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LAWYERS, CRIMINALS, AND CORRECTIONS:— A CALL FOR SPECIALIZATION

MELVIN S. HELLER, M.D.*

INTRODUCTION

The law has been described as many things; to this author it is essentially an attempt to control, regulate and guide human behavior through a system of sanctions. Since psychiatry claims to have specialized knowledge of human behavior and its motivation, there is a lengthy interface of clinic and theoretic interests which this discipline shares with the law.

Common areas of involvement in law and psychiatry are obvious in criminal matters, juvenile delinquency, competency, testamentary capacity, mental illness and criminal responsibility, negligence resulting in emotional trauma, family law, divorce, custody and adoption. Less obvious, but equally significant, are the emotional aspects of many contract disputes, as well as those between neighbors and business partners. It is the rare lawyer who has not had to deal with his or opposing client's (or attorney's) emotional opposition to otherwise available, equitable solutions to legal conflicts. Indeed, were it not for these emotionally-laden disputes, and their resultant impasses in human relations, there would be much less work for lawyers, as well as for psychiatrists.

Clients come to lawyers and psychiatrists for much the same reasons. Patients come to physicians with one of two complaints: either they have some illness, pain, or worrisome symptom for which they seek a remedy, or they want a general check-up and specific advice in order to prevent or minimize future troubles. Similarly, a lawyer's clients have one of two chief complaints: either they are having current legal difficulty and seek a remedy, or they want prophylactic legal service to prevent or minimize future difficulty.

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The shared, common motive of persons seeking the advice of lawyers or psychiatrists is anxiety. If clients and patients were not concerned about preventing future worries, there would be much less employment for either profession. Some of our colleagues might then have to write a few mass media articles to ask the public if it is not neglecting some potential source of future difficulty, and arouse a few anxieties.¹

As a psychiatrist, it has long been my somewhat envious feeling that law is the single most significant and influential profession in our culture today, and that the importance of lawyers cannot be overstated. In our litigation-conscious society, we are well-advised to consult our lawyers whenever we consider an important undertaking, be it the transfer of property, an important purchase, or even marriage.

Mankind is in no danger of becoming extinct due to heart disease or cancer, but we may well destroy each other by our hitherto inadequate ability to resolve disputes according to law. It is in the coupling of our awesome tradition of violent dispute with our newly-achieved destructive capabilities that we face our greatest threat of extinction. Lawyers and psychiatrists have had more experience in dealing with disputes and emotional conflict than have any other organized body of professional specialists. Of the two professional groups, lawyers are clearly more influential and more adept with the machinery that moves and governs communities, states, and nations.

CRIME AS BEHAVIOR

A dynamic definition of what is criminal is not easily arrived at in a few words. Operationally, a criminal is defined by law as an individual who operates outside of and against the legal framework of society. Since laws vary from state to state, nation to nation, and time to time, a criminal in one place at a particular time might not be regarded as outside of the law in another state or in another time. Moreover, governments have been known to brand other governments as "criminal"—a currently popular and freely-hurled accusation in the

1. I think we all have been intrigued by the rash of lay magazine pieces on such subjects as: "You and Your Teenager," "Your Ulcers and Hidden Rage," "Be Sure About Your Estate," or "Watch Out for Fine Print." Although these articles have some educational value, human nature being what it is, they often carry a kind of "See Your Dentist Twice A Year" message, which is admittedly better than losing all of one's teeth.

semi-official newspapers of totalitarian states, and a recurrent echo in the councils of the United Nations.

In what sense is the word "criminal" used as it applies to governments, and what is its validity? The word is used in much the same sense that the concept of criminality is applied to the individual criminal, and with much the same amount of validity. In this sense the individual criminal is an example, a microcosm, of mankind's propensity for unwarranted violence, as well as a reminder of man's mediocre prospects for international cooperation and social "rehabilitation." The autumn forays of raiding warriors seeking to plunder their neighbors' harvest were formerly regarded as common risks of everyday living. Today such domestic behavior would clearly be condemned as criminal and intolerable. The economic wars of nations and surging empires are now either anachronisms of an earlier age or nuclear suicide, and in either case must be viewed as criminal.

Clearly then, of all the issues for which lawyers are supposedly trained to address themselves, criminal law emerges as the most pressing, urgent, and vital area of social concern and significance today. In the area of common interface between law and behavioral science, no other study warrants greater, or more immediate, attention.

THE PROSPECT OF PROFESSIONAL PARTNERSHIP

It was as a direct result of one of the several armed conflicts of our generation that I found myself in uniform, assigned as psychiatrist to a midwestern federal penitentiary. It took a war, in other words, to bring me reluctantly into the work of prison psychiatry, in which I was introduced to men in prison, inmates and staff, and to lawyers, courts, and law enforcement officers, as well as to the ponderous, questionably remedial-deterrent, but distinctly punitive, system we call corrections. After two years, as soon as I was released from active duty, I hastily returned to my university psychiatric program, somewhat shaken, yet deeply impressed by what I had seen. I had found a number of good and devoted men among the staff, many inmates who should not be in prison, and a number who would always be back if released.

In the fields of both law and psychiatry, work with criminals is not generally regarded as particularly prestigious, lucrative, or desirable. The frustrations of criminal law and forensic psychiatry are a far cry from the gratification and monetary rewards of successful corporation practice or surgery in our respective professions. Perhaps it will take

some kind of a draft to involve more lawyers and doctors in the actual field work of the war against crime. Once exposed to this field, the professional man has a chance to become a different person, and to participate in an area where his service is desperately needed.

As for myself, I have persisted in the part-time practice of prison work for the past seventeen years, never quite able to turn my back on the generally frustrating, unattractive, and sometimes dismal clients who constitute society's walking-wounded in the clinical no-man's land between law and psychiatry. As institutional conditions and philosophies improve there will be increasing opportunities for full-time commitment of university-affiliated lawyers, psychiatrists, and behavioral scientists to this area of criminal work which can throw much light on our vital problems of violence and aggression in society.

The most serious gap in law school training today is that which leaves most lawyers grossly unprepared (even uninterested) in coping with criminal behavior, its causes, its cures, and its prevention. Crime will not go away simply by defining, adjudicating, sentencing or appealing, which is where most lawyers leave the matter and leave their former clients. There is much more that the legal profession needs to do in the field of criminal law. It must study criminals with a view to diminishing the demand for criminal lawyers by lessening criminal behavior.

Neither law nor behavioral science alone can accomplish this. Psychiatry is concerned with the many problems of mental illness, and for various reasons the problem of the criminal is far down on its list, as it is on most everyone else's list who is not directly concerned with the problems of criminal behavior. Indeed, the average psychiatrist today has had little more actual experience with the adult or juvenile offender than has the average lawyer in general practice. Clearly, there is the need then to attract and develop a group of specialists among lawyers, social scientists and psychiatrists who might be sufficiently devoted, or otherwise disposed, to concentrate their main professional efforts in the frustrating, poorly paid, and generally thankless task of coping with criminal behavior.²

The legal and psychiatric professions can begin by addressing themselves more to these problems in professional journals, meetings, and

2. Heller, *Mental Health and Criminal Behavior*, 40 F.R.D. 417, 420 (1966).

classrooms. I have found that each of our professions is reluctant to go much beyond the level of diagnosis, adjudication, and recommendation for disposition in the field of law enforcement. We have not concerned ourselves sufficiently with treatment nor have we spent enough time in correctional work to make valid and knowledgeable judgments about disposition. We wash our hands of the criminal after the trial, assured that we have fulfilled our professional responsibility, and that recidivism is not our problem, or is one that can be resolved by longer and longer sentences.

The two professions tend to be cynical about prospects for criminal rehabilitation. Medical and bar associations seem satisfied to be represented with respect to law enforcement by their duly-appointed committees who, from time to time, provide retrospective commentaries on the mass-media's play-by-play description of the daily contest between cops and robbers.

CRIMINAL COURT OR SANITATION DEPARTMENT?

The participation of psychiatrists and lawyers in the criminal process is largely impersonal, remote, and reluctant as the legal plunger is pumped to temporarily clear unwanted social products through recurrently clogged criminal courts into the overcrowded receptacles for human waste which pass as correctional institutions. In criminal court too many professional people function more as plumbers than they would care to admit.

It is sometimes dirty work, hardly ever pleasant, and rarely rewarding, either in therapeutic "triumphs" or in salaries. Moreover, those who man the ponderous legal disposal machine, be they judges in criminal court, lawyers, experts, wardens, correctional officers, members of parole boards, or police, find themselves exposed to the recurrent commentary and critical review of private citizens, newspapers, self-appointed reformers, agencies, theoreticians, purists, or academicians—all sidewalk cynics—each of whom focuses on a vulnerable part of our flapping legal contraption.

Is criminal work any kind of job for a nice college graduate, with a clean white shirt, a briefcase, and a notebook? If not, then for whom is it a job? Can one appropriately continue to criticize the man in the blue collar for the conditions which exist in a system which is the stepchild of the budget committee and the whipping boy of any candidate in search of an issue?

Criticism of prison systems by lawyers is as old as prisons themselves.

It is interesting to compare the 1729 report of the committee of the House of Commons which condemned, two hundred and forty years ago, the hideous cruelties practiced at Fleet and Marshalsea Prisons with that of the current Senate committee which similarly hears "that the nation's prisons were brutal monster-producing factories."³ Although times change, one may be assured that prison conditions do not. One could conclude that prisons, like boys, will be prisons, or he could begin to look, with Dr. Menninger⁴ for the reasons for this resistance to change, and the explanations for the tendency to tolerate the intolerable conditions which exist between investigations.

The ways in which criminals are identified, apprehended, tried, and convicted, are entirely familiar to lawyers. What lawyers have merely visited, but not studied, are the jails and institutions to which offenders are sentenced after due process and adversary debate. The jails, you may feel, are matters for other specialists whose job it is to deal with the very criminals whose legal status attorneys jealously guard as their exclusive right to define and determine.

Clearly, if legislators, lawyers, and judges know best how to identify a criminal and predict the minimum date of his release, then certainly they ought to have some knowledge and recommendations for his rehabilitative management worthy of the legal profession. But lawyers have little or no professional knowledge of criminal management beyond sentencing. How easy and tempting it has been for the law to wash its hands at this point, and let blue-collar George take over until the next time, the next trial, and the next sentence confirm the failure of the preceding legal prescription that was meted out. More, much more, of the same is all that the court can provide its disinterested community.

Influential lawyers and psychiatrists, the leaders of their respective professions, are generally conservative men of good will, politely competitive, and very much the favored beneficiaries of the establishment. With few exceptions, they do not rock the boat, which is probably wise, but no longer, I think, a sufficient safeguard to keep the old ark of law enforcement from being dashed against the concrete rubble of crime-breeding urban slums. The indigent, and particularly the black indigent, do not always receive equal treatment from the law.⁵

3. N.Y. Times, March 5, 1969, at 23, col. 1.

4. K. MENNINGER, *THE CRIME OF PUNISHMENT* (1966).

5. Wright, *The Courts Have Failed the Poor*, N.Y. Times, March 9, 1969, § 6 (Magazine), at 26.

As the nation's most influential profession which deals with criminals, law, through its law school and postgraduate training, must equip lawyers to participate more meaningfully in the institutions of law enforcement at every stage of society's treatment of criminals. Adversary debate at the time of trial and a cursory review for an appeal, will simply no longer do the job that is now required. Law enforcement needs the leadership of criminal lawyers in correctional institutions as much as in court. Indeed, the work of one is futile without the aid of the other. There are those lawyers who will continue to specialize in commercial work, negligence, patents, taxation, and the like, but as long as criminals are subject to the legal process and its institutions, the law must develop its own specialists in criminal law to work in partnership with behavioral scientists, police, and correctional personnel.

A LOOK AT CORRECTIONS

The biggest problem in the field of corrections is that lawyers, courts, and legislators have not decided what they want done with criminals in the institutions to which they sentence them. Some lawyers want to deter, some to detain, and some to rehabilitate. Why not punish and rehabilitate at the same time? Punishment consists of the infliction of some kind of pain or discomfort, hardly the best way to train even a horse, let alone a human.

Perhaps one might begin with some observations about possible alternatives and options for dealing with criminal behavior.

The surest and cheapest method of preventing any given offender from ever committing another criminal act is to shoot him. If this method seems harsh, or in conflict with the sixth commandment, then the next safest disposition would consist of placing the offender in a strong cage. If your conscience bothers you, it would be possible to add running water, a Bible for those offenders who can read, radio-earphones, or even gay curtains.

There is no question that a cage is the safest, cheapest, most economical and secure way to keep a criminal from ever injuring the community again—*providing* you never intend to let him out. But if you ever let him out again, beware. You may be letting loose upon the community an uncaged, angrier, more socially deteriorated and desperate individual than you incarcerated in the first place.

Clearly then, if we are to reject execution or life imprisonment as the routine disposition for all offenders, we are forced to ex-

amine carefully the rehabilitation potential of our disposition of offenders. With respect to inmates who are to be released, responsible sentencing cannot rest upon intuitive hunches, perseverative punishment, favorite numbers, or even precedent. Such methods have rewarded us with a recidivism and failure rate that adds up to a staggering community burden. Moreover, such blindly arrived at sentences release upon the streets certain offenders whose increased resentfulness and dangerousness reveal themselves with sudden impact upon the lives of unfortunate individual citizens. In such a system we all hold a ticket in the lethal lottery. We all take our chances and for the unsuspecting victim, the results are not unlike those of Russian roulette on a community level.⁶

Our first responsibility to the accused and public alike is to determine the facts which led to the arrest. Pending the gathering of these facts, an immediate diagnosis or judgment must be made as to the degree, if any, of security restrictions required to insure the safety of both the defendant and the public. The social need for security pending final determination of proper disposition, is provided by a detention center. Such a jail, indeed all of the holding, diagnostic treatment and supervisory facilities of the state or jurisdiction, are to be understood as constituting related parts of an integrated correctional system.

The work of corrections does not take place in a penitentiary or so-called correctional institution alone, but should be seen as operating within a continuum of facilities and agencies. This spectrum of correctional facilities, institutions, agencies, and programs provides for varying degrees of security and supervision leading to total re-acceptance into the community. It is toward this point of total re-acceptance of the criminal in a free community that the correctional system (including the courts which sentence, and the police officers who arrest) must expend its efforts.

It should be quite apparent that a correctional system cannot operate in a vacuum, isolated from the community which it serves. Indeed, the inmate must eventually, and in good time, be brought to relate to the community in gradual steps, through such program innovations as work-release, earned furloughs, and halfway houses. For such a correctional system to be ultimately successful, the community into which the inmate is released must regard itself as one of the rehabilitative facilities available to the correctional system and its inmates.

6. Heller, *supra* note 2.

If one understands that a penitentiary, no matter how good, cannot function as a correctional institution unless it is part of a coordinated correctional system, he might then ask what the ingredients of such a system are, and what contributions to such a system may be made by a new generation of lawyers.

Certainly a correctional system, like civilization itself, rests upon equitable law. We know that law which is not enforced is wholly ineffective. Law enforcement, therefore, is as vital to the life of any law as are reason and justice to its conception.

SOME DOUBTS ABOUT DETERRENTS

If laws were broken only by reasonable persons, then one could expect that sanctions would deter by punishment and example, not only those who broke it, but even those whose contemplations tempted them toward evil. No doubt there are some such "reasonable" persons whom law and the threat of punishment deter. One sees very few of these people in prisons, however. The majority of penitentiary inmates have been deterred and deterred and deterred—and yet, somehow are not deterred.

Could it be that criminal law deals with a number of persons who, though legally sane, are not quite reasonable? This would seem to explain the fact of their collective recidivism, since penitentiaries and jails are more than sufficient to deter even reasonably unreasonable men. If large numbers of recidivistic penitentiary populations are legally sane—but not deterred by punishment, restriction of liberty, discomfort, or deprivation—we had better find some better deterrent, try a different approach, or stop letting these recidivists out at all. We cannot, in this otherwise scientific age, continue releasing undeterred, aggravated assaulters, for example, upon the community after these assaulters have been further aggravated by five years of additional institutional frustrations.

Perhaps more effective and refined methods of deterrence can be found. Hardly. As a physician knowing something about motivation, deprivation, and pain thresholds, I would venture to say that we passed through the Golden Age of Deterrents at some point in history shortly before the fall of Rome. I am not arguing that the threat of sufficient pain will not deter reasonable persons;⁷ it is merely that I have, over the

7. At this very time, our national defense depends entirely upon our deterrent balance of power with the Russians, whose defense rests on theirs. I am sure that reason-

years, encountered a chronic shortage of reasonable persons among penitentiary recidivists.

For the majority of repeaters, deterrence has been a failure; yet, unless lawyers arrange for all repeaters to have life sentences, those who work in penitentiaries shall have to continue releasing them at the end of their maximum terms, "ready" or not. Statistics as well as common sense, tell us that most of those persons released are not "ready."

Is it to be life sentences for all who have not learned their lesson the first time? Or the second? How about three strikes and you're "in?" A few moments spent on the mathematics of incarceration will convince even the most hard-nosed actuary that it would be necessary to quadruple our penitentiaries if such a formula were followed and we would soon run out of space at that.

REHABILITATION

Several years ago it seemed clear that there ought to be something better than punishment for inmates, and it was decided that the words "penitentiary schedule" should be changed to "rehabilitation program." "Program" sounded better than "schedule" to some people—but "rehabilitation" is misleading. Many of the inmates cannot be rehabilitated because they grew up in slums without fathers, and with down-trodden, alcoholic, or otherwise inadequate mothers, and as youngsters they were never *habilitated* in the first place. This is not a matter of semantics. This concept of initial "habilitation" is essential to understanding certain origins of inmate character.⁸

Present sentencing practices are not sufficiently based on even a passing knowledge of criminal behavior. Persons involved in the legal process at the time of sentencing are concerned more often with procedure than case content. Indeed, in making sometimes vital decisions, the average judge has little more as a basis for decision than the defendant's past history of arrests, employment record, behavior at the

able people on both sides of the Iron Curtain offer up the daily prayer that their, as well as our, leaders remain "reasonable" men (subject to deterrents). Although our personal property and free enterprise system may depend upon the awesome capabilities of our nuclear deterrents, our very lives depend upon the reasonable men in Moscow and Washington. I assure you and warn you that unreasonable men are by definition, simply not deterrable.

8. In this connection, I would recommend, as required reading for criminal lawyers, Fraiberg's excellent discussion of certain causal connections between very early childhood experiences and subsequent criminal behavior as seen in penitentiary inmates. Fraiberg, *On the Origins of Human Bonds*, COMMENTARY, December, 1967, at 47.

time of the trial, and the severity of the present crime. All of these factors may look quite benign, and seem favorable in the case of a reasonably-appearing, but desperately disturbed, criminal.

Clearly, we ask too much of the court to make important decisions in passing sentence on the basis of the paucity of predictive materials which the judge has at hand. It would be much more sensible to pursue a two-stage sentencing in order to provide the court with the information it needs in order to use wisely the tools which the court has.

In the first stage of sentencing, guilt having been established, the court should sentence the criminal to a period of approximately one year to be spent at a diagnostic and evaluation center. After the inmate has been thoroughly evaluated, including an extended investigation into his past and recent life circumstances, his response to tests, and more specifically, his response to actual trials of group and/or individual therapy, as well as his ability to participate in vocational, educational, and other aspects of the institutional program, a summarized report would be submitted to the court. This report would describe the inmate's experiences in the very correctional system to which he will be exposed, and explain his prospects, his prognosis, and his needs for custody, treatment, or special management. The judge, at his discretion will then be in a position to share this material with counsel for each side, confer with program representatives of the diagnostic and evaluation center, and finally pronounce a definitive sentence with a minimum period that reflects actual correctional experience with the very inmate in question. In some circumstances, a prison sentence can be avoided at this point and out-patient treatment can be arranged under a no-nonsense, therapeutically-oriented program of parole supervision.

The setting of a maximum sentence should provide leeway for the correctional community to do its job, and meaningful periodic review consistent with the civil rights of the prisoner.

Lawyers and judges are not equipped to work effectively with other members of the correctional system. Yet, lawyers and judges remain the very heart of that system, and must continue to make the vital decisions pertaining to involuntary commitment to that system.

Law schools have rarely addressed themselves seriously to the bare curriculum requirements necessary for work in the criminal area. Lawyers are not expected to be criminologists, penologists, psychologists, nor sociologists—but lawyers practicing in criminal courts must know enough about these fields and their techniques to participate intelligently

with the rest of the correctional system of which they are an essential, but frequently uninformed, part.

This is no condemnation of criminal law and lawyers from a lofty psychiatric perch. Too few of our colleagues in psychiatry have addressed themselves with any more devotion or continued interest to correctional work than have their legal brethren. Psychiatrists, too, are unprepared to work constructively in the law enforcement effort of a comprehensive correctional system. With characteristic aversion to the dynamic of authority, and a more than average tendency toward passive inactivity in their office psychotherapy, most psychiatrists exposed to the frustrations of prison work make a rapid retreat to the sanctuary of their private office, limiting their contributions thereafter to a few petulant potshots at the punitive system.

The cynicism of such psychiatrists, from whom society should expect a kindly, mature therapeutic attitude toward beleaguered wardens and inmates alike, is anything but constructive. Psychiatric residents are not sufficiently trained, nor properly oriented, to address themselves constructively to everyday problems of law and society. Most frequently, psychiatrists have been trained to see violence as a manifestation of an internal struggle of id instincts against moral or super-ego forces, with a resultant failure of inner ego controls against "acting-out." Their distaste for external controls (authoritarian responsibility) is often reinforced in private one-to-one relationships with patients, frequently reaching the point of resentment of "intrusions" on this relationship from members of the patient's family or the resident's own psychiatric supervisor. This kind of training hardly prepares psychiatric residents for a mature, cooperative role in the demanding, often frustrating, immediacy of forensic and correctional psychiatry. Beginnings have been made in specialized psychiatric training and fellowship programs in forensic psychiatry, but programs in correctional psychiatry on a post-graduate level continue to be needed.⁹

Legal education owes no less to law students in preparing them for the role they will need to play in evaluating and utilizing the evidence and contributions of behavioral science. This is vital not only in criminal law, but also in domestic relations and custody and adoption.

In criminal law, as well as in family law, newly graduated students are dealing with the most serious problems of individuals, their families,

9. Heller & Sadoff, *Experiences with a University-Affiliated Psychiatric Service in a Correctional Institution*, 12 CORRECTIVE PSYCHIATRY & J. SOCIAL THERAPY 240 (1966).

and society. More than money is at stake in this practice. For some clients, indigent as well as affluent, everything is at stake. The legal profession can no longer send recent graduates barely equipped to copy or modify contracts from form books into the arena of major surgery called criminal law. Mistakes in civil matters and property are grave enough, but needless errors in criminal law are a professional blot carried silently to the grave.

It is high time for the legal profession to back off a bit from the fine, peculiar leather of its hide-bound chairs and law books. These characteristic leather tools of the lawyer, chairs and old bindings alike, have served him well long enough, and shall continue to do so in the future. What is needed now is a belatedly updated program which recognizes that the legal problems and resources of society can no longer be taught in three years of law school. The body of knowledge that pertains to interpersonal relations and their conflicts has expanded considerably; law school curricula have not.

Formal legal education and the bar have not taken seriously their responsibility to provide the best specialized legal services, with referral of clients to officially certified legal specialists in the burgeoning subdivisions of legal practice. Taxation alone has become a study sufficient to consume the full energies of a specialist. Patents and admiralty work are turned over to specialists whose expertise is recognized by their colleagues. Are the affairs of criminal court or family court to be left to general practitioners, young defenders, and assistant prosecutors, or court-appointed counsels who are either too busy or too inexperienced to give the case the care and professional ability which both defendant and society deserve? Postgraduate legal education and the bar must rise in partnership to the occasion which demands genuine professional expertise and commitment to a recognized sub-specialty in criminal law.

The minimum requirements of a sub-specialty in criminal law should include at least two years of post-clerkship, supervised professional study. Of these two years, one should be spent in criminal court with some division between prosecution and defense. The other year should be spent in corrections, including a suitable rotation of work with penitentiary inmates, prison staff, parolees, parole officers, probationers, probation officers, as well as juvenile offenders and police. Such a program would be exciting and challenging to a new generation of criminal court lawyers and future judges, as well as an appropriate response to the issue of law and order by the legal profession.

Crime will never be legislated nor adjudicated away. Lawyers and legal educators owe the nation a twentieth-century rebirth of the law and its institutions. Although we will always need general practitioners of the law, organized legal specialization leading to certification is long overdue. For these purposes, two years of specialized postgraduate training in criminal law is hardly enough, but at least a beginning. To do less is to invite criminal neglect at a time which has witnessed warnings of a breakdown in law and order.

A new breed and generation of criminal lawyers and criminal court judges, working in partnership with behavioral science in an integrated, comprehensive correctional system, may offer us more hope for the future than all of the decisions and debates in our forensic past.