# *IMMIGRATION BILLS AND THE LESSON OF THE HELSTOSKI CASECASE*

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## Body

To the Editor:

Your editorial on private ***immigration bills*** (Oct. 16) reiterates a misconception of the ***Helstoski*** case which has contributed to the blasting of an outstanding, 12-year Congressional career and the denial to the people of the Ninth Congressional District of New Jersey of the services of a dedicated public figure.

It is true that the U.S. attorney withdrew the bribery prosecution after the Supreme Court ruled that ***Helstoski***'s legislative acts (e.g., the introduction of ***bills***) could not be proved in court. What is overlooked, however, is that the Supreme Court plainly permitted the attorney to try to prove that ***Helstoski*** had taken money and had promised to perform legislative acts (the sort of proof which is at the heart of the Abscam cases).
AN-A

The Supreme Court was indubitably correct in its decision. If legislative acts of members of Congress become the grist of Federal prosecutors, grand juries and criminal-trial juries, the underlying concept of a free and independent legislative body uncoerced by the executive or judicial branches of our Government, is gravely threatened. On the other hand, the Court in ***Helstoski***, as it had done previously, emphasized that non-legislative acts of members of Congress, e.g., taking bribes, were well within the ambit of the Federal prosecutorial process.

Since it had been familiar law that legislative acts could not be proved, it is obvious that the reiteration of that principle in ***Helstoski*** had nothing to do with the U.S. attorney's decision to drop the bribery charges. The reason he did so was that he finally realized that his case, shorn of impermissible evidence, came to rest upon the testimony of two persons who had been caught in flagrant violation of law and who bought their way out (freedom from prosecution in one case, and a mild sentence in the other) by satisfying the ill-concealed desire of the U.S. attorney to add ***Helstoski***'s scalp to his prosecutorial belt.

Against those two witnesses there would have been an outpouring of testimony from constituents who over the years had been helped by an extraordinarily devoted Congressman with never a hint of anything expected in return. The Supreme Court's decision became an excuse, therefore, to drop what appeared to be a losing prosecution that at the time seemed not to matter; Mr. ***Helstoski***'s career had already been destroyed by the indictment, which had been extant for more than three years.

The ***lesson*** of the ***Helstoski*** case, therefore, is not that private ***immigration bills*** are bad. They provide healthy movement of the joints in what is otherwise a rigid, impersonal and sometimes unjust ***immigration***-law system. The ***lesson*** of the ***Helstoski*** case is rather that Federal prosecutors, some of whom are bent on the use of their offices for career development, can use their inordinate power to destroy decent people.

Perhaps it has escaped the attention of The Times, although it is a matter of record, that it was Henry ***Helstoski*** himself who caused the initiation of the F.B.I. investigation which the U.S. attorney turned against him. Unfortunately, in this post-Watergate era, any politician who is so much as charged with crime is presumed guilty.

There is no easy remedy, but at least the media ought not exacerbate the problem, as I am afraid you have done in your interpretation of the ***Helstoski*** case in your editorial.

MORTON STAVIS, Newark, Oct. 16, 1980

The writer is Mr. ***Helstoski***'s attorney.

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