Crown Evidence In Rebuttal

Mr Brown said that as the defence, and the only defence, raised was insanity, the Crown had the right to call evidence in rebuttal. He had three psychiatrists in Court to give evidence.

Kenneth Robert Stallworthy, senior medical adviser at the Avondale Mental Hospital, Auckland, said he had been attached to mental institutions for 15 years. Thousands of patients had come under his care.

"In all my experience and reading I have no knowledge of two insane persons combining to commit a crime," said the witness. "The services of myself and other psychiatrists employed by the Government are available to the defence if it wishes to call them. I have given evidence for the defence in several cases. Psychiatrists of the Mental Hygiene Division are always called in to examine persons charged with murder, and also convicted of murder. We do not always work within the walls of the mental hospital. We have out-of-hospital clinics," he said.

"I have examined the two accused on more than one occasion," said Dr. Stallworthy. "It is the practice in this country that every person arrested on a charge of murder be examined by a psychiatrist, partly as a protection to the accused and partly as a protection to the State, because a defence of insanity may be raised. A report is made and it is available to the defence. In the initial examination we are concerned primarily with arriving at a decision whether there is a disease of the mind to such an extent as to make the person unable to know the nature and quality of the act or, if he did, that he did not know what he was doing was wrong. We are concerned primarily in the initial stages with the question of criminal responsibility. In the later stages we are concerned with abnormalities of the mind short of insanity. If there is a conviction, another examination is made, and a report goes to the authorities. In my examinations I am neither for nor against an accused. I am concerned solely with arriving at a sincere and honest opinion on his mental state.

"No Disease of the Mind"

"I examined the accused Parker at Paparua Prison and at Mount Eden Prison, and Hulme at Paparua Prison. Parker was moved from Paparua Prison to Mount Eden Prison for over a week, and there was a complete separation of the two girls. In Paparua Prison they were together all day. As a result of my examination, I do not consider that either has any disease of the mind. I have read both of Parker's diaries and various writings. The evidence in the diary is that they had written down what they intended to do, and that they were able to give a clear account of what they did made it clear to me they well knew the nature and quality of their act."

Mr Brown: Do you consider them sane or insane?

Dr. Stallworthy: I consider them sane medically because I did not consider either certifiable, and I considered them sane in the legal sense.

Mr Brown: Have you formed an opinion whether at the time of the death of Mrs Parker they knew the nature and quality of their act?—I have formed the opinion that they knew.

What is your opinion of their knowledge of the rightness or wrongness of the act so far as the law is concerned?—I am of the opinion they both knew at the time that their action was wrong in law, that they were breaking the law.

"A diary entry says: 'I have made no definite plans yet. The last fate I wish to meet is one in a Borstal.' To my mind that is a clear indication Parker knew she was breaking the law and running the risk of punishment by putting her plan into action," said Dr. Stallworthy. "Another entry says: 'Peculiarly enough I have no qualms of consoience.' That is a clear indication she knew that she was contemplating doing wrong and should have had qualms of conscience.

"There were many other things which they told me which made me quite satisfied they knew they were doing wrong at the time of the act," said witness. "In the diaries there was evidence of motive, planning and premeditation. At my last interview with Parker at Paparua she said: 'We knew we were doing wrong. We knew we would be punished if we were caught and we did our best not to be caught.' Parker said at the second interview: 'Of course I knew what I was doing at the time, and however sheltered I might be from the world I could hardly fail to know that murder was not encouraged.' I asked her what her church would think, and she said: 'Oh, I wouldn't expect them to approve.' And she went on: 'But we suited our own convenience and that is all that matters.'

"Hulme said to me: 'I knew it was wrong to murder, and I knew at the time I was murdering somebody. You'd have to be an absolute moron not to know murder was against the law.'"

"Intelligible Motive"

Dr. Stallworthy, continuing his evidence, said that from his various interviews with the accused, his questions and their answers, he had no doubt whatever that they knew what they were doing when they killed Mrs Parker; they knew it was against the law; and they knew it was against the moral code of the community.

Mr Brown: Do you consider both or either insane in a medical sense at the time of the killing of Mrs Parker?—No.

His Honour: Please do not use the term "insane in a medical sense."

Mr Brown: Were there any matters or things in this case which impressed you whether the killing was the act of a sane or insane person?

Dr. Stallworthy: There were a number of experiences which were contrary to the act being committed by an insane person. There was an intelligible motive, and the careful planning, the careful meditation over the chances of concealing the crime. They both told me they thought they had an even chance of concealing the crime. They weighed up the consequences of failure and they were well aware that the consequences of failure for them would be very different from the consequences of failure for an older person. There was a clear appreciation of their predicament and a very sane desire to get out of it in the way that would be easiest for them.

"I gained a very definite impression they wanted to be found insane if in that way they could regain their liberty at an earlier stage than if they were convicted," said Dr. Stallworthy. "Persons in my experience who have been convicted have been most anxious to be found sane. It is extremely rare for an insane person to wish to be considered insane. That is part of their insanity.

"Paranoia is a relatively rare form of disease of the mind but I have dealt with paranoics in mental hospitals and scores outside. I have known paranoics charged with crime but their behaviour was entirely different from that displayed by these two girls. In these other cases their crimes were logical results of their delusions and they no longer appreciated they were acting contrary to the law. Further they were more indignant at being considered insane than they were at being charged with crime.

"Some paranoics think they are being persecuted by members of the public and that leads them to taking steps to stop that supposed persecution, by damaging the persons themselves or their properties. In those cases there was no foundation in fact or reality for the idea of persecution.

Delusion Not Admitted

"I do not consider either of the two accused is a paranoic. Delusion is part of paranoia and I do not admit the presence of a delusion in either of the accused," said Dr. Stallworthy. "I can see no delusions of grandeur in either. The presence of an overwhelming conceit does not constitute a delusion of grandeur. Most of the evidence for delusion of grandeur comes from Parker's diary. I have some experience of adolescents' diaries. Adolescence is a conceited age and in their diaries are recorded the most conceited opinions without the adolescents having any firm belief in what they have written. I have seen many criminals with such a profound conceit in themselves that they thought themselves above the law. I have never considered they showed any signs of insanity.

"The accused had some justification for their conceit," said Dr. Stallworthy. "Hulme displayed a shrewdness in appreciating difficult questions and a shrewdness in answering them more like that of an older, sophisticated person. Parker is well above average intelligence and is able to write. I do not think their views about life amount to a delusion. There are many people who hold views which by orthodox standards are peculiar but that does not place them in the category of the insane. Adolescence is for many people a time of intense questioning of beliefs and I see nothing insane in two highly intelligent adolescents being preoccupied with the hereafter and in even toying with a religion of their own. If they did have delusions of grandeur it would not explain their crime. To put it on that basis of delusion would make a simple thing complicated. There was no delusional basis whatever in the motivation of the crime. These two girls were very, very fond of each other, according to all the evidence. The most important thing in the world to them was to be together. There have been other great loves in the world where one person would stick at nothing to be with the other.

Homosexuality and Insanity

"I have had experience of hundreds of homosexuals. There is no relationship between active, expressed homosexuality and paranoia. I do not know of any practising homosexual who is paranoic. The kind of homosexuality that is related to paranoia is the kind commonly called repressed homosexuality. There is clear evidence in this case that there was no repressed homosexuality. I do not consider that homosexuality is any indication of insanity whatever, or that it has any relationship with insanity. I think there is no doubt the two accused have been engaged in homosexual practices with each other. It is common for adolescents to go through a stage where they have emotional or physical relations with a person of the same sex but they grow out of it.

"Parker was sufficiently interested in the opposite sex to allow members of it to make love to her in one way or another," said witness. "In my experience it is usual for homosexuals to be reluctant to have relations with the opposite sex. When the true homosexual has sexual dreams they are about members of his own sex. These girls' sexual dreams were of members of the opposite sex. It appears to me that in their various fictional characters the love scenes were between members of the opposite sexes. I feel the homosexuality in this situation has been rather overstressed. There are people capable of obtaining sexual satisfaction with members of either sex. Parker was said to have found her sexual relationships with Nicholas unsatisfactory but, in my opinion, that is no indication of homosexuality. It is a common thing indeed for early sexual experience of normal women to be unsatisfactory as was the case in Parker's experience. But it has no bearing on homosexuality or insanity.

"The two accused play acted and had fantasies but I do not think they are any evidence of insanity. I see nothing insane in having a vivid imagination and using it at every opportunity. These girls were always well aware of the differences between their fantasies and reality. They assured me they were always able to come back to earth when they had to or wanted to.

Reasons for Shoplifting

"I would not agree that their shoplifting was part of their delusional system," said Dr. Stallworthy. "There is no relation between shoplifting and insanity. These girls shoplifted because of the thrill of it as, in the words of one, 'an intellectual exercise.' They did not make any profit or attempt to make a profit out of what they stole. One of them told me she 'delighted the hearts of other people by giving them unexpected presents.' I disagree emphatically with the statement that paranoics are devoid of moral sense. Paranoics have broken the law, but only when they have no longer been able to appreciate the law. I know of no instance of a paranoic who went through the phases of lying, thieving, or blackmailing that these girls went through.

"When I interviewed the girls there were emotional reactions to my visits, but these reactions did not suggest insanity," said witness. "Their reactions were always very much in keeping with the way the conversation was going; with the possible exception that they did not show the remorse and regret one would imagine normal in the circumstances. With prisoners, it is my experience that it is extremely unusual for criminals to show any regret except at being caught. I have seen murderers whose sanity was not doubted, who showed the same coldness and callousness as has been mentioned in the present case.

"I have heard Dr. Bennett speak of the agonies of doubt of a person about to commit a violent crime," said Dr. Stallworthy. "I would agree with him that the average person would have those agonies, but I doubt very much if you would find the average person in that situation. But I have known instances where a violent crime was premeditated and planned and between planning and commission there was the same lack of doubts and indecision as we have in the present case. But there was no question of insanity in those other cases.

"There is plenty of evidence of the girls being highly pleased with themselves, but that was not elation as the psychiatrist understands the term. There is no elation to such a degree that it amounts to insanity," said witness.

"I don't think the writing of books with violence in them has any bearing on the question of insanity. The type of literature in demand among children and adolescents at present embodies these themes and shows how universal and normal is the interest in these themes. I do not consider that the theme of bloodshed and violence, that appears prior to the killing, was abnormal or evidence of insanity.

"It is my considered opinion that both accused were quite sane at the time they killed Mrs Parker."

Witness Cross-examined

Mr Gresson: You would agree that Dr. Medlicott is a man of integrity and a capable psychiatrist—I would.

Do you agree that the question before us is one on which medical men can disagree?—I do.

No doubt you have diagnosed persons insane and another psychiatrist has diagnosed them as sane?—There has been one instance in my experience where a colleague and I have disagreed on whether a person was insane or not and the opinion of my colleague was accepted. But I am not prepared to say my opinion was wrong for I have had that person under my care since.

You are speaking of a particular case, but in general terms have there not been differences of opinion on diagnosis?—Yes.

To decide whether a person is sane or insane is often a difficult question?—It is.

Paranoia is often difficult to diagnose?—Yes.

Particularly in the early stages of the disease?—Yes.

There are various types of paranoia?—That is largely a matter of nomenclature. Psychiatry is not an exact science and some authors use terms in a different way from other authors. In British text books persecutory paranoia is the only one recognised. But I will concede, to discuss different mental states with you, that paranoia may be divided into various types.

There is paranoia of the exalted type?—Yes.

There doesn't have to be any persecutory element in that?—No.

And the exalted paranoia is a very rare type?—Yes. There is a consistent and pathological exaggeration of the mood in such types.

In the later stages of the disease, the patient often thinks he is a superior being?—Yes.

They think they have exceptional qualifications denied the rest of mankind?—Occasionally.

If you were in your surgery and an adolescent told you she had a fourth part to her brain and insisted on it, what would you think of her mental condition?—If it entered so largely into her thoughts that it was affecting her behaviour I would suspect she had a delusion and would look for confirmatory evidence of mental disease.

If she also told you there were only 10 people in the world who were her equals?—I believe there are such circumstances under which such a belief could cause disquiet.

In the older text books she might have been described as a monomaniac?—She might.

~~Star Sun Aug 28~~ 19.

Press Saturday August 28 p8.

(19)