

INSTITUTE OF CURRENT WORLD AFFAIRS

JLS-24 In the Matter of Alberta Lessard -- III
(the third part of an eight-part series)

29 West 17th Street
New York, New York 10011
March 29, 1976

Mr. Richard H. Nolte
Institute of Current World Affairs
535 Fifth Avenue
New York, New York 10017

Dear Mr. Nolte:

On November 11, the two doctors whom Judge Seraphim had appointed interviewed Alberta Lessard at North Division Mental Health Center. Dr. Bernard Schaeffer, a Milwaukee physician and surgeon since 1937, saw her early in the morning for fifteen minutes. Dr. David Schuele, licensed since 1936 as a physician and surgeon, interviewed Miss Lessard late in the afternoon for ten or fifteen minutes. Both of them also read her hospital records. The next day they jointly filed with Judge Seraphim a "Report of Examining Physicians," a printed form four pages long, with forty questions and blank spaces for the physicians' answers. The "Report of Examining Physicians" seeks to elicit a reasonably detailed history and current appraisal of the patient's mental problems, along with the physicians' recommendations to the court and the reasons for these recommendations.

Some of the questions are:

8. Is this the first attack? If not, when did others occur and what was their duration?

10. Is the disease increasing or stationary?

Jeffrey Steingarten is an Institute Fellow interested in the relationship among psychoanalysis, psychiatry, and law.

11. Are there rational intervals?
- 13B. Are there any Hallucinations or Delusions?
15. Has suicide or homicide ever been attempted? If so, in what way? Is the propensity now active?
17. Is there any disposition to filthy habits?
18. What treatment was pursued for the relief of the patient? Mention fully particulars and effects.
20. Has restraint or confinement ever been employed? If so, what and how long?
21. Did the patient manifest any peculiarities of temper, habits, disposition or pursuits before the accession of the disease; and predominant passion, religious impressions, etc.?
22. Was the patient ever addicted to the intemperate use of intoxicating drinks, drugs, or tobacco, or any improper habits?
27. What relatives, including grandparents and cousins, have been insane?
33. Should the patient be placed in temporary detention quarters, or be sent to an insane hospital or asylum, or senile ward for treatment?
34. Have you given notice to the patient that application has been made for an examination into his or her mental condition, and of the opportunity of a hearing? If not, state fully your reasons for withholding such notice. *

Drs. Schuele and Schaeffer did not answer any of these questions or, for that matter, most of the others except for Miss Lessard's name, age, place of birth (Ingram, Wisconsin), address, marital status (single), number of children (none), and question 13A, "On what subject or in what way is derangement now manifested?" Their answer to 13A took up eight of the eighteen lines provided for it.

Alberta Lessard is mentally ill. She is a fifty-one year old woman who has been a school teacher, but

*The underlining appears in the questionnaire.

apparently lost her job about four years ago. She has many paranoid delusions. She says that the reason she was dismissed was that the people above her were insecure because of her superior education. She says that President Nixon is trying to change the form of government, and she is trying to prevent this. She apparently went through a second floor window when someone knocked at her door, but she denies any suicidal intent. She has no insight. Recommend commitment as mentally ill.

Apparently, neither of the doctors was certified to practice psychiatry by the American Psychiatric Association. Both of them had been out of medical school for about forty years. There was no place on the "Report of Examining Physicians" for the doctors to describe their training, qualifications, experience, or the depth of their familiarity with the patient whose forced hospitalization they recommended.

At five-thirty on the afternoon of November 15th, the county sheriff's office served Alberta Lessard with a notice from Judge Seraphim that her commitment hearing would be held the following morning at eight-thirty in Room 404 of the Safety Building in the judge's chambers. The notice gave the date, time, and place of the hearing and nothing more. It did not inform her of the charges against her, the facts to be proved or disproved, the legal basis for confinement, or her statutory right to a jury trial. And it left her only eighteen hours to get ready. According to the sheriff's records, the acting director of North Division who had initiated the commitment action against Miss Lessard, Dr. George Currier, had been served with a notice of the hearing four days before.

Bob Blondis and Tom Dixon needed more time to prepare for the commitment hearing. If they could get it postponed and then persuade the federal court to issue a temporary restraining order on the afternoon of the 16th, the hearing would never take place. They telephoned Daniel Noonan, the guardian

ad litem, and George Rice, the assistant corporation counsel for the county of Milwaukee with responsibility for prosecuting the case against Miss Lessard, and all agreed to ask Judge Seraphim for a week's adjournment. Judge Seraphim obliged in their request at a brief hearing on the 16th with Alberta Lessard, Daniel Noonan, and George Rice in attendance. When Miss Lessard asked if she could go home in the meanwhile, her guardian ad litem said that she would be better off at the institution and that she would have to follow the doctors' orders.

That afternoon Blondis and Dixon were in federal district court before Judge John Reynolds to argue their motions for the temporary restraining order that would immediately free Miss Lessard and for the convening of a three-judge federal court to determine the constitutionality of Chapter 51. The young lawyers were so convinced of the righteousness of their cause that they fully expected Judge Reynolds to grant both of their requests simply on the basis of information they had supplied in their complaint and the affidavits they had attached to it. And they were upset when Judge Reynolds refused to order Miss Lessard's release. The judge felt that the papers Blondis and Dixon had submitted did not satisfy the standard for granting a temporary restraining order--irreparable injury to the applicant if the order is not issued. Alberta Lessard was more upset than they. There was now no way to avoid the commitment hearing in Judge Seraphim's court.

But Judge Reynolds was willing to give their constitutional attack on the Wisconsin commitment statute a full airing, and a few days later he issued a written order to that effect: "I conclude that the Constitutional contentions of plaintiffs are neither frivolous nor insubstantial and I am not persuaded that the plaintiffs will suffer irreparable harm. Accordingly I will request that the three-judge court be convened. It is

therefore ordered that plaintiff's motion for a temporary restraining order be and hereby is denied." No date for the federal hearing was set--in fact, it would not take place until the following May--and excited as they were that their 1983 class action, the case of Lessard v. Schmidt, was securely underway, Blondis and Dixon turned immediately to the problem next at hand, In the Matter of the Legal Inquiry into the Mental Condition of Alberta Lessard. They had one week to prepare for the commitment hearing.

Blondis, who had considerably more courtroom experience than his friend, would conduct the defense. He would attack the expertise and knowledge of the two examining psychiatrists and drive home the point that their report was a second-hand version of the hospital and police records (which in turn were largely hearsay from the manager of the West Allis Trading Post). The most serious problem was Dr. Kevin Kennedy of North Division, who had seen Miss Lessard almost daily since her admission and would be the most persuasive witness against her. While it seemed clear to her lawyers that Alberta Lessard had not been trying to commit suicide, the standards for commitment in Chapter 51 were broader than those for temporary detention on the grounds of violent or suicidal behavior. Blondis would try to get Kennedy to concede that Miss Lessard was neither suicidal or dangerous to others, hoping later to persuade the three-judge federal court that these were the only valid grounds for depriving a patient of his freedom. But if Judge Seraphim found Miss Lessard mentally ill and "a proper subject for custody or treatment" she would be held against her will at North Division indefinitely. In ordinary civil or criminal cases where the legal standards are less vague, a lawyer knows pretty well what factual accusations he will need to disprove in order to show that his client does not come within the ambit of whatever law is applicable. But what facts were sufficient to show that Alberta Lessard was or was not "a proper subject for custody or treatment"?

Blondis would attack the diagnosis all three doctors had assigned to Miss Lessard--paranoid schizophrenia--and question their conclusion that she required institutionalization rather than receive voluntary out-patient care. But other lawyers with more experience in civil commitment warned Blondis that even if he vigorously questioned the policemen, the examining physicians, and Dr. Kennedy from North Division, Judge Seraphim would still be mightily inclined to follow the doctors' recommendations. In an ordinary civil or criminal case, the testimony of expert witnesses, whether a police department ballistics man in a murder trial or an orthopedic surgeon in an automobile negligence action, is viewed with considerable circumspection--because an expert is the only witness allowed in our courts to offer an opinion. Other witnesses are limited to telling only what they saw and heard. The defense attorney in the murder or negligence case will minutely question the opposing expert about the investigation or experiment he conducted, the data he produced, and the logical links between the data and the inferences he draws from them. And the trier of fact--the judge or jury--is not bound by the expert's opinion, even if it is uncontradicted. Most civil commitment hearings are quite a bit different. The psychiatrist will offer little more than his opinion, and his opinion will be vulnerable, if at all, to the contrary opinion of another psychiatrist. This traditional "battle of the experts" may in fact prove nothing, but it can free the judge from his deference to psychiatric conclusions and force him back on the statute and his own common sense.

Blondis and Dixon knew that their best chance for success lay in finding a psychiatric witness who was independent of the county or state hospital system. With the help of a VISTA volunteer associated with the Southside office who had developed sources of information in the welfare department

and the juvenile court, and with additional sources that Blondis had used in juvenile and child custody cases, they began to telephone around. They could offer only fifty or a hundred dollars for the psychiatrist's time, including the morning in court, and after ten or fifteen calls, they realized that no private psychiatrist was interested in making an independent evaluation of Miss Lessard. The only one who seemed sympathetic would be out of town for the next two weeks, and all the others refused, pleading either a crowded schedule or a wish not to get involved.

Blondis and Dixon had no witnesses to call on Miss Lessard's behalf except for Miss Lessard herself, and they were reluctant to put her on the stand in her own defense. She was still much concerned about publicly vindicating herself in the dispute with the West Allis school board and Marquette University, and the young lawyers feared that her indignation in matters unrelated to the issues at hand could damage whatever case they might make out in their cross examination of the hostile witnesses.

On the morning of November 24, Judge Seraphim convened the hearing in his chambers and the witnesses were duly sworn: Officer James D. Mejchar of the West Allis police force, Drs. Schaeffer and Schuele, the examining physicians, and Dr. Kevin Kennedy of the North Division Mental Health Center. Unlike the typical commitment hearing in Milwaukee County, which rarely last for more than ten minutes (in part because the guardian ad litem rarely questions the witnesses or introduces testimony of his own), this one would be long and detailed.

The recollection of those present in Judge Seraphim's chambers differs: one recalls that the judge fiddled with his scrapbook during the hearing; another remembers that the judge's attention often strayed to his bailiff, with whom he

had long conversations as the testimony unfolded. In any event, officer Mejchar was called to the stand first, and he repeated what he had told the judge almost a month before: the story from the manager of the West Allis Trading Post, the day-book entries, his impressions of Miss Lessard. She had been "very excited, very nervous, very panic-stricken. She kept saying over and over that the communists were taking over, the NEA was taking over, Richard Nixon was taking over the country, and that we should do something immediately, right away. She kept talking about burning some evidence in her sink, evidence of her as a bubble dancer."

"A what?" interrupted the judge.

"A bubble dancer," officer Mejchar repeated. "Some caricature or picture depicting her as a bubble dancer. She said she had burned this along with other evidence, something to do with a secret invention."

In his questioning, Blondis established that officer Mejchar had learned most of these details from one conversation with the hardware store manager. He asked why Mejchar had reported the incident as a suicide attempt.

"Miss Lessard told me that she didn't have the will to live and that she might do it again, might jump out again," Mejchar replied.

"Did she say she was trying to kill herself? Did she?" Blondis pressed.

"Not that she was going to kill herself, just that she was going to jump. She told me that she didn't want to live any longer, she did not have the will to live."

"What exactly did she tell you about the communists?" Blondis asked.

"Well," the policeman replied, "she talked at length on the communists infiltrating the education system through the NEA, which was the National Education Association. She showed me a brochure from that organization with pictures of men, and she was pointing out various people that were communists."

"Do you have any firsthand knowledge of the National Education Association?"

"None whatsoever," the officer said.

County counsel George Rice called the examining physicians to the stand, beginning with Dr. Schaeffer, and asked for their diagnosis and recommendation. Schaeffer repeated some of what he and Dr. Schuele had written in the "Report of Examining Physicians" following their ten-minute interviews with Miss Lessard. Dr. Schaeffer did not describe, as would expert witnesses at typical civil or criminal trials, the circumstances and content of his interview with Miss Lessard, the symptoms he observed or elicited, the implications of these symptoms for his diagnosis, or the connection between the diagnosis and his recommendation that she be permanently committed to North Division. When Blondis asked him what questions he had put to Miss Lessard in the interview, Dr. Schaeffer could not remember. He had trouble recalling the precise duration of the interview or where in the hospital it had taken place. Blondis asked about the blank spaces in the "Report of Examining Physicians"--could Dr. Schaeffer now answer any questions besides 13A? Could he have answered them at the time of the interview if he had wished to? Dr. Schaeffer said no.

George Rice objected that Chapter 51 requires only substantial compliance, Judge Seraphim agreed with him, and Blondis objected: "The doctor has made an opinion of both

her mental condition and his prognosis of it. I'm trying to show the Court what knowledge or what lack of it the opinion and the prognosis are based on."

Judge Seraphim observed that in a city of 1,200,000 people, an examining physician cannot possibly be familiar with an individual patient's history. "Usually I ask the patient and the lawyers whether they want to present medical testimony themselves. I base all my opinions and decisions on medical testimony. Of course, many times it is apparent to the Court, without listening to doctors, that the patient is ill. But this is not the case here, and if you have medical testimony, I'm willing to listen. I don't want to keep her one minute longer than is absolutely necessary, and I'll listen to any doctor who is qualified. After all, and in the end, it is a medical decision that I have to base my opinion on."

"The point I'm making," Blondis interjected, "is that Dr. Schaeffer's knowledge of the case has been extremely limited."

"I wouldn't say extremely limited," Judge Seraphim replied. "If he were a surgeon and opened me up, it wouldn't take him sixty seconds to determine if I had cancer of a certain organ or not--sixty seconds."

Blondis relented and went on to ask Dr. Schaeffer why he felt that Miss Lessard required in-patient treatment.

"My opinion is based primarily on the behavior which was described by the police officer here, by the fact that she continued to have paranoid delusions without any insight, without any realization that these are actually delusional beliefs."

"What beliefs?" Blondis asked.

"About the communists, about President Nixon, about her feeling that she had lost a job because her superiors were jealous of her because of her superior education. Some of these may have some basis in fact, but in my opinion they are primarily delusional beliefs."

"You are presuming that they are false?" Blondis asked.

"I'm basing this on my own knowledge, on the basis of having seen hundreds and probably thousands of patients, and I'm basing this on my own knowledge."

"Do you believe the October 29 occurrence was a suicide attempt?"

"I believe that that is very probable, yes."

"Even after hearing that she was hanging from a gutter?"

"I'm basing it on what I heard the officer testify to, that she didn't want to live, that she felt that these people were after her."

The other examining physician, Dr. Schuele, confirmed his colleague's prognosis and recommendation. Miss Lessard impressed him as "a very high grade person," but he was puzzled about why she had been fired by the West Allis school system after teaching for twenty-one years, why she had not worked since then, and why she had been admitted previously to the mental hospital. "There must be some cause as to why this occurred. And when a person even mentions the fact that she is tired, tired of living, this worries me tremendously."

"Doctor, what if it came to your attention that she was correct in stating that people wouldn't let her get a job. Would you then think she was paranoid?" Blondis asked.

Rice objected that the question was argumentative and

speculative, and Judge Seraphim added that a doctor's testimony has to be viewed as a whole and not dissected. "I'm not a psychiatrist," he said.

Blondis asked whether Dr. Schuele had ever read "None Dare Call It Treason," a book about communist infiltration into, among many places, the NEA. But Judge Seraphim would not let the doctor answer. "I imagine," he said, "there are a lot of people in this country who are not paranoid who believe that the communists have infiltrated."

Finally Blondis asked Dr. Schuele to identify the basis of his recommendation that Alberta Lessard be committed permanently to North Division.

"The chronicity of her illness," Dr. Schuele replied. "This didn't happen just one single time that the officer picked her up. I know this. How many people do you pick up and take to the hospital? There have to be specific reasons as to why they are taken in. And it just, to me it doesn't appear logical."

The fourth witness was Dr. Kennedy from the North Division Mental Health Center. Kennedy had finished his residency at North Division two years earlier and had worked since then as a staff psychiatrist there. He had examined Alberta Lessard the previous April during her brief stay at North Division (which had ended when a circuit judge overturned Judge Seraphim's order for observation), and he interviewed her on Ward 2 on November 1, three days after Officers Mejchar and Schneider brought her to the hospital.

"Perhaps because of Alberta's desire to maintain close contacts with her staff," he said, "we have had daily contacts while she has been in the hospital, contacts ranging in length of time from five minutes to twelve minutes depending upon her need and the staff's needs. Alberta had a mental state that

could be characterized as being high in tension, and she was very concerned about the manner in which she was brought to the hospital. She was very concerned that we believe her and her version of what went on prior to her coming into the hospital, and she denied that she had any intentions of killing herself. She did admit to feeling that there was a conspiracy that she considered to be communistic in origin.

"I have to characterize her way of relating as a very suspicious and guarded way of relating," Dr. Kennedy continued, "which is sort of almost expected under the conditions under which she was brought to the hospital. At the same time there was the additional mental functioning feature of her personality that I characterize as looseness of association in which she was logical in her approach to problems and subjects at one moment, while at other moments her trend of thought and her stream of mental thought became highly charged with emotion, highly inconsistent and hard to follow. And then as she would calm down and as she would settle down, her associations would tend to become more easy to follow and to understand.

"I feel that Alberta has been losing a kind of important contact with people, a kind of contact that could be called a sense of closeness and a sense of belonging to some group, to the degree that she would resolve or reduce chronic tension, chronic anxiety, and hence chronic paranoia. My opinion is that Alberta Lessard should be committed to North Division to determine the degree with which she is able to handle gradual extensions of freedom limits--off ward, home passes, and home visits--to enable the staff to properly evaluate her capacity to handle extended degrees of freedom from the institutional setting, progressing to the out-patient status, which would then involve her in contacts with our out-patient staff at our community clinic. This would also involve her being cooperative regarding attending these out-patient interviews and maintaining and taking tranquillizing medication, primarily

to assist her in understanding all of these environmental situations that have been plaguing her mind for some time, to assist her in working more cooperatively with whatever authority structure there is present in the County of Milwaukee, as well as assist in her resocialization."

As he had with the two other doctors, Blondis asked whether Kennedy's diagnosis of paranoid schizophrenia depended on Miss Lessard's beliefs about the communist conspiracy.

"Communist-Nixon conspiracy," the judge corrected.

"Are you yourself making the judgment that her belief is not founded in fact?" Blondis continued.

The judge interjected, "That one could be right. I imagine Nixon is trying to take over."

Kennedy said, "I believe that all of her opinions are founded in reality but that her reality is expanded to such a degree that it is beyond the scope of normal limits that I have in my mind, as my way of deciding who is mentally ill and who is not mentally ill."

"I'm not sure I understand the answer," Blondis began.

"That's the dilemma the Court faces," said the judge, "and that's why the Court relies on medical testimony in arriving at its decisions."

Blondis asked whether all patients diagnosed as paranoid schizophrenic need to be kept in a hospital. "No," Dr. Kennedy answered. "This individual needs commitment primarily because she has the minimum of insight into the nature of the problem I see her as having. In other words, a minimum of agreement with me as to what I perceive as normal limits and what she perceives as normal limits of what reality is. And willingness to cooperate with individuals she is in disagreement with

about whether she is being conspired against or not. In the majority of cases with this diagnostic category, their illness alone makes it impossible for them to receive therapy voluntarily because to admit the need for therapy is to admit a need, or to admit an awareness, an insight, that something isn't quite right inside themselves."

But, Blondis pointed out, Miss Lessard had offered to become a voluntary out-patient. Kennedy replied that had it not been for the commitment proceedings and Miss Lessard's relationship with the hospital staff and her lawyers, she might not have offered to become an out-patient. "There has been a great deal of attention paid to Alberta Lessard since October 29," he said.

"Do you think," Blondis asked, "that Miss Lessard presently has suicidal tendencies?"

"I am of the opinion that Alberta Lessard presently does not have suicidal tendencies today."

"And you are of the opinion that Miss Lessard should not have a choice whether to accept the therapy, but that it should be forced on her?"

"That is correct."

It was time for a report from the guardian ad litem. But Alberta Lessard told Blondis that she wanted to take the stand, and Blondis agreed. The clerk administered the oath. Dr. Kennedy had reduced Miss Lessard's medication to a tablet of Mellaril four times a day, and she had complained to Dixon and Blondis that the medicine still made her tired and grouchy and that her mouth was so dry, it felt as though it was filled with cotton. But her high, sharp voice could be heard throughout the courtroom.

Blondis asked Miss Lessard what she had told the policemen to make them believe that she intended to commit suicide on the afternoon of October 29.

"Well," she said, "I told them I might as well be dead. I said that. But I had no intention of committing suicide."

Judge Seraphim asked Miss Lessard what she had been doing hanging by her fingertips outside the window.

"There was a knocking at my door," Miss Lessard answered, "and no one would tell me who it was, and I did climb out the window. I went out and there was a kind of awning or whatever you call it. I went out on that awning, and I just dropped and let myself over, and there was a snowmobile down below, and I landed on the nice padded snowmobile. My feet almost touched the snowmobile, and I dropped down without any help from my landlord. I don't think I dropped more than a couple of inches to the snowmobile. I was that close to it."

"If you were released today," Blondis asked, "would you voluntarily seek psychiatric treatment?"

"I think I would go along with Dr. Kennedy because I do have a lot of confidence in Dr. Kennedy," Miss Lessard replied.

"And you would do that voluntarily?"

"I would do that voluntarily."

On cross examination county counsel George Rice asked about the caricature of Miss Lessard as a bubble dancer. She explained that sometime between 1948 and 1950 in the town of Mosinee, Wisconsin, a former friend and school teacher named Marge Emerson (now married with the name of Wilson) had pasted a photograph of Miss Lessard's face onto a caricature of a bubble

dancer. She had enjoyed the joke and kept it for twenty years. "It was something that had been given to me at a party. But because the police questioned my machine, I thought certainly that if I got to court, somebody would say it was pornographic, because it showed me as a bubble dancer. That's why I thought it better to destroy it."

Rice asked Miss Lessard about her "machine." "I have materials that I have developed," she said, "reading materials, game materials. It includes cards, but it also includes another product that has never come out on the market. Do I have to disclose what it is?"

"No, that's all right." Rice went on to ask about the knocking at Miss Lessard's apartment door that preceded her exit through the window.

The knocking came at least three or four times, Miss Lessard said. "It was very loud. And I asked who was at the door, and no one would answer."

"And did you report this to the building superintendent?"

"I didn't have time, because after that I jumped out the window."

"When you went out," Rice asked, "did you converse with anybody below, or did you just immediately descend by way of the rain gutter and then drop to the ground?"

"I talked to some people on the sidewalk. I wanted some of these facts known to other people, and I was having difficulty in getting them known."

"In other words, you told the people below about the communists?"

"I did."

"The Nixon-communist activity?"

"I did tell them that before I jumped."

"That's all," George Rice said.

Judge Seraphim then called for a report from Daniel Noonan, the guardian ad litem he had appointed before Miss Lessard retained Bob Blondis and Tom Dixon. Noonan said that he had spoken with Miss Lessard for about an hour on November 11. He agreed with Dr. Kennedy's recommendation that she should be committed to North Division. "My legal determination is that she appears, based on my interview, not to be able to fully understand the nature of the legal proceedings in that she views them as part of a conspiracy persecuting her."

Judge Seraphim asked Blondis whether he had any medical testimony of his own to introduce. Blondis explained that he and Dixon had telephoned a great number of psychiatrists, and that since the only one willing to get involved could not see his client for another week, Miss Lessard preferred to rest her case.

Judge Seraphim was well aware that Dixon and Blondis had filed a suit in federal court, challenging the constitutionality of the procedures--or lack of them--in Chapter 51 and naming him as a defendant. "I don't quite understand you," he said. "Now are you saying that you want to release her in spite of the fact that she may be insane and mentally ill, and that you are relying just on possible defects in the procedures?"

Blondis pointed out that their 1983 class action also challenged the state's authority to force treatment on a patient who is neither suicidal nor violent.

Judge Seraphim said, "I would be lying to you if I told you that I didn't have any other knowledge of Miss Lessard--other bizarre conduct on her part when she was convicted of

making telephone calls to Marquette University, by the dozens. And the school board was also involved in another action. I'm not sure on that, but I'm sure of the Marquette University telephone calls. Forty, fifty phone calls. Now the Court should certainly not overlook that. I'm interested in her welfare, and if you want, I'll appoint another psychiatrist to examine her, because I want her rights protected. Better yet, I want her well." Blondis refused the judge's offer.

"All right," said Judge Seraphim, "then I'm finding that she is mentally ill, and I'm making a thirty-day temporary commitment to the Milwaukee County Mental Health Center for treatment." Unlike ordinary civil or criminal cases, the judge did not formulate a finding of facts or give the reasons for committing Miss Lessard. He neglected even to find, as Chapter 51 requires, that she was "a proper subject for custody or treatment." He had found her mentally ill, and that was enough.

Dixon and Blondis had failed in their second try to obtain Alberta Lessard's release, and they had four weeks to submit their brief to Judge Reynolds and the two other federal judges who would hear the case of Lessard v. Schmidt.

Three days after Judge Seraphim committed Alberta Lessard to North Division, Dr. Kevin Kennedy released her from the hospital, provided she go for out-patient treatment at a clinic near her home. Miss Lessard has been back to North Division only once since then, to visit a friend. But it was, of course, a conditional release, and Judge Seraphim would extend his thirty-day commitment order every month after that for almost a year, keeping Alberta Lessard in fear of summary rehospitalization and subject also to the catalogue of legal disabilities automatically imposed by Wisconsin law on those who are judged

mentally ill. It looked like Alberta Lessard wouldn't get to vote against President Nixon in the '72 elections.

Jeff Stengert

Received in New York on April 16, 1976.