

facilitate classification of those who should be held responsible and subjected to punitive-corrective sanctions from those who should be held not responsible and who should be hospitalized for medical treatment. The test must provide a workable standard for regulating the admission of evidence at trial. It must also provide the basis for instructions to the jury and for review of the jury verdict, when appropriate, by the trial judge and appellate courts. We submit that the test should encourage the receipt of all relevant testimony relating to the Defendant's mental condition. It should be in harmony with scientific knowledge, and it should symbolize and implement the community ideal that punishment is not inflicted upon those who should not be blamed.

B. We submit that the *Durham* rule has been in accord with these objectives and that its net effect upon the administration of criminal justice in the District has been beneficial.

Before the *Durham* rule was announced the insanity defense was neglected and largely ignored in this jurisdiction. Pleas of insanity tended to be treated casually and superficially. The facts relating to a Defendant's mental history frequently were not presented at the trial, or were presented in a fragmentary fashion. Psychiatrists were deterred from participating in the administration of criminal justice by archaic rules. The result was injustice to the Defendant and defective protection for the community.

As a result of the *Durham* opinion and subsequent decisions in this field by the Court of Appeals, there is today widespread awareness and sensitivity to the problems of mental illness in the District. An insanity plea is given careful, painstaking attention by the United States Attorney's Office, by defense counsel, and by the trial courts. There has been a striking change in the mode of trials when insanity pleas are invoked. The facts relating to the Defendant's mental condition are presented at the trial in detail in many cases.

The *Durham* rule broke down the barriers to communications between mental health experts and the court. It permits physicians to testify freely and fully as to their diagnosis of the