

by the court at State expense, if it is a State case, or at their own expense, if it is a Federal case, with a list of some of the most qualified lawyers in the whole area to defend them. I have yet to see anybody who got a better defense than an indigent defendant.

Dr. OVERHOLSER. I was speaking, sir, not of lawyers. I am well aware of what you say. I was thinking particularly of medical evidence. And Mr. Justice Brennan made an eloquent plea in this article to which I have referred for psychiatrists to be, shall I say, as generous with their time as lawyers are in cases of this sort.

Senator DOMINICK. It is my understanding that if a plea by reason of insanity they are represented by court-appointed psychiatrists in most jurisdictions, are they not?

Dr. OVERHOLSER. Well, I cannot say about most jurisdictions. I rather think maybe.

The CHAIRMAN. What is the situation here in the District of Columbia, in response to Senator Dominick's question?

Dr. OVERHOLSER. They are usually sent—

The CHAIRMAN. Is the indigent defendant provided with adequate psychiatric assistance?

Dr. OVERHOLSER. District of Columbia General Hospital or St. Elizabeths? I do not say this is right—but some defendants will get the idea that since the District of Columbia General Hospital and St. Elizabeths Hospital are arms of the Government, they do not have quite a fair shake.

The CHAIRMAN. In other words, what you are saying is that since they are an arm of the Government, they are more or less a branch of the prosecution, and therefore they are not completely independent of the prosecution.

Dr. OVERHOLSER. Yes, sir. I am sure there are some defendants who feel that way. I do not agree with them at all. But I am thinking now—because as Dean Pound said long, long ago, it is not so important that the courts shall do justice, but that the public shall be sure that they do justice. In other words, that the public and the defendant have that feeling.

Senator DOMINICK. I have never yet seen a defendant who thought he had justice if he was convicted, whether it is in a civil case or whether it is that criminal case.

Almost invariably they feel that they have been mishandled in one form or another. And the lawyer who is designed to protect their rights, and I have been in that position myself on many an occasion, does his best to convince the court that they have not gotten their rights, because this is his job, and he does a pretty good job of it.

But I cannot see that the question of whether the defendant feels that he has gotten adequate treatment or not really is germane to the issue of whether he has in fact gotten adequate treatment.

Dr. OVERHOLSER. Yes, sir, of course. I think the latter is much more important, Senator.

Senator DOMINICK. Well, I just wanted to set the record straight as far as the legal end is concerned. I think that the indigent defendant has extremely good care, just as I think in many cases the indigent sick person has very good care, too.

The CHAIRMAN. Your additional exhibits will be received and incorporated and made a part of the record, Dr. Overholser.