

that he might be excused, and if he were, he would still go to the hospital.

The CHAIRMAN. I wonder if your theory would require a change in the Constitution, under which certainly every man is entitled to trial by a jury of his peers, by 12 men tried and true and they are the ones who are supposed to determine this question—and you would substitute a judgment decision as to that, constitutionally—I am just wondering if your theory could be brought about without changing the Constitution.

Dr. CAMERON. Well, Mr. Chairman——

The CHAIRMAN. Of course, I understand that you are not posing as a constitutional lawyer.

Dr. CAMERON. I certainly do not pose as a constitutional lawyer, no, and I don't have any real opinion as to whether a change in the Constitution would be required, but if it is, I still think it would be useful in the interest of the proper disposition of these people.

The CHAIRMAN. And you think that would be a better way of dealing with these problems than we are dealing with them now.

Dr. CAMERON. I do.

The CHAIRMAN. You don't know whether the constitutional amendment is required or not to accomplish that; but you would prefer your proposed procedure.

Dr. CAMERON. That is right.

The CHAIRMAN. Thank you.

Dr. CAMERON. In discussing the specific provisions of H.R. 7525, I shall comment on only those sections of title II that have substantial medical aspects.

Subsection (a), paragraph (1) defines a person with a "mental disease or defect excluding responsibility" as one who lacks "substantial capacity either to know or appreciate the wrongfulness of his conduct or to conform his conduct to the requirements of law." This is not a very helpful definition for the following reasons:

1. Physicians will have difficulty testifying, if requested, on the question of knowledge or appreciation of the wrongfulness of conduct since this is more a moral than a medical question. Physicians have no special knowledge or skill in relation to moral issues.

2. The meaning of capacity "to conform * * * conduct to the requirements of law" is vague. Unless the legislative history makes the intent of this phrase quite clear, both jurists and physicians will have difficulty with it. It may be interpreted almost exclusively in relation to volition or will. If so, it is little different than "power to choose" or "irresistible impulse." If so interpreted, it deals only with a fractional part of the personality factors that may be involved in illness and affect vitally one's capacity to conform.

Now, I was present in the room when the U.S. attorney was testifying and it is obvious from his testimony that he would not interpret this section as being limited to volition and will. But I have talked with jurists who in saying what they understand the ALI formulation to mean, do interpret it just as I have described; that is, strictly in relation to will and this I think makes the point that Mr. Acheson is making, that you would now start all over with a new theory of judgment based on a new formulation which they are now operating on which comes to eventually the broader definition which I shall now comment on.