

4. Under the *Durham* rule and other cases, the psychiatrist has become the arbiter. Under title II, as proposed, the factfinding function will be returned to the jury where it belongs.

5. The *Durham* decision and other cited cases permits ad hoc appellate treatment. Under title II of the bill, the standards will be so clear that there will be guidance from case to case, thereby improving the ad hoc problem.

6. Under the *Durham* decision the concept of personal responsibility for crime is subordinated to general notions concerning mental disease or mental defect. This title of the bill will return to the law the proposition that when a person is capable of controlling his conduct he is responsible for his crime. This return to ideas of personal responsibility is essential to law enforcement in the District of Columbia.

7. Under the *Durham* decision, there is little or no guidance regarding the meaning of the words "causation" and "productivity" as they are incorporated in the *Durham* rule. The proposed language will eliminate the confusion arising in this area by returning to the law the proposition that when one has a free will and is capable of controlling his activities, he is responsible for the wrongs which he commits.

8. Under the *Durham* decision, defendants such as Paul McGee may choose the District of Columbia as the place for their criminal behavior. Title II of H.R. 7525 will eliminate one basis for the selection of the District of Columbia as a place within which to commit crime.

Thank you, Mr. Chairman, for the opportunity to appear before the Senate District Committee today and express the views of the Metropolitan Washington Board of Trade in support of title II of H.R. 7525.

Just at this point I would like to give a quote from a recent television editorial on this general matter of crime prevention, and I have a comment on it.

The police here need more tools, not less, to carry out their job in tracking down and questioning suspects, but they need something else and that is tangible public support.

We have a situation in which victims, for fear of publicity, won't take their cases to the police, of witnesses who will watch but will not testify, of too many leaders who won't take a public stand and, consequently, of criminals assured in the knowledge that if caught they will probably never be convicted under the system.

The cops have become their patsies. Those who are suffering are the decent citizens who want no more of living in the district.

They are moving out, and the city's businessmen complain that suburban Maryland and Virginia families won't shop in this jungle, and that tourists are reluctant to visit here.

They are right, but if the same businessmen will, instead of complaining about the chaos, if they will support the Washington Board of Trade and Police Chief Robert V. Murray in the belief of stronger law enforcement procedures then Congress in the omnibus crime bill may correct what is becoming a grim and sorrowful situation in the Nation's Capital.

Now, since our sessions last week on titles IV and V, I have heard several comments, and I believe you made the comment that you were surprised at the public apathy on these bills.

Since this hearing last Thursday at which I appeared I attended two organization meetings and one social gathering, and I had an opportunity to bring this matter up in a brief discussion of the crime situation.