

And I think it is only those persons who get trapped in this remarkable circular reasoning are the people who tend to think of sociology as being defined primarily by antisocial and unlawful behavior and also to equate the lack of responsibility with the presence of mental disorder without the need to find any relation between the mental disorder and the event.

I think that I have perhaps taken an undue amount of time and—
The CHAIRMAN. No, not at all.

Dr. CAMERON. But the point is that this will lead to the most astonishing confusion in the courts if the law says that sociopathic and psychopathic personality is not a mental disease or defect and then define something else called, call it "antisocial behavior," as disorder—I think you would find very, very few physicians who would agree with that definition in the law.

The CHAIRMAN. Thank you. You may proceed.

Dr. CAMERON. Subsection (c), paragraph (1), makes "mental disease or defect excluding responsibility" an affirmative defense. While this is strictly a legal, not a medical matter on which a physician might be expected to comment, I would like to lend my support to the concept. Its adoption will help solve many of the problems that have been troublesome under the *Durham* decision and, in my opinion, will continue to be troublesome as long as the law requires the simultaneous consideration of medical and moral issues, and I think it will help some.

Subsection (d) puts forth the usual definition of mental disease or defect excluding fitness to proceed and is, from my point of view, as satisfactory as can be devised at this time.

Subsection (e), paragraph (1), indicates that upon request of the court, the Superintendent of St. Elizabeths Hospital, among others, may "designate at least one qualified psychiatrist * * * to examine and report upon the mental condition of the defendant." This, again, is quite satisfactory.

Subsection (e), paragraph (2), relative to the nature of the psychiatric examination is also satisfactory. However, I should like to invite your attention to the fact that nowhere in title II is treatment explicitly authorized for defendants while in a hospital undergoing examination. Some such defendants will doubtless be ill and in need of treatment. Authority should be included to permit the use of such treatment methods as are accepted by the medical profession for the treatment of persons found to be suffering from a mental disease or defect while such person is hospitalized for examination.

Subsection (e), paragraph (3), indicates what shall be included in the report of the examination. I believe the court and the examining physician would be better served if it were reported that there be included in such reports at least a brief statement as to the basis of major opinions rendered. I need not repeat my comments on the nature of the tests of mental disease or defect excluding responsibility, which tests are stated in this and in preceding and subsequent subsections. Nor is it necessary to repeat, in connection with this and other subsections involved, my comments on the inappropriateness of psychiatrists being involved in the adversary process of factfinding with reference to the commission of an act.

Subsection (h), paragraph (1) would be improved by adding reference to hospitals having facilities for treatment as well as for the custody and care of the mentally ill.