

COURT TO REVIEW CRIME 'PATIENTS'

Accepts Plea by 6 Maryland 'Defective Delinquents'

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WASHINGTON, Dec. 20—The Supreme Court has decided to determine whether the United States legal system will permit the indefinite incarceration of compulsive lawbreakers for psychiatric rehabilitation, even though they are not legally insane.

The decision comes at a time when confinement of antisocial people for psychiatric treatment is being critically examined around the world because of controversy over the Soviet Union's sending of dissenting intellectuals to mental hospitals.

The system to be reviewed by the Supreme Court is a novel program in Maryland that seeks to habilitate "defective delinquents." It differs fundamentally from the Russian experience in that all of the "patients" in Maryland have been convicted of specific crimes.

In a brief order today, the Court agreed to review appeals by six inmates or former inmates at the Patuxent Institution in Jessup, Md., a psychiatric hospital that was built to house the new program. Their appeals—which were rejected by lower courts—raise fundamental questions as to whether such a program of rehabilitation can operate under the United States Constitution.

Long Confinement Scored

The appellants allege that indefinite periods of treatment—which may extend beyond the punishment for the crimes that they committed—violate the Constitution's prohibition against "cruel and unusual" punishments.

They also argue that the definition of defective delinquents is too vague, that they are required to talk to psychiatrists despite the privilege against self-incrimination and that the Constitution's safeguards for criminal defendants are not followed in the trials to determine if they are "defective."

It is also said that Patuxent fails to provide genuine treatment, but only holds patients for periods that can last their lifetimes.

The Maryland experiment, which began in 1955, has caused unease among civil libertarians from the outset but has been praised by some psychiatrists and jurists as a model for future efforts to rehabilitate criminals.

It defines defective delinquents as those criminals whose "intellectual deficiency or emotional unbalance" clearly makes them a danger to society. Under

the law they are to be treated until it is reasonably safe to return them to society.

In another action today the Court agreed to decide whether liquor agents