

**TOWARD UNIVERSAL DEPORTATION DEFENSE: AN
OPTIMISTIC VIEW**

ESSAY

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One of the most positive responses to heightened federal enforcement of immigration laws has been increasing local and philanthropic interest in supporting immigrant legal defense. These measures are tentative and may be fleeting, and for the time being are not a substitute for federal support for an immigration public defender system. Nevertheless, it is now possible to envision many more immigrants in deportation having access to counsel, maybe even a situation in which the majority do. In this paper, I make no real predictions. Instead, I offer a deliberately—perhaps even blindly—optimistic assessment of how concrete steps that have already been taken could grow into a system of universal deportation defense. In the process, I try to identify what still needs to happen for this to be achieved, and offer some thoughts on how this might change the practice of immigration law in the United States.

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In the last few years, there has been a quiet trend in favor of immigrant rights: the expansion of publicly provided legal defense for people in removal proceedings. Notable steps in this trend include a short-lived Obama Era Department of Justice program (justice AmeriCorps) to hire young attorneys to represent unaccompanied

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minors,¹ and the settlement of the *Franco* class action case that led to the appointment of counsel for people in removal proceedings who have serious mental health disabilities.² Perhaps most important, a growing list of municipalities and states are making local funding available to fund deportation defense programs, something that the federal government has generally refused to do.³ Such efforts appear to be accelerating under the Trump Administration, in large part because they constitute one of the few direct ways in which local governments can directly defend their residents against increasingly aggressive federal immigration enforcement.

There are many good reasons to be skeptical about the potential for this trend to have a broad or lasting impact. Just to illustrate the point, the Trump Administration has already twice proposed eliminating funding for the Corporation for National and Community Service, the entity that runs AmeriCorps, and more specifically justice AmeriCorps.⁴ Courts still are not convinced that appointed counsel is necessary for immigrants to have a fair hearing in Immigration Court.⁵ But I am going to ignore these reasons for caution. Instead, this short Essay takes a deliberately optimistic view. As an intellectual exercise, I am going to deliberately assume that we are in fact already building a nationwide immigrant public defender system. My purpose is to map out what still needs to be done, and to highlight the challenges that we will need to confront along the way.

I. THE CASE FOR A DEPORTATION PUBLIC DEFENDER SYSTEM

Immigration law is a vast field. In fact, there is good reason to question if it is even a single, unified body of law.⁶ In this essay, I am not really talking about immigration at all, in that I am focusing on

1. See Katie Rose Quandt, *New White House Program Will Provide Legal Aid to Unaccompanied Migrant Kids*, MOTHER JONES (June 10, 2014, 7:51 PM), [<https://perma.cc/RFW6-37CY>].

2. *Franco v. Holder*, ACLU S. CAL., [<https://perma.cc/3RK7-3N94>].

3. See *All Things Considered: Cities Create Defense Funds for Immigrants Facing Deportation*, NPR (May 9, 2017, 4:36 PM), [<https://web.archive.org/web/20180305132459/https://www.npr.org/2017/05/09/527640430/cities-create-defense-funds-for-immigrants-facing-deportation>].

4. *Budget*, CORP. FOR NAT'L & COMTY. SERV., [<https://perma.cc/CKV5-RKZ2>].

5. See *C.J.L.G. v. Sessions*, 880 F.3d 1122 (9th Cir. 2018).

6. See Michael Kagan, *Shrinking the Post-Plenary Power Problem*, 68 FLA. L. REV. F. 59, 61–62 (2016) (“immigration law” may really be many different bodies of law that share an impact on non-citizens); Matthew J. Lindsay, *Disaggregating “Immigration Law,”* 68 FLA. L. REV. 179 (2016).

people who are already here in the United States. I am not talking about employment or family petitions for people who want to come to the United States. I am talking about deportation defense, which is a specialty legal need that the private legal market has proven incapable of meeting.⁷ The lack of appointed counsel leads to untenable situations, and has long been a concern.⁸ In one notable case, a prominent immigration judge claimed that even a child could represent herself.⁹ There is little logic or evidence to support such a claim, even for an adult. As Ingrid Eagly and others have extensively documented, without a lawyer a person has relatively little chance of defending herself in removal proceedings in Immigration Court.¹⁰ Immigration law is famously complex, and often befuddles experienced lawyers and judges.¹¹ Beyond the legal technicalities, deportation defense requires specialized skills that many do not have, especially when it comes to documenting asylum and other claims for relief based on victimization.

There are already ample Supreme Court precedents to make a straightforward argument that appointment of counsel should be considered a due process requirement in removal proceedings. In a Sixth Amendment case, *Padilla v. Kentucky*,¹² the Court held that it is constitutionally insufficient for a criminal defense attorney to fail to correctly advise a defendant about the deportation consequences of a plea bargain.¹³ This holding was based on the Court's recognition that

7. See Ingrid V. Eagly & Steven Shafer, Article, *A National Study of Access to Counsel in Immigration Court*, 164 U. PA. L. REV. 1, 2 (2015) (“[W]e find that only 37% of all immigrants, and a mere 14% of detained immigrants, secured representation. Only 2% of immigrants obtained pro bono representation from nonprofit organizations, law school clinics, or large law firm volunteer programs.”).

8. See, e.g., Philip G. Schrag, *Offer Free Legal Counseling to Asylum Seekers*, N.Y. TIMES (July 12, 2011, 11:10 PM), [<https://web.archive.org/web/20180305140650/https://www.nytimes.com/roomfordebate/2011/07/12/how-can-the-asylum-system-be-fixed/offer-free-legal-counseling-to-asylum-seekers>].

9. Jerry Markon, *Can a 3-year Old Represent Herself in Immigration Court? This Judge Thinks So.*, WASH. POST (Mar. 5, 2016), [https://web.archive.org/web/20180305141059/https://www.washingtonpost.com/world/national-security/can-a-3-year-old-represent-herself-in-immigration-court-this-judge-thinks-so/2016/03/03/5be59a32-db25-11e5-925f-1d10062cc82d_story.html?utm_term=.3bf121889327].

10. Eagly & Shafer, *supra* note 7, at 47.

11. *Scialabba v. Cuellar de Osorio*, 134 S. Ct. 2191, 2200 (2014) (“The first two [provisions of a section of the Immigration and Nationality Act] are complex but, with some perseverance, comprehensible. The third—the key provision here—is through and through perplexing.”).

12. 559 U.S. 356 (2010).

13. *Id.* at 366.

for many people, deportation is worse than imprisonment.¹⁴ This was in a criminal defense case, in the Sixth Amendment context only. But it raises the obvious question: If criminal proceedings require counsel about the collateral consequence of deportation, wouldn't the due process clause also require counsel in removal proceedings where deportation is the central issue?

Nevertheless, no court has yet said there is a right to appointed counsel, and such a holding would be a bombshell; since no immigration public defender system exists right now, it would force a sudden, radical change in our Immigration Courts. The Court of Appeals for the Ninth Circuit has recently denied that this right exists.¹⁵ Yet, if one wants to take the optimistic view, it is easy to see cracks in the Ninth Circuit's argument. For one, the court held that appointed counsel is limited to criminal proceedings, and relied on the premise that immigration proceedings are civil.¹⁶ While the civil-criminal distinction has long been used to limit immigrants' due process rights, it has recently come under more attack, including from the newest justice on the Supreme Court.¹⁷ The Ninth Circuit also relied on the premise that immigrants facing deportation are not at risk of "incarceration."¹⁸ But immigrants facing removal are subject to long-term detention and loss of physical liberty. As a result, in order to buy the Ninth Circuit's reasoning, one has to be very willing to allow formal labels to supplant practical impacts (civil v. criminal, detention v. incarceration). Meanwhile, the Ninth Circuit panel expounded at length about fears that ruling against the government might lead to practical challenges:

Any decision from this court resulting in a new constitutional right for alien minors would ricochet across the country, teeing up copycat suits in other circuits and vastly expanding the pool of eligible applicants. . . . Mandating free court-appointed counsel could further strain an already overextended immigration system. IJs would be tasked with locating and appointing counsel, which takes time. And government attorneys would need to expend additional resources communicating with opposing counsel, filing

14. *Id.* at 368.

15. *C.J.L.G. v. Sessions*, 880 F.3d 1122, 1128–29 (9th Cir. 2018).

16. *Id.* at 1135–36.

17. *Gutierrez-Brizuela v. Lynch*, 834 F.3d 1142, 1156 (10th Cir. 2016) (Gorsuch, J., concurring).

18. *C.J.L.G.*, 880 F.3d at 1135–36.

responses to motions, and preparing what would likely be a longer administrative record—all of which come at considerable expense.¹⁹

This reasoning is disturbing on its face. The fact that lawyers for immigrants might burden government lawyers who would have to respond to motions and prepare a more careful administrative record seems to concede that there are in fact legal issues and factual questions that merit consideration by Immigration Courts, but which are being ignored in the absence of appointed counsel. For what it is worth, if the government set up an office of indigent defense in every Immigration Court time might be saved since judges would not have to offer continuances to allow respondents to search for *pro bono* counsel. But the central point is that due process may indeed take time, but that is time well taken if a weighty interest is at stake or if the risk of error is high.²⁰

Regardless of the legal merits, judges are clearly worried that acknowledging a due process right to appointed counsel for immigrants would break new ground and would have dramatic practical impacts. Judges will be cautious. This makes it even more essential to map out what practically would need to be done to establish a nationwide system of appointed counsel in removal proceedings.

II. STEPS ALREADY TAKEN

A. *Franco litigation.*

This class action case raised due process problems for people in removal proceedings who suffer from mental disabilities. Its settlement provides: “When, at the conclusion of the Judicial Competency Inquiry, an Immigration Judge determines that a Class member is not competent to represent him- or herself in the proceedings . . . EOIR shall have 60 days from the date of the determination to arrange for provision of a Qualified Representative.”²¹ As a result, EOIR—the Department of Justice—will appoint counsel in a narrow category of cases.

Franco is a milestone in that it represents a bona fide system of appointed counsel in Immigration Court. But it is also severely limited.

19. *Id.* at 1145–46.

20. *See Mathews v. Eldridge*, 424 U.S. 319, 333–44 (1976) (setting out the factors for assessing constitutional due process).

21. Order Further Implementing This Court’s Permanent Injunction at 16–17, *Franco–Gonzalez v. Holder*, (C.D. Cal. Oct. 29, 2014) (No. CV–10–02211 DMG (DTBx)), 2014 WL 5475097, at *8, [<https://perma.cc/W66U-R743>].

A judge must first determine that a respondent is mentally incompetent, and only then will counsel be appointed. Competency is an inherently fraught and complex inquiry which can require difficult fact development. In a criminal case, a public defender might devote considerable effort to arguing that her client is not competent to stand trial. The *Franco* system in Immigration Court makes appointment of legal counsel dependent on a complex legal inquiry, in effect creating a situation in which a person might need a lawyer in order to get a lawyer.

B. Justice AmeriCorps.

This initiative by Attorney General Eric Holder in 2014 recruited lawyers and paralegals as AmeriCorps volunteers, with government-paid stipends, to represent unaccompanied children [UAC] in removal proceedings.²² It was discontinued by the Trump Administration in 2017.²³ During its short existence, the program required attorneys to take cases of UACs on a first come, first served basis, rather than screen them for strength of the case on the merits.²⁴ More than the *Franco* system, the justice AmeriCorps program mirrored some features of a public defender system by aiming at achieving universal representation. This was possible in part because unaccompanied child designations are somewhat less ambiguous than the standard for competency in *Franco*. Although short-lived, this program along with *Franco* make it possible for immigrants to argue in the future that federal funding of legal counsel would not really break new ground.

C. Municipal Initiatives.

The largest scale trend toward deportation defense has been municipal initiatives funding deportation defense with local tax revenue. The first such programs were in New York City and Los Angeles, but other cities have started similar programs, and the trend seems to be

22. Press Release, Corp. for Nat'l & Cmty Serv., Justice Department and CNCS Announce New Partnership to Enhance Immigration Courts and Provide Critical Legal Assistance to Unaccompanied Minors (June 6, 2014), [<https://perma.cc/PF78-DU6A>].

23. I am the director of a law school clinic that hosted a justice AmeriCorps program. See Michael Kagan, *Trump Administration Ending AmeriCorps Legal Aid Program for Unaccompanied Children, But UNLV Law's Work Continues*, UNLV BOYD SCH. L. (June 12, 2017), [<https://perma.cc/LAZ6-4CNY>].

24. *Justice AmeriCorps*, CORP. FOR NAT'L & CMTY. SERV., [<https://perma.cc/GR42-CJLQ>].

accelerating, aided by private foundations that have offered matching funds.²⁵

If these initiatives are merely an expression of local opposition to the Trump Administration, it would be reasonable to worry that they might be short-lived. But even if one looks at them this way, funding deportation defense represents an important shift for the agenda of the immigrant rights movement. The Obama years saw considerable political mobilization in the immigrant community, including immigrant activism in favor of immigration reform and the Dream Act, and considerable resources poured into citizenship drives and voter registration aimed at expanding the Democratic Party's voter base.²⁶ These efforts continue under the Trump Administration, as they should. But we now see a realization that immigrants cannot be defended by voting alone. They also need lawyers. Local government interest in legal aid, even if it proves short-lived, suggests an expanding agenda that also includes demands for direct defense of individuals, one case at a time, rather than focusing solely on passing legislation and electing more favorably inclined office holders.

III. QUESTIONS EMERGING

Taking a deliberately optimistic approach, we need to map out what obstacles must be overcome to build from what has already been done so as to achieve a genuine system of immigrant legal defense for indigent people. How do we get there from here?

A. *Expanding from Vulnerability*

The two programs funded by the federal government have been triggered by vulnerability—mental disability or unaccompanied children. Theoretically, this is an attractive place to start. Such cases illustrate the absurdity of asking respondents to represent themselves in Immigration Court. It is worth noting that in the Ninth Circuit decision

25. Kat Greene, *LA Launches \$10M Legal Defense Fund for Immigrants*, LAW360.COM (Dec. 19, 2016, 10:31 PM), [<https://perma.cc/FX9E-JLF8>]; Gloria Pazmino, *De Blasio's Executive Budget will Include Funds for Immigrant Legal Services*, POLITICO (Apr. 26, 2017), [<https://perma.cc/E2W9-XVLN>]; Press Release, SAFE Cities Network Launches: 11 Communities United to Provide Public Defense to Immigrants Facing Deportation (Nov. 9, 2017), [<https://perma.cc/Y355-D72W>].

26. See, e.g., Rebecca Berg, *Latino, Union Voters May Hold the Cards in Nevada*, REALCLEARPOLITICS, [<https://perma.cc/GG43-RT8A>]; Jon Ralston, *How the Harry Reid Machine May Have Killed Trump's Chances*, POLITICO MAG. (Nov. 6, 2016), [<https://perma.cc/S2EP-4HHP>].

rejecting a right to appointed counsel, Judge Owens wrote a separate opinion to clarify that “[t]he opinion does not hold, or even discuss, whether the Due Process Clause mandates counsel for unaccompanied minors. That is a different question that could lead to a different answer.”²⁷ It still seems reasonable to assume that if the judiciary is to accept appointed counsel in immigration, it will come first in cases narrowly focused on especially vulnerable groups of immigrants (like the *Franco* litigation).

But such approaches raise at least two questions in terms of their potential. The first is that vulnerability screening itself raises due process problems without counsel. For example, a mentally disabled person must be identified as such in order to have counsel appointed, but her disability might easily be missed by the court if she lacks a knowledgeable representative. Second, what category is next? Does a vulnerability approach have potential for expansion, or does it implicitly concede that most respondents in Immigration Court do not need attorneys?

Despite these problems, we could envision a hybrid system in which the federal government pays for appointed counsel in specialized cases, while a mixture of local and private resources supplies lawyers in other cases. This would add administrative complexity, but in theory it could achieve the goal of having a lawyer for all immigrants facing deportation. It also would solve the need-a-lawyer-to-get-a-lawyer problem, since a lawyer from a local legal aid program would be present from the outset to spot special vulnerability issues that might entitle the respondent to a federally-appointed attorney.

It is also possible to envision federal courts adopting a compromise position on due process, in which they embrace a right to appointed counsel, but only for immigrants who are detained by the Department of Homeland Security during their removal proceedings. I am not necessarily advocating this position, but it would be doctrinally coherent. In criminal cases, the federal courts have recognized a right to appointed counsel only when the loss of physical liberty was at issue.²⁸ Moreover, the Supreme Court has partially broken with a rigid

27. *C.J.L.G. v. Sessions*, 880 F.3d 1122, 1151 (9th Cir. 2018) (Owens, J., concurring).

28. *See Scott v. Illinois*, 440 U.S. 367, 373–74 (1979) (denying the right to appointed counsel to defendant sentenced to a fine because “the Sixth and Fourteenth Amendments to the United States Constitution require only that no indigent criminal defendant be sentenced to a term of imprisonment unless the State has afforded him the right to assistance of appointed counsel in his defense.”); *Duncan v. Louisiana*, 391 U.S. 145, 159 (1968) (no right to jury trial when defendant charged only with petty offenses).

civil-criminal distinction by recognizing a right to appointed counsel in juvenile delinquency proceedings precisely because of the potential loss of physical liberty.²⁹ Applying this approach in immigration would more evenly split burdens for legal defense between the federal government and other entities. It would also solve a political problem for local governments, in that detained immigrants are more likely to have criminal records and are thus less politically sympathetic for using local funds for their legal defense, as I discuss below.

B. Limitations of Local Programs.

Municipal programs are potentially quite promising in their potential scale. Because immigrant populations are concentrated regionally, it is possible to imagine these programs being established in enough locations to serve a substantial portion of immigrants in removal proceedings nationally. But there are clear challenges. One of the earliest to emerge is that the representation would be dependent on local politics. This may make it harder to secure resources for representing less sympathetic categories of immigrants. This problem was illustrated by New York Mayor Bill de Blasio's proposal to limit city funding for representing immigrants with more serious criminal records.³⁰ This plays into the tendency of mainstream immigrant rights advocacy to separate supposedly good from bad immigrants, and is not consistent with the principle that everyone in the deportation process is entitled to due process.

There is also reason to wonder if cities will really be committed to funding universal representation, or if they will simply want to appear to be doing something, allocating an impressive sounding sum of money, but perhaps not fully meeting the need. If opposition to the Trump Administration dissipates, or when Trump leaves office, will interest in such programs fade?

A further problem with these municipal programs grows from their geographic roots. Who is eligible for their assistance? Presumably, a

29. *In re Gault*, 387 U.S. 1 (1967). The court stated:

A proceeding where the issue is whether the child will be found to be 'delinquent' and subjected to the loss of his liberty for years is comparable in seriousness to a felony prosecution. The juvenile needs the assistance of counsel to cope with problems of law, to make skilled inquiry into the facts, to insist upon regularity of the proceedings, and to ascertain whether he has a defense and to prepare and submit it. *Id.* at 36.

30. See Gloria Pazmino, *City Proposal Would Exclude Some Immigrants from Receiving Legal Counseling Services*, POLITICO (Dec. 27, 2017, 9:00 AM), [<https://perma.cc/A7SQ-5QLD>].

respondent in Immigration Court would need community links, probably a period of residence, in the locality. Where does that leave new arrivals and people caught at the border? What if a person had been living in the funding locality, but ICE moves them to a detention center on the other side of the country? In practice, it is difficult to imagine the representation following them. But it is obviously problematic if it doesn't. The prosecutor would essentially have the power to strip the defendant of her attorney by moving her from one detention center to another. Solving this problem in the absence of a genuine federal system for deportation would require considerable resources and creativity by local governments, for example by pooling funds to support legal aid programs that serve remote Department of Homeland Security detention centers.

IV. GROWING PAINS

Now, let's assume that a basic system for deportation defense comes into existence across the country. Will this be enough? Probably not.

Like all public defender systems, nascent programs for immigrants will face quality control challenges. How big should caseloads be? What level of training should be provided to attorneys? What resources will they have in terms of paralegal support, investigators, and capacity to hire expert witnesses? Quality control has long been a significant concern for the immigration bar, and expanding the mere quantity of deportation defense will not cure it.³¹

Closely related to quality issues will be evaluation criteria. What are the real goals of these programs? Judges sometimes speak in favor of counsel because representation allegedly makes the process more efficient. But that might not really be accurate, if zealous lawyers raise more claims and present more evidence. It is worth noting that when Immigration Courts schedule merits hearings in asylum cases, they often only reserve half a day of court time. An attorney who does more thorough examination of witnesses and who finds experts and other supportive witnesses is likely to exhaust that period and require more time. In the end, is the goal simply quantity—to represent as many people as possible, and perhaps to reduce the rate of removal orders, on a public health model? Or is it more nuanced?

31. See Eagly & Shafer, *supra* note 7, at 48–49; Benjamin Edwards & Brian L. Frye, *It's Hard Out There for an Immigrant; Lemon Lawyers Make it Harder*, HILL (Jan. 19, 2018, 10:15 AM), [<https://perma.cc/HH7Q-BSTE>].

Another problem concerns the scope of representation. Immigration attorneys know that immigration cases can go on for a very long time. An asylum application leads to an adjustment application and a sponsorship for immediate family. Initial cases lead to appeals. All of which can take years. Much like legal aid programs, new deportation defense programs will need to define the scope of their representation. Moreover, a successful strategy for deportation defense may involve making an application for a visa outside Immigration Court, leading to administrative closure of the deportation case.³² Will the legal aid program be able to follow the processing of that application? In short, a narrow focus on deportation defense still leaves many legal needs of immigrant communities unmet. In particular, deportation defense is not likely to put *notarios* out of business, because they tend to process applications for people who are not in deportation proceedings. Some supporters of these initiatives may find this frustrating.

V. RE-DEFINING THE PURPOSE OF REPRESENTATION

Any system aiming at true universal representation will have to confront a problem well known to criminal public defenders: weak cases. Presently, reputable immigration lawyers screen cases. They may only take on cases where they see a viable claim or defense.³³ They may worry about their reputations in court. They may advise people that it is not worth paying for vigorous representation if deportation is nearly certain regardless. But what if the representation is free and available to all?

Criminal defense lawyers can respond to weak cases by plea bargaining. But such options are limited in Immigration Court. Certainly, asking for prosecutorial discretion or voluntary departure³⁴ is a possibility, but it is difficult to compromise around the fundamental question of whether a person will remain in the United States. Without negotiation as a viable option, attorneys might find themselves pressured to present weak asylum cases, for example. Related to this, attorneys will have to decide if they will offer representation on appeal in all viable cases, or if they will become more selective. Alternatively,

32. See, e.g., Jean Pierre Espinoza & Jung Choi, *Overview of the U Visa: "Race Between Approval and Removal,"* 15 BENDER'S IMMIGR. BULL. 645, 650 (2010).

33. Cf. Eagly & Shafer, *supra* note 7, at 48 ("[T]he higher success rates for relief applications that we identify in represented cases may be due to selection effects: attorneys may choose cases they can win.").

34. See 8 U.S.C. § 1229c (2012).

attorneys may find themselves frequently counseling clients that they have no defenses to deportation and facilitating agreements to go home when there is no other option. This may be an uncomfortable role for attorneys who are ideologically committed to keeping people in the United States.

In short, for the frontline lawyers who work in any new universal deportation defense system a critical first task will be to define success. Certainly, a central part of the job will be to spot legal claims and to win difficult cases that would be hopeless for an unrepresented immigrant. But that cannot be the entirety of the job, for the simple reason that many undocumented immigrants have no real defenses to deportation. Even when deportations cannot be prevented, one of the purposes of universal legal aid should also be to demonstrate that American justice respects the dignity of a person, even in the course of process that deports them against their will. A lawyer's counsel and advocacy, even in a losing cause, is a material way to show that the respondent is a person, and that she is not forgotten or alone.³⁵

VI. CONCLUSION

The obstacles to universal deportation defense are considerable, and I am in no way predicting that it is just around the corner. There is good reason to doubt whether it could ever really be achieved without Supreme Court intervention, as in *Gideon v. Wainwright*.³⁶ But some significant steps in this direction have occurred recently. It does seem realistic that we might achieve a patchwork of expanded indigent deportation defense, even if it falls short of universal availability.

For this reason, it is important to think about the obstacles that will need to be confronted. To map out these challenges, it helps to assume we are headed in the right direction, rather than experiencing a pleasant false start.

35. Cf. David Hollenbach, S.J., Advent Sacred Lecture, Georgetown University, A Spirituality of Accompaniment: What We Can Learn from Jesuit Refugee Service (Dec. 8, 2015), [<https://perma.cc/XT8W-L38Q>] (“Accompaniment means being with the people being served. . . . this means being with the refugees on the ground, listening to their stories, and showing them through genuine personal presence that they are not forgotten. It is a kind of friendship—the friendship that leads to a compassionate or merciful recognition that the suffering of one’s friend is one’s own. Many refugees say this accompaniment or friendship is the most important help they have received from JRS.”).

36. 372 U.S. 335 (1963).