

Attorney Ellen Yaroshefsky introduced to the Court a distinguished visitor from the International Commission of Jurists in Geneva, an organization that holds a consultative status with the United Nations. He is attorney David Matas, of Winnepeg, Canada.

Commenting on the course of Tuesday's courtroom action, Sanctuary spokesperson, James Oines, pastor of Alzona Evangelical Lutheran Church, Phoenix said:

"Just as testimony concerning the compassion that Sanctuary defendants have shown to refugees will be screened from jurors by pre-trial rulings barring testimony about the defendants' religious and moral motives, compassion is also apparently to be an emotion forbidden to jurors. One woman was dismissed from the panel today because she told the judge she too was 'in the business of saving lives' and therefore might have some bias in favor of the defendants. The judge and the prosecutor have tried throughout the entire process of juror selection to bar compassion from the courtroom. But compassion will not be kept out of the hearts of the defendants in this trial or out of the lives of Sanctuary workers all over Mexico and the United States."

Wednesday

Announcement of jury members, crisp argument over the admissibility of evidence to be presented by government informant Jesus Cruz, and challenges to the government's drafting of the indictment were features of discussion at the Tucson trial on Wednesday, November 6, 1985.

The defense informed Judge Earl Carroll that it will file a new motion to disallow testimony by Cruz, the government's paid spy, on the basis that Carroll's prior ruling precluding the defendants from explaining the meaning of their comments made in Cruz' presence contravenes their rights.

Two arguments for dismissal based on the government's draft of the indictment were presented. Count One of the indictment attempts to combine one charge that is a misdemeanor with another that, if proved, would constitute a felony. The second argument held that many of the counts name more than one refugee, and therefore were duplicitous.

In the afternoon session, a Motion in Limine presented by counsel for Father Tony Clark attacked forthcoming testimony by Cruz from a different point-of-view. The motion on Clark's behalf sought to exclude certain alleged hearsay or second-hand statements contained in Cruz' testimony.

Defense attorneys once again probed Judge Carroll for the meaning of certain early rulings on the introduction of pertinent testimony to the trial. Counsel for Senora Socorro de Augilar and Jim Corbett asked the Court to admit testimony that their clients gave assistance