

MALLORY AND DURHAM RULES, INVESTIGATIVE ARRESTS AND AMENDMENTS TO CRIMINAL STATUTES OF DISTRICT OF COLUMBIA

WEDNESDAY, OCTOBER 16, 1963

U.S. SENATE,
COMMITTEE ON THE DISTRICT OF COLUMBIA,
Washington, D.C.

The committee met, pursuant to recess, at 10:05 a.m., in room 6226, New Senate Office Building, Senator Alan Bible (chairman) presiding.

Present: Senators Bible, Dominick, and McIntyre.

Also present: Chester H. Smith, staff director; Fred L. McIntyre, counsel; Martin A. Ferris, assistant counsel; and Richard Judd, professional staff member.

The CHAIRMAN. The committee will come to order.

This is a continuance of our hearings on H.R. 7525. We have earlier heard testimony with regard to titles IV and V. We commenced yesterday to hear title II, the section that deals with the insanity rule for the District of Columbia.

We will continue tomorrow on hearing title II, and on Tuesday next we will commence hearings on title I, which deals with the modification of the so-called *Mallory* rule.

Yesterday I think it was very clear from the testimony of the U.S. attorney that he felt the *Durham* rule, as modified recently by the *McDonald* decision adequately defined insanity as a criminal defense in the District of Columbia.

We are very happy today to have one of the real experts in this field, Dr. Overholser, who has been here before this committee and the Appropriations Committee many times in the past, in his former capacity as Superintendent of St. Elizabeths Hospital, where he completed some 25 years of service.

He is a member of the Advisory Committee of the American Law Institute, and served with such committee when the American Law Institute criminal insanity rule was being embodied substantially in the House-passed bill. He is an author and lecturer on problems of criminal responsibility.

Dr. Overholser, it is always nice to see you back before a congressional committee. We look forward to your suggestions.