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Case Note: O'Connor v. Donaldson, 95 S. Ct. 2486 (1975) - "They Weren't any Crazier Than I was"

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"They Weren't any Crazier Than I was"

O'Connor v. Donaldson,
95 S. Ct. 2486 (1975)

by Lindsay Schlottman

When Kenneth Donaldson was forty-eight years old (in 1957), he was ordered by a Florida civil court to commitment for "care, maintenance and treatment" 1955-56 Fla. Laws Extra. Sess., c. 31403, section 1, 62 [since repealed] in a state mental hospital. His father had initiated the proceedings based on his opinion that Donaldson was suffering from paranoid delusions. For almost 15 years, Donaldson frequently demanded release from the hospital, claiming he was not dangerous to anyone, that he was not mentally ill and that he wasn't receiving any treatment anyway for his supposed illness. He particularly requested this of Dr. J.B. O'Connor, the hospital's superintendent during most of the years of Donaldson's confinement. O'Connor had statutory authority to release patients who were found to be nondangerous to themselves or others, even though mentally ill and lawfully committed. But he ignored Donaldson's pleas. Trial testimony demonstrated that Donaldson had posed danger to no one during his confinement or in fact during his life, and that he had no suicidal tendencies. Several times over the years responsible people notified O'Connor of their willingness to provide care to Donaldson if he needed it upon his release from the hospital. O'Connor would not relent even though evidence showed that "Donaldson's confinement was a simple regime of enforced custodial care, not a program designed to alleviate or cure his supposed illness." *O'Connor v. Donaldson*, 95 S.Ct. 2486, 2490 (1975). Finally in February, 1971, Donaldson sued O'Connor and other staff members under 42 U.S.C. § 1983 in the United States District Court for the Northern District of Florida, alleging that the defendants had intentionally and maliciously deprived him of his Constitutional right to liberty. The jury found that Donaldson was neither dangerous to himself or others and that if mentally ill, he had received no treatment. It further found that O'Connor, as an agent of the state, knew Donaldson was nondangerous and could live safely in freedom alone or with a responsible person, and yet knowingly continued Donaldson's confinement. The jury, concluding that the state had violated Donaldson's constitutional right to freedom, returned a verdict for Donaldson and assessed damages against the defendants. The Fifth Circuit Court of Appeal's affirmed this verdict and judgment. O'Connor then appealed to the Supreme Court.

Although several Constitutional issues were discussed at the trial and circuit court levels, the Supreme Court, in a unanimous ruling written by Mr. Justice Stewart, stated that only a single, relatively simple question was raised: may a state constitutionally confine *without more* (i.e., without treatment) a nondangerous person who is capable of surviving safely in freedom or in the custody of a responsible person or persons? The fact that a state law authorized the confinement does not justify keeping Donaldson in continued confinement. The Court stated that there must be a "constitutionally adequate purpose for the confinement." 95 S.Ct. at 2493. Further, even if a person is found to be mentally ill in state civil proceedings, a state is not permitted to place that person in involuntary custodial confinement indefinitely if that person is nondangerous and able to live safely outside the hospital atmosphere. Although a state does have an interest in ensuring proper living standards for the mentally ill, "*the mere presence* [emphasis added] of mental illness does not disqualify a person from preferring his home to the comforts of an institution." 95 S.Ct. at 2493. The state, also, is not justified in confining without treatment the nondangerous mentally ill simply because the public is intolerant of or hostile towards those individuals. In short, the Supreme Court found that the mentally ill may not be involuntarily confined in state mental hospitals without treatment if they are nondangerous and capable of living safely in freedom.

Regarding the matter of damages, the Supreme Court, agreeing with the trial court's conclusion that O'Connor had violated Donaldson's Constitutional right to freedom, found that O'Connor's personal liability must be considered in light of *Wood v. Strickland,* 95 S.Ct. 992 (1975), a case dealing with the scope of equalified immunity of state officials. *Wood v. Strickland* establishes the following test: whether the state official (O'Connor) "knew or reasonably should have known that the action he took within his sphere of official responsibility would violate the constitutional rights of [Donaldson], or if he took the action with the malicious intention to cause a deprivation of constitutional rights or other injury to [Donaldson].' " 95 S.Ct. at 2493 citing 95 S.Ct. 992, 1001. The Supreme Court therefore vacated the judgment of the Court of Appeals and remanded the case to enable that court to consider whether the instructions regarding O'Connor's liability for damages were rendered inadequate because the trial court judge failed to instruct the jury regarding the effect of O'Connor's claim that he was acting pursuant to state law.

Bruce Ennis, the New York Civil Liberties Union staff attorney who handled this case, remarked on the impact of the Donaldson decision. "The court's decision has opened for judicial and Constitutional scrutiny the locked doors and back wards of mental hospitals."

Although this decision is far-reaching, several related issues are unresolved. What is the definition of "treatment"? Is a *dangerous* mentally ill person who is involuntarily confined entitled to treatment? May a nondangerous mentally ill person be involuntarily confined for the purposes of treatment? It is obvious that state mental hospitals should now be reevaluating each patient to determine dangerousness, whether confinement is voluntary, whether care is more than custodial and whether that patient can live safely outside the hospital. Donaldson, now sixty-seven years old, said at a press conference shortly after the decision, "I made hundreds of friends who died there. They weren't any crazier than I was."