

Judy Mark

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[REDACTED]  
judymark@ucla.edu

February 1, 2024

The Honorable Lewis A. Kaplan  
Daniel Patrick Moynihan  
United States Courthouse  
500 Pearl Street  
New York, NY 10007-1312

Dear Judge Kaplan,

I teach about autism and neurodiversity at the University of California, Los Angeles and lead the UCLA Autism Media Lab, which produced seven short documentaries about the inclusion of people with autism. I also direct a disability rights organization in California. Most importantly, I am the parent of a 27-year-old son with autism.

I do not know Mr. Bankman-Fried personally and take no position on his built or innocence. Like many persons knowledgeable about autism, I suspected that Mr. Bankman-Fried was autistic, or neurodiverse. I now understand that he has had a diagnosis of ASD that was previously shared with the court.

Autism brings with it many strengths. There is no cure, nor should the world be seeking one. There is no “right way” to behave, learn, or think. More critically, we should be focusing on the acceptance of differences and neurodiversity and the inclusion of people with autism in all aspects of our communities.

I know this is not always easy, especially in settings where certain behavior and protocols are expected. A courtroom is certainly one of those settings. But with autism, a person may act in a certain way not to disrupt that decorum, but because, simply, their brain works differently. A person might also be judged to be lying or evasive due to lack of eye contact, or answers that seem non-responsive. And stress and anxiety almost always exacerbate these differences.

People with autism are often completely unaware that their behavior may be seen by others as problematic irritating, or dismissive. They are not intentionally trying to annoy others. I work with many adults with autism who are extraordinary human beings. There are times when they might repeat themselves or become obsessed on an issue, something we call perseveration. They might become particularly focused on minute details that others find irrelevant, something we call hyperfocus.

Just like biodiversity is seen as a benefit to sustain plants and animals, neurodiversity should be recognized and respected as any other variation that could sustain humanity. Seen in a different light, neurodiversity has produced outside-of-the-box thinking that led to huge discoveries that have changed the world.

A prison is another place where certain behavior and protocols are expected. The same factors that lead an autistic individual to be misunderstood in a courtroom can lead that person to be misunderstood in a prison.

I am hoping that you will consider that while people on the autism spectrum do have many challenges, many of their obstacles stem from the lack of acceptance of their differences by others. Individuals who behave differently than the norm are acting in ways that are usually out of their control.

Even for my own son, no matter how many times I might want to scold, prompt or correct him, I have learned over the years that our lives are better because I accept him as he is. It has taken much grace and humility to come to this conclusion.

It is a matter of fairness to resist punishing a person with autism more severely because of “behaviors” that are not in their control or putting him in a setting where he will be in harm’s way.

I deeply appreciate you taking this information into consideration.

Sincerely,

A handwritten signature in cursive script that reads "Judy Mark". The signature is written in black ink and is positioned to the left of the typed name.

Judy Mark  
Disability Rights Advocate