attendees of religiously affiliated schools.

Espinoza and her fellow petitioners contended that Rule 1 violated the Constitution by preventing religious students from receiving scholarships. The Montana Supreme Court struck down the law, eliminating tax credits for all scholarship donors. But the court did so for a different reason. It held that Rule 1 was insufficient to ensure the tax-credit program does not benefit religious schools at all as required by the Montana Constitution’s “no-aid” policy.

The petitioners appealed to Supreme Court, contending that the state constitution’s no-aid policy violated the federal Constitution. The petitioners argued in their brief to the Supreme Court that the no-aid policy “shows hostility toward religion in violation of the Establishment Clause.”

The Montana Department of Revenue attorneys for the agency argued that the regulation was “not premised on religious bigotry, but rather on their good-faith view that barring aid to religious schools would promote religious freedom.”

Secondly, the petitioners speculated that Rule 1 infringed on their rights under the First Amendment’s Free Exercise Clause, the clause that protects citizens’ rights to practice their religions. To illustrate, they contended that the regulation creates “financial burdens” for religious families that “may force them to pull their children out of religious school.”

However, attorneys for the Montana Department of Revenue maintained that the Free Exercise Clause protects “individual liberty.” Instead, the agency argued that the policy “restrains the government by barring state aid to religious schools.”

Lastly, the petitioners claimed that the no-aid policy violates the Fourteenth Amendment’s Equal Protection Clause. They quoted Supreme Court precedent holding that laws motivated by discriminatory intent generally violate the clause.

Nevertheless, before the Supreme Court considers any of these constitutional challenges, the justices will need to determine whether the petitioners have the legal right to sue, called “standing.” Standing requires petitioners to have sustained direct injury as a result of the state’s actions.

Justice Kagan emphasized at oral argument that parents of students at religiously affiliated schools and at other private schools are now in the “same boat” since the Montana Supreme Court invalidated the tax-credits entirely. In response, the petitioners challenged that invalidating the whole program failed to remedy the discriminatory intent.
Hollywood relies on the success of some of its bigger movies in China, which has the second largest movie market in the world.

But to contain the coronavirus, the Chinese government shut down their theater chains. And as cases rise across the world, people are hesitant to visit public venues.

The pandemic delayed the release of the latest James Bond movie, “No Time to Die,” from April to November after China cancelled the film’s premiere and press tour. To illustrate the importance of foreign box offices, the previous Bond movie, “Spectre,” garnered 38 percent of its revenue from showings abroad.

COVID-19 will also affect Universal’s seventh Mission Impossible movie. The studio planned to do a 3-week shoot in Italy, but the Venetian government halted public gatherings. As of April 17, it is unknown whether the situation will affect the summer 2021 release date.

"During this hiatus we want to be mindful of the concerns of the crew and are allowing them to return home until production starts,” the studio stated on Feb. 24. “We will continue to monitor this situation, and work alongside health and government officials as it evolves.”

In addition, the South by SouthWest film festival, scheduled for March 13 in Austin, Texas, has been canceled. The cancellation was the first in the history of the festival, often referred to online as “SXSW.” An internet petition to cancel the festival garnered over 50 thousand signatures, including from Apple and Facebook.

The Cannes film festival, which takes place every year in France, initially elected to reschedule it to July. But organizers of the festival said on April 14 that postponement was no longer possible.

Instead, the festival has begun exploring other “contingencies allowing to support the year of Cinema by making Cannes 2020 real, in a way or another.” The event has not been closed since the country experienced civil unrest in 1968.
The cast and crew of “Mamma Mia” put on a series of outstanding performances from Feb. 29 to March 2. If you had the privilege to attend one of the five shows, you saw the dedication and hard work that went into the production.

The musical is about a bride-to-be, Sophie, who invites three of her mom’s exes to her wedding — just three days before the ceremony — in hopes of figuring out which is her biological father. The decision sends her mother, a former pop star, into a tailspin.

The actors took on challenging roles and put on an incredible performance. Two of the mom’s exes even had accents — not to mention crazy aunts and a bartender. Memorable numbers include “Voulez-Vous” and “Does Your Mother Know.”

Beyond the actors, the construction of the tavern, dock and background painting all displayed a profound commitment to making the show beautiful. Students began building the set in mid-December. Kevin Cordes, Michael VanDenburg, Renu Contracting and Restoration, Gillian Cordes, Michael Arcidiacono, Sam Foehrenbach and Cass Miska all contributed.

Not only were the actors and stage crew commendable; the pit and the directors truly distinguished the production from other school plays. While most high school productions use pre-recorded music, at Miller Place, the musicians sit right in front of you, making the experience more memorable.

Seniors Nick Leone, Jack Schiefer and Larry Davis were among the pit members who helped bring this show to life. We will all miss them so much and we can’t wait to watch future talents blossom.

First-time directors Ms. DeFalco and Ms. Jackowski, along with music director Ms. Troyano, worked extremely hard on this show and did a phenomenal job. “We all were very nervous about having the new directors, and we didn’t really know if everything was going to turn out okay,” sophomore Joe Miletti told the KROB. “From day one, Ms. DeFalco said, ‘Just trust me’ and so we did. And it turned out great, considering it was her first time directing a show.”

The students and staff at Miller Place will dearly miss the seniors leaving us this year. They have made a significant impact not only in the drama community but in the district. This year’s graduating seniors include Hannah Anderson, Julianna Campo, Nicole Cordes, Abby Costa, Jamie Fehling, Daylon Fernandez, Ashley Geiser, Aidan Giglio, Kyle Hopkins, Grace Patterson, Krystyna Plesnink, Olivia Sasso, Riley Smith and Angela Yakhnovich.

Congratulations to all of the Panther Players and directors on a breathtaking production!
American musician and singer-songwriter Adam Schlesinger passed away at 52 years of age on April 1 after suffering COVID-19 complications. The news came as a shock, with little information about his condition released leading up to his death.

Schlesinger is best known for his work with pop punk band Fountains of Wayne. Arguably, the group's most notable work was the 2003 pop-punk hit “Stacy’s Mom.”

Schlesinger co-wrote the awkward and humorous song about an experience he had as a preteen. The musician explained in an interview with MTV that when he was 11 or 12 years old, a friend revealed his attraction to Schlesinger’s grandmother. As Schlesinger recalled, he wanted to craft a balance between “humor and personality.”

It seems, even 17 years later, that he succeeded. Since Schlesinger’s death, both the original recording of the song by Fountains of Wayne and the cover version by American rock band Bowling for Soup have seen increased chart performance.

Beyond his work on the radio, Schlesinger collaborated with other prominent celebrities to create successful television programs, plays and Broadway shows. To cite just one recent example, Schlesinger represented the 2016-2019 romantic musical comedy-drama “Crazy Ex-Girlfriend,” which he helped compose, at the Emmy awards on three occasions.

But that was far from the only award he won. Schlesinger contributed to the title track of Tom Hanks’ 1996 film “That Thing You Do!” which earned nomination for both an Academy Award and a Golden Globe Award. In addition, his composition for the musical “Cry-Baby” earned him two Tony nominations.

And his work on a Stephen Colbert comedy album earned him a Grammy award. In fact, Schlesinger was an EGOT contender — that is, an actor nominated for Emmy, Grammy, Oscar and Tony awards.

Schlesinger’s career spanned more than 30 years, leaving behind a legacy that touches all areas of the entertainment industry. His influence will extend long beyond his untimely passing. Punk rockers, film buffs and Broadway connoisseurs will all miss him.

Remembered on the big screen, stages and music charts, Schlesinger is survived by his partner, two daughters, parents and sister.
How to Make Friends with the Dark
By Kathleen Glasgow

In this novel, the author delivers an amazing story that exposes the deepest fears of a teenage girl surviving a tragedy.

This is the story of Tiger (whose real name is Grace) and her mother. For as long as Tiger can remember, it has always been just her and her mom. Her mother is very protective of Tiger and Tiger spends a lot of time with her mom. One day upon coming home from school, Tiger finds her mother dead on their couch. The reader is thrown into Tiger’s struggles that follow her mother’s death. Tiger becomes a foster child because she has no known relatives able to care for her. Her journey through the foster care system is all too real and described with vivid language and detail.

The resulting time that follows shows the reader a very messy and authentic look at grief especially when life before the tragedy was already messy.

Tiger’s salvation comes in the form of a half-sister that she never knew existed. While it is not a perfect fit, the description of the relationship feels very genuine.

All the characters in the novel have depth and the realistic dialogue adds to the reality of this text. The author has a gift for making the reader feel as though you are right there as Tiger becomes overcome by her “Grand Canyon of grief.” Great imagery!

This is Kathleen Glasgow’s second novel. Her first being titled, Girl in Pieces. I read that book two years ago and it still haunts me.

This is usually where I say, “Come on down to the library and check it out,” but since we are in our distance-learning mode, I am going to tell you to get it as ebook or audiobook from your public library either Port Jefferson or Comsewogue. Wait, what’s that? You don’t know how to ebooks and audiobooks from the public library?! No worries. Find instructions on the next page.

ABOUT THE AUTHOR

She lives and writes in Tucson, Arizona. Her novel writing is in the young adult fiction and young adult romance genres. This is Kathleen’s second novel. Her first novel was the New York Times bestselling novel GIRL IN PIECES it was also named to several best book lists.

She also has four chickens, a cat, and several koi. Favorite books growing up were THE OUTSIDERS by SE Hinton; THE CATCHER IN THE RYE by JD Salinger, and A WRINKLE IN TIME Madeline L’Engle.
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5) You can also look in the Hoopla app for ebook/audiobook titles.

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Olivia Shamberger

Mr. Sztabnik gave MPHS seniors reading “The Grapes of Wrath” a creative writing assignment: students had to tackle a contemporary social issue by writing a narrative modeled after a chapter of the novel. Olivia Shamberger adapted Chapter 14 to denounce racism.

The jungle. Perpetually tense beneath an invisible weight of industrial bones. The neglected corners languish as do the projects lining the block. The frightened boys in baggy attire, scowling, puffing out their chests; all proclaiming their importance — their ignorance.

The corner boys, snapping at the small provocation; the rival gang down the block. The sweeping eyes of the cop across the street who strikes at things to prove his worth, not knowing his actions degrade it. His strikes are questions, not answers. Questions, not answers; questions, not answers.

The answers lie scattered throughout time and diaspora. The answers are a hunger in the spirit, a hunger in a single soul — hunger for freedom and respect, multiplied a million times. Spirits aching to be recognized, seen, examined and known, multiplied a million times.

The jungle, always tense beneath the invisible weight. Brownsville and Bushwick, Rockaway Avenue, Gaston Boulevard, Marcy Houses, Linden Houses. Men, women, and children, all tense beneath the weight of immobility.

One boy — one child — walking down the street. His path lit by flickering...
Across the land down under in the state of New South Wales, blazing fires lit the night sky like nightmares, choking the inhabitants in the semidarkness.

Unseen in the movement of wind, the troops entered swiftly and smoothly, listening to the terrifying cries. When they arrived in late July, the sky turned blood orange-red. The clouds funneled up, spreading to each green bayonet. The surface of the earth became brittle and dry, and every increase in temperature made the land more ominous for war.

In November, fire season began. Each day became a struggle, and every struggle became a beating. Newborns shielded their eyes. Early but expected, God began to punish those who were mistreating his garden.

In the west, there was drought, ruin and death. And from the north, sandstorms came with the blast of a furnace breath. Rattlesnakes plunged into the undergrowth; rabbits dove down their burrows. The boomers were left no choice but to stand or die; many chose the latter.

During the night, the wind raced over the land, and the stampede flew the dust into the air. The wind kept blowing, and the heat kept coming. An impenetrable cloud covered the land until one dawn when the spark was ignited.

The world to blame, but no one to confess. The men and women donned armour, carried knapsacks over their shoulders and sluggd their rifles. Entering that day’s red thunder was essentially suicide.

When the soldiers entered the gates of hell, they sprayed their firearms and waged war against a supernatural creature that knew of no kith or kin. Shrubs exploded; trees shrieked.

And as they crept forward, a grey figure emerged — a dark outline that gave a familiar impression, like an animal. As they advanced, the grey figure became engulfed by flames. All that remained was a black, molten body of a koala. The fire left a wound that could never be patched.

In the middle of that night, the eerie sounds ceased and left the land quiet. Exhaustion worried the men who were walking in no place to retire. Their homes blended with their shadows. They lay patiently, waiting for a better tomorrow.

Then, the roosters crowed, and their calls were rough and hoarse. By day, a blackened blanket covered the land. It settled on the wheat, painted the cows.

Continued on page 12
ering bulbs as the sidewalk winds on into the silent night. Dark dreads peek out from beneath the hood, its black fabric guarding his scalp from the brisk November air.

The faint sound of rubber’s meeting the road can be heard in the distance, along with the sound of the boy’s Air Jordans’ hitting the concrete. One; two. One; two.

His pace falters at the tricolored lights suddenly lining his periphery.

The boy tenses and removes his hood. One; two; three. One; two; three. One; two; three. Steady on until the car passes.

He lets out a breath he hadn’t known he was holding and walks on — one foot in front of the other. This is who I am. I am alone and bewildered. His hood stays down.

For in the day, “This is who I am” is changed. The day brings self-awareness. As long as he believes this street is his proper place, so shall it be. This is the parting of eyelids, the coming of day. This is the waking from the American Dream.

If you who discount these boys’ struggles could understand this, you might preserve yourself. If you could separate reality from the dream, if you could know that young Trayvon and DeV’Von had no bootstraps to pull themselves upward, you might survive.

But that you cannot know. For the ivory lure of self-exoneration freezes you forever into contented slumber.

The jungle remains tense under the weight of hundreds restlessly sleeping. Thousands of boys questioning their value; thousands more lashing out in fear that they have none.

Lost boys, loving streets that don’t return the feeling. Millions more clawing against the grasp of sleep. The American Dream remains — veiling nightmarish reality, determined to deny any need for an asterisk next to its name.

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Lost boys, loving streets that don’t return the feeling. Millions more clawing against the grasp of sleep. The American Dream remains — veiling nightmarish reality, determined to deny any need for an asterisk next to its name.
Dear Lucy,

I’ve been feeling so alone lately. I hate being trapped in my house, and I don’t know how much longer I can continue like this. All I do is sleep—I’m not even eating right. My family is constantly criticizing me and how I’m spending my free time. I’m just not used to being around them this much. I miss my friends, and I miss going to school. Most of all, I miss having alone time without feeling lonely. I don’t know what to do.

From,
Rosie

Hello Rosie!

I’m writing to you right now from my bedroom, where I have also been spending most of my time. While it’s so easy to feel lonely, especially in circumstances like these, I hope you can find solace in knowing that you aren’t on your own. Lots of people, globally, are under the same stress as you. Being stuck in your house may be hard, but remember how many people you are helping by staying in place. All the first responders and essential workers thank you. Your friends and neighbors are all so grateful that you are doing your part.

It’s okay to want to sleep all day. You should make use of your time in a way that is comforting to you. However, if you do feel like the need to be more productive, remember that completing one task early in the morning is a simple way to get into a good mindset for the rest of the day. Start off by making your bed. Then, you’ll have the motivation to take a shower. And, after your shower, make yourself some breakfast. The feeling that you accomplished something — however small — is motivating. Days tend to blend into each other now that we’re home, so you should do something special for yourself to ensure you have one notable moment each day.

My friends and I have mastered the art of video-chat. Yesterday alone, we were on a call for five hours straight, with an endless number of topics to talk about. Remember to stay in contact with those you love most. They are also feeling lonely, so draw on each other for support. And, if you need, don’t hesitate to reach out to extended family, teachers or guidance counselors. Know that there is always someone ready to listen to you and help you through this difficult time.

Best regards,
Lucy

and piled on the dairy’s iron roofs.

The people exited their homes and smelled the arid air. Their noses stung and became covered by the residue powder. And the children did not come out and play, for mother told them they were too young, too innocent for such a destructive world.

Men checked on their cattle and looked at their dying crops, finding that only in their imagination did they survive. The men were silent and stiff. And the women came out of their houses to stand by their side, to see if this year would be different.

Through the windows, the children studied their father’s faces. After a while, the men turned the other way and stood crooked, searching the bush for the devil. The women also checked and found that he stood beside them.

When the men entered, the children asked, “You reckon we’ll be alright?” Father always responded, “Yes, we’ll be good.” But the women knew that this year would be no different.
In the Kahler v. Kansas case decided on March 23, a majority of Supreme Court justices upheld Kansan legislation restricting the insanity defense to cases in which a defendant’s mental illness precluded him or her from forming the requisite intent. Instead, Kansas allowed for consideration of mental illness more broadly as a mitigating factor during sentencing.

Defendant James Kahler contended that Kansas violated his due process rights by adopting such an untraditional formulation of the insanity defense. While many mental health advocates mourned the decision, the court deftly constructed the 14th Amendment’s Due Process Clause to balance federalism and fairness.

To determine whether traditional formulations of the insanity defense fit this category, legal scholars apply a test the Supreme Court established in Leland v. Oregon. They ask whether the new law “offends some principle of justice so rooted in the traditions and conscience of our people as to be ranked as fundamental.”

But courts must balance concerns for “fundamental fairness” with states’ role as “laboratories of democracy.” Courts need to avoid stymying helpful procedural innovation. Especially in cases about the insanity defense, considering that many experts in psychology — not to mention laypeople — oppose the current formulation.

That said, let’s analyze the history of the insanity defense. As we know it, the plea originated with Daniel M’Naghten in 1843 England. M’Naghten suffered from paranoid schizophrenic delusions that Prime Minister Robert Peel was coordinating his persecution.

So he assassinated Edward Drummond, a civil servant he misidentified as Peel.

At his murder trial, the House of Lords declared M’Naghten not guilty by reason of insanity.

"According to 17th century English jurist Sir Edward Coke, due process required that judicial proceedings follow the ‘due manner of the common law.’ Put otherwise, due process meant that new laws could not disregard long-standing, time-honored rights."

Insane on the Membrane?

Scottish woodturner Daniel M’Naghten's acquittal by reason of insanity elicited great unease in 19th century England.
In its decision, the House of Lords established the famous M’Naghten rule, which the United States adopted. The standard provided for acquittal when a defendant “was laboring under such a defect of reason ... as not to know the nature and quality of the act he was doing; or, if he did know it, that he did not know he was doing what was wrong.”

Today, the most prevalent type of the insanity defense in the United States derives from the M’Naghten case. Yet courts have upheld other formulations of the defense. Take the irresistible impulse test, which defined “insanity” as a mental illness that renders a defendant incapable of self-control. Or consider the Durham rule, applicable to defendants whose crimes were the “product of mental disease.” The list goes on.

Despite all the variations, the United States has always had some form of an insanity defense. Thus, the issue boils down to how narrowly judges interpret the common law right to plea insane. Or as lawyers would say, the case hinges on what Professor Laurence Tribe called “varying levels of generality.”

Does the common law enshrine a general principle that the law should treat mentally ill defendants more leniently? If so, the Kansan law passes constitutional muster.

Or perhaps, it establishes that the law can’t punish defendants unable to distinguish between right and wrong — a category of people deemed legally insane by each of the above standards. Then, the Kansan law would violate the Due Process Clause.

Choosing the proper level of generality requires policy considerations. It requires us to determine which level of generality would yield the fairest, most just verdicts.

The best way to do so is by imagining hypothetical defendants who would be deemed insane by conventional insanity defenses but not by Kansas’. For each, assume that the defendant has produced irrefutable evidence that he suffered from the envisioned delusions. Place yourself in the shoes of the mentally ill defendants and consider how you would act.

In any case one envisions, the Kansan law accords with principles of fundamental fairness. Thus, the courts should adopt a more general conception of the common law that would deem the state’s new standard constitutional.

Start with the hypothetical Justice Stephen Breyer offered in his dissent to the Kahler case: should a man whose “dog ordered him to kill the victim” be deemed legally insane? Unlike the prevailing alternatives, the Kansan law would say no — he acted with the required intent to kill another human.

“Does the common law enshrine a general principle that the law should treat mentally ill defendants more leniently? If so, the Kansan law passes constitutional muster.”

“In any case one envisions, the Kansan law accords with principles of fundamental fairness. Thus, the courts should adopt a more general conception of the common law that allows the state’s new standard.”
Breyer found it appalling that such a defendant would be convicted. But why? Pretend that the dog really did demand murder. No moral person would obey. We convict defendants ordered by other humans to kill. We should convict defendants ordered by dogs to kill.

Next, imagine a defendant under the delusion that her victim posed an imminent threat to her life. Perhaps, she believed that her victim was holding a gun to her temple.

Nonetheless, most lawyers would believe that such a defendant cannot invoke self-defense. Kansas, like most states, restricts self-defense to defendants who “reasonably believe() that such use of force is necessary to defend such person or a third person against such other's imminent use of unlawful force.” And our defendant’s belief was unreasonable.

Instead, other states would acquit the woman as not guilty by reason of insanity. But, unlike all other insanity defenses applied throughout our country’s history, Kansas’ would be inapplicable; the defendant still intended to kill the victim. Even in the presence of real imminent danger, self-defense merely excuses intent. It never erases it.

Yet convicting the woman clearly violates principles of fundamental fairness. Anyone suffering from her delusions would have killed the seeming threat.

So Kansas’ law would remain constitutional only if the state provided some other defense. Principles of fundamental fairness don’t require defendants acting in deluded self-defense to be acquitted specifically under the insanity defense. It requires only that they be acquitted.

To avert the due process issue, a court hearing our hypothetical case would need to rely on a canon of constitutional avoidance. That’s legal jargon for the idea that courts should interpret laws loosely to fulfill constitutional dictates rather than strike them down.

Therefore, a Kansas court should interpret the state’s self-defense rule idiosyncratically. In law, “reasonable” usually hinges on what a rational individual would do in similar circumstances.

Thus, to maintain the constitutionality of the state’s insanity defense, a judge could include mental illness within the “similar circumstances.” In other words, a judge could interpret self-defense as applicable when a reasonable person under the same delusions would view lethal force as needed to defend herself.

For an even more difficult hypothetical, consider what a defendant suffering from what lawyers call the “deific decree delusion”: the belief that God...
charged him to kill the victim. Were God to do so, a religious individual would have a tough time distinguishing between right and wrong. To paraphrase Plato’s “Euthyphro” dialogue, is an action good because it’s what God wants, or does an independent source of morality exist?

Thankfully, theologians have spent centuries studying what ethics demand of religious individuals commanded to murder. Look to Genesis where God commanded Abraham to sacrifice his son Isaac on Mount Moriah. Abraham obeys, though God recants at the last minute.

Theologian Soren Kierkegaard argued that this passage suggests that religious individuals commanded to kill should undertake a “teleological suspension of the ethical.” That is to say, he believes faith would require a person to follow God’s command and disregard one’s ethical beliefs with the faith that what God wants is right.

On the other hand, Rabbi Eleazar ben Kalir criticized Abraham’s decision to follow God’s demand that he sacrifice Isaac. Eleazar contended that Abraham should have protested. Modern sensibilities tend to favor this account.

Although religious scholars continue to debate the ideal response to a deific decree, only one approach remains tenable in light of American policy post-9/11 — Eleazar’s. Americans refuse to excuse terrorist attacks by Muslim fundamentalists who believe that their bloodshed fulfills divine will.

The country can’t acquit murderers claiming to kill in the name of the Judeo-Christian God just because the religion cited is less foreign. To do so would be inconsistent and xenophobic.

Let’s change the hypothetical a bit, adding to the delusion the belief that disobeying the decree will cause sudden death and eternal damnation. Neither of these modifications strengthens the case for acquittal.

Duress pleas are inapplicable in homicide cases. These include instances where someone held a gun up to the defendant’s temple, threatening to kill him unless he killed the victim. Divine-imposed death is no different.

The eternal damnation ripple proves a bit more challenging. One might argue that in other duress cases, a rewarding afterlife awaits those who sacrifice themselves rather than murder. Or that the temporary pain associated of death pales in comparison to perpetual punishment.

But all these arguments could be made re-
warding Muslim fundamentalists, some of whom also believe in eternal damnation. Again, consistency demands conviction, undiluted by an insanity plea.

Still, many remain uncomfortable incarcerating those suffering from the deific decree delusion. But the Kansan law allows judges to consider all types of mental illness during sentencing. At this stage, a judge could certainly deem it a mitigating factor.

But don’t forget that the insanity defense is available also to nonviolent criminals. Imagine a petty criminal who believed that God commanded him to steal. Many would feel a bit more mercy since no one died.

A prison sentence seems unjustly harsh in this case. Yet as with the deific decree delusion, the Kansan law permits judges to weigh insanity as a mitigating factor during sentencing. So, a judge could institutionalize the defendant — the same sentence any of the other insanity defense standards would likely yield.

In fact, all formulations of the insanity defense usually yield institutionalization. The only difference: The Kansan standard necessitates a full guilty label. And the stigma of the label can hardly be said to “offend” principles of fundamental fairness. Especially since verdicts of not guilty by reason of insanity also show up on a criminal record.

In each hypothetical, the Kansan law comports with the constitutional standard of fundamental fairness. And in nearly all cases, each standard yields the same verdict of institutionalization. Thus, the Supreme Court correctly upheld Kansas’ novel formulation of the insanity defense.

Quotes from Justice Elena Kagan’s incisive majority opinion:

- “(A) defendant in Kansas lacking, say, moral capacity may wind up in the same kind of institution as a like defendant in a State that would bar his conviction.”

- “Contrary to Kahler’s view, Kansas takes account of mental health at both trial and sentencing. It has just not adopted the particular insanity defense Kahler would like. That choice is for Kansas to make—and, if it wishes, to remake and remake again as the future unfolds. No insanity rule in this country’s heritage or history was ever so settled as to tie a State’s hands centuries later.”
SENIOR SPOTLIGHT

THOMAS CIRRITO

Thomas Cirrito is a MP three sport athlete playing basketball, cross county, and track, where he was also captain of all three since his sophomore year. Asked how he started basketball he said his dad taught him when he was 5 years old. Running was something he got into in 9th grade because he wanted to concentrate on basketball and other sports required more commitment, he was never formally taught how to run but inherited some running genes from his father who was a very good runner. His outstanding play was acknowledged by receiving All-County and All-State in all three sports. As a point guard and sometimes shooting guard for the panthers he was also named League Player of the Year as a junior, and as a senior scored 1,000 career points being one of the only six in school history. Cross Country running 5ks and Track where his main event is 800m he also stood out placing in the top as a NYS competitor multiple years. He says, sports teaches what hard work is and that nothing is going to be easy but there is a way, basketball taught me to “defy the expectations of others and running has taught me to defy my own expectations.” His most fondest memorable as an athlete was beating Amityville in a basketball away game last year because many at MP had doubt and Amityville said no team on Long Island could beat them, in addition it was his career high game scoring 39 points. Turning to academics, Cirrito will be attending Yale University as a middle-distance runner for their track and field team. He credits his VEX Robotics class as sparking his interest in engineering, his intended major. Reflecting on his school career he will miss the all the relationships and familiar faces. His advice for underclassmen is “do not let anybody tell you your goals are out of reach. Just know that someone else out there has that same goal as you so if you want to prove those people wrong you have to be willing to work harder than everyone else” and “stay humble through your accomplishments because once you think you are great you can no longer get better.” Cirrito comes from a large family of five siblings and says they are his best friends. His role models growing up were his older siblings Michael and Nicole and parents. He loves purple Doritos, sour patch kids and looks forward to continuing to be a contender who refuses to give.

HANNAH BURTON

Hannah Burton, a softball and field hockey player is still weighing her college options but intends to major in Psychology, heading into a career in Sports and Child Psychology. Reflecting on her high school career, she feels her AP and honors classes have prepared her through their rigorous curriculum. She will miss her friends and playing her sports everyday. Turning to extracurriculars, Burton said that her father taught her how to play softball at seven years old and Coach Farely introduced her to field hockey in 7th grade. As a softball player she is center of attention as a pitcher, short stop (when not pitching) and four year captain. Softball recognition included Rookie of the Year in 9th grade and being a 3x All-Division player. As a field hockey player Burton received All-Division two times, her senior year was named captain and All-County. Asked her fondest athletic memory was, she cited winning the Field Hockey County Championship in 11th grade with friends. Athletics have taught her how to deal with the ups and downs of life and how to not let all the pressure get to you as well as introduced me to my closest friends. Her brother has been her go to person providing support with academics, athletics and life. Her message to underclassmen is “Don’t take anything for granted and enjoy every second you have because before you know it, it is going to be over.” Burton would like to thank everyone for taking part in her academic and athletic career and their support along the way.


“There are no elevators to success, you are going to have to take the stairs”

~ Zig Ziglar
KROB Newspaper Staff

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