

# THE DISGUISE OF INSANITY: THE CASE OF DANIEL E. SICKLES

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On a peaceful Sabbath Day in 1859, a scandalous murder shocked the citizens of Washington. The incident came to be known as “The Washington Tragedy,” due to the high-profile individuals involved. Daniel E. Sickles, a member of Congress from New York, brutally gunned down Philip Barton Key in Lafayette Square opposite the White House. Sickles shot Key, District Attorney for the nation’s capital and son of Francis Scott Key (author of the Star Spangled Banner), following the Congressman’s discovery of an ongoing affair between Key and Sickles’ wife. The defense in the trial that followed exploited public support for unwritten laws surrounding adultery and justifiable homicide under the cover of a unique insanity plea to secure Sickles an acquittal.

This investigation seeks to unite the seemingly opposing beliefs of scholars regarding the principle motivation for Sickles’ acquittal. It aims to prove that the cover of the insanity plea succeeded only because it wedded the existing honor code and unwritten laws of 19<sup>th</sup> century America with scientific advancements of the time period. The ambiguity of the developing science of mental health allowed the defense to portray Sickles’ murderous act as justified. By establishing Sickles as insane, the defense found Key’s adultery to be the source of Sickles’ madness. Therefore, the jury through both the unwritten law and the contemporary definitions of insanity justified the subsequent murder of Key.

This conclusion dovetails with the work of modern scholars such as Marilyn and Robert Aitken, who emphasize that the plea was successful due to the time period’s unwritten laws in relation to the sanctity of marriage and the family. Allen D. Spiegel and Peter B. Susankind also concur that the temporary insanity argument became a

foundation for presenting the “unwritten law” that “exonerated a husband who took mortal revenge upon a ‘defiler’ of the marriage bed.”<sup>1</sup>

In his attempt to contrast the conclusions of other scholars, Robert M. Ireland insists that actual evidence of insanity led to acquittals in cases like Sickles’. After studying a variety of similar cases in the surrounding time period, Ireland concludes that many defense teams produced “impressive expert testimony,” such as physician declarations of defendants experiencing “chronically accelerated pulses, indicative of insanity.”<sup>2</sup> However, Ireland is wrong to group Sickles’ trial with other cases as no medical experts testified on his behalf. Instead, Sickles’ defense called upon his close friends to testify to his madness. Courts permitted this testimony because of the vague definitions of legal insanity that Ireland admits “very much expedited the acquittal of outraged husbands.”<sup>3</sup> He further goes on to confess that the plea was “a natural weapon in the hands of a defense counsel trying cases of the unwritten law.”<sup>4</sup> His statement acknowledges that the existing honor code prevailed as a result of its pairing with the new scientific definitions of insanity.

Interestingly, all of these scholars agree upon the superiority of the defense and the impact of Judge Crawford’s admission of facts regarding the adulterous relationship. In the opinion of scholars Marilyn and Robert Aitken, this ruling transformed the case “from a murder defense to an adultery trial.”<sup>5</sup> Combined with the public’s uncertainty of the insanity plea, this allowance emboldened defense lawyers to twist the scientific

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<sup>1</sup> Allen D. Spiegel and Peter B. Suskind, "Uncontrollable Frenzy and a Unique Temporary Insanity Plea," *Journal of Community Health* 25, no. 2 (April 2000), 164.

<sup>2</sup> Ireland, “Insanity and the Unwritten Law,” 32, no. 2 (1988), 159, 160.

<sup>3</sup> *Ibid.*, 162.

<sup>4</sup> *Ibid.*, 165.

<sup>5</sup> Marilyn Aitken and Robert Aitken, "Crime of Passion Defense," *Litigation* 36, no. 1 (Fall 2009), 53.

doctrine to serve the needs of their defendant. When twisted, the public accepted the doctrine out of ignorance of its bounds and social pressures to condemn an adulterer rather than his murderer. Therefore, it is the central thesis of this study that the cover of the insanity plea succeeded only because it allowed the unwritten law to persist through a vague scientific doctrine. Particularly, this case is broadly significant as it paved the way for similar unions between science-based conclusions and the existing honor code in the legal system.

## **EVENTS LEADING UP TO THE MURDER**

Sickles married his wife, Teresa, six years prior when she was seventeen. The couple followed Sickles' political career, first as Secretary of Legation to the Minister of London, James Buchanan, and then to the United States Congress when Buchanan won the presidential election. Following his introduction into Congress, Mr. Sickles divided his residence between Washington and New York, often leaving his young bride alone. Key, a friend of Mr. Sickles, soon became a close companion of Teresa. The two attended receptions, parties, balls, and even the theater with one another, and as *Harper's Weekly* reported, Key "invariably accompanied" Mrs. Sickles.<sup>6</sup> The affair abruptly halted when Mr. Sickles learned about it via an anonymous letter delivered to him on February 24, 1859. The letter pronounced Key as the lover of Sickles' wife, and gave the address of the home where the two frequently indulged in illicit activities, as well as a description of the signals Key used to summon Mrs. Sickles to their meeting spot.<sup>7</sup>

After confirming the truth of the anonymous letter, Sickles confronted his wife, who confessed. Sickles insisted that Teresa provide a written confession of her guilt. She

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<sup>6</sup> "The Sickles Tragedy at Washington," *Harper's Weekly*, March 12, 1859, 168.

<sup>7</sup> Spiegel and Suskind, "Uncontrollable Frenzy," 160.

composed a detailed account in which she described herself as a “wicked woman” for going to bed with Key. In addition to her confession, she also included a paragraph insisting her statement was authentic and produced without menace by Sickles.<sup>8</sup> Sickles had the couple’s two maids witness the signing of the confession. The next morning, Sickles called over two close companions, Samuel T. Butterworth and George Wooldridge. Upon their arrival, the two men discovered a distraught Sickles. While at first he had “calmly resolved upon a divorce with his wife,” his realization that the affair was widely known in Washington and would ruin his political career launched him into emotional turmoil.<sup>9</sup> In his official statement regarding the day of the murder, Butterworth claimed Sickles was “overwhelmed with grief,” and that Sickles repeatedly exclaimed that he was a “dishonored and ruined man” who could not even look Butterworth in the face.<sup>10</sup>

Key, oblivious to the discovery of his adultery, rented a room in the Cosmos Club across Lafayette Park. Using opera glasses, Key peered at the Sickles’ home to identify a sign from Teresa. When no signal came, Key walked in the street in front of her home, signaling with his white handkerchief. Spotting him, Sickles announced to Butterworth that he had seen Key pass his house and that “the scoundrel was making signals.”<sup>11</sup> Enraged, Sickles confronted Key in the street, exclaiming: “Key, you scoundrel, you have dishonored my house- you must die.” Armed with two colts and a Derringer, Sickles fired at Key multiple times. Key, supplied with nothing but a pair of opera glasses, hurled them

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<sup>8</sup> Ibid.

<sup>9</sup> "Further Particulars of The Washington Tragedy," *Plain Dealer*, March 2, 1859, 2.

<sup>10</sup> "The Washington Tragedy. Statement Of Samuel F. Butterworth, In Relation To The Killing Of Philip B. Key By The Hon. Daniel E. Sickles," *Richmond Whig*, March 4, 1859, 1.

<sup>11</sup> "Statement of Butterworth," 2.

at his attacker and staggered to the nearest tree, begging Sickles not to shoot.<sup>12</sup> According to one witness, Sickles fired at Key five times: the first and fourth missing, the second shot hitting him in the groin, and the third and fifth in the breast.<sup>13</sup> As he stood over the fatally wounded Key, Sickles repeated, "You villain, you have dishonored my house, and you must die."<sup>14</sup> Following the murder, Sickles decided upon going to jail for protection from Key's friends who might possibly have sought to avenge his murder. He headed to the nearby home of Jeremiah S. Black, the Attorney General under President Buchanan, to turn himself in.<sup>15</sup>

## **BACKGROUND OF THE INSANITY PLEA**

The insanity plea's blurry boundaries allowed the defense to incorporate the unwritten law into the trial. Historian Janet A Tighe notes that, at the time of the murder, insanity was a ubiquitous term used interchangeably with "unsound mind, deranged, crazy, *non compos mentis*, lunacy, madness, and alienation."<sup>16</sup> The prominent test for insanity was the *M'Naughten* rule, which the House of Lords produced in 1843 as a result of the *M'Naughten* case. The doctrine, often referred to as "the right-wrong rule," declared that courts would assume every individual sane unless otherwise proved. In order to establish a defense based upon insanity, evidence must show that at the time of the criminal act a disease of the mind influenced the individual so much so that he did not know the nature of what he was doing, or if he did, he was not aware that it was wrong.<sup>17</sup>

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<sup>12</sup> Ibid.

<sup>13</sup> Felix G. Fontaine, *Trial of the Hon. Daniel E. for Shooting Philip Barton Key* (1859), 14.

<sup>14</sup> "Statement of Butterworth," 2.

<sup>15</sup> Spiegel and Suskind, "Uncontrollable Frenzy," 161.

<sup>16</sup> Janet A. Tighe, "'What's in a Name?': A Brief Foray into the History of Insanity in England and the United States," *The Journal of the American Academy of Psychiatry and Law* 33, no. 2 (2005), 253.

<sup>17</sup> David D. Field, "Emotional Insanity," *The Albany Law Journal* 7 (May 1873), 273.

In addition to the *M'Naughten* rule, insanity defenses widened when a Massachusetts judge ruled in *Commonwealth v. Rogers* that the insanity plea applied to those who did know the difference between right and wrong, but suffered from a mental disease that overwhelmed their reasoning and judgment, prompting them to act on an uncontrollable impulse.<sup>18</sup> Under this doctrine, juries could determine defendants to be legally insane despite awareness that they had broken the law.

Following the creation of the “irresistible impulse” rule, city judge of New York, Judge Capron defined a new type of insanity in *Huntington v. New York* (1857). Moral insanity, Judge Capron declared, was an affection of the brain that impaired free will and reasoning, in which “the natural feelings, affections, inclinations, temper, or moral dispositions, only are perverted, while the mind, the seat of volition and motive, remains unimpaired.” Under the influence of moral insanity, a person may commit criminal acts and be aware of them yet remain innocent on the basis of insanity.<sup>19</sup> Fortunately for defense lawyers of the time, limited public knowledge on the definitions of insanity allowed for the doctrines to become interchangeable, increasing their flexibility. This permissiveness was particularly advantageous in cases of unwritten law, allowing the defense to argue that a person could be intellectually insane, and unrelatedly be justified in killing because they were emotionally or morally insane.<sup>20</sup> For these reasons, Sickles’ defense had no trouble manipulating the doctrine for the goal of acquittal.

### **WAS SICKLES INSANE?**

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<sup>18</sup> Richard L. Nygaard, "On Responsibility: Or, the Insanity of Mental Defenses and Punishment," *Villanova Law Review* 41, no. 4 (1996), 956.

<sup>19</sup> Field, "Emotional Insanity," 274.

<sup>20</sup> Ireland, "Insanity and the Unwritten Law," 166.

The defense exploited the insanity plea in order to give the jurors a legal way to acquit Sickles, whom they believed to be following divine and unwritten law. In order to give their cover defense merit, the lawyers for the defense called multiple witnesses to testify to the excitement and insanity of Sickles. Although there were no expert witnesses, jurors took the testimony of Sickles' friends to be fact. Robert J. Walker, a close companion who saw Sickles after the murder, testified that Sickles suffered from convulsions and produced unnatural screams and sobs. Walker recognized the cause to be despair, and went on to say that Sickles cried continuously in a craze that Walker feared would become permanent. Reportedly, the testimony of Walker caused Sickles to violently sob, and many in the courtroom also cried.<sup>21</sup> At the time, witnesses commonly testified that the actions of the libertine and the harm he had done to the sacred and respectable institutions of the family and marriage drove the defendant to insanity.<sup>22</sup> The jury and the public accepted these testimonies, whether expert or not. However, not everyone considered the testimony to be proof of Sickles' mania. In a critique of the incident in *The Columbia Jurist* in 1886, Walter Morton Cocke stated that Sickles excitement was "the natural accompaniment of his terrible affliction" and that even outbursts of frenzy were to be expected from any sane man.<sup>23</sup>

Even with the testimony of his friends, Sickles' actions in the events leading up to the murder and afterward point to a man who was conscious and thoughtful about his shooting of Key. Sickles insistence that the maids witness the signing of Teresa's confession indicates that he planned to calmly divorce her with proof of her affair. He

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<sup>21</sup> Spiegel and Suskind, "Uncontrollable Frenzy," 167.

<sup>22</sup> Ireland, "Insanity and the Unwritten Law," 169.

<sup>23</sup> Walter M. Cocke, "Transitory Homicidal Mania: The Sickles Case," *The Columbia Jurist* 3, no. 85 (1886), 87.



also confronted Key armed with three weapons, which suggests Sickles was overly prepared for a “heat-of-the-moment” act. His logical decision to go to the jail to seek protection from Key’s friends also illustrates that he was thinking rationally.

Critics described Sickles’ emotional outburst following the murder a result of his shame. The shooting had scandalized his family, and ruined his potential for a political career. In fact, some critics concluded that the humiliation about the affair was Sickles’ original motivation for shooting Key. In an editorial in *Harper’s Weekly* following the scandal, one critic reasoned that the feeling that prompted Sickles’ revenge was simply “rage at the scandal.” The article went on to state that it was the “impulse of his own selfishness, and not the overmastery [sic] of his love his wife, which leads a husband to murder her seducer.”<sup>24</sup> Despite the lack of solid evidence or expert testimony of Sickles’ madness, the defense succeeded because of the insanity plea’s vague requirements and the public’s eagerness to condemn an adulterer. Truthfully, evidence of insanity did not have to be strong in cases of unwritten law such as Sickles’; jurors acquitted these kinds of defendants because they believed the libertine ought to be punished, not because they found the defendant sincerely insane.<sup>25</sup>

## **PUBLIC OPINION**

The public and jury supported the idea of Sickles’ insanity because it gave them a scientific basis for excusing a man they found to be justified in accordance with unwritten laws. Sickles held the sympathy of the public, making the disguise of insanity easy to hide behind. In the face of questions circling his alleged insanity and motives, Sickles continued to have the support of the American people. *The New York Evangelist*

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<sup>24</sup> “Sickles Tragedy,” 163.

<sup>25</sup> Ireland, “Insanity and the Unwritten Law,” 159.

sympathized that “the provocation was beyond almost any power of resistance,” and argued the sight of the adulterer would have driven any man “to the verge of madness.”<sup>26</sup> With newspapers across the country normalizing and supporting the murder of Key, the nation began to perceive Sickles as the true victim. After all, Key had seduced Sickles’ wife and brought dishonor into his home. Key appeared to be the man who threatened American values, not Sickles. In the eyes of the public, Sickles did what any respectable husband would have done.

Condolences poured in nationwide. While in jail, Sickles received letters from all over the country. Strangers, friends, and even political enemies reached out and wrote to the judge and jurors. The public sympathy was rooted so deep that “many homes prayers ascended for the ‘good deliverance’ of the man who had slain his wife’s seducer,” as one contemporary reported.<sup>27</sup> The selection of the jury itself underscored this widespread public feeling; 72 of the 75 jurors first called to serve admitted to sympathizing with Sickles. After three days, the jury was finally selected, composed of four grocers, two merchants, two farmers, a tinner, shoemaker, cabinetmaker, and coachmaker.<sup>28</sup> The Court struggled in selecting jurors who did not blatantly sympathize with Sickles because of the “secret tendency in the popular mind to justify the one crime by the other,” in the words of one reporter.<sup>29</sup> Therefore, the court could not avoid biased jurors because it was forced to select them from a population who likely would have acted as Sickles did. Possessing a strong belief in their hearts that Sickles was justified, the jurors were predisposed to accept the defense team’s manipulation of the insanity plea.

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<sup>26</sup> “The Tragedy at the Capital,” *The New York Evangelist*, March 3, 1859.

<sup>27</sup> Cocke, “Transitory Homicidal Mania,” 87.

<sup>28</sup> Fontaine, “Trial”, 15.

<sup>29</sup> “Sickles Tragedy,” 163.

## **SUPERIORITY OF THE DEFENSE**

In addition to public support, Sickles assembled a superior defense team who imposed on the jury a moral obligation to acquit him. Composed of seven of the top lawyers at the time, the team developed an impenetrable insanity defense grounded in the unwritten laws and sacred values of the time period. Of the seven lawyers, the three most involved were James T. Brady, Edwin M. Stanton, and John Graham. Known for his talent of bringing jurors to tears, Graham opened for the defense, launching into a three-day speech that made allusions to both the Bible and Shakespeare.<sup>30</sup> Stanton was famed for his constitutional expertise and his almost religious intensity, so much so that he was often compared to an Old Testament prophet.<sup>31</sup> Finally, Brady was celebrated for his logical arguments and classical quotations, winning him 51 out of 52 murder trials in his career.<sup>32</sup> Together, they constructed an argument that implied only a dishonorable, un-American, and un-Christian man would find Sickles guilty.

The prosecution was extremely overmatched. Robert Ould, former assistant to Key, became the new District Attorney, trying the murderer of his predecessor. Although Joseph H. Bradley, Sr., and James M. Carlisle aided him, the prosecution remained disadvantaged in its attempt to condemn a murderer in the disguise of a hero. Judge Crawford's admission of the details of the affair delivered a fatal blow to the prosecutors, making it nearly impossible for them to gain any footing against the defense. The defense continuously bombarded the jurors with evidence of Key's poor character, and,

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<sup>30</sup> Aitken and Aitken, "Crime of Passion Defense," 53.

<sup>31</sup> Spiegel and Suskind, "Uncontrollable Frenzy," 171.

<sup>32</sup> Aitken and Aitken, "Crime of Passion Defense," 52.

exasperated, the prosecution wearily surrendered.<sup>33</sup> The prosecution could not get past Judge Crawford's ruling, which pivoted the trial of Sickles into one of the deceased Key.

## **TURNING KEY INTO THE DEFENDANT**

To incorporate the unwritten law into the case, the defense team used Judge Crawford's ruling to twist the trial of Sickles into one of Key, creating a villain of the victim. This manipulation proved successful, as the defense turned Sickles' murderous act into a heroic one. Calling 43 witnesses to testify about the affair, the defense painted a villainous portrait of Key in the minds of the jurors.<sup>34</sup> Detailed reports of Teresa and Key's adulterous meetings at a secret house, as well as in the Sickles own home, shocked and angered the jury and public. Outraged by the audacity of Key, the public eagerly welcomed further abuse of him. Key was the handsome son of a poet, and a rival to many husbands due to his popularity with the women of Washington.<sup>35</sup> Reportedly, Key barely escaped a duel with a man who believed Key had unfairly stolen the affections of the women who became his wife.<sup>36</sup> Brady condemned Key as a "confirmed and habitual adulterer" who ruined the sanctity of the Sickles family.<sup>37</sup>

Further details of the affair and Key's seduction surfaced when *Harper's Weekly* printed Teresa's confession in full on the front page in 1859.<sup>38</sup> Prior to publishing, Judge Crawford objected the confession as evidence in court because it qualified as a privileged marital communication between the Sickles. In the eyes of the public, the confession provided further justification for Key's murder and further fueled their support of Sickles.

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<sup>33</sup> Cocke, "Transitory Homicidal Mania," 88.

<sup>34</sup> Aitken and Aitken, "Crime of Passion Defense," 52.

<sup>35</sup> Cocke, "Transitory Homicidal Mania," 85.

<sup>36</sup> "Further Particulars of The Washington Tragedy."

<sup>37</sup> Fontaine, "Trial", 21.

<sup>38</sup> Aitken and Aitken, "Crime of Passion Defense," 53.

To counteract the claims of the defense, Ould sought to prove the poor character of Sickles. Sickles himself was known as a shameless womanizer, and Ould located a hotel owner in Baltimore with evidence of Sickles' own adultery.<sup>39</sup> The owner appeared in court with his register, but Judge Crawford did not allow him to testify.<sup>40</sup> Many criticized Sickles murder of Key for doing "what he [did] not hesitate to do himself," but overall these allegations did not impact the image of the adulterous Key. The jury adopted the scoundrel illustration of Key and used it to justify unwritten law.<sup>41</sup>

### **UNWRITTEN LAW**

The vagueness of the insanity plea and the ruling of Judge Crawford regarding facts of the affair permitted the defense to introduce proof that Key was immoral. This proof allowed the unwritten law to prevail in the courtroom and led to Sickles' acquittal. The priority of a man was to maintain honor within his home and family, an impossible duty if a licentious lover seduced his wife. With Key painted as a villainous adulterer, the defense forced the men of the jury to consider how they would have acted if a libertine had invaded their own marriage. According to the defense, any honorable man would have purged the adulterer from his home. In his opening statements, Brady told the jury that they were tasked with fixing "the price of the marriage bed."<sup>42</sup> Using Biblical and literary allusions, Brady reminded the jurors that, "by the law of God, the adulterer is allowed to be slain."<sup>43</sup> Divine law, in this case, supported Sickles' actions, and therefore so did the jurors.

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<sup>39</sup> Spiegel and Suskind, "Uncontrollable Frenzy," 170.

<sup>40</sup> Aitken and Aitken, "Crime of Passion Defense," 53.

<sup>41</sup> "Sickles Tragedy," 163.

<sup>42</sup> Fontaine, "Trial", 21.

<sup>43</sup> Fontaine, "Trial", 26.

With no real legal penalty for adultery, the public believed that a man should take the law into his own hands. One newspaper argued such tragedies would occur until the “seducer is not only punished, but punished in a way to inflict disgrace upon him.”<sup>44</sup> This prevailing belief illustrates the sanctity of marriage at the time and the lengths to which the public felt appropriate to preserve it. According to another newspaper, the murder of Key gave a “fearful lesson to those who may attempt to invade the honor and happiness of another’s house.”<sup>45</sup> Further condemning Key, the lawyers of the defense insisted that Key had broken divine law, a sin deserving of extreme punishment. An editorial in *Harper’s Weekly* expressed: “it is murder if he be wrong. If he is right, the act is justifiable.” The article later declared that no matter the substance of Sickles’ character, Ould hoped to prove, “there [was] not a jury in the United States or in Europe which would convict him even of manslaughter.”<sup>46</sup>

Brady declared the interference of marriage relations to be “the greatest wrong that can be committed on a human being” and professed to the jury: “If you can find a verdict against the husband who slays him who violates the marriage bed, then I address gentlemen who are different than I suppose them to be.”<sup>47</sup> Forcing implications about the character of the jurors based on their decisions, Brady successfully trapped them into the bindings of unwritten and divine law. Consequently, the jury reached a verdict within 70 minutes and the courtroom celebrated the acquittal of Sickles.

Judge Crawford was partly at fault in allowing the unwritten law to prevail. Most arguments of the defense were attacks on Key or the reiteration of the ways in which

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<sup>44</sup> “The Tragedy at the Capital.”

<sup>45</sup> “Further Particulars of The Washington Tragedy.”

<sup>46</sup> “The Homicide at Washington,” *Harper’s Weekly*, March 12, 1859, 164.

<sup>47</sup> Fontaine, “Trial”, 26.

adultery broke divine law. Although the defense lawyers secured an acquittal under the cover of an insanity plea, it made up only a small portion of what they argued. Despite this inconsistency, Judge Crawford did not protest or instruct the jury not to consider unwritten laws. Instead, he made the insanity plea permissible when he instructed jurors to consider the “state of the prisoner’s mind as to the capacity to decide upon the criminality of the particular act in question...at the moment it occurred.”<sup>48</sup> He also allowed the boundaries of insanity to be flexible, permitting the lawyers of the defense to shape it in a way that served their purpose. With these vague instructions, the jury was able to give the verdict that their hearts desired but that the law prohibited.<sup>49</sup>

## IMPLICATIONS

This case is famous because Sickles was one of the first defendants in the United States to successfully employ the insanity plea. At the surface level, the trial appears to be a story of an emotionally traumatized husband looking to keep the honor of his family in the way that he deemed best. However, a deeper understanding shows the vengeful murder to be unrelated to insanity. By presenting Sickles as a loving husband unable to control his rage at the sight of his wife’s lover, the defense proved to the satisfaction of jurors that Sickles’ act was justified. The permissive insanity plea allowed the jury to avoid jailing someone they believed to have acted honorably. This act, sane or not, was the expected reaction of any man in Sickles’ position. Although the Court recognized the reason for acquittal to be the scientific insanity plea, the hearts of the jurors found it in unwritten law and the words of Revelation.

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<sup>48</sup> *United States v. Sickles*, (District of Columbia: YesWeScan: The Federal Cases, 1859).

<sup>49</sup> Cocke, "Transitory Homicidal Mania," 87.

The defense expertly illustrated Key, the true victim, as a destroyer of 19<sup>th</sup> century American values. This destruction deserved to be punished, and the insanity plea gave a doctrine that allowed the court to do so. Unwritten and Biblical law supported Sickles' motives, and crimes of passion following the Sickles case had a new argument to hide behind. The Sickles case widely publicized the permissive theory of insanity, giving it respectability.<sup>50</sup> In this way, Sickles' trial paved the way for outraged husbands to get away with murder, and for the excuse of insanity to worm its way into the American courtroom. This excuse was particularly evident in cases fifty years following the murder of Key, and the implications of what makes a crime of passion excusable still linger today.

In modern day definitions, moral insanity seems to equate to extreme anger or passion. Today, true insanity stems from mental illness, and jurors would likely not acquit in a case like Sickles'. Crimes of passion are still crimes, simply with an easily identifiable motive. Critics identified Sickles as cool and collected as he killed Key, but the law allowed Sickles' passion in the moment and the character of Key to justify the act.<sup>51</sup> The façade of the insanity plea triumphed due to the defense team's exploitation of its permissiveness, which provided a new science-based doctrine for the sympathetic public to lean on. Overall, the Sickles case illustrates the broader influence society has on law. At times the court and the public do not agree on what is lawful or not; jurors convict or acquit based on what their own hearts believe to be correct. In this case, the defense simply provided the jurors with a medically proven outlet to do so.

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<sup>50</sup> Ireland, "Insanity and the Unwritten Law," 162.

<sup>51</sup> Ibid., 166.



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