

As other witnesses have testified, the average juror comes into a criminal case with the belief that if the defendant is found guilty he will go to prison; if he is found not guilty he will go free. If he goes free he may constitute a menace to society.

I think a totally rational view on the part of a juror in a serious case would be that, "If I have a reasonable doubt as to whether this man is insane, but I am sure he is a dangerous individual, I will convict rather than find him not guilty, because that way I am certain that society will be protected. Where, if I find him not guilty by reason of insanity, he may be free to prey on the public again."

This instruction which is presently being given dispels this kind of attitude. I think it is more important that an instruction of this type be given in the District of Columbia rather than in some other place. As everyone is aware, a number of our citizens do not come from the District of Columbia originally.

Even well-informed citizens from other States would not know the ~~mandatory commitment law~~, because other States do not have the mandatory commitment law.

All that this instruction does is permit the jury to determine whether the defendant is mentally responsible in a realistic posture.

If he is sick, and the sickness caused the disease, he will go to a hospital.

If he is not sick, or if the sickness did not cause the disease, he should go to prison.

In neither case will he go free unless they find him not guilty.

I think instructions that put the case to the jury in that posture are quite reasonable.

The CHAIRMAN. Thank you, Dean Pye.

I certainly appreciate your courtesy in coming here and appearing before us this morning.

Again I want to thank you for your patience in waiting such an unseemingly long period of time to give your testimony.

Mr. PYE. Thank you, Senator.

The CHAIRMAN. Before we recess, I would like to include in the hearing record a letter and attachments from Mr. John H. Pratt, president of the bar association of the District of Columbia, dated October 10, 1963.

(The letter and attachments follow:)

THE BAR ASSOCIATION
OF THE DISTRICT OF COLUMBIA,
Washington, D.C., October 10, 1963.

Re H.R. 7525, omnibus crime bill.

HON. ALAN BIBLE,
*Chairman, Committee on the District of Columbia,
U.S. Senate, Washington, D.C.*

DEAR SENATOR BIBLE: We appreciate your invitation for the Bar Association of the District of Columbia to express its views on H.R. 7525, relating to crime and criminal procedure in the District of Columbia. Unfortunately, the association is not in a position to take any formal position on the entire bill, since neither the board of directors nor the membership has approved any policy declaration on it. We are pleased to communicate certain information based on past association consideration of related matters, however.