

# Supreme Court Blamed In Flood of Habeas Corpus Freedom Bids

By CLARKE BEACH

WASHINGTON—The civil-rights-minded supreme court's determined effort to protect the rights of prisoners has brought it a peck of trouble.

Many of its decisions in the past 11 years have provided convicts with new legal arguments to secure writs of habeas corpus. When such writs are granted, the prisoner or his attorney is given a new hearing in the lower court. In rare instances the court, after reviewing the record of the case, grants a new trial. In a few cases, prisoners are set free if the prosecuting attorney decides that the state no longer has a good legal case against the convicted man.

**Big Hope**

So writs of habeas corpus represent most prisoners' sole hope for a speedy release. When the supreme court became more and more critical of lower courts or local police officials who it felt violated a prisoner's constitutional rights, the prisoners heard about it and promptly took advantage of it.

Chief Justice Vinson said recently that the supreme court in its last term received 435 petitions from state or federal prisoners who claimed there was something illegal about their convictions or their treatment in jail. Only 22 such petitions were received by the high court in 1930.

The prisoners often act on their own, without help of a lawyer. They frequently write informal, penciled notes to the court. Vinson said that 96 out of 100 of them have little or no legal merit. Yet all that are received have to be given a number and full consideration. Nearly all of them are turned down, but a few each term receive an open hearing.

The habeas corpus epidemic started after the Johnson versus Zervis decision in 1938, when the court found that the trial court had not given the prisoner his constitutional right to legal counsel. The McNabb case, in 1943, provided new hope for writ-hungry prisoners. In it the court decided the convicts had been held too long between the time

of arrest and arraignment. The last big habeas corpus push came after the decision in the Tony Marino case in 1947. That too involved the issue of lack of proper legal counsel.

Vinson says the burden on the supreme court could be relieved if the states and lower courts would see that prisoners always got a habeas corpus hearing where it was justified. But the lower courts have found their work load increased as much as that of the supreme court.

Judge Louis E. Goodman, of the U. S. district court in San Francisco, in 1947 told how Alcatraz prisoners keep that court constantly busy. Between 1937 and 1947 there were 368 petitions filed by 180 inmates.

**'Law School'**

Federal lawyers refer to the Alcatraz petitioners as "the Alcatraz law school." In many prisons the convicts take correspondence courses in law. In some cities there are prisoners who act as their own attorneys and make headlines coming into court with new petitions. It gives them a trip downtown.

Judge Goodman said the habeas corpus petitions had become "a penitentiary racket." He was plainly critical of the supreme court for opening up new fields in which prisoners could abuse the privilege of habeas corpus.

**SWITCH**

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