

Op-Ed**The New York Times**[Home](#)[Site Index](#)[Site Search](#)[FORUMS](#)[Archives](#)[Marketplace](#)

July 15, 2000

ABROAD AT HOME / By ANTHONY LEWIS

'Measure of Justice'

BOSTON -- Last January I wrote about the case of Mary Anne Gehris, a Georgia woman who came to this country from Germany as an infant. She was facing deportation because she had pulled another woman's hair.

Ms. Gehris is not going to be deported after all. For her, that is the end of a nightmare that had her living, as she put it, "in some kind of whirlwind." But the way it ended has a larger meaning. Among other things, it should be a wake-up call to Congress to amend the punitive provisions of immigration law that cause such outrageous cases.

The hair-pulling incident took place in 1988. Ms. Gehris was charged with a misdemeanor, and on the advice of a public defender she pleaded guilty. The judge gave her a one-year sentence, suspended for a year's probation.

Then, in 1996, Congress passed an Immigration Act that required the deportation of any alien convicted of an "aggravated felony." The act defined "aggravated felony" to include many misdemeanors, some as trivial as Ms. Gehris's. And it made the provision retroactive: covering things that took place before the statute was enacted.

The retroactive feature is what trapped Ms. Gehris. Ironically, she herself brought her misdemeanor conviction to the attention of the Immigration and Naturalization Service, when she mentioned it in an application to become a citizen.

She was saved by the Georgia Board of Pardons and Paroles. Ms. Gehris's lawyer, Socheat Chea, asked the board to pardon her. Last March it did so. That freed Ms. Gehris from the threat of deportation.

Related Articles

- [Op-Ed Columns Archive](#)

Forum

- [Join a Discussion on Anthony Lewis](#)

The Georgia board then did something more. It wrote a letter to Senator Max Cleland, Democrat of Georgia, asking him to do something about the 1996 Immigration Act. The letter was released to the public last week.

The board does not usually consider pardons for misdemeanor convictions, the letter said, because in Georgia they do not deprive anyone of political rights. But it has had to start doing so, it said, because the 1996 Immigration Act "has adversely affected the lives of numerous Georgia residents."

"We have seen cases of applicants who have resided in the United States for 30+ years," the letter continued, "who many years ago committed a minor crime and are now being threatened with deportation. These applicants include respected businessmen who have small children and no family residing in the country of origin."

The letter closed with a plea to Senator Cleland. It would be appreciated, the five board members wrote, if he worked "to provide a remedy which more appropriately uses the nation's resources and brings some measure of justice to the process."

Others have succeeded in applications to the board since then. Two applicants were pardoned this week. Mary Gibbs, a grandmother, was going to be deported for writing five bad checks in 1976, for a total of around \$100. Il Choi, a businessman, was on the verge of being deported because he pleaded guilty to shoplifting a \$39 item in 1994.

Other pardon applications are pending before the Georgia board. One is for Jose Romero Rios, a paraplegic who hit his wife in 1993 and also got a year's sentence to be served on probation. The I.N.S. wants to deport him.

Another application is for Olufolake Olaleye, a 38-year-old mother of two children who are U.S. citizens. She was charged with shoplifting in 1994. She said she was only trying to exchange a child's dress, for which she had paid, for another size. But on the advice of the prosecutor that it would do her no harm, she pleaded guilty and was sentenced to a year to be served on probation. She is under a deportation order.

The Georgia cases illustrate how cruel the 1996 act can be, and how wasteful. Why should immigration authorities and pardon officials and lawyers have to go through hoops to avoid the consequences of an irrationally rigid law?

Members of pardon and parole boards are not bleeding hearts. They

have seen enough wrongdoing and deceit to be skeptical. When the Georgia board asks for changes so the Immigration Act "more appropriately uses the nation's resources and brings some measure of justice," Congress should listen.

[Home](#) | [Site Index](#) | [Site Search](#) | [Forums](#) | [Archives](#) | [Marketplace](#)

[Quick News](#) | [Page One Plus](#) | [International](#) | [National/N.Y.](#) | [Business](#) | [Technology](#) |
[Science](#) | [Sports](#) | [Weather](#) | [Editorial](#) | [Op-Ed](#) | [Arts](#) | [Automobiles](#) | [Books](#) | [Diversions](#)
| [Job Market](#) | [Real Estate](#) | [Travel](#)

[Help/Feedback](#) | [Classifieds](#) | [Services](#) | [New York Today](#)

[Copyright 2000 The New York Times Company](#)