

ble, and, in fact, would be inadvisable to attempt a statutory definition of legal insanity. The witnesses who appeared before the Committee were almost unanimous in expressing their opinion of the infeasibility and undesirability of obtaining a statutory definition. Your Committee feels that no significant group of either physicians or lawyers would ever agree on any statutory definition.

"Lord Blackburn well expressed the difficulties involved more than 50 years ago when he said: 'I have read every definition (of insanity) which I could meet with and never was satisfied with one of them, and I have endeavored in vain to make one satisfactory to myself. I verily believe it is not in human power to do it.'

"It is the opinion of your Committee that, by leaving in the courts their common law power to establish legal tests of insanity, a desired flexibility will be possible in adapting legal tests to growing experience in the psychiatric field."

We accordingly recommend as follows:

1. That the resolution recommended by the majority should not be approved.
2. That a resolution be adopted recommending against any legislative change of the *Durham* rule at this time.
3. That this Association should actively join in supporting further study of the insanity defense. We respectfully submit that no change should be made without an exhaustive investigation of the entire question.²⁰ There are tremendous gaps in our knowledge of criminal behavior and mental disorder. Such a study would require the facilities of a trained, full-time staff, consisting of lawyers, psychiatrists, and criminalologists. We believe that the nature of the problem is such that one of the country's leading foundations, e.g., Rockefeller or Ford, might well be interested in helping to finance a study of the insanity defense in the District of Columbia. The opportunities for such a study are unique in this jurisdiction. This Association and this Committee could furnish invaluable assistance. We believe that a non-partisan, scholarly study of this character would be preferable at this time to any legislative action.

²⁰ We deem it important to underscore the limited function which the rule itself plays in the total process of administering the insanity defense. The attitude of the bench and bar and of the public generally toward insanity and criminal behavior, the availability of psychiatrists and hospital facilities, procedures for prompt mental examination of each defendant charged with a serious offense—all of these have a critical bearing upon the problem.