

Carroll clarified the ruling, saying that the attorneys' behavior in the sidebars had become "uncontrolled" and that he expected them to conduct themselves in a proper manner at all times.

However, Sanctuary attorneys James Brosnahan and Bill Walker charged that Judge Carroll had at least sealed the most recent sidebar conference due to a remark made by Carroll that he wished to prevent the jury from hearing. Carroll then asked the defense attorneys if they would identify the remark for him, and indicated that he might unseal that particular sidebar in order to do so.

Earlier in the day, Judge Carroll ruled not to admit the 91 secret tape government recordings as a part of the official record in the trial. Carroll called the defense's request for the tapes Tuesday, "untimely, for the wrong reasons, and stated the wrong way."

Defense attorney Walker had asked that the tapes be admitted "for the truth of them." The defense explained the late date of the request, saying that the recently revealed inconsistencies between Cruz testimony and transcripts of the tapes called for the admission of the tapes to the record.

Acting on another defense team request, Carroll instructed the government to submit INS reports which had originally been attached to an affidavit concerning Jesus Cruz' possible involvement with known "coyotes" in Nogales, Mexico. Prosecutor Reno claimed the reports were edited out of the affidavit, filed Tuesday by INS agent James Rayburn, because they contained references to other investigation now in progress.

Reno also finished his re-direct examination of his star witness, Jesus Cruz Wednesday, briefly revisiting points that were covered in earlier testimony. The defense team also had another chance at Cruz, but limited themselves to only a couple of questions.

Thursday

Defense attorneys tangled with U.S. District Judge Earl H. Carroll on a number of issues Thursday during Sanctuary trial proceedings. Among other things, the attorneys re-challenged Carroll's orders barring testimony about the violent conditions in Central America, and made a motion to disqualify Carroll from the case based on a remark he made yesterday which brought charges of racism into the courtroom.

The beginning of testimony by refugees yesterday touched off a new phase in the Sanctuary case, and brought new grounds for legal battling into the nine-week-old trial. Judge Carroll's pre-trial orders barring testimony about the conditions in Central America came under the most direct fire yet as the first refugees arrived ready to give personal accounts of the violence which forced them to seek safe haven in the United States.