

6 CONVICTED, 5 CLEARED OF PLOT TO SMUGGLE IN ALIENS FOR SANCTUARY

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Body

A Federal jury today **convicted** six activists of conspiring to **smuggle** Salvadorans and Guatemalans into the United States.

Five defendants were **cleared** of that charge, the most serious against the 11 church workers who were tried. Three of those five were found not guilty on all counts and two were found guilty of lesser charges.

After the verdict, the prosecutor said the Justice Department would continue to prosecute such **alien-smuggling** cases, and defendants, who had stressed their religious **convictions** through the long trial, said they would continue their help to Central Americans.

A Leader Is **Convicted**

Among those **convicted** of conspiracy was the Rev. John M. Fife 3d, 46 years old, a Presbyterian minister who helped found the broad-based movement to give church **sanctuary** to illegal **aliens** from violence-torn Central American countries.

The others **convicted** on that charge were Margaret J. Hutchison, 30, a lay worker; the Rev. Ramon Dagoberto Quinones, 50, of Nogales, Mexico, a Roman Catholic priest; Darlene Nicgorski, 41, of Phoenix, a Catholic nun; Maria del Socorro Pardo de Aguilar, 60, of Nogales, Mexico, a lay worker, and Philip Willis-Conger, 27, of Tucson, a lay worker.

Convicted on lesser charges such as concealing, harboring or transporting an illegal **alien** were the Rev. Anthony Clark, 37, of Nogales, Ariz., a Catholic priest, and Wendy LeWin, 26, of Phoenix, a lay worker.

The three found not guilty on all counts were James A. Corbett, 52, another founder of the **sanctuary** movement; Mary K. Doan Espinoza, 30, of Nogales, Ariz., and Nena MacDonald, 38, of Lubbock, Tex.

All were released on their own recognizance.

Sentencing for those **convicted** is set for July 1 in Federal District Court here. The maximum sentence on the conspiracy charge is five years and a \$10,000 fine; the maximum sentence on each of the other charges is five years and \$2,000.

As the verdict was read most defendants sat in expressionless silence; a few appeared angry. A few minutes later the defendants, family members and attorneys walked out of the courthouse singing "We Shall Overcome." More than 150 spectators and reporters awaiting them outside spilled onto a downtown street, stopping traffic.

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After answering questions, the defendants went to the Tucson Community Center for a prayer service.

Mr. Fife was also convicted of two misdemeanor counts of aiding and abetting, and a felony charge of transporting an alien. He was acquitted of a misdemeanor count of aiding and abetting illegal entry of an alien.

Both Sides Vow to Go On

At a news conference after the verdict, United States Attorney Donald M. Reno Jr., the prosecutor, said, "What the American people got was a verdict that was based upon the law and that was based upon the facts."

He termed news accounts of the six-month trial "colored" and "biased," saying, "You failed to do your job." He added that "the Government was certainly the recipient of a great amount of criticism," and said the verdict "vindicates the position the U.S. Government took on this case."

"I think this jury verdict is going to have a significant impact on those persons who were well-intended but misguided" about the law, Mr. Reno said.

The defendants said this had been "a sad day for American justice."

"I plan for as long as possible to be the pastor of a congregation that has committed itself to providing sanctuary," Mr. Fife said at a news conference.

Mr. Corbett said, "We will continue to provide sanctuary services openly and go to trial as often as is necessary to establish the legality, or more directly, to actualize the Nuremburg mandates that the protection of human rights is never illegal."

It Began in Tucson

The trial took almost half a year to reach the jury.

Mr. Fife and Mr. Corbett, a Quaker who is a retired rancher, started the sanctuary movement in 1982 in Tucson. It has been endorsed by about 300 churches, approximately 20 United States cities and the State of New Mexico.

The prosecution based its case on what it said was a conspiracy that began near the end of 1981 and continued until January 1985. All 11 defendants were charged with conspiring to violate United States immigration laws.

The defendants were also tried on charges of 23 other felonies and 6 misdemeanors involving smuggling of aliens. They were charged with encouraging aliens to come here illegally, helping them to do so, and then concealing, harboring and shielding the aliens once they arrived.

Prosecution Witnesses

Most of the evidence in the case came from 17 witnesses called by the Government: 15 Central Americans, a Government informant and an undercover agent. Defense attorneys, in a surprise move, called no witnesses. They said the Government had failed to prove its case.

The prosecution contended from the start that the case involved smuggling, nothing more. Mr. Reno stressed to the jurors that the moral and religious issues raised by the defendants had no bearing on the case.

In his instructions to the jury, Judge Earl H. Carroll said, "Good motive is not a defense to intentional acts of crime." He said the contention that an alien was a "refugee" and thus entitled to enter the country without being processed by immigration officials was "a mistake of law."

Defense attorneys said the moral and religious issues raised by the defendants had to be considered and that United States immigration law provided safe haven to those with a "well-founded fear of persecution."

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Limits Set by Judge

Judge Carroll, holding that such arguments were immaterial, generally prohibited testimony on the defendants' religious views or on conditions in Central America.

That set off numerous angry clashes between the defense attorneys and the judge. In one, a defense attorney, William Walker, expressed shock at "the perversion of justice that has occurred in this courtroom when your honor sits there like a stump and does absolutely nothing about it."

At least four times defense attorneys asked the judge to disqualify himself.

In closing arguments, several attorneys depicted their clients as dedicated religious people acting in keeping with the dictates of the church. But the arguments presented by each side largely depended on narrow issues of immigration and conspiracy law.

Smuggling and Conspiracy

The prosecution, relying on accounts from its paid informants and from Central Americans, said there was **clear** evidence of an overall conspiracy and the specific acts alleged. Mr. Reno presented testimony and tape recordings, most of them from Tucson or Nogales, Mexico, about the alleged **smuggling** operations and conspiracy.

Much of the defense's case was based on attacking the credibility of the key Government informant, Jesus Cruz, who infiltrated churches and Bible study meetings.

Defense attorneys said Mr. Cruz was the instigator of many of the alleged crimes and had contradicted himself so many times that he was no longer credible.

For his part, Mr. Reno contended that Mr. Cruz's behavior was legal and appropriate, calling Mr. Cruz a "reliable, responsible, honest and impeccable employee."

Graphic

photo of Rev. John Fife 3d and his wife (NYT/Sara Krulwich)

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