

## UNJUST DEPORTATIONS

In a troubling decision this week, the Supreme Court granted immigration officials virtual *carte blanche* to target illegal aliens for deportation based on their lawful political associations and activities. The case involved eight non-citizens who the Government conceded had been targeted for deportation proceedings because of their leafletting, speaking, fund-raising and other political activities in support of the Popular Front for the Liberation of Palestine, which the Government regards as a terrorist organization.

Lower courts had supported the aliens' claim that they were being subjected to selective prosecution. Others with similar technical visa problems were left alone. None of the eight had been accused of committing any crime, or engaging in any violent or terrorist activities. The F.B.I. concluded that if they had been U.S. citizens, there would be no basis for their arrest.

A year ago, a unanimous Federal appellate panel in California ruled that the deportations could not proceed without a showing of specific intent to further the Palestinian group's illegal ends. Overturning that ruling, the justices, by an 8-to-1 vote, held that a 1996 law designed to speed deportations barred Federal courts from assuming jurisdiction in deportation cases until the administrative process had been concluded and there was a final order of deportation. The practical result in some cases will be to prevent meaningful judicial review.

Unfortunately, the justices did not stop there. A slimmer, 6-to-3 majority pronounced that illegal aliens had no First Amendment right not to be singled out for removal because of their political activities and beliefs.

This pronouncement runs counter to the general trend of according aliens the same due process and First Amendment rights as citizens. When the Court agreed to hear the case last spring, it said it would review only the jurisdictional issue. The parties were told not to argue the more fundamental First Amendment questions. Handing down major rulings without fully exploring the arguments is not a way to produce thoughtful decision-making by the nation's top judges.

The Court's rationale could bar Federal Court intervention to block deportations based on an immigrant's ties to any group or cause out of favor with the Government. The inevitable result will be to chill the free-speech rights not just of illegal immigrants, but also of legal immigrants awaiting final confirmation of their status. That is not an outcome that the Court, or the nation, can feel proud about.

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