

Mitchell Sees Abuses of Habeas Corpus

HUNTSVILLE, Ala., June 25 (AP)—Abuse of the right of habeas corpus by convicted criminals has clogged the Federal courts and is stripping jury decisions of any finality, Attorney General John N. Mitchell said today.

"In my opinion, this is a serious misdirection of justice," Mr. Mitchell said in a speech to the Alabama State Bar Association.

"The process of rehabilitating offenders is seriously impeded when they never reach the point of recognizing their own guilt," he declared. "Justice must be fair, impartial and protective of human rights, but it should have another attribute—finality."

Mr. Mitchell asserted that convictions today are attacked not only through appeal but also through post-conviction remedies derived from the

right of habeas corpus, under which a prisoner can demand a hearing on the issue of whether he is legally in custody.

"This means that when a criminal defendant has been convicted and sentenced in the state courts, and has exhausted his right of direct appeal to higher courts, he may nonetheless relitigate the case all over again in Federal courts on claims of constitutional violations, using the theory of habeas corpus," the Attorney General said.

Solutions Suggested

He said that the problem was made more serious by laws that imposed no limit to the number of habeas corpus petitions that could be filed by a defendant or a prisoner.

Mr. Mitchell said that Federal court records showed in-

stances where prisoners had filed as many as 40 to 50 petitions, each of which might take a new tack on the question of his conviction.

Without endorsing any of them, Mr. Mitchell outlined proposed solutions that he said would relieve the Federal courts and give convictions finality.

One would be to limit habeas corpus to claims that bear on the petitioner's guilt or innocence rather than attacking his conviction on procedural grounds.

Another would be limiting such claims to questions concerning the reliability of the process by which evidence for the conviction had been gained.

A third, Mr. Mitchell said, would be to establish another level of Federal courts "to provide direct review of state and Federal convictions."