

U.S. DEPARTMENT OF JUSTICE,
OFFICE OF THE U.S. ATTORNEY,
Washington, D.C., January 14, 1964.

HON. ALAN BIBLE,
Chairman, Committee on the District of Columbia,
U.S. Senate, Washington, D.C.

DEAR MR. CHAIRMAN: I understand from Fred McIntyre that your committee is interested in the effect of the *McDonald* decision (*McDonald v. United States*, 114 U.S. App. D.C. 120 (1962), 312 F. 2d 847), upon the volume of acquittals by reason of insanity in criminal cases in the District of Columbia. *McDonald* was decided in the autumn of 1962 and the first full year which would reflect this decision is the calendar year 1963. The following comparison should give you the figures you need:

	Verdict, not guilty by reason of insanity	Uncontested (trial by court)	Jury verdict	Directed verdict (jury trial) ¹
Fiscal year ending—				
June 30, 1960.....	36	19	17	5
June 30, 1961.....	66	47	19	8
June 30, 1962.....	67	42	25	9
June 30, 1963.....	50	35	15	3
Calendar year ending Dec. 31, 1963.....	33	22	11	1

¹ This column included in jury verdict of acquittal by reason of insanity.

This table would indicate that acquittals by reason of insanity, and particularly directed verdicts, have fallen off pretty sharply since the *McDonald* decision. While I believe this is true, I do not think that *McDonald* alone is responsible for the sharp decrease in the figures in the last two annual horizontal columns. Part of the reason is that criminal trials have fallen off about 20 percent in volume because of the very much reduced criminal trial performance of the district court.

Sincerely yours,

DAVID C. ACHESON, U.S. Attorney.