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St. Petersburg Times

June 16, 1996, Sunday

SECTION: PERSPECTIVE; Pg. 1D

LENGTH: 937 words

HEADLINE: For lack of Legal Services

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BODY:

America let down Mariella Batista, a Cuban immigrant who was in this country on "protected parole" status when she was murdered. Her death and the circumstances surrounding it reveal one of the nation's ugly sides, a callousness on the part of the 104th Congress that devalues human life itself.

On the morning of May 7, Batista, accompanied by her 9-year-old son, was nearing the entrance of the family law building in Riverside, Calif., when Felipe Mirabal, her estranged common-law husband and the father of her son, approached. She was there for a paternity hearing. Mirabal, 31, grabbed the boy and pulled out a handgun. When Batista ran, Mirabal shot her. And as she lay dying on the courthouse lawn, he shot her again. Moments later, sheriff's deputies rushed from the building and shot Mirabal to death. The boy, now without a mother or father, was unhurt.

Six days before Batista, 28, was gunned down, the federally financed Legal Services Corp., which provides free legal help to the indigent, had been forced to turn down her request for help in obtaining a restraining order against Mirabal. Court records indicate that Mirabal had a history of beating Batista even before the couple and their son fled to the United States from Cuba on inner-tube rafts in 1992.

Mere days before the killing, the GOP-led Congress enacted a law barring Legal Services from representing anyone who is not a lawful permanent resident. The new rule applies even if private money, not federal funds, is available. The bitter irony of this tragedy is that, in a few weeks, Batista was to have had an immigration interview that probably would have granted her lawful permanent resident status.

Those close to the case say that her chance of getting legal status was almost assured because Batista was law-abiding, had a full-time job as a classroom aide and had glowing letters of recommendation.

"Steps which should have been taken to protect Mariella from her abusive (common-law) husband were not taken because Congress denied her the access to the agencies that could have helped her," Sen. Edward Kennedy, D-Mass., told the Senate Judiciary Committee on June 4. As a member of the committee, Kennedy introduced legislation the next day that would reauthorize Legal Services to represent battered women who do not have legal residency. The measure is still pending.

Unfortunately, few in either chamber of the 104th Congress share Kennedy's compassion for the likes of Batista, and many of them see Legal Services as the source of an ultra-liberal conspiracy to hand over the republic to the poor, gays, illegal

immigrants and other "undesirables." Most Republicans want to dismantle the 3-decade-old agency that has assisted millions of low-income clients who, otherwise, would have been denied their day in court.

By all accounts, right-wing Republicans despise Legal Services. And the agency, never timid, has taken on a some high-profile, unpopular clients and causes that outrage the GOP.

The most controversial of these include federal housing residents charged with drug trafficking, AIDS patients, pregnant teenagers seeking abortions, gays and lesbians wanting to adopt children, prison inmates, crack-addicted mothers wanting custody of their children.

Such hot-button cases aside, Legal Services lawyers spend most of their time handling routine matters of survival and human dignity and urging the wealthy and the powerful to do the right thing for the less fortunate. These cases involve keeping problem children from being expelled from school; retrieving security deposits; preventing unfair evictions and repossessions; demanding unemployment benefits; helping in divorce cases in which reconciliation is impossible.

Many Beltway long-timers say that the GOP has gone after Legal Services with an ideological vengeance unmatched in many years. In 1995, for example, the agency had a budget of \$ 400-million. Congress slashed that amount to \$ 278-million for this year, by far the biggest cut of any federal agency.

And next year: a paltry \$ 140-million for a decentralized program, whose Washington-based office divvies out 97 percent of its funds to 300 locally controlled offices nationwide. Just as cynical as the budget cuts are the limitations Congress, with President Clinton's approval, has placed on lawyers receiving money from the corporation. They are prohibited, for instance, from collecting fees.

This is a crippling blow to the rights of the poor because fees often are awarded in housing, family relations, civil rights, job discrimination and Social Security cases - the very cases poor people most often face. Corporation lawyers also have been barred from filing class-action lawsuits.

The height of GOP disingenuousness, however, is the argument that poor people can find private lawyers to handle their cases. No sane lawyer anywhere in the nation believes that claim, and Mariella Batista's situation should serve as a warning.

After Riverside Legal Services rejected her plea for a restraining order, she found an attorney who would help her pro bono. But on the morning of the hearing, the attorney was working on another case. When he finally showed up, officials told him that his client was dead.

Perhaps Batista would have died anyway. But how does one know? Thanks to Congress, she never had the chance to get a restraining order against the man who had beaten her repeatedly - who had threatened to kill her many times before.