

reason of insanity when the Government lacks rebuttal evidence. These are steps in the right direction, but we should recognize insanity as an affirmative defense and the party asserting it should prove it at least by substantial evidence. In *McDonald* the definition of mental disease does approach the ALI criteria of capacity to conform one's conduct to the requirements of law as well as the *Currens* test of the third circuit.

Next, the case of the sociopath should be given consideration. It is in this category that we are most likely to encounter one capable of and likely to commit serious crimes of violence. There is general agreement among psychiatrists that sociopaths rarely improve. The law institute's formulation takes the position that the terms mental disease or defect do not include an abnormality manifested only by repeated criminal or otherwise antisocial conduct. We had a classic example of such an individual in this jurisdiction. The bad man of Swampoodle, Dallas O. Williams, following a long career of crimes of violence, which included murder, had been released. Thereafter, upon being told that the could not utilize the open facilities of a gasoline station as a men's room, he shot and killed two of the attendants. Fortunately, he has since been tried and convicted of homicide, and it is hoped that his criminal career is as at an end.

Respectfully submitted.

OLIVER GASCH.

NOTE.—*Durham v. U.S.*, 214 F. 2d 862; *McNaghten's case*, 10 Cl. and F. 200; *State v. Pike*, 49 N.E. 399; *Leland v. Oregon*, 343 U.S. 790; *McDonald v. U.S.*, 312 F. 2d 847; *Douglas v. U.S.* 239 F. 2d 52; *Currens v. U.S.*, 290 F. 2d 751; *Williams v. U.S.*, 250 F. 2d 19.

The CHAIRMAN. Our next witness will be Mr. William K. Norwood, chairman, Public Protection Committee, Washington Metropolitan Board of Trade.

STATEMENT OF WILLIAM K. NORWOOD, CHAIRMAN, PUBLIC PROTECTION COMMITTEE, WASHINGTON METROPOLITAN BOARD OF TRADE

The CHAIRMAN. Mr. Norwood, we are happy to have you back here. Mr. Norwood. Thank you, Mr. Chairman.

My name is William K. Norwood, chairman of the Public Protection Committee of the Metropolitan Washington Board of Trade, an organization representing approximately 7,000 principal business, civic, and professional leaders from more than 4,000 enterprises in the Nation's Capital.

The views that I shall express today represent the recommendations of the public protection committee and the law and legislation committee and have been adopted by our board of directors as the official policy of the board of trade.

We support the enactment of title II of H.R. 7525, the omnibus crime bill. The board of trade has previously supported the enactment of H.R. 1932 which contains approximately the same provisions as encompassed within title II of H.R. 7525 with, as we interpret them, minor changes.

Both of these legislative proposals adopt the American Law Institute's approach to a reasonable solution to the legal entanglements developed by the *Monte Durham* decision. Title II of H.R. 7525 is based upon the formulation recommended by the American Law Institute as the test of insanity as a defense in criminal cases, often referred to as the test of criminal responsibility.

This title is intended to apply to criminal cases in the District of Columbia, replacing the rest of criminal responsibility stated by the *Durham* rule. This new formulation in title II is intended, not so