

Mr. ACHESON. I think not, no. There are none, Mr. Chairman.

The CHAIRMAN. Then you say this is not a burden-of-proof section.

Mr. ACHESON. This is not a burden of proof section, it is a section only requiring that the defendant raise the issue, introduce the issue into the case by a showing of substantial evidence and if he does that, then the burden shifts, as it now is, to the Government to prove beyond a reasonable doubt the opposite of his contention.

The CHAIRMAN. Then if the section would become law it would have no effect upon the present case law in the District of Columbia as far as burden of proof is concerned?

Mr. ACHESON. That is right.

The CHAIRMAN. The burden of proof still starts with the defendant and after he has produced some evidence then the burden of proof shifts to the prosecution to prove the contrary?

Mr. ACHESON. That is right, Mr. Chairman. This provision would make it a bit more difficult for the defendant to raise the issue initially, but if he did the burden of proof would remain where it now is.

The CHAIRMAN. This question has just been suggested by the staff: Can you state in a sentence or two what the rule is in the District of Columbia on the question of mental disease or insanity or whatever you call it—do you have a sentence or a two-sentence definition that is the equivalent of the ALI rule on the question of criminal responsibility?

Mr. ACHESON. Let me read the crucial sentence from the *McDonald* opinion.

The CHAIRMAN. You are going to read now from the *McDonald* decision?

Mr. ACHESON. I am reading now from the *McDonald* decision of October 8, 1962.

The CHAIRMAN. Where is that found?

Mr. ACHESON. This is cited in my statement, Mr. Chairman.

The CHAIRMAN. Very well.

Mr. ACHESON (reading):

The jury should be told that a mental defect includes any abnormal condition of the mind which substantially affects mental or emotional processes and substantially impairs behavior controls.

The CHAIRMAN. This is from the *McDonald* case and is given as an instruction in all insanity cases by a presiding judge or by a jury?

Mr. ACHESON. It is a mandatory instruction.

The CHAIRMAN. It is a mandatory instruction; and your further statement that it is substantially the same as the ALI instruction.

Mr. ACHESON. That is right.

The CHAIRMAN. Thank you very much, Mr. Acheson. You have done a good job and I appreciate it, your testimony has been very helpful.

Mr. ACHESON. Thank you.

The CHAIRMAN. Our next witness is Dr. Dale C. Cameron, Superintendent of St. Elizabeths Hospital.

Dr. CAMERON. Thank you.

The CHAIRMAN. You may proceed, sir.