

In response to questions by defense and prosecution attorneys, Alejandro Rodriguez, a former production manager and labor organizer from El Salvador, made several attempts to tell the jury about the chain of events which brought him to the United States. However, the ever-watchful government prosecutor, Donald M. Reno, was careful to prevent the jury from hearing Rodriguez' story, calling it "irrelevant and prejudicial."

However, defense attorneys persisted in their efforts to bring the whole story to the jury and pressed Judge Carroll to clarify his position on such testimony. Carroll told the attorneys that it would be acceptable to use only the most general terms in describing the conditions which prompt refugees to flee their homelands. For instance, Carroll gave the defense team leave to use terms such as "political persecution" and "fear" or "concern" for one's safety, but warned against more graphic or personal discussion of the violence.

Defense attorneys adamantly protested Carroll's position, citing a number of reasons. A. Bates Butler III argued that if not allowed to tell why they fled their countries, the refugees would have no way to demonstrate that they had the "well-founded" fear of persecution that is described in the Refugee Act of 1980 which Judge Carroll has recognized as a viable defense.

Much of the disputed testimony arose when defense attorneys asked Rodriguez about conversations between Rodriguez and the defendants, that were originally brought into the trial by the prosecution. In such conversations, Rodriguez told the defendants, among other things, about the persecution that had forced him to flee.

Because prosecutor Reno had used parts of the conversations to support the government's case, the defense team cried foul when Judge Carroll prevented them from using the other parts. Michael Altman, counsel for Sister Darlene Nicgorski, said, "You rob us of the opportunity to show the jury the truth here," and later added, "The jury is entitled to have some sense of the words that were used to describe Mr. Rodriguez' predicament."

Michael Piccarreta, attorney for Peggy Hutchison, charged the Judge with violating the Sixth Amendment which protects the right of an accused person to a vigorous legal defense.

However, Judge Carroll refused to alter his position, saying, "For the purposes of this case, we do not need to hear about the experiences of a witness or any members of his family in a foreign country."

Government attorney Reno echoed Carroll's ruling, saying that general statements about the conditions in Central America would be acceptable, but not specific ones. He went on to attack testimony already given by Rodriguez saying, "These are self-serving statements that are prejudicial and confusing to the government's case."