

***Mens Rea* and Insanity Defense under U.S. Law
—An Analysis of *Clark v. Arizona***

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Abstract

A person cannot be held criminally liable once he or she is found insane in criminal trial. In *Clark v. Arizona*, the U.S. Supreme Court ruled that (1) Arizona's narrowing of its insanity test did not violate due process, and (2) Arizona's evidential rule, which excluded evidence of mental illness and incapacity due to mental illness on issue of *mens rea*, did not violate due process of law. The holding of the Supreme Court raises significant issues regarding the constitutional nature of the insanity defense and the constitutional right to present evidence. The issue is also tied to the defendant's mental state and challenges the common law tradition of *mens rea* and culpability. By reviewing the common law tradition and current legal models of the insanity defense in the U.S., this paper analyzes the case and its effects, and proposes an alternative means of thinking about the law and insanity.

Key Words: *mens rea*, intent, insanity, due process of law, evidence