

## **Psychiatric Evaluation of Ted Bundy Deposition of Dr. Emanuel Tanay**

The following is a deposition taken by Polly Nelson, who represented Bundy throughout the collateral appeal process. It was only at this stage that the question of Ted Bundy's sanity was raised, though not in relation to the crimes. Nelson was hoping prove to the court that Bundy was not, at the time, competent to stand trial, therefore invalidating his conviction on three counts of murder. Dr. Emanuel Tanay, who evaluated Bundy in 1979, is testifying as to what his findings were at that time.

Saturday, December 12, 1987.

Polly Nelson: What were your impressions of Mr. Bundy when you examined him on May eighteenth, 1979?

Dr. Emanuel Tanay: My impressions were that he was an individual who was indeed rather intelligent - who was well informed about a variety of matters - but, just as I indicated in my preliminary report, based on documents only, namely April twenty-seventh, 1979, he showed a typical picture of someone who suffers from a lifelong personality disorder. Someone who was, what we would call in psychiatry, an impulse-ridden individual, prone to acting out and more involved with immediate gratification than any long-term concerns. He was what in the literature has been described in the past as a typical psychopathic type of personality. This is an old term that is no longer used outside of textbooks, but nevertheless I found it quite descriptive of Mr. Bundy.

Nelson: What do you mean by the term "impulse-ridden?"

Tanay: Someone who has no control, or at least impaired control, over his or her impulses. Most people might perceive a certain type of impulse to act in a certain fashion, because it might gratify some kind of need, but they will reflect about it and make choices. Impulse-ridden individuals don't have that ability. They are driven to gratify their impulse without subjecting it to reflection.

Nelson: Turning to page four of Exhibit Fifteen, you state that "in the nearly three hours which I spent with Mr. Bundy I found him to be in a cheerful, even jovial, mood. He was witty but not flippant; he spoke freely; however, meaningful communication was never established. He was asked about his apparent lack of concern so out of keeping with the charges facing him. He acknowledged that he was facing a possible death sentence. However, he said, 'I'll cross that bridge when I get to it.' " Do you recall that impression?

Tanay: Yes, I do.

Nelson: Could you describe more fully what Mr. Bundy's mood and affect was like at that time?

Tanay: Mr. Bundy was more involved with impressing me with his brilliance and his wit than to use the services that had been arranged for him of an expert. He was informed that I was someone of national reputation and that he was to avail himself of these services - Mr. Minerva and other members of the defense team had so informed me - but that did not take place. Mr. Bundy dealt with me as if I was a reporter for Time magazine or some other publication. He certainly didn't deal with me as if I was a psychiatrist retained by the defense to assist in defending him when he was facing a death sentence. He played a similar game with me as he played with the investigators.

Nelson: In what way?

Tanay: You see, I pointed out to him that a person who committed these type of sadistic homicides may be someone who may have available to him the defense of insanity, and I clearly indicated to him that it may be useful for him to discuss that with me; and just like he did with the investigators, he was confessing that he did - and I say "confessing" in quotes, because it wasn't an official confession, but he was leading me to believe that he indeed committed these acts. Just like he told the investigators, to use their own words, that he was telling them that he did it, and yet he wasn't.

So he was creating a situation where he was persuading people that he committed these acts and yet making it impossible for a psychiatrist, like myself, to review this in a manner that could conceivably assist his lawyer in formulating a defense, and he played it, ya know, he talked to me but never really talked to me about the situation directly. He never acknowledged that he committed the acts, therefore we could never discuss them, and yet he was indicating, in a manner that I can't really describe to you, just as he did with the police officers, that he was the one who did it.

Nelson: What was your impression of the reason that Mr. Bundy was acting in that way?

Tanay: My impression was that it was typical behavior of a psychopath who likes to defy authority, who has a need, who is driven to defy authority - and that includes lawyers, psychiatrists, law enforcement, judges - and that was more important to him than saving his own life. He was typically responding to a gratification of the moment.

Nelson: You wrote here on page five of Exhibit Fifteen that "Mr. Bundy rationalized away every piece of evidence which linked him to the crime," and a

little further down, "Mr. Bundy has an incapacity to recognize the significance of the evidence held against him. It would be simplistic to characterize this as merely lying, in as much as he acts as if his perception of the evidence was reality - he makes decisions based upon these distorted perceptions of reality." Do those statements accurately reflect your opinions concerning Mr. Bundy?

Tanay: Yes. On the same page I am describing, or making reference to what I knew at the time the evidence was against him, which certainly I was told by his attorneys was persuasive. By confronting him with the interview I tried to find out if he would respond to my pointing out to him the reality that he was facing, which he did. He simply rejected it.

Nelson: At the bottom of the same page you state, "It is my opinion, based on a variety of data, that his dealings with the criminal justice system are dominated by psychopathology." Are you referring there merely to the alleged crimes or to Mr. Bundy's other behaviors?

Tanay: Both. He was doing the same thing, he was being the same psychopath when he dealt with his victims that he tortured and killed as when he was dealing with lawyers who were helping him, or investigators who were trying to solve the crime. He was behaving in the same manner - psychiatrically it was the same, even though the consequences were obviously not as tragic, since he couldn't harm anybody in the manner that he harmed his victims. He was harming other people. He was destructive to himself. He was destructive to his lawyers. My observations were that he was manipulating people around him, including his lawyers, even though it was destructive to him. Ultimately he was the victim of it all, but he was victimizing other people even while he was in jail.

Nelson: In your opinion, was this behavior of Mr Bundy's under his conscious control?

Tanay: No, it was not. This was part and parcel of his maladaptive personality structure. He was doing what was dictated by his personality disorder.

Nelson: This psychopathology that you note, with which he deals with the criminal justice system, was that a temporary phenomena or was it a chronic condition?

Tanay: It was a lifelong pattern. It was not a temporary phenomena. It was an expression of his basic personality structure.

Nelson: Would you describe Exhibit One?

Tanay: The real background of it is the fact that I told Mr. Minerva that I did not

believe that Mr. Bundy would do what he was told to do, and my recollection was that Mr. Minerva was writing this to confirm that I was right, because I did - I recall Mr. Minerva expressing to some degree, I would have to say, admiration, for the fact that I had anticipated what would occur - I did not think that Mr. Bundy would cooperate.

Nelson: Cooperate in what manner?

Tanay: With the advice of his lawyers - including even Mr. Farmer, who supposedly Mr. Bundy greatly respected and admired - and that he would take the guilty plea, because it was my view that he would not, because that would terminate the show, his ability to be the celebrity would come to an end, he would be just someone who was spared from the death sentence, and the show would be over. Whereas, his need was to have the proceedings go on and on in order to gratify his pathological needs.

Nelson: If Mr. Bundy made the decision to reject the plea bargain, in your opinion would that have been a rational decision?

Tanay: No. It was, in my opinion, clearly an irrational decision, even though I anticipated it, not because it was rational but because it was consistent with the psychopathology, the mental disorder from which he suffered. In fact, had he done what his lawyers advised him to do, that would have been rational, since it was foreseeable that he would be convicted and face the death penalty.

Nelson: Was Mr. Bundy's behavior with his attorney and his actions in terms of self-representation and other defense matters, was that an integral part of his psychopathology?

Tanay: Very definitely so. He behaved like a typical psychopath with his lawyers, and, for that matter, with me.

Nelson: You testified at the competency hearing of June eleventh, 1979. At that hearing, did Mr. Bundy's competency counsel, Mr. Hayes, explore your opinion to develop facts on which to make a decision as to Mr. Bundy's competency?

Tanay: No one did that. To be very simplistic about it, my feeling of that hearing was like someone who dressed up for the party and arrived and they canceled the party. I was asked very few questions, and very little information about my knowledge of Mr. Bundy or the case was placed on the record.

Nelson: In your experience as an expert witness, was this proceeding unique?

Tanay: I have testified - I believe the first time was thirty years ago, and I have

testified on many occasions since - but this is the only case like that, where I have been declared an adverse witness to both parties, and where information that I had was really not developed by the means of an adversary proceeding. Normally, one side pulls in one direction, the other side pulls in the other direction, and considerable information is elicited. I always consider cross-examination to be essential to develop a point of view that I am presenting.

Nelson: Did you feel that your opinion was adequately presented in this hearing?

Tanay: Not at all. Not at all. There was no exploration - that was my impression, I made some notes of it - that was my impression of what happened, and when I read it now that just confirms that my considerable work invested in the case was not utilized in that hearing. I mean, I did not develop my opinion and explain my opinion in this case. An expert witness, unlike a lecturer in a classroom, cannot function on his or her own. He or she is completely, say, at the mercy of whoever takes the testimony.

Nelson: Did you have an opinion at the time of the hearing on June eleventh whether or not Mr. Bundy was able to assist his counsel?

Tanay: Considering the nature of the functions that he was to perform as a defendant claiming innocence, it was my opinion that he was not able to stand trial. When you say assist his counsel, he was his own counsel.

Nelson: Was he capable of changing that behavior and not becoming his own counsel?

Tanay: In my opinion, he was not. He was predictably unpredictable. What I mean by that is that one could anticipate that he would be guided more by showmanship than prudence.

Nelson: Was Mr. Bundy able meaningfully to assist his counsel at that time?

Tanay: He was not.

Nelson: Referring to the first factor in the Florida rules of criminal procedure governing competency to stand trial, do you have an opinion as to whether Mr. Bundy was able to appreciate the charges?

Tanay: Yes, I do have an opinion that he was able to appreciate the charges intellectually.

Nelson: When you say "intellectually," do you mean that there was some way in

which he was not able to appreciate the charges?

Tanay: That's true. I'm of the opinion that he did not appreciate the seriousness of the charges. He could intellectually tell you what the charges were, but he just dismissed them as real insignificant - based on his rich imagination of law enforcement - which was not the case. Clearly the charges were based upon solid evidence, but that was not his view.

Nelson: Dr. Tanay, when you say that Mr. Bundy dismissed the weight of the evidence against him, was that merely carelessness on his part or was that due to an emotional or mental factor?

Tanay: It was part of the illness, his attitude was the product, the outcome, of the nature of the illness.

Nelson: Looking to the second factor of the Florida standards, was Mr. Bundy able to appreciate the range and the nature of the possible penalty?

Tanay: Again, intellectually he was. As I pointed out in my report, he said that he would cross that bridge when he came to it, when I was asking him, Do you know that you are facing the death sentence? He could intellectually acknowledge it, but he sure didn't act like a man who was facing a death sentence. He was acting like a man who did not have a care in the world. I think I commented upon it in my report, that he was cheerful and acted more like a man who was not in jail but was onstage.

Nelson: Was that fact psychiatrically significant?

Tanay: Yes. It's consistent with the diagnosis that I have previously described, of someone who is typical psychopath or suffers from a personality disorder.

Nelson: Dr. Tanay, did you ever observe Mr. Bundy with Mr. Minerva?

Tanay: Yes. As I indicated in my report, Mr. Bundy was acting as if Mr. Minerva was his third assistant and not a lawyer representing him.

Nelson: Did you in June of 1979 have an opinion as to Mr. Bundy's ability to assist his attorneys in planning his defense?

Tanay: I did have an opinion.

Nelson: And what was that opinion?

Tanay: That he was unable to assist in planning his defense. To the contrary, he was interfering with whatever meaningful plans the defense made. He

sabotaged pretty consistently what the defense lawyers had worked out. His conduct was symptomatic of his illness, and it was outside his control.

Nelson: What was your opinion as to Mr. Bundy's motivation to help himself in the legal process?

Taney: He was not motivated by a need to help himself. He was motivated by the need to be the star of the show, as I pointed out in my report. He was the producer of a play in which he was playing a big role. The defense and his future were of secondary importance to him.. I have absolutely no doubt that he was a disaster as co-counsel or chief counsel of his own defense and that was certainly foreseeable.