

security in their neighborhoods and they are very deeply impressed with the need for some kind of action which will improve the situation with regard to crime and danger in the District of Columbia.

With regard to the specific action in the letter it will be noted that under title I the federation addressed itself to 101(a), and it was the federation's position that they would support the language in that section providing the confessions, which were otherwise admissible, shall not be considered inadmissible solely because of delays in arraignment.

In other words, they confined themselves to the single question as to whether or not a mere delay in arraignment could cause a confession or similar evidentiary matter to be excluded from a prosecution of a criminal.

Without suggesting specific language, the federation, under title II, voted to enforce appropriate legislation to restore the right from wrong test as the federation termed it in criminal proceedings where insanity is raised as a defense.

In this connection I feel confident, from the debate—it was a majority determination and a strong one—they expressed great concern and confusion concerning the many different variations from the *Durham* rule.

Essentially, they are trying to return to *M'Naghten*, as it was originally enforced, substantially without modification, that is the moral test of right and wrong and without what they consider to be means of evasion available to a criminal under which he avoids responsibility for his action.

In the report of the law and legislative committee, neither the report of the law and legislative committee or the action of the debate of the federation went into the many provisions of the omnibus bill and attempting to clarify, if you choose, the *M'Naghten* rule or to modernize the *M'Naghten* rule and to provide protecting devices for the protection of the public from a criminal who might be acquitted by reason of insanity or who might be held not to be responsible by reason of insanity.

The CHAIRMAN. Well, of course, protection of the public.

A man who is found not guilty by reason of insanity, is committed to St. Elizabeths Hospital, and is that not protection of the public?

Mr. ROBERTS. Quite obviously, under the *M'Naghten* rule he was acquitted and he was freed because we did not have 200 years ago the means for mental care and the knowledge——

The CHAIRMAN. I am talking about the District of Columbia as of today.

Mr. ROBERTS. Under the *Durham* rule, as modified by the *M'Naghten* rule, the person charged with a criminal offense, and where there has been a failure to establish the fact that he is not insane, and he has alleged insanity, he is, of course, committed to St. Elizabeths Hospital.

In a very great measure, as is quite obvious to anyone who is aware of the situation, the difficulty which the public fears the greatest is not the fact that the man is put in an insane asylum, instead of a prison, but it is the fact that St. Elizabeths Hospital itself is not an adequate receptacle for either the custody or the improvement or the testing of the alleged criminal when he is confined.

The CHAIRMAN. Well, I suppose if that is true though, it is not the fault of the law.