

## Did Justice Order Forced Psych Medication?

Friday, 12 September 2008, 12:09 am  
Column: Michael Collins

### Did Justice Order Forced Psych Medication?

FINDINGS	
A.	<input checked="" type="checkbox"/> Involuntary medication is not approved.
B.	<input type="checkbox"/> Involuntary medication is approved as in the patient's best medical interest. As the result of a mental disease or defect, and within the correctional setting, (check all that apply):

The internal recommendation from federal prison psychiatrists on forced medication for Susan Lindauer.

### New Evidence Obtained in Lindauer Case

Hearing in NY Federal Court on Sept. 11, 2001

[Michael Collins](#)

"Scoop" Independent News

(Wash. DC) On 9/11 Susan Lindauer will have the second of three hearings to prove her competence to stand trial as an accused "unregistered foreign agent" for Iraq prior to the 2003 U.S. invasion. She was indicted in April 2004 and has consistently requested an open trial to prove her innocence. Lindauer provided "Scoop" Independent News with a copy of a December 23, 2005 "Medication Hearing" report by psychiatrists at the federal prison, Carswell Air Force Base, Ft. Worth, Texas. She was confined there for seven months for evaluation in 2005 and 2006..

At May 2006 hearings before then Judge Michael B. Mukasey (now U.S. Attorney General), assistant U.S. Attorney Ed O'Callaghan requested a court order that would have forced Lindauer to take the psychiatric medications listed below. Lindauer adamantly denied any need for medication, Physical coercion is allowed for those subject to involuntary medication by court order. The drugs that the government wanted to force into her body included: "Antipsychotics, Benzodiazepines, Antidepressant, and Mood Stabilizers"

U.S. DEPARTMENT OF JUSTICE  
 FEDERAL BUREAU OF PRISONS  
 FMC, CARSWELL

NOTICE OF MEDICATION HEARING  
 AND ADVISEMENT OF RIGHTS

To: Susan Lindauer Reg. No.: 56064-054

Diagnosis: Psychotic Disorder Not Otherwise Specified

Proposed Treatment: Antipsychotics, Benzodiazepines, Antidepressant, Mood Stabilizers

Reason for Treatment: Restoration of Competency, Treatment of Delusions.

In order to consider whether or not you should be given psychotropic medication, you are being referred for a hearing. The hearing will convene on 12/28/05 at 11:30 a.m.

This is the face page of the "Notice of Medication Hearing." Carswell psychiatrists recommended the use of powerful psychotropic medication for a non specific diagnosis by a prisoner described as consistently "appropriate" to staff and peers.

According to the prosecution, forced medication was necessary in order for Lindauer to stand trial on charges that she acted as an "unregistered foreign agent" for Iraq and attempted to influence a highly placed U.S. government official. Among other things, the "influence" included discouraging the 2003 U.S. invasion of Iraq due to the damage that it would cause the United States ([see letter](#)). The "official" turned out to be Andrew Card, then chief of staff for President Bush and Lindauer's second cousin. Lindauer denies the charges categorically and asserts that she'd been a U.S. intelligence asset for years prior to her arrest. She reports working on the [Lockerbie investigation](#), anti terrorist activities which she says involved Iraqi cooperation, and other efforts.

The Dec. 23 medication report suggested a full spectrum of serious medications for Lindauer. But the report recommended against "involuntary medication." This clearly indicated by a check in the box next to part "4. Findings," section "A." which states, "Involuntary medication is not approved" (see photocopy of report at top article).

Based on the professional opinion of the psychiatrist(s) evaluating her plus the staff and others who contributed to the report, there was no justification for forced medication.

The report, which Lindauer refused to sign, contains a summary of her objections to the diagnosis and the suggested medications:

"Ms. Lindauer reported she was against medication of any kind, including psychotropic medication.

"She denied the possibility of mental illness, since again reporting in detail her belief that the government is having her detained because she represents a threat to the administration due to her differing beliefs about their policies on Iraq. She states she has been a government agent for 9 years working in 'anti terrorism.'

"Ms Lindauer denied any wish to hurt herself or others and denied any history of aggressive behavior." (Recorded in Notice of Medication Report Dec. 23, 2005)

Yet in May 2006, during two hearings before then Federal District Court Judge Michael B. Mukasey, federal prosecutors argued that the medication mentioned above should be provided on an "involuntary" basis. This would have allowed Carswell staff to force these medications into Lindauer's body, orally or intravenously, against her will through methods required to overpower any physical resistance on her part.

### **Where did the motion for forced medication come from?**

The professional consensus and position of Carswell FMC was "Involuntary medication is not approved."

Did something happen between the late December 2005 Carswell report and the May 2006 hearings in federal district court in New York? Federal prosecutor Ed O'Callaghan called Colin Vas, MD, a government psychiatrist from FMC Carswell who had interviewed Lindauer at Carswell and participated in the "Notice" hearing report shown above. Dr. Vas argued for a diagnosis of Psychotic Disorder Not Otherwise Specified and challenged the report he'd helped prepare by supporting forced medication.

At the May 5, 2006 hearing, Sanford B. Talkin, Lindauer's attorney at the time, addressed the two major components of the "psychotic" label, hallucinations and disorganized behavior, in his cross examination of Dr. Vas. Talkin got Vas to admit that nursing reports just prior to the May hearing all showed Lindauer's behavior as "appropriate" and that she had positive interactions with staff and her peers. Vas further confirmed that this was an accurate description of her behavior over the months she was confined at Carswell, with the exception of antipathy toward psychiatrists who labeled her with a mental illness. Vas also agreed that there were "no hallucinations" either reported by Lindauer or indicated by staff observations during her time at the federal prison.

Vas also testified that Lindauer had requested that Carswell staff contact a list of witnesses who would confirm her role as a U.S. intelligence asset. Talkin directed Vas' attention to one psychiatric report on which Lindauer wrote in her own hand, "witness proves it's all true."

On May 9, Dr. Robert L. Goldstein, a psychiatrist called by Lindauer's attorney, testified that Lindauer showed none of the major signs of schizophrenia. This significantly challenged the Psychotic Disorder Not Otherwise Specified diagnosis from Carswell. He argued that Lindauer did have a delusional disorder due to her belief that she was a U.S. intelligence asset. There is no claim or indication that Goldstein contacted any of Lindauer's witnesses that she said would back up her story.

How did the December 2005 Carswell FMC recommendation transform from one opposing forced medication into a prosecution request for an order to force Lindauer to take the medications listed above? Was there some evidence presented to support the change in position. It didn't result from Lindauer's behavior according to the testimony elicited from Carswell psychiatrist, Dr. Colin Vas. The psychiatrist had records showing consistently "appropriate" behavior and no signs of hallucinations.

If the recommendation didn't come from Carswell, where did it originate?

Are U.S. Attorney's now in the business of deciding if defendants should be forced to take psychiatric medication?

After Mukasey refused the prosecution request, Lindauer was released from federal custody on bond. She returned to Maryland where federal court services referred her to a private agency for counseling services. That evaluation showed a diagnosis of post traumatic stress disorder due to her experiences at Carswell and the potential for physical coercion implicit in the process of involuntary medication. There was no diagnosis of a serious mental illness during the extended period of court mandated counseling in the D.C. area either before and after her confinement at Carswell.

To date, it has been nearly four and one half years since Lindauer's indictment. She's just finishing the competency hearing that she'd requested years ago *pro se* (on her own), a request that her court appointed attorney Talkin argued against successfully. She is currently represented by [Brian Shaughnessy](#), of Shaughnessy, Volzer & Ganger, P.C. An active litigator in private practice, Shaughnessy is a former federal prosecutor who, for a period, was assigned to the D.C. federal court presided over by [Judge John Sirica](#).

There is one more hearing next week which will conclude the competency phase of the case. If Judge Loretta Preska rules as anticipated that Lindauer's is competent to stand trial, the case will move to the trial Lindauer has insisted on since she was indicted prior to the 2004 election.

**ALSO:**

- Surviving at Carswell - [Diary of Political Prisoner & Accused Iraqi Agent Susan Lindauer](#)

END

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Previously by Michael Collins on this story:

[American Cassandra: Susan Lindauer's Story Oct. 17, 2007](#)

[Political Prisoner Gets Her Day in Court June 11, 2008](#)

[An Exclusive Interview with Susan Lindauer June 11, 2008](#)

[911 Prediction Revealed at Susan Lindauer Competency Hearing June 17, 2008](#)

[From the People Who Brought You Judith Miller and George Bush June 24, 2008](#)