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Book Review

The William Freeman Murder Trial (2003) by Andrew W. Arpey. 191 pages.
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There is a long-standing debate in the field of psychology about the extent environment factors and genes affect a person's life. In his book, *The William Freeman Murder Trial*, Andrew W. Arpey examines the newspaper articles, murder trials, politics, and racists in order to explain the factors that led to William Freeman being found sane and guilty of murder. He discusses the depictions of Freeman by newspapers, paintings, and the prosecution's arguments in the trials seizing on the fears he represented to society by being a killer of African American and Native American descendant. His focus on these depictions of Freeman is repetitive, but it does explain how fears and hatred guided the actions of those affected by this case. He explains that the trial and conviction of Freeman did not create an important precedent; though, the many social, environmental and biological factors are exposed in this case.

Aprey puts together newspaper articles to tell the story of what led Freeman to kill. On March 12, 1846, Freeman previously released from prison for supposedly stealing a horse that he claims that he did not commit took action his own hands to receive retribution for being wrongfully convicted and imprisonment for five years on the testimony of Martha Godfrey. Freeman then supposedly arbitrarily decides that his retribution would be killing people he choose the Van Nest family before killing Martha Godfrey. He began by purchasing a jackknife which he used in his killings. The first victim was John Van Nest who was killed with the jackknife in the kitchen before he could warn his family (3). Sarah Van Nest, however, was able to alert a houseguest, Helen Holmes, after being stabbed. She and her fetus were pronounced dead by rescuers "at the scene" (3). He also killed her two-year son, George Van Nest, by stabbing him. After encountering and struggling with Van Arsdale, he escaped down the stairs and encountered then killed Phoebe Wyckoff, Sarah Van Nest's mother. His plans to kill this family and Godfrey were interrupted when he broke his knife and cut "his

wrist severely (3)." He then escapes the crime scene on a horse he stole from the Van Nests. According to Arpey, Freeman's motive for committing these killings is a mystery. He, however, asserts Freeman probably became insane before or during his imprisonment.

Authorities looking to uncover details related to these killings dissected Freeman's actions. This inquiry recounted by Arey humanizes Freeman through giving details of Freeman's background, physical and psychological traits. After his capture, though, all kinds of people attempted to view as if he were a zoo animal.

The public response to Freeman's actions was courted and used by opportunistic people looking to translate this outcry into personal gain for themselves. As Arpey points out, the legal system was the primarily the platform for accomplishing this goal. Freeman's attorney, David Wright, defended him in order to advance his career. Arpey also presents the prosecutors, John Van Buren and Luman Sherwood, as being representative of other lawyers that refuse to give up any of their power to lay and expert witnesses whose knowledge and intentions are purposely misconstrued to limit their affect on trials, when lawyers had already determined the rules for expert witnesses being involved in the legal system.

Not everyone was able to capitalize on the Van Nest killings because the killings seized on emotions that crossed party lines. Arpey analyzes how conservative Whigs like James Brooks shared views similar to Democrats that reasoned "cards were stacked in favor of the criminal" especially since Henry Wyatt, Auburn State Prison prisoner convicted of burglary and larceny that killed fellow prisoner James Gordon with a half pair of shears for implicating him in a murder, was not convicted for murder in a similar case (19). Opponents of capital punishment and abolitionists, however, argued that the opposite was the case and that society shared responsibility for the Van Nest killings because of its oppression of African Americans. This debate used many justifications appealing to religious and secular beliefs for why Freeman should or should not be convicted of murder.

As Arpey explains, public interest in the outcome of this case heavily influenced its outcome and eventually led to the attempted retrial of both Freeman and Wyatt. Freeman, however, this time faced a single charge of murdering John Van Nest. During these trials there was an attempt to determine what insanity is and how it could be used in courts of law. According to Arpey, New York's law provided no help in reaching these determinations. New York courts then added Massachusetts Supreme Court Chief Justice Lemuel Shaw's "irresistible impulse test" to the McNaughtan rules, rules defining insanity as being unaware of the nature, quality and or

wrongness of actions, to determine that insanity occurs when a person cannot control his own thoughts to "resist engaging in certain behavior" (47). Shaw's individualized the knowledge test stipulated in the McNaughtan rules and changed the test in his charge to the jury. In applying these tests to the Freeman and Wyatt trials, they were found to be sane and guilty of murder; though, Freeman could not even assist in his own defense (47).

Arpey shows that despite Freeman's inability to defend himself, others attempted the task. The *Law Reporter* expressed disgust at "the legal system for its inconsistencies in dealing with insanity and for its failure to adequately protect the insane" (121). The New York State Supreme Court Chief Justice Samuel Beardsley even allowed a writ of error protecting Freeman from being executed like Wyatt. This ruling prevented his execution because before his retrial he was found to be unfit to stand for a retrial and he died from tuberculosis a short time later.

This book leaves many unanswered questions. Was Freeman insane when he committed the killings? How much of a role did tuberculosis and being hit on the head with a board affect his actions? Arpey, however, achieves his purpose of providing a full scholarly account with an extensive bibliography for further readings of "attitudes regarding crime, capital punishment, mental illness, race, and manhood" to demonstrate that as society was affecting this case, this case was affecting society as well (xx). This book will impress readers seeking to learn about these attitudes and how the legal system works.