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A Case Against Liberty

Forty years of good intentions have left California's mentally ill in desperate—sometimes tragic—circumstances. You can see the desperate ones on the streets every day. If you haven't seen the tragic ones, consider the case of Scott Harlan Thorpe.

Thorpe, a former janitor, thought the FBI was ordering cooks to poison his meat and forcing him to see an incompetent psychiatrist.

If there had been a way for the state to compel him to take his medications and accept therapy, Thorpe might be living a relatively normal life. Instead, on Jan. 10 he marched into the only public mental health clinic in the Northern California town of Nevada City and, according to eyewitnesses, opened fire. The fusillade killed two clinic employees, including 19-year-old Laura Wilcox, a high school valedictorian who was working at the clinic during college break.

Boasting that he was "the toughest man the FBI had ever tried to break," Thorpe, 41, drove to a nearby restaurant, where he allegedly shot to death its 24-year-old manager.

Thorpe's rampage, which left three other people seriously wounded, offers an extreme but pertinent illustration of why legislators must pass AB 1421, a sensible mental health bill that is working its way through Sacramento this week.

Thorpe's family saw his paranoia deepening and sought help for him. But no one could force Thorpe to accept treatment and stick with it, so the deck was stacked against his relatives. The bill is aimed at such cases, getting treatment to people when their actions suggest that they pose a threat to themselves or others. The legislation would give judges power to force people like Thorpe to take medications to modify their behavior or face confinement.

For two generations, California has been applying what now seems an extreme emphasis on the civil liberties of unfortunate people who cannot refrain from harming themselves and, occasionally, others. Thorpe's is an extreme case, but you'll find less violent (though still troubling) examples on the streets of every

city in the state.

It's time to stop averting our eyes, because there's something we can do about it. But doing something means a reduction in the civil liberties of some of the mentally ill and a corresponding increase in the authority of the state. As a general rule, we like to see things go the other way. In this rare instance, Californians should proceed with eyes open and calibrate the adjustment very carefully.

If the Legislature and Gov. Gray Davis approve the bill—and provide enough money to make it work—AB 1421 would be a good first step toward a more balanced public policy.

With that goal in mind, the measure now needs fine-tuning. We commend the bill's author, Assemblywoman Helen Thomson (D-Davis), for persevering against civil liberty absolutists whose well-meaning resistance to the measure works against positive change.

We must not pretend, however, that what Thomson proposes is anything less than a significant widening of the state's authority. As such, it deserves the closest scrutiny. This week, Thomson should listen closely to mental health advocates who contend that the bill, as worded, is too broad in defining those on whom a judge could impose treatment. We encourage her to once again take full measure of the bill's civil rights protections. Then, with reasonable protections adopted, the bill should go forward. California owes it to Amanda and Nick Wilcox, Laura's mom and dad.

They saw in Laura an energetic and compassionate young woman. She was running for student body president at Haverford College and planned to work for a Quaker group after graduation. She might still be rushing toward that promising future had Thorpe's family been able to compel him to get help.

"Amanda and I understand that our daughter was a random victim in this tragedy," Nick Wilcox said. "We also believe that the events of that day were predictable and preventable."

Therein lies a revolting twist: Now, three deaths later, Scott Thorpe is locked up awaiting trial and the state can finally force him to take his medications. There is a better way, and Sacramento must make the start.

A Northern California case offers an extreme but pertinent illustration of why legislators must pass a mental health treatment bill.