

what they lack is a full comprehension of its significance—an "appreciation."

"That his conduct was wrong or in violation of law." The word "wrong" has been criticized as involving a moral judgment which some persons do not indulge. It is a word that has a meaning for most jurors; for those who find it inept the equivalent "or in violation of law," is provided.

The remaining provisions, as the language shows, are intended to provide a fixed standard applicable to and so sufficient for all cases; to preserve the jury's right to accept or reject testimony, including that of experts; and to leave to the jury the ultimate decision as to the criminal responsibility of the accused without requiring expert testimony in the words of the standard or test.

Causality is not approached as a direct connection between condition and act, but as a connection between condition and disability in regard to the conduct of the accused and the time of the offense. Those few psychiatrists who have stated they might be able to express an opinion on causality have added the condition "if the examination of the subject could be made shortly after the crime." It is thus apparent that the conclusion is not a direct and "clinical" finding so much as an indirect conclusion from the concurrence in time of the disease and the act. The connection in our proposed test between the disease and the act in time, and the disabling effect of the condition in relation to the same time, are believed to be a sufficient connection to satisfy the test and invite psychiatric opinion also. But expert opinion as to such connection is not indispensable to put the issue of responsibility to the jury.

Respectfully submitted,

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