

The Siege of Shirley Ann Allen

By Ron Marsh

WARNING! Trying to understand the siege of Shirley Ann Allen may be hazardous to your own mental health: You may become more befuddled than she is alleged to be.

They say that they are there for her own good – for her safety and protection – yet they have denied her electricity, gas, water and telephone for over a month.

They say that they are concerned about her mental stability, yet for the first ten days of the siege they tormented her with incessant noise: calling out to her over a bullhorn every fifteen minutes, day and night, and bombarding her with loud music and gibberish over a PA system at any and all hours.

(Sleep deprivation is a fundamental tool in the science of brainwashing: disorient the subject; totally break the subject; reduce the subject to mental and physical putty; re-mold the subject into your own desired image.)

They say that she might be a danger to others; therefore, they have denied her access to friends, relatives, legal counsel, even a minister – in spite of the fact that they offer no evidence that she ever has demonstrated unprovoked hostility toward anyone.

They say that she might be a danger to herself, yet they have subjected her to deprivation and torment that would have driven many "normal" persons to suicide.

If Shirley Allen were a convicted criminal, she would be afforded better than that.

If she were a prisoner of war, the Geneva Convention would guarantee her the necessities of life and humane treatment.

If she were a mongrel dog in the local animal shelter, she would fare better than she has fared at the hands of the Christian County Sheriff's Department and the Illinois State Police.

The overriding problem in reporting the siege of Shirley Allen is the very isolation to which she has been unmercifully subjected. No one – no reporter, no relative, no attorney, no minister – has been permitted to get within half a mile of her. And her phone has been rendered inoperative.

Because of that imposed isolation, there is so little that we truly know for sure.

We do know that she has been charged with no crime, yet is being hounded like a caged rat.

At the mundane level, we know that for over a month Shirley Allen has not been able to flush her toilet...or take a bath...or wash her hair...or wash and dry a load of clothes...or call out for a pizza (or a minister)...or light her furnace, even in recent nights when temperatures have dropped to freezing or below.

In spite of the fact that her tormentors "think" that she might have Sterno or a propane stove, there is reason to believe that she has not been able to cook a meal in over a month. Even if her nephew is correct, that Shirley has home-canned food to last for months, cold green beans from a Mason jar are not very tasty. (And I do mean "cold" – she can't use her furnace, so even "room temperature" takes on a whole new meaning for Shirley Allen!)

Even if she has a reasonable supply of bottled water – and no one knows that for sure – she probably would not "waste" it for non-essentials; therefore, she may not have brushed her teeth for over a month.

Some would say, "Well, a person must have something wrong mentally to endure all that for over a month."

Well, even with that as a given (and it is not a given), is that the way our society treats persons who are mentally troubled?

Illinois statutes regarding involuntary psychiatric treatment repeatedly specify that the subject must be demonstrably "mentally ill and dangerous." (Check it out at 405 ILCS 5/3-701 et sequitur.)

Thus far, no one outside of "law enforcement" has suggested publicly that Shirley Allen is "dangerous" – not her friends, not her family, not her enemies (if she has enemies).

In fact, according to newspaper reports, she never has been considered suicidal by friends, family or medical professionals, even during alleged bouts with depression.

As to her being a danger to anyone else, as recently as Thursday, October 23, Illinois State Police Director Terrance Gainer is quoted as saying "Mrs. Allen hasn't shown that kind of hostility."

Only the Christian County Sheriff's Department and the Illinois State Police have made a determination that Shirley Allen is dangerous. Are we to assume, therefore, that a license to practice psychiatry or psychology is now a requisite for becoming a deputy sheriff or a state trooper? They apparently perceive themselves to be so credentialed.

Or, as some suggest, is this whole debacle simply a matter of "Machismo"? Could it possibly be that certain men, the type who strap on their manhood with their gunbelts, just can't afford to lose face to a 51-year-old widow woman?

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Where and how did it all begin?

The siege of Shirley Allen began September 22; the saga of Shirley Allen began over twenty years ago.

According to newspaper reports, Shirley Ann Dugger met John Allen in 1974, when Shirley, a registered nurse, was 28 years old. John, then 53 and a widower for two years, had suffered a heart attack; Shirley was his nurse.

In 1975, Shirley Dugger and John Allen married – a marriage that was to last 14 years until John's death from pancreatic cancer in 1989.

In spite of the fact he had four children from his first marriage, John Allen reportedly left his entire \$120,000 estate, including the house now under siege in Roby, to Shirley Ann. The house and accompanying 47 acres are now reportedly valued at \$146,000.

As is often the case, Shirley reportedly suffered bouts of depression after John's death. After all, they apparently had been an exceptionally happy couple, enjoying many of life's experiences together – from gardening to touring the country, with Shirley in the sidecar of John's motorcycle.

The tighter the bond, the greater the loss.

Just how deep were those bouts of depression is a matter of pure conjecture, but a matter that has been effectively used by Shirley's tormenters to cloud the fundamental and troublesome issue: whether Shirley has been accorded due process during – and prior to – the siege.

As to Shirley's mental condition, stories in the (Springfield) "State Journal-Register" reveal an interesting diversity of opinions:

On the one hand, there are the views of Shirley's "non-official" acquaintances:

* 9/25: "I don't think she'd hurt anybody. She's always been alright with me."
(Darel Patrick, neighbor who has known her for 20 years.)

* 9/25: "She always kept a perfect garden, with beautiful flowers, and her yard was always kept nice." (Mamie Stone, neighbor, who also described Shirley as friendly, reserved and a self-proclaimed "recluse, even in school.")

* 9/29: "There was no reason for the injunction at all. If they would just leave her alone she would be fine. Her behavior may look strange, she's a little eccentric, but it's not strange in my eyes. I would guess that she's frightened they're going to take her away and she's never going to see her home again." (Step-daughter Betsy Tonia, John's daughter by his first wife. Tonia reportedly believes that Shirley slipped into depression since John's death, but doubts that she suffers from more severe mental illness.)

* 9/29: "She struck me as being a very loving person who had a lot of love to give. When she met [John], he just filled her life with happiness, and I'll guarantee you that she's still mourning his death." (Lorraine Fleck, counselor and employee of the Sangamon County circuit court. She has sought, and been denied, police clearance to approach Shirley during the siege.)

* 10/25: "About 99 percent of the people in here are for Shirley." (Marilyn Carpenter, owner of the Buckhart Tavern, the nearest neighborhood restaurant-bar, about 3 miles from Shirley's home.)

On the other hand, there are the "official" opinions:

* 9/25: "She was just a little paranoid; she was never like this. She was never to the point of being where we thought she should be committed." (Sheriff Dick Mahan)

(Of course, she never had been set upon by armed men and tear-gassed before, either.)

* 9/25: "When you have a mentally unstable person, we're not sure how effective it would be." (State Police Lt. Dennis Sloman, commenting on the cutting-off of Shirley's utilities.) "And it's not that I think she would harm somebody, it's just that you can't take that chance." (Sloman)

* 9/26: "We've got a poor woman suffering a bout of mental illness." (Gene Marlin, "right-hand-man" to state police director Terrance Gainer.)

* 9/27: "We intend to stay until we can get Mrs. Allen the medical treatment she needs." (Terrance Gainer, Director of the State Police, who also has stated that his men would remain even if the judge rescinds the order for involuntary psychiatric evaluation.)

* 10/03: "We're trying to withdraw to give her some space...perhaps she'll then exit the house and we will then be able to get her to the hospital care she needs."
(Gainer)

And both lists of quotes could go on *ad nauseam*.

To those who know Shirley, she may be a recluse who misses her husband; she is not "mentally ill" and/or "dangerous" and she should have been left alone.

In the minds of "law enforcement," she should be committed.

Again it must be asked: Is a psychiatric or psychologic license now a requisite to becoming a deputy sheriff or a state trooper?

If not, how can these cops be so cocksure that Shirley Allen conforms to the statutory definition of a person who is mentally ill and dangerous and in need of involuntary psychiatric evaluation/treatment – and be so hell-bent to see that she receives it?

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The issue at hand is not Shirley Ann Allen's mental stability; it is due process of law.

Article 5 of the Bill of Rights provides, in pertinent part: "No person shall be...deprived of life, liberty, or property, without due process of law."

Process for involuntary psychiatric evaluation/committal is defined by Illinois statute at 405 ILCS 5/3-70, et seq. (It's a lousy statute, and probably blatantly unconstitutional, but that is another matter.)

Shirley Allen certainly has been deprived of her liberty. Has she been accorded due process of law?

The judge has conveniently sealed the court record, so neither the form nor the substance of the "order" can be known. (This in a land of a supposedly open judiciary?)

Article 4 of the Bill of Rights provides, in pertinent part: "The right of the people to be secure in their persons, houses...against unreasonable...seizures, shall not be violated."

Can "law enforcement" personnel comprehend the difference between being "secure" and being "secured" (as in "house arrest")? Shirley Allen's house has become her prison. Does this conform to either the letter or the spirit of the 4th Amendment?

Article 4 of the Bill of Rights also provides, in pertinent part: "No warrants shall issue, but upon probable cause, supported by oath or affirmation, and particularly describing the...persons...to be seized."

Apparently, no warrant has issued. By what authority, then, does the judge issue an "order"...and does "law enforcement" attempt to execute such an "order"...and does the statute purportedly allow for such an "order"...to seize the person of Shirley Allen?

Article 5 of the Bill of Rights provides, in pertinent part: "No person...shall be compelled in any criminal case to be a witness against himself."

Article 6 of the Bill of Rights provides, in pertinent part: "In all criminal prosecutions, the accused shall enjoy the right...to be informed of the nature and cause of the accusation; to be confronted with the witnesses against him...and to have the assistance of counsel for his defense."

I promised you that trying to understand the Shirley Allen travesty of injustice might "befuddle" you.

Well...White water ahead. Hang on!

At recent rallies in support of Shirley, speakers belabored the point that Illinois' statutes regarding involuntary psychiatric evaluation/committal are "bad law" because they do not conform to constitutional guarantees that protect a person from "being compelled to be a witness against himself"...or that allow him "to be confronted with the witnesses against him."

The action against Shirley Allen is purported to be merely civil; these guarantees are for criminal defendants. Are an unkempt yard and reclusion now "criminal" offenses? "Quasi" criminal?

"Well, shouldn't a defendant in a civil matter be afforded the same protections as the defendant in a criminal matter?"

Both reason and passion would argue, "Yes."

But the answer goes to the very heart of the differences between criminal and civil actions. In a civil action, the defendant knows his accuser; he is the plaintiff. In a criminal action, the state is the plaintiff, bringing action for and on the behalf of the "accuser."

We have totally lost this concept as "compelled-compliance regulation" has insidiously usurped Common Law. The Founders understood the concept well: hence the constitutional constraints upon "government as plaintiff."

Finally: if it is a civil action, why is the subject of an involuntary psychiatric evaluation/committal afforded the right to a court-appointed attorney (405 ILCS 5/3-805)?

Has Shirley Allen been accorded due process?

Until both the "nature and cause of the accusation" have been defined (6th Amendment), expect any "official" response to that question to be mere circumlocution!

For a synopsis of the statutes, see the pertinent statement by Jay A. Miller, Executive Director, Illinois Civil Liberties Union at www.aclu-il.org.

Sorry to leave you in white water. More later?

The questions go on. As does the Siege of Shirley Allen...

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