

The three Sanctuary workers, Mary Ann Lundy, Rev. George Lockwood, and Kay Kelly, all filed motions to quash the government's subpoena calling them to testify in the case. After a day and a half of argument on the issue, Judge Carroll ruled Friday not to grant the Sanctuary workers' motions to quash.

The morning opened with continued argument by Marcia Levy, attorney for Mrs. Lundy, who said that of the four questions that prosecutor Donald M. Reno wants to ask Mrs. Lundy, three have already been answered by other witnesses and the other would do nothing to further the government's case. Levy argued that the violation of Lundy's constitutional rights and the damage to her reputation in the eyes of refugees and co-workers would be far too serious to warrant such a frivolous action by the government compelling her to testify.

Prosecutor Reno responded to Levy's arguments by citing a case to the Court which stated that media personnel who witness the commission of a crime may be compelled to testify. Reno went on to say that if the three cannot be made to testify, the government would have its "hands tied," and would be "prevented from presenting a legitimate case."

The government prosecutor then jumped ahead to suggest that the three be found in contempt of Court saying, "I cannot imagine a better example of contemptuous conduct than we've seen here." Reno closed his arguments by contending that the religious exception was a threat to the judicial system in general.

However, Levy countered by pointing out that while the Sanctuary workers are witnesses, they are not media personnel. Levy further advised the Court that freedom of religion is at the very heart of the Constitution, although the protection of reporters and other press people is not. Levy then spoke of her own perception of Lundy's "extreme commitment" to her faith and finished with a bit of levity that brought chuckles and grins to all present in the courtroom except a stone faced Judge Carroll.

Levy, who is Jewish, spoke of Lundy's religious influence on her own life. After working with Lundy on the case for about six months, Levy said she telephoned her mother and said, "Mother, I've finally found religion." Levy said that her mother was immensely pleased until Levy added, "It's Presbyterian."

After a short recess, Judge Carroll delivered his ruling not to quash the subpoenas, thereby compelling the three to testify. In a lengthy explanation of his ruling, Carroll said that he appreciated the religious convictions of the three, and told the courtroom that he recognized religion as a motivator, but not as an excuse. The federal judge even went as far as to call the three "good caring people who have contributed much to society."

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