

Thursday

The specter of perjury was raised Thursday in Sanctuary trial proceedings amidst continuing testimony by government informant Jesus Cruz. In the most forceful terms to date, defense attorneys again questioned Cruz' seemingly remarkable powers of memory, in light of denials by prosecutor Donald M. Reno that any notes have been taken by the government which might aid Cruz during his testimony. During the morning session Thursday, James Brosnahan, counsel for Maria de Socorro Aguilar, told U.S. District Judge Earl H. Carroll, "I think there might be some perjury in Your Honor's Court."

In nearly a week of Reno's direct examination of Cruz, Cruz has recounted his ten-month undercover investigation of the Sanctuary movement in striking detail. As in previous days of testimony, on Thursday Cruz related to the jury such details as hair color, heights, weights, dates, times, places, addresses and telephone numbers--some from events which occurred over a year ago.

Reno has also successfully called on Cruz to give the jury accurate accounts of conversations -- again, some dating back more than a year -- in which he participated or which occurred between Sanctuary workers.

Defense attorneys said that they would not find Cruz' mnemonic acumen so "remarkable" if he were working from a set of notes, or possibly the tapes that were collected using "body-bugs" during the government investigation of the Sanctuary movement. However the attorneys added that a significant amount of Cruz' testimony dealt with material which is not on the government's tape recordings, indicating that Cruz cannot be relying exclusively on the tapes to bolster his memory.

Citing the above arguments, the defense team has on several occasions expressed the belief that some sort of notes pertaining to the government's interviews with Cruz must exist. However, although government pay vouchers indicate that Cruz consulted with the INS on over 100 of the 110 days immediately prior to this week's proceedings, prosecutor Reno claims that no notes were taken at those meetings.

According to the law, the defendants have a right to any information, including notes taken by the prosecution, which might help prove their innocence. In addition, the Sanctuary case has been declared an "open file case" by the government, meaning that the defense supposedly has access to all materials used by the government to prosecute the Sanctuary workers.

On Thursday, when the government did produce a set of notes taken during the actual investigation of the case, questions arose concerning 30 lines which had obviously been excised from the text. The notes were gathered from an interview between chief investigator James Rayburn and Cruz, after one of Cruz' "missions" in which he reported on the activities of Sanctuary workers. At Judge Carroll's request, Reno had to look into the matter, but did not have anything to report Thursday.