

# The Fellow's Not Evil; Just Sick, Sick, Sick

By CHARLES E. CHAPEL  
Assemblyman, 46th District

The ancient, time-honored, classic test of criminal responsibility is sometimes called the "McNaghten Rule," and otherwise referred to as the "McNaughten Rule," but probably correctly cited (referred to) as "McNaughten Rule," and otherwise referred to as "Scout's Honor." I respect almost all lawyers and judges.

I am not a lawyer, never attended a day of law college or law school in my life, and yet I can understand the jargon of lawyers. Most of you who read my column, which I like to call my "Family Journal," are not and never will be lawyers. Before I proceed, please let me assure you that really and truly, "Scout's Honor," I respect almost all lawyers and judges.

LAWYERS and judges, in and out of office, including those lawyers who want to be judges, especially those in the California State Legislature, do not understand my respectful attitude toward their profession (which is sometimes merely a business or trade), simply because I like to cut away the double-talk, the legal jargon and get down to the true issue, which proves or disproves the issues presented by the bill (embryonic law) under debate.

With that kind of salute to lawyers and judges, I shall now lift the cover of Pandora's box. If you have forgotten what Pandora's box was, I merely mean I shall unveil, reveal, and display what is about to happen to you and me if you do not write to your own member of the Assembly, your own state senator, and to his excellency, the Honorable Edmund G. ("Pat") Brown, governor of the presently free and sovereign state of California.

THE McNAGHTEN Rule is cited by law books, judges, and lawyers, as McNaghten's Case, 10 Clark & Fin. 200, 8 Eng. Rep. 718 (1843). In plain English this means that it became the test of insanity in criminal cases in England in 1843. It then became part of what lawyers call "The Common Law," and although California is known to lawyers and judges as a "Code State," and not a "Common Law State," the McNaghten Rule applies now, and is briefly stated as follows:

"... to establish a defense on the ground of insanity, it must be clearly proved, that at the time of the committing of the act, the party accused was laboring under such a defect of reason from disease of the mind, as not to know the nature and quality of the act he was doing, or, if he did know it, that he did not know he was doing anything wrong."

WITH MINOR exceptions, the McNaghten Rule is the rule applied in most American jurisdictions, including California. Until recent years, the McNaghten Rule, or the McNaghten Rule together with the irresistible impulse test, was the sole recognized test of criminal responsibility in all States of the United States, and indeed in all common law jurisdictions, with the exception of New Hampshire, which many years ago rejected the McNaghten Rule and held that a defendant would not be guilty by reason of insanity if the offense was of the offspring or product of mental diseases of the defendant.

There is a paper-bound pamphlet consisting of 106 numbered pages, with no index titled on the cover: "Special Commissions on Insanity and Criminal Offenders, Final Report, July 7, 1962," and then in the lower right-hand corner the cover says: "State of California." The title page reads the same. On Page 106, the last of the numbered pages, at the bottom it reads: "printed in California State Printing Office," and below that and to the left, on the same page, it reads: "68859 7-62 3M." This means, in printer's language that it was order of file number 68859, printed July, 1962, and that 13,000 were printed.

ON PAGE 5, a letter of transmittal to the Governor, the

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## Residents Contribute to Heart Assn. Activities

Concern about heart and blood vessel disorders by residents of the Bay, Centinela and Harbor cities is shown by the interest in the activities of the Southwest Regional office of the Los Angeles County Heart Assn., said Robert M. Woods, M.D., interim heart committee chairman.

Through this new regional office, Heart Assn. programs in community services, professional and public education will be offered.

In Los Angeles County over 2,000 have received direct assistance through the profes-

sional referral service which helps solve problems of heart patients and their families.

SOME 11,000 physicians, nurses and para-medical personnel in the county attended training classes for closed chest cardiac resuscitation. The recently developed method of reviving stopped hearts without surgery has been responsible for saving many lives.

A notable increase in requests for medical speakers from the association by local clubs and organizations has been noted by Dr. Woods.

Those interested in obtaining a speaker on heart health or volunteering in one of the many Heart Assn. programs are urged to call the Southwestern office, 16811 Hawthorne Blvd., Lawndale, 371-3591.

AMONG THOSE groups in this area having a heart program in the last several months are:

Hawthorne: Hawthorne Assembly, Order of Rainbow for Girls.  
Hermosa Beach: The Sandpipers Philanthropy Fund, Inc.  
Inglewood: Inglewood Em-

blem Club No. 68; and Tops of Inglewood.

Lawndale: Lawndale Assembly, Order of Rainbow for Girls; and Lawndale Tops Club.

Manhattan Beach: Senior Citizens Club of Manhattan Beach.

Palos Verdes: Palos Verdes Peninsula Rotary Club.  
Redondo Beach: Order of Rainbow for Girls.  
San Pedro: Church of Religious Science, Women's Guild; Rotary Club of San Pedro; and San Pedro Jewish Sisterhood.

Torrance: Order of the Eastern Star, 449 Club.

Wilmington: Wilmington Kiwanis Club; Order of Rainbow for Girls; Veterans of Foreign Wars, Ladies Auxiliary No. 2976; and Carpenters Union, Local 1478.

### Sets Meeting

Harbor District Chamber of Commerce will meet Jan. 10, 7:30 p.m., in the law offices of Judge Irving P. Austin, 215 Acacia, Compton. At this first meeting of the new year there will be a report from the nominating committee.

### MORE FOOD ADS IN THE HERALD

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**POTATOES** WHITE ROSE **10 lb. 33¢**

GREEN ONIONS and RADISHES **5¢**

OWN ONIONS **5¢ lb** CALIFORNIA DELICIOUS APPLES **2 lb. 29¢**

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2 FOR **23¢**

**DI CARLO'S BREAD**  
REG. 31¢ **25¢**  
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