

Dr. OVERHOLSER. I have an idea that a good many people, both in the District and outside, have an idea that if a person is found not guilty by reason of insanity, he is going to be put right out on the street; and for that reason, they would lean the other way—unless they knew that there was provision for him to be confined until such time as in the opinion of the hospital and the court he was fit to be released, without undue danger to the public.

Senator DOMINICK. Suppose the jury is told that a person who has just murdered three people has done so by reason of insanity. Suppose they are told that all they need to do is keep him in the hospital for 6 months, and then he is going to be turned loose on the public again. I would think that this would tend to make the jury find him not guilty—beg your pardon—make the jury find him not irresponsible within the terms of this law.

Dr. OVERHOLSER. Well, if they were told that, I think it would be misinformation.

Senator DOMINICK. Wouldn't they have to say he would be committed to the hospital, and that he could not get out until at least 6 months?

Dr. OVERHOLSER. Ordinarily, of course, it is a good bit longer than that.

Senator DOMINICK. I doubt very much whether they could be told that. The provision of the law is that he is committed until he is well and not entitled to be released for a period of 6 months.

Dr. OVERHOLSER. He will not be released except by the concurrent action of the hospital and the court. And I think that a hospital in general would be rather reluctant to make such a recommendation in so short a time.

Senator DOMINICK. It just strikes me, if I may say so, Doctor, that the purpose of having the jury here determine whether or not he should be acquitted by reason of insanity, and the question of what the policy is in the event that he is so acquitted, or is not, is in the statute and has nothing to do with the jury's determination.

Dr. OVERHOLSER. Psychologically, I am not so sure that it won't have anything to do with their determination.

Matters of this sort are decided by a good many people outside the realm of reason, on the basis of emotion. So I am afraid that there would be considerations, which were a bit adventitious, shall we say. I agree with you, of course, that the statute says certain things. It seems to me that the jury ought to know that at least this man is not going to be turned loose pronto.

Senator DOMINICK. In other words, you feel that if the provision stays the way it is, that the juries are more liable to find someone not guilty by reason of insanity.

Dr. OVERHOLSER. Where the other facts warrant, yes, I should say so.

Senator DOMINICK. Thank you.

The CHAIRMAN. You may proceed, Doctor.

Do you have further comments to make?

Dr. OVERHOLSER. I think not, Mr. Chairman.

I have two other things that I should like to provide the committee for the hearing record.