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BODY:  
Mariella Batista survived her escape from Cuba in an inner-tube raft. But once in the United States, she could not obtain critical legal help that might have prevented her shooting death May 7 at the hands of a man who had beaten her for years. Her sad story has sparked an important new effort in Congress to try to roll back some of the devastating new restrictions on the federally financed Legal Services Corporation, which assists poor people with their civil legal problems.

A week before the 28-year-old Cuban immigrant was murdered by her estranged common-law husband in California, a local Legal Services office was forced to reject her desperate pleas for help in getting a protective order to keep him away. The budget bill signed in April by President Clinton not only decimated funding for Legal Services, but imposed restrictions severely weakening the organization's ability to represent needy clients.

Among other things, it barred local Legal Services offices from using even private donations to represent immigrants who are not lawful permanent residents. Ms. Batista, in the country on "protected parole" status, was in the process of obtaining her permanent resident status. Though sympathetic to her plight, Legal Services officials had to turn her down because she did not qualify for help. Ms. Batista was shot while waiting outside a Family Court building for the start of a custody hearing involving her 9-year-old son by her ex-partner. Of course, some disturbed individuals will not be deterred by protective orders. But had Legal Services lawyers been allowed to help her, they could have made sure that she had law enforcement protection.

Prompted by the tragedy, Senator Edward Kennedy, the Massachusetts Democrat, has now proposed remedial legislation that would allow Legal Services offices to use non-Federal funds to handle the emergency legal problems of battered women and their children, regardless of their immigration status.

The change would entail no additional expenditure of Federal dollars, merely a recognition of the hurtful impact of denying legal protection from abuse to immigrant victims of domestic violence.

If the present Congress has a conscience, it will adopt this modest measure as partial atonement for its earlier attacks on a worthy program. It should be just the first step toward reversing the harshly punitive Republican assault on access to America's legal system.