

## **Church Worker Wins Retrial in Alien Case**

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### **Body**

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A Federal appeals court today overturned the conviction of Stacey Lynn Merkt, a religious **worker** who was arrested while driving two illegal **aliens** from El Salvador down a remote country road in Texas.

A three-judge panel of the United States Court of Appeals for the Fifth Circuit sent the **case** back to Federal District Court in Texas for a new trial on charges of conspiracy and transporting illegal **aliens**.

Federal Appeals Court in New Orleans overturns conviction of Stacey Lynn Merkt, religious **worker** who was arrested while driving two illegal **aliens** from El Salvador through Texas; Merkt, volunteer at **church**-supported sanctuary in San Benito, had argued she was merely taking **aliens** to immigration office to apply for political asylum; three-judge panel orders new trial (S)

Miss Merkt, a 30-year-old volunteer **worker** at Casa Oscar Romero a **church**-supported sanctuary in San Benito, argued that she was merely taking the two **aliens** to an immigration office to apply for political asylum when she was arrested last year. She had faced a six-month prison sentence.

The Government questioned her motives because an office was nearby and she said they were headed toward one 290 miles away, where officials had a reputation of being more sympathetic.

The appeals court's ruling centered on specific questions about jury instructions at the trial and did not go into potential conflicts between **church** and state.

In a friend-of-the-court argument, the National Council of **Churches** and five other **church** organizations had said Miss Merkt was only following her religious beliefs since she considered it her religious obligation to transport illegal **aliens**.

The appeals court, in overturning the conviction, said, "If the jury should find as a fact that Merkt intended to present the **aliens** to the proper officials so that they could seek legal status in this country, it should find that she did not have the requisite criminal intent necessary for a conviction."

The judges also dealt with the question of the "nearest immigration office," noting the law does not prohibit an **alien** from applying for asylum at some other center.

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