

persons are found guilty who are so obviously mentally ill that when they reach prison it has been necessary for the Federal Bureau of Prisons to build a mental hospital to take care of guilty people who are obviously sick.

I have spent the last couple of years working with the Director of the Federal Bureau of Prisons trying to help him design still another hospital.

Now here you see the moral sanction or the moral diagnosis of guilt had really very little to do with the kind of program needed by the person, and it was necessary within the prison system to develop something else for these obviously sick people.

The CHAIRMAN. Under your proposed procedure a commission or other dispositional body would determine responsibility once a jury has concluded that the defendant committed the unlawful act.

Dr. CAMERON. Yes, sir.

The CHAIRMAN. Under your theory—

Dr. CAMERON. Yes, sir.

The CHAIRMAN. You follow that up by saying that to determine the mental condition of the defendant, you would—you would put that up to the judge?

Dr. CAMERON. That is correct.

The CHAIRMAN. Well, is the judge qualified to act in this field? Would you say it should be the judge or would you say it should be a board of psychiatrists?

Dr. CAMERON. Well, I say the judge or other dispositional body.

The CHAIRMAN. Yes, that is true.

Dr. CAMERON. And that judge or other dispositional body would hear testimony from psychiatrists and other physicians solely around the question of whether or not the man was sick and what kind of treatment if any is indicated for him, and the medical testimony would then be presented in an atmosphere looking forward to the disposition of the man rather than, as now is the case, in an adversary atmosphere looking primarily to the question of did he do it and if he did do it, is he to be imprisoned?

The CHAIRMAN. And under your theory that would be after he had committed the unlawful killing and been found to have done so and—

Dr. CAMERON. Yes, sir.

The CHAIRMAN (continuing). And then you would bring it before a judge or dispositional body and at that time they would pass upon whether he has the mental capacity to commit the crime?

Dr. CAMERON. That is correct.

The CHAIRMAN. If he did not have the mental capacity to commit the crime that the jury says he did, then the judge should be the sole arbiter of that question?

Dr. CAMERON. As he now is under the law. I am sorry.

That is incorrect because under the current procedure if he finds him not guilty by reason of insanity, which is a euphemism for "he did it but he should be excused from blame," then there is a mandatory law which commits him to the hospital for treatment and that mandatory law would remain in effect that is, if it were to remain in effect, then after the jury said that he did it, the judge would determine after hearing medical evidence, as to whether or not he was so sick