

# Of Aliens and Justice

The federal prosecution of some people who are counseling illegal immigrants in Arizona is a bad business.

The proceedings already have discouraged some persons from seeking the kind of advice they so desperately need.

The Border Patrol raid on a community service poverty center raises serious questions about protection and respect of the confidential relationship implicit in a counseling service.

We think that Dep. U.S. Atty. William D. Vogel is mistaken in bringing sweeping criminal charges against the four counselors.

His approach is illustrated by the case of a 15-year-old Mexican girl who was provided transportation by her counselors to a Juvenile Court hearing on her marriage petition. Those transporting the youngster now stand accused of transporting an illegal alien.

The sum of the indictments, flowing from a variety of cases, includes charges of aiding and abetting aliens to elude inspection, knowingly aiding felons, entering false statements, unlawfully copying citizenship papers, and that old favorite of prosecutors, conspiracy.

Only one of the 25 counts goes beyond the activities normal to a counseling service, and that is a charge of conspiring to encourage one alien to enter the United States illegally. Agency officials deny the charge, and insist that their files show no such name among the clients.

Vogel's reading of the law is clear and straightforward: Those poverty counselors had but one obligation, and that was to turn over to the immigration officers anyone they knew to lack immigrant documentation.

In a report on the case in The Times on Tuesday, our reporter, Patt Morrison, took a look at the services being offered the aliens. Those in charge insisted that they screened applicants and accepted for help only those with strong cases for legalizing their status through "equity"—that is, a family connection to a permanent resident.

These are services offered by a number of agencies in the Los Angeles area without challenge from law-enforcement officials. They are services that a federal community service official has expressly found appropriate and legal.

Some in the immigration service dispute the need for any such service, insisting that the service provides all the help any alien needs. But the record of arbitrary deportations and abbreviated proceedings challenges the credibility of that claim.

One of the ugliest sides of this case was the way in which the Border Patrol used the confidential records it seized from the community service center. Almost 600 files were taken, screened, then used as the basis for a sweep of 150 illegals.

The purpose of that raid, it now seems clear, was to uncover evidence that the counselors were helping the aliens make illegal claims for welfare and food stamps. That would have been a criminal offense, no doubt about it. But apparently no such evidence was forthcoming. We are left to speculate whether a red-faced Border Patrol then may have sought to cover its embarrassment by going to court to challenge the whole premise of counseling for illegal aliens.

Paraphrasing, it is worth noting that employers of illegal aliens are explicitly exempted from prosecution for harboring the aliens. The contradictions of federal law are dramatic indeed as the Tucson federal prosecutor weighs in with all the force of law against those who are trying to assist the aliens, knowing full well that those who might exploit them are beyond the reach of the law.

We have been particularly struck by the contrast between the punitive attitude in Tucson and the constructive attitude adopted in Los Angeles seven years ago by Police Chief Edward Davis. He has insisted that the Police Department not be diverted from its primary task in order to round up suspected illegal aliens, and he has also established a special program to protect the legal rights of all Spanish-speaking residents of the city, with assurances that illegal aliens will receive the same protection as others.

But excesses are not a novelty in the administration of immigration law. That may well be inevitable, given the frustration that must certainly be felt by those responsible for stemming the flow of illegals, now entering in numbers estimated in the millions. The tools of the immigration service are few, and the resources equally scarce. Yet the pressures for action build from those who consider the illegal aliens both an unwelcome burden on government services and an unfair rival for the nation's job opportunities.

The real loser in all this will be the American people if they in any way abandon their cherished principles of justice and equality before the law as they seek solutions to this problem.

The respect for the system of justice can only be eroded by efforts to deny counsel to those who seek it.

That is the mistake that is being made in Tucson.