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A Handbook of Federal Habeas Corpus, edited by Ronald P. Sokol

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BOOK REVIEW

A HANDBOOK OF FEDERAL HABEAS CORPUS, Edited by Ronald P. Sokol. Charlottesville: The Mitchie Company. 1966. Pp. 277. \$10.00.

Habeas Corpus, described by the United States Supreme Court as "the best and only sufficient defense of personal freedom," is the subject matter of the first American book since 1886 devoted exclusively to the "Great Writ."

Utilizing a "how to do it" approach, the editor, Ronald P. Sokol, Director of Appellate Legal Aid at the University of Virginia School of Law, has compiled in simple and concise language the fundamental principles and problems attendant upon the use of this extraordinary remedy replete with reproductions of Title 28 U.S.C., sections 2241-55 (Federal Habeas Corpus and Motions to Vacate Sentence) and the Federal Rules of Civil Procedure governing appeals.

Mr. Sokol takes umbrage with the federal judiciary's too frequent use of summary dismissal and the corresponding paucity of the order to amend as alternatives employed following the filing of a petition for habeas corpus, particularly since the majority of such petitions are drawn by persons untrained in the law who frequently are without benefit of counsel when seeking their release from allegedly unlawful confinement. In light of the recent expansion of the rights of accused persons,¹ he advocates the exercise of summary dismissal only in those cases where the petition is patently without merit albeit competently drawn with clear allegations. In cases where the confinement complained of arose out of processes of a state court, the district court must further determine whether or not a Certificate of Probable Cause shall issue. Without such certificate, the petitioner cannot appeal; consequently the issuance of the certificate should be liberally granted.

Regarding ineptly drawn petitions of indigent prisoners it is recommended that the court, rather than dismiss the petition, issue an order to amend and furnish a habeas corpus form for the petitioner to fill in and return. The use of such form originated in the district court for the Northern District of Illinois and is being sparingly utilized by the various courts of other districts.

SHELDON E. BASKIN*

¹ See, e.g., *Miranda v. Arizona*, 384 U.S. 436 (1966); *Escobedo v. Illinois*, 378 U.S. 478 (1964); *Massiah v. United States*, 377 U.S. 201 (1964); *Douglas v. California*, 372 U.S. 353 (1963); *Gideon v. Wainwright*, 372 U.S. 335 (1963).

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