POLITICS & GOVERNMENT

Carter and the South in 1980

"Jimmy Carter's Problem" by Richard M. Scammon and Ben J. Wattenberg, in *Public Opinion* (Mar.-Apr. 1978), 1150 17th St. N.W., Washington, D.C. 20036.

In 1960, many Americans voted for John F. Kennedy to disprove the notion that a Catholic couldn't be elected President. A similar feeling about Southerners may have helped Jimmy Carter in the 1976 elections. But according to political analysts Scammon and Wattenberg, such issues as region and religion, once resolved in an election, tend to disappear. As a result, Carter could run into trouble in 1980.

The "external" issue of Carter's Southern background provided the edge he needed to defeat President Ford. In the 1976 race, Carter reaped a full 54 percent of the vote in the largely conservative South, reversing the steady decline in the Democratic share of the Southern vote since 1960. But this external issue, the authors contend, will play a less decisive role in 1980 than it did in 1976. Carter's Southern support in the next election will turn on ideology, not his place of birth.

Carter needs the South to win, believe Scammon and Wattenberg. But if his current stance continues—"pro-Panama 'giveaway,' pro-quotas, pro-welfare, anti-growth, pro-Cuba"—he will find himself most vulnerable in the region where he can least afford to be.

Streamlining the Great Writ

"Legislative Reform of Federal Habeas Corpus" by Ford Robert Cole, in *Journal of Legislation* (vol. 4, 1977), Notre Dame Law School, Notre Dame, Ind. 46556.

Three landmark Supreme Court decisions since 1953 have expanded the scope of the "great writ" of habeas corpus—the constitutionally mandated procedure that allows a federal judge to review the cases of prisoners, including state prisoners, if presented with evidence that the appellant was imprisoned or otherwise held in custody unlawfully.

Those decisions, writes *Journal* editor Cole, have made federal habeas corpus "an impediment rather than an instrument of justice" by clogging court dockets and undermining the authority of the state court systems.

The key Supreme Court decision, *Fay v. Noia* (1963), in effect ended the requirement that a prisoner's appeals through state courts be exhausted before he petitions for federal habeas corpus. Together with *Brown v. Allen* (1953) and *Townsend v. Sain* (1963), this decision "opened the floodgates" on applications for habeas corpus reviews. In 1940, 89 petitions were filed; by 1969, the number had reached 12,000. There are virtually no barriers to a convicted state prisoner who seeks federal review of his conviction; Clovis Green, an inmate in Missouri, has filed 219 appeals, many of them based on habeas corpus.

In more recent years, the Court itself has begun to limit the scope of habeas corpus. But Cole argues that Congress should enact statutes to