

Inmate's R Is Issue Be

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Lawyers for a 25-year-old Baltimore man argued before the U.S. Supreme Court yesterday that the man had been unconstitutionally confined at Maryland's Patuxent Institution one year longer than his court-imposed sentence because, apparently in part, he had once stolen milk and cookies in high school.

They asked that the inmate, Edward Lee McNeil, be released from the prison in Jessup, Md., outside Baltimore, where he was sent six years ago for diagnosis as a "defective delinquent"—a person judged under a Maryland law to be a chronic, but legally sane, criminal.

McNeil, a short, soft-spoken man who has been convicted of assault with intent to rape and assault on police officer, "noncooperatives"—inmates is one of a growing group of whom have refused to submit to the psychiatric interviews that Patuxent officials say they need to make a diagnosis.

Inmates judged to be "defective delinquents"—as are more than 80 per cent of those sent to Patuxent—are confined to the institution for an indeterminate period until either a court or the psychiatrists and social workers at Patuxent determine him to be rehabilitated.

At present, 72 of he approximately 492 inmates at Patuxent are, like Mc Neil, refusing to submit to the interviews, according to state officials.

Because of his refusal to be interviewed Mc Neil has been in a kind of limbo, neither receiving the specialized treatment for which Patuxent has a national reputation, nor having the reasons for his confinement at Patuxent reviewed by any state court. The same is true for all the other inmates who have refused interviews.

"I myself am giving them the information to determine whether I'm a 'defective delinquent?'" McNeil asked a reporter with incredulity in an interview at Patuxent last week. "Long as I don't talk to

these people, they can't make a determination. I'm willing to take the risk to find out if this is actually legal."

McNeil was still at Patuxent yesterday. At the Supreme Court, his lawyer, C. Barrett

See PATUXENT, C5, Col. 4

Inmate's Right to Keep Silent Is

PATUXENT, From C1

Preeyman Jr., argued that his continued confinement because of his silence represented a violation of McNeil's Fifth Amendment right against self-incrimination.

Countering that inmates in psychiatric interviews at Patuxent enjoy no such rights, Henry R. Lord, deputy attorney general for Maryland, argued that such interviews are essential to the operation

of the prison, which he described as "out front" in the area of rehabilitation.

The justices, however, continually pressed Lord about the indefinite detention of McNeil. "When you continue to detain him after his sentence without any new judicial determination, I think you've got a real problem," Associate Justice William Rehnquist said.

Questioning whether or not information provided in the

psychiatric interview could later be used for further criminal prosecutions against a man, Associate Justice Thurgood Marshall asked Lord: "How could you bind a county prosecutor (from using the information to press another case)? You couldn't do it."

The Supreme Court, in a rare move, agreed to hear McNeil's case as a result of a handwritten legal complaint from the inmate. Prettyman

Issue Before Supreme Court

was later appointed by the court to be McNeil's lawyer in the case.

In the interview last week, McNeil said that he and about five other inmates had had petitions for release in state and federal courts since shortly after he arrived at Patuxent in 1966.

A quiet man who wore a bright pink pillbox-shaped cap throughout the interview in a visiting room at Patuxent,

McNeil told a reporter that his refusal to cooperate with psychiatrists resulted as much from distaste at being marked a "defective delinquent" as it did from his dislike of the indeterminate sentence.

"The name and the label is itself a stigma and it really kills you," he said. "To say that you're the most dangerous criminal is a black label. People think you're a mad dog."