

## 5 Central American Civil War Refugees and Civic Foreign Policy

In previous chapters, we have seen how the lives of U.S. missionaries and other religious human rights activists crossed the lives and conditions of Salvadoran citizens in El Salvador or other Central American countries and how the intermingling of these two histories generated new forms of civic foreign policy activism. The following pages will illustrate how the lives of ordinary U.S. citizens and churchgoers met the life stories of ordinary Salvadorans and Guatemalans in the United States and how such personal encounters affected the U.S. civic-political landscape.

One major consequence of the civil war was an unusually high number of displaced people and refugees. Because of the escalation of the war in 1980 and 1981, approximately 350,000 Salvadorans were displaced or sought refuge in other countries.<sup>1</sup> By the end of the 1980s, approximately 20-25 percent of the Salvadoran population was internally displaced or lived as undocumented or legal refugees in exile according to estimates of the United Nations High Commissioner for Refugees and the U.S. General Accounting Office.<sup>2</sup> Approximately 300,000 to 500,000 people had come to the United States because of the intensification of the civil war in El Salvador in the early 1980s.<sup>3</sup> The migration was at its highest levels in the years between 1980 and 1983, i.e. at the

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<sup>1</sup> LaFeber, *Inevitable Revolutions*, 10; Americas Watch et al., *Report on Human Rights in El Salvador: Compiled by Americas Watch and the American Civil Liberties Union* (New York: Vintage, 1982), xxviii.

<sup>2</sup> In its report, the UNHCR lists those refugees that are officially registered with the UN as well as estimated numbers of undocumented migrants living in other Central American countries or Mexico. The number of the undocumented cases is generally much higher than the registered ones. See *UNHCR Information Paper: International Conference on Central American Refugees (CIREFCA, Guatemala City, 29-31 May 1989)*. The UNHCR report does not include numbers of those having fled to the United States. According to statistics of the U.S. General Accounting Office, 600,000 to 800,000 undocumented Salvadorans were living in the United States by March 1989. See U.S. General Accounting Office, National Security and International Affairs Division, *Central America: Conditions of Refugees and Displaced Persons* (March 1989).

<sup>3</sup> Despite the growing migration from Central America to the United States since the 1960s, the development during the 1980s was fundamentally new. The growth rate since the late 1970s was rather dramatic and the underlying cause were different: Civil wars, poverty, ecological disasters, overpopulation, and human rights violations. See Lars Schoultz, "Central America and the Politicization of U.S. Immigration Policy," in Christopher Mitchell (ed.), *Western Hemisphere Immigration and United States Foreign Policy* (University Park, PA: The Pennsylvania State University Press, 1992), 157-219, 170; Patricia Weiss Fagen, "Central American Refugees and U.S. Policy," in Nora Hamilton et al. (eds.), *Crisis in Central America: Regional Dynamics and U.S. Policy in the 1980s* (Boulder, CO: Westview, 1988), 59-75, 64. *Americas Watch* quotes governmental and nongovernmental sources that calculate the number of Salvadorans in the United States already to 500,000 in 1979. See *Report*, 172.

time of the highest level of violence.<sup>4</sup> By the late 1980s, more than 10 percent of El Salvador's population, i.e. 500,000 to 800,000 Salvadorans, lived in the United States.<sup>5</sup>

The Central American civil war refugees arrived at a time in which the general U.S. public attitude toward "immigration" was rather conservative and, concerning migration from Central America, disinterested.<sup>6</sup> Identifying civil war refugees from El Salvador or Guatemala largely as migrants driven by economic interests, the U.S. government responded with restrictive immigration measures. Many people near the Mexican-U.S. border in Arizona, however, reacted with more concerned interest. There, a group of U.S. citizens responded spontaneously and humanely to the newcomers from Central America. By assisting undocumented Salvadoran migrants legally and by giving them shelter, this loose group of people initiated a movement that came to be known as the Sanctuary movement.

In order to understand the Sanctuary movement's meaning in the context of civic foreign policy toward Central America, the chapter looks at the legal and political context and later at the moral argumentation of the activists. The political significance of the Sanctuary movement in the context of U.S. policy toward Central America in general and toward civil war refugees in particular was fostered by the problematic legal status of sanctuary and the sincerity of the activists' moral defense.

## 5.1 The Legal Context of U.S. Refugee Policy

The Sanctuary movement criticized the refugee and asylum policy of the Reagan administration. The movement did not only criticize the policy verbally but directly confronted it. In doing so, the movement sidestepped the regular representative-democratic decision making process, which was, in the eyes of the activists, too slow, too bureaucratic, and questionable in its ability to uphold standards of human rights.<sup>7</sup>

The confrontation between the state and the citizen activists centered on their different understandings of the refugee status as applied to Salvadoran and Guatemalan

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<sup>4</sup> Compare Americas Watch, *El Salvador's Decade of Terror: Human Rights Since the Assassination of Archbishop Romero* (New Haven, CT: Yale University Press, 1991), 108.

<sup>5</sup> According to estimates from 1991 El Salvador's population counts 5,4 million. Due to the high rate of undocumented immigrants, the exact number of Salvadorans living in the U.S. cannot be explored. See footnote 2 above. The *Immigration and Naturalization Service* (INS) usually multiplies the number of recorded "illegal aliens" by four in order to give an approximate amount.

<sup>6</sup> Schoultz, "Central America," 157ff.

<sup>7</sup> "Conspiracy of Compassion," *Sojourners* 14:3 (March 1985), 15f.

undocumented immigrants in the United States, which stemmed from their different interpretations of the reasons for migration. While the administration defined the Salvadoran and Guatemalan migrants of the 1980s generally as undocumented immigrants whose motives for coming to the United States were largely economic, the Sanctuary movement believed it was helping political and/or civil war refugees who were entitled to temporary asylum in the United States. In order to judge the activities of the Sanctuary movement, we need to understand the precise legal meaning of the term "refugee" and "asylum/sanctuary." We also need to review the background of the Salvadoran and Guatemalan migration to distinguish between facts, fiction, and interpretation. In order to understand the different approaches toward the Central American migrants a brief introduction to the legal and social history is necessary.

According to U.S. law, the discretion for granting asylum falls within the jurisdiction of the Attorney General alone.<sup>8</sup> The autonomous asylum policy of the Sanctuary movement defied U.S. laws. In defending its actions, the Sanctuary movement applied international law norms, which were relevant due to the border-crossing nature of the Central American migration and the response of foreign actors. This chapter will first introduce the refugee definition according to international law and discuss the problems underlying a precise definition. Subsequently, U.S. refugee law as applied in the 1980s will be reviewed in its historical and legal dimension. The historical background of asylum as offered by the church and the state is important to locate the special character of a movement that revitalized the traditional concept of sanctuary.

### 5.1.1 International Refugee Law

Emigrants, immigrants, refugees, displaced persons, and asylum applicants all belong to the category of migrants but are defined by their different characteristics. The reasons for migrating can be similar or fundamentally different. A review of the massive migration movement that was triggered by World War II illustrates the distinction between voluntary and forced migration.<sup>9</sup> The fanatic racist policy of the Nazi regime

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<sup>8</sup> "The Attorney General shall establish a procedure for an alien physically present in the United States or at a land border or port of entry, irrespective of such alien's status, to apply for asylum, and the aliens may be granted asylum in the direction of the Attorney General...Asylum granted under subsection (a) may be terminated if the Attorney General...determines that the alien is no longer a refugee ..." *Refugee Act of 1980* (P.L. 96-212), Sec. 208 a-b, [8 U.S.C. § 1158] *U.S.Code: Congressional and Administrative News, 96th. Cong., 2nd sess, 1980* (St. Paul, MN: West Publishing, 1981).

<sup>9</sup> Otto Kimminich, *Der internationale Rechtsstatus des Flüchtlings* (Köln: Carl Heymanns, 1962), 206.

was responsible for an unprecedented number of refugees persecuted because of their race, ethnicity, or political opinion. The international community responded to this experience after the war by introducing an international rights catalogue that was supposed to establish internationally recognized categories in regards to refugees and migrants. The distinction between voluntary and forced migration was the core of the new initiative. Since then, the United Nations High Commissioner for Refugees' (UNHCR) mandate serves only those migrants who have been forced to leave their home, i.e. a refugees and displaced persons.<sup>10</sup>

Refugees and emigrants are not necessarily at variance with each other. Every refugee is an emigrant because each transnational flight constitutes emigration. This is not true in the reverse. Emigration does not necessarily mean forced flight; many reasons can motivate the decision to emigrate. The so-called push and pull factors of migration theory attempt to unfold the two dimensions that every emigrant is exposed to.<sup>11</sup> While differently interpreted from academic field to academic field and region to region, the reasons for emigration remain the same. Among them is the search for economic success abroad, socio-economic needs at home, religious, political, racist, or social persecution, family reunion, search for adventure, curiosity, or a natural catastrophe. It is a complex web of causes that includes both material and immaterial values.

The heterogeneous causes for a forced flight and the vague term "forced"<sup>12</sup> have led to different interpretations and definitions in regards to a "refugee." Historically, there have been more specific categories: political refugees, religious refugees, expelled/exiled, evacuated, or displaced persons, refugees from catastrophes and wars. The ideological and racist wars of the 20th century did not only generate homeless people by action directly related to the war itself. The political-ideological coercion of certain groups caused extremely high numbers of refugees. In addition, governmental orders to emigrate or the organized displacement of certain sectors of a population gave modern migration and refugee movements a new dimension and quality.

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<sup>10</sup> Louise Holbourn, *Refugees: A Problem of Our Time- The Work of the United Nations High Commissioner for Refugees*, Vol. 1 (Metuchen, NJ: Scarecrow, 1975), 89; See also Dennis Gallagher, "Evolution of the International Refugee System," *International Migration Review* 23:5 (Fall 1989): 579-598. Gallagher argues that the nation states established "minimal rights" for refugees when they established the UNHCR.

<sup>11</sup> Regarding the push and pull theory and other theories of migration, see Robin Cohen, *Theories of Migration* (Cheltenham: Elgar, 1996).

<sup>12</sup> When is flight forced or voluntary? In reality, the distinction between a voluntary and forced emigration is often impossible. The Jewish emigration from Nazi Germany happened due to indirect coercion as well as direct bureaucratic orders. This example makes clear that the motive of the flight is important, not the formal distinction between the voluntary and forced aspects. See Kimminich, *Rechtsstatus*, 22ff.

Depending on viewpoint and understanding of the conditions causing migration, cause and motive of the emigration are interpreted differently and, therefore, evoke divergent responses. No universally recognized refugee definition exists. Whenever this study indicates the definition as applied in international law, it refers to the (Geneva) Refugee Convention of the United Nations from 1951. This definition, however, competes with regional versions that are also part of international law. The definition of the Organization of African Unity (OAU) from 1969, the Cartagena Declaration that emerged in 1984 in order to solve the conflicts of the Central American crises, and the Soviet definition during the Cold War suggest other characteristics, partly wider, partly more narrowly defined.<sup>13</sup> The UN (Geneva) Refugee Convention from 1951 and the Protocol from 1967 that reformed the 1951 definition are the operating principles of the United Nations and its organizations.<sup>14</sup> This definition has also been incorporated into U.S. national law, i.e. the Refugee Act of 1980.<sup>15</sup>

Geographically and legally speaking, the UN definition is narrowly constructed. On the one hand, it distinguishes between a domestic/intra-state refugee and an international one, i.e. somebody who crosses national borders. The law only applies to the latter one. On the other hand, the "political" aspect of the persecution is the only accepted motive in order to be identified as a refugee. According to the convention, a refugee is somebody who

is outside any country of such person's nationality or, in the case of a person having no nationality, is outside any country in which such person last habitually resided, and who is unable or unwilling to return to, and is unable or unwilling to avail himself or herself of the protection of, that country because of persecution or a well-founded fear of persecution on account of race, religion, nationality, membership in a particular social group, or political opinion...<sup>16</sup>

Current developments illuminate the disputed points of this definition. It excludes the growing number of intra-state refugees who are in a "refugee-like situation" without

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<sup>13</sup> Michael Marugg, *Völkerrechtliche Definitionen des Ausdrucks "Flüchtling:" Ein Beitrag zur Geschichte unter besonderer Berücksichtigung sogenannter De-Facto-Flüchtlinge* (Basel: Helbing und Lichtenhahn, 1990), 171ff.; W. Gunther Plaut, *Asylum: A Moral Dilemma* (Westport, CN: Praeger, 1995), 12f.; Gallagher, "Evolution," 583-591.

<sup>14</sup> Regarding the legal history of the Refugee Convention see Marugg, *Definitionen*, chapter 4 and 5. In the late 1950s and early 1960s, the narrow focus of the Refugee Convention was questioned. The status of non-political refugees such as disaster refugees or economic migrants was unclear. To allow for humanitarian assistance, the mandate of the UNHCR was broadened. The Convention was only referring to refugees from before the 1st of January 1951. The Protocol from 1967 eliminated this deadline.

<sup>15</sup> In the domestic context, international law is only then legally binding when it has been incorporated into national law.

<sup>16</sup> In German, the convention is documented in "Abkommen über die Rechtsstellung der Flüchtlinge" (28 July 1951), *Völkerrechtliche Verträge: Vereinte Nationen, Beistandspakte, Menschenrechte, See-, Luft und Weltraumrecht, Umweltrecht, Kriegsverhütungsrecht* (Berlin: dtv, 1995), 218.

having crossed national borders.<sup>17</sup> People who escape disastrous economic, social, environmental, or ecological conditions or those who flee from a general climate of violence, e.g. a civil war, are excluded from the definition or are not mentioned explicitly. The emergence of the Sanctuary movement reflects the difficulties in finding a just refugee policy in times of new, complex migration movements.

### 5.1.2 Asylum in U.S. law

The initiative for granting sanctuary to "refugees" from Central America developed into a citizen movement called the Sanctuary movement. But apart from the movement character, sanctuary was foremost a concrete place. By offering sanctuary, U.S. citizens wanted to respond to the difficult situation of people on the move who needed the help of others because of the illegality of their immigration status. A regular sanctuary church offered the most existential forms of assistance: food, shelter, medical, legal, and social aid. Public advocacy, lobbying, organization of special projects, financial assistance and the sanctuary itself were the "Options for Action" to be taken into consideration by sanctuary congregations.<sup>18</sup>

One information brochure defines defines sanctuary as "in essence a public welcoming of undocumented Central American refugees into the protection and care of the church."<sup>19</sup> Practically speaking, a congregation provided sponsorship for one or more refugees "to provide for their basic human needs and to assist them in becoming independent and self sufficient."<sup>20</sup> The time spent in the shelter itself was dependent on various factors. In general, refugees were supposed to live one to two weeks in the sanctuary in order to await reactions by the state and serve the security needs of the migrants. Afterwards, the congregation was supposed to assist with their integration into U.S. society, especially financially.<sup>21</sup> In many cases, migrants only wanted to stay briefly under the protection of the church before heading toward their respective immigrant

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<sup>17</sup> The UNHCR also assists intra-state refugees with extra programs. Today, there are approximately 50 million people fleeing from hunger, war, and massive human rights violations. Half of them are unregistered, and most are intra-state DPs. A very small numbers seeks refuge in the Northern industrialized countries.

<sup>18</sup> *Seeking Safe Haven: A Congregational Guide to helping Central American Refugees in the United States* (American Friends Service Committee et al., [1984], 37-40; Personal interview with Michael McConnell, Chicago, 15 January 1997; Bau, *Ground*, 13.

<sup>19</sup> *Seeking Safe Haven*, 40.

<sup>20</sup> *Ibid.*, 67.

<sup>21</sup> *Ibid.*, 68f.

communities in the big cities.<sup>22</sup> Some stayed longer for political mobilization and public advocacy campaigns. There were few arrests that took place during transportation and house searches.<sup>23</sup> The renowned trials of U.S. Sanctuary activists occurred between 1984 and 1986. Federal enforcement agencies did not abolish a sanctuary site by force. The sanctuary trials, however, were partly the result of a covert operation by the state.<sup>24</sup>

By offering church protection, activists employed a centuries-old human tradition. Asylum as a legal public institution has been in existence since the French Revolution. Its religious and biblical background, however, reaches further back into history. The Old Testament mentions sanctuary sites. In ancient Greece and Rome the granting of asylum for political refugees was also known.<sup>25</sup> The term "asylum" generates from the Greek *asylo* and means: 'that, which cannot be taken.' As a result of the legal institutionalization of asylum, the term has a double meaning today. Historically, asylum referred only to the actual site that gave protection from persecution like temples, churches, chapels, or aristocratic or bourgeois urban houses in the case of secular institutions granting asylum.<sup>26</sup> Today, asylum also refers to the politics of asylum. The term "sanctuary" is related to church law. Sanctuary is a holy place (in Latin

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<sup>22</sup> The biggest Central American communities are in Los Angeles, Washington, D.C., and New York.

<sup>23</sup> Renny Golden and Michael McConnell, *Sanctuary: The New Underground Railroad* (Maryknoll, NY: Orbis, 1986), 67ff.; Jim Spencer, "Law vs. a nun's higher order: Aid to refugees," *Chicago Tribune* (23 January 1985), C1, C2; INS spokesman Duke Austin affirmed that the INS pursued a "policy of not going into the churches." However, it did not attempt to ignore the activities: "...the law is there for us to use if we have to..." in Jim Bencivenga, "Church Sanctuary: ancient tradition in a modern world," *Christian Science Monitor* (22 August 1983).

<sup>24</sup> In the so-called "operation sojourner" the INS had infiltrated the movement with two secret agents, who taped activities conversations and meetings. The operation is illustrated in Norman Zucker and Naomi Flink Zucker, *The Guarded Gate: The Reality of American Refugee Policy* (San Diego, CA: Harcourt Brace Jovanovich, 1987), 256f. A summary of one of the agent's witness account in the largest sanctuary trial in Arizona is to be found in the decision of the 9th federal court of appeals: *United States v. Aguilar*, 883 F.2d 662 (9th Cir. 1989), 668-671. The federal court of appellation confirmed the decision of the first instance that accused the activists of "masterminding and running a modern-day underground railroad that smuggled Central American natives across the Mexican border with Arizona." 883 F.2d 662, 666. The activists were accused of breaking the immigration law. It was decided that "[t]he government's interest in controlling immigration outweighs appellants' purported religious interest." 883 F. 2d 662, 696. In-depth legal analyses of the sanctuary trial and the decision of the court are in Deborah Cohan et. al., "Ecumenical, Municipal and Legal Challenges to United States Refugee Policy," *Harvard Civil Rights - Civil Liberties Law Review* 21:2 (Summer 1986): 493-601 and David Matas, *The Sanctuary Trial* (Winnipeg, Canada: Legal Research Institute of the University of Manitoba, 1989). A more recent study includes the decision of the federal appellation court from 1989: Gregory A. Loken and Lisa R. Bambino, "Harboring, Sanctuary and the Crime of Charity Under Federal Immigration Law," *Harvard Civil Rights - Civil Liberties Law Review* 28:1 (Winter 1993): 119-184.

<sup>25</sup> Kimminich, *Rechtsstatus*, 68ff; Marugg, *Definitionen*, 18.

<sup>26</sup> Kimminich, *Rechtsstatus*, 65.

*sanctuarium*) where the church community gathers and prays. In its current meaning, sanctuary signifies church asylum, refuge, or place of protection from persecution.<sup>27</sup>

International law does not guarantee the right of an individual refugee to asylum.<sup>28</sup> Despite Article 14 of the Universal Declaration of Human Rights, which guarantees the right to seek asylum, a human right to asylum does not exist. The convention rather confirms the sovereign state's right to grant asylum.<sup>29</sup> It is, however, not binding for the state to grant asylum.<sup>30</sup> Binding, however, is the rule to protect refugees or people in refugee-like situations once they are in another country. Article 33 of the UN Convention and Protocol relating to the Status of Refugees prohibits the expulsion or return of any person to a situation that is life threatening, the so-called principle of *non-refoulement*.<sup>31</sup> The United States as a signatory and ratifying party of the UN Convention and Protocol must adhere to these general norms. Yet, the decision to admit refugees, how many, and from where lies within the sole jurisdiction of the state. Hence, refugee policy cannot be only observed from a legal perspective. It reflects historical and religious traditions as well as political (domestic-foreign) interests.<sup>32</sup>

In the history of the United States, religious and political traditions of asylum intertwine. Traditionally, the United States is a country of immigration as well as a country of asylum. Refugee policy according to today's understanding was especially common in the early decades of the republic when vast numbers of people were admitted generously by the new state. Since 1945, the country admitted approximately three million people independently from the official immigration as displaced persons, refugees, asylees or emergency migrants.<sup>33</sup> The admission of persecuted individuals from different ethnicities and cultures belongs to the self-understanding and the historical roots of the pluralistic society of the United States. George Washington stressed his

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<sup>27</sup> A history of sanctuary can be found in Ignatius Bau, *This Ground is Holy: Church Sanctuary and Central American Refugees* (New York: Paulist Press, 1985), chapter 5 and 6.

<sup>28</sup> Concerning the relationship between international law, human rights, and refugee rights, see Guy S. Goodwin-Gill, "International Law and Human Rights: Trends Concerning International Migrants and Refugees," *International Migration Review* 23:3 (Fall 1989): 526-546.

<sup>29</sup> Kimminich, "Asylgewährung," 5. See also Gallagher, "Evolution," 580.

<sup>30</sup> William O. Walker, "Asylum," in Alexander deConde (ed.), *Encyclopedia of American Foreign Policy: Studies of the Principal Movements and Ideas*, Vol. 1 (New York: Charles Scribner's, 1978), 49-57, 54. This rule attempts to prevent third countries, especially the refugee's home country from interpreting the admission of a refugee as interference in its domestic affairs. Thus, the admission of a refugee cannot be interpreted as breaking international law or as an unfriendly act. See Kimminich, "Asylgewährung," 5.

<sup>31</sup> Gallagher, "Evolution," 580.

<sup>32</sup> Walker, "Asylum," 49.

<sup>33</sup> Philip A. Holman, "Refugee Resettlement in the United States," in David W. Haines (ed.), *Refugees in America in the 1990s: A Reference Handbook* (Westport, CN: Greenwood, 1996), 3-27, 3.

country's immigrant roots as it not only welcomed the "opulent and respectable Stranger" but also offered refuge for the "oppressed and persecuted of all Nations and Religions."<sup>34</sup>

In this image, however, myth and reality intersect. The myth of being an asylum for the persecuted proved to be a deception at various times throughout U.S. history. The discrepancy between myth and reality has been particularly visible since the late 19th century. Nativist and racist movements in the 19th and early 20th century helped in introducing restrictive measures against new, dominantly non-Northwest European immigration groups.<sup>35</sup>

While nativism and fear of unknown cultures and newcomers has been one feature of U.S. refugee and immigration policy, open gates and civic engagement for refugees has been the other side of the coin. Citizens augmented their country's liberal and humanitarian policy through charitable efforts at home and abroad. As we have seen in chapter 2 the state emerged only recently as a humanitarian actor in the field of refugee aid, whereas U.S. citizens and social groups already engaged in assisting war, refugee, and disaster victims during the 19th and early 20th century. Religious and humanitarian institutions dominated the citizens' migration and emergency help.<sup>36</sup>

Because of its immigration tradition and its historical image as a refuge for the "huddled masses yearning to breathe free," the United States lacked a universal refugee law until 1980. From the early 1950s until 1980, U.S. refugee regulations did not reflect the country's liberal immigration history but adhered to the principles of the Cold War rivalry.<sup>37</sup> People fleeing from the Soviet bloc or other Communist countries like Cuba were particularly welcomed.

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<sup>34</sup> George Washington in a letter to "Members of the Volunteer Association and other Inhabitants of the Kingdom of Ireland Who Have Lately Arrived in the City of New York," 2 December 1783, in: Moses Rischin (ed.), *Immigration and the American Tradition* (Indianapolis, IN: Bobbs-Merrill Company, 1976), 43.

<sup>35</sup> See Michael Hunt, *Ideology and Foreign Policy* (New Haven, CT: Yale University Press, 1987), chapter 3; Reginald Horsman, *Race and Manifest Destiny: The Origins of American Racial Anglo-Saxonism* (Cambridge, MA: Harvard University Press, 1981). William S. Bernhard, "Immigration: History of U.S. Policy," in Stephen Thernstrom et al. (ed.), *Harvard Encyclopedia of American Ethnic Groups* (Cambridge, MA: Harvard University Press, 1980), 486-495 offers a short illustration of U.S. immigration history.

<sup>36</sup> Nichols, *Alliance*, 29; Curti, *Philanthropy*, 620f. Emily Rosenberg provides a study about the motives of missionaries and philanthropists, including non-humanitarian interests: *Spreading the American Dream*.

<sup>37</sup> Scholars of U.S. refugee policy widely agree on this point: See David M. Reimers, *Still the Golden Door: The Third World Comes To America* (New York: Columbia University Press, 1985), 35f.; Nichols, *Uneasy Alliance*, 11; Gil Loescher and John A. Scanlan, *Calculated Kindness: Refugees and America's Half-Open Door, 1945 to the Present* (New York: Free Press, 1986); Zucker, *Gate*, and *ibid.*, "From Immigration to Refugee Redefinition: A History of Refugee and Asylum Policy in the United States," in Gil Loescher (ed.), *Refugees and the Asylum Dilemma in the West* (Pennsylvania: Pennsylvania State University Press, 1992), 54-70.

Since the mid-1970s, however, voices in religious and humanitarian organizations as well as in Congress had started to question the contradiction between the political ideals of a society advocating a liberal immigration policy and an anti-Communist refugee policy that mirrored the priorities of the foreign and security policy of the Cold War.<sup>38</sup> The Refugee Act of 1980 was the result of attempts to make U.S. refugee policy more responsive to humanitarian needs than foreign policy interests.<sup>39</sup> According to refugee rights advocates, the bill was to terminate the gap between rhetoric and practice in the context of asylum policy.<sup>40</sup> Authorized in the spring of 1980, the bill was endorsed by a great majority of legislators.<sup>41</sup>

The new law brought national law into conformity with international law standards, inscribed in the UN Refugee Convention from 1951 and the Refugee Protocols from 1967, including the Convention's definition of a refugee.<sup>42</sup> The "Bill of Rights for refugees,"<sup>43</sup> as President Lyndon B. Johnson had called the UN Refugee Protocol upon signing it in 1968, therefore, became U.S. law.<sup>44</sup> One can conclude that Congress' new interest in questions of human rights in the aftermath of the Vietnam War and Watergate had also touched concepts of refugee policy.<sup>45</sup> The act aims "to respond to the urgent needs of persons subject to persecution in their homelands...to provide a permanent and systematic procedure for the admission to this country of refugees of

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<sup>38</sup> Zolberg, "Roots," 111.

<sup>39</sup> Loescher, *Calculated*, 69.

<sup>40</sup> Statement by David Carliner, American Civil Liberties Union, in: U.S. Congress, House of Representatives, *Refugee Act of 1979*, Committee on the Judiciary, Subcommittee on Immigration, Refugees and International Law, 96th Cong., 1st sess., 3, 10, 16, 23 and 24 May 1979, 187.

<sup>41</sup> *Congressional Quarterly Almanac* 1979 (Washington, DC: CQ, 1980), 19.

<sup>42</sup> The U.S. Senate ratified the UN Refugee Protocols in 1968. The United States has only ratified some of the numerous international treaties aiming at the protection of human rights. Apart from the Refugee Protocol, the Senate approved of the Convention to Abolish Slavery and Slave Trade from 1956, the Convention regarding Slavery from 1926 (amended by the 1953 Protocol) and the UN Convention on the Elimination of all Forms of Discrimination Against Women. Furthermore, the U.S. presidents have signed a number of treaties (especially Jimmy Carter) which the Senate has not ratified yet: Robert K. Goldman and Scott M. Martin, "International Legal Standards Relating to the Right of Aliens and Refugees and United States Immigration Law," *Human Rights Quarterly* 5:3 (August 1983), 302-326, 318; Patricia Weiss Fagen, "The United States and International Human Rights 1946-1977" *Human Rights Quarterly* 2:3 (1980), 19-33, 22. In the United States, opinions that range from skepticism to rejection regarding a higher law institution - especially in regards to questions of human rights - are common. One of the major reasons for this attitude is a fear of a control over U.S. sovereignty. For further discussion of the difficulties in ratifying international human rights catalogues in the United States, see Richard Lillich (ed.), *U.S. Ratification of the Human Rights Treaties: With or Without Reservations?* (Charlottesville, VA: UP of Virginia, 1981).

<sup>43</sup> Quoted in Cohan, "Ecumenical, Municipal and Legal Challenges," 510.

<sup>44</sup> *Refugee Act*, Sec. 201 (a). The Refugee Act is like other immigration reforms an amendment to the general Immigration and Nationality Act from 1952.

<sup>45</sup> Apart from the Congressional focus on human rights, the long-term chairman of the Senate's Judicial Committee, Edward Kennedy (D-MA), had a keen interest in reforms of the U.S. refugee policy and contributed to the adoption of the new refugee law. See Zolberg, "Roots," 100, 112; Loescher,

special humanitarian concern to the United States...."<sup>46</sup> The act terminated the so-called "piecemeal"<sup>47</sup> character of earlier refugee programs by introducing a general system that regulated the legal status of refugees and their admission process to the United States.<sup>48</sup> For the first time, a refugee law also included references to the application for asylum. According to these rules, a foreigner who is within the territory of the United States or at the border can apply for asylum. Technically, such an individual - an asylee - is considered a special category of refugee. Applicants that fulfill the requirements to be identified as a refugee can be granted asylum.<sup>49</sup>

The new act de-ideologized U.S. refugee policy, at least on paper by focusing on the needs of the refugee. Yet, it contained a priority list according to which refugees would be admitted to the United States. Those "of special humanitarian concern" and those whose admission served the U.S. national interest are among the privileged groups.<sup>50</sup> These aspects reflect rather political than humanitarian interests.

The new act was significant because it standardized the admission and resettlement of refugees in the United States.<sup>51</sup> The legal alterations also symbolized a political change: the end of its Cold War character. But the law also allowed for political maneuvering.<sup>52</sup> Still, in the context of the political and migration developments of 1980 and thereafter, the act seemed outdated before it could become effective.

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*Calculated*, 153. In a way, the new law revitalized the rules for political refugees that the United States had formulated in the late 19th century. Marugg, *Definitionen*, 46f.

<sup>46</sup> *Refugee Act*, Sec. 101 (a)(b).

<sup>47</sup> Statement by Alan Nelson, *Commissioner* of the INS (20 June 1984), in: U.S. Congress, United States Senate, *Temporary Safe Haven for Salvadorans*, Committee on the Judiciary, Subcommittee on Immigration and Refugee Affairs, 100th Cong., 1st sess., 18 June 1987, 41.

<sup>48</sup> The annual admission rate for the years 1980 to 1982 was allocated to 50,000. For the period thereafter, the administration has to allocate annual admission rates in consultation with Congress. The President has the power to change these rates - in consultation with Congress - according to national interest, humanitarian needs, and unforeseen emergencies. The law distinguished between regular annual admission rates that are determined every year for each region and emergency cases that are determined by the President. *Refugee Act*, Sec. 209(a)1.

<sup>49</sup> In contrast to refugee admission, there is no ceiling for asylum cases. *Refugee Act*, Sec. 208.

<sup>50</sup> *Refugee Act*, Sec. 207 (a) 3 und (b).

<sup>51</sup> Loescher, *Calculated*, 155.

<sup>52</sup> The act introduced the position of the Coordinator for Refugee Affairs within the Department of State. The Coordinator for Refugee Affairs and the Bureau of Human Rights consult with the INS and inform the agency about the political situation in the country of interest. The administration has to consult with Congress, but the legislature holds no veto. *Refugee Act*, Sec. 207. For further information see Elizabeth G. Ferris, *Central American Refugees and the Politics of Protection* (New York: Praeger, 1987), 113; Zolberg, "Roots," 114 and Lars Schoultz, "Central America," 197.

## 5.2 The Political Context of U.S. Refugee Policy

Refugee immigration escalated in the year 1980. In 1978 and 1979, various new refugee groups were resettled in the United States. In the spring of 1980, the situation became more problematic due to the arrival of refugees from Cuba and Haiti.<sup>53</sup> The new refugee act that had been designed for small-scale migration and individual refugees proved too costly and inefficient for the high number of new arrivals. The already understaffed immigration offices were overwhelmed and the U.S. public alarmed about "unsafe borders."<sup>54</sup> Locally, especially in Florida, but also nationwide, policymakers and the public perceived the influx of new migrants as highly problematic. According to data of the Roper Institute that measured the U.S. public's attitude toward immigrants between 1946 and 1990, sympathy toward restrictive immigration laws was at its highest level between 1980 and 1982.<sup>55</sup>

A new group of immigrants began to arrive at the end of 1980: undocumented immigrants and/or civil war refugees from Central America, particularly from El Salvador and Guatemala. Refugee and undocumented immigration occurred simultaneously. Because economic and political reasons for this particular group were difficult to separate, public opinion was divided regarding the status of these newcomers. Neither the wider public nor representatives in government were able to distinguish between the various types of immigrants in a legally and morally just way. In 1983, Senator Alan Simpson, the chairman of the Subcommittee for immigration and refugees, formulated the problem in frank language:

The average American citizen and the average American congressman have no concept of the difference between a refugee, an immigrant, an asylee, a permanent resident alien, or a special entrant;...His view of an immigrant is somebody that was kicked off the dock of Mariel Harbor and got to Florida and is dirty and tattooed and is picking up a weapon and trying to hack his way through New York City.<sup>56</sup>

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<sup>53</sup> The largest groups that were admitted in 1978 and 1979 as refugees or emergency cases were Vietnamese, Laots, Cambodshans, Iranians, and Nicaraguans. The Mariel Boat Lift brought 6,000 Cubans to the shore of Florida. During the summer of 1980 over 100,000 Cubans and Haitians reached the Floridian coast. After initial reservations, President Carter admitted the majority of these Cubans and Haitians with a temporary emergency program. For more information on the refugee movements and U.S. reactions, see Reimers, *Third World*; Doris Meissner, "Political Asylum, Sanctuary, and Humanitarian Policy" in Gil Loescher and Bruce Nichols (ed.), *The Moral Nation: Humanitarianism and U.S. Foreign Policy Today* (Notre Dame, IN: University of Notre Dame Press, 1989), 123-143; Jorge I. Domínguez, "Cooperating with the Enemy? U.S. Immigration Policies toward Cuba," in Mitchell, *Western Hemisphere*, 31-88; and Loescher, *Calculated*, chapter 9.

<sup>54</sup> Loescher, *Calculated*, 180.

<sup>55</sup> Rita J. Simon and Susan H. Alexander, *The Ambivalent Welcome: Print Media, Public Opinion and Immigration* (Westport, CT: Praeger, 1993), 39-41. See also Loescher, *Calculated*, 179.

The arrival of Salvadoran citizens in the United States at the end of the 1970s and early 1980s was caused by several reasons, economic as well as political. Central American migration history can be explained in socio-economic terms, but the general fear and climate of violence connected to civil war situation caused much of the migration movement in 1980 and afterwards.<sup>57</sup> In some cases, there was genuine fear of individual persecution due to political opinions, union membership, and/or active membership in the Catholic Church. In other cases, the search for a better and more stable life situation accounted for the flight. In most cases, however, a mixture of economic reasons and political violence resulted in the decision to migrate. In the case of El Salvador or Guatemala, the distinction between economic and political push factors is hardly possible due to the interdependence of economic inequity, social uprising, and civil war.<sup>58</sup> Leonel Gomez, a former official at the Institute for Agrarian Reforms in El Salvador, describes the interdependence of economic and political repression: "When factories close because of strikes, when bridges are blown up, when crops are burned, the consequences are economic - but the underlying cause is political."<sup>59</sup>

A survey of the UNHCR attests that many of the migrants who had reached the United States listed economic pull factors as the prime motive (e.g. the search for work) for their flight. After additional questioning, most undocumented immigrants, however, explained that the general civil war situation had worsened the economic instability.<sup>60</sup> Gomez argues that the external conditions were responsible for the undocumented immigrants' first explanation. Most feared being deported, and being defined as political refugees would have made them political targets after deportation to their home country and suspicious cases in the United States. Gomez identifies the migrants who had reached the United States as skilled workers and union members from El Salvador's urban areas who had been members of the oppositional FDR or sympathizing with the guerillas and the opposition. Unskilled workers or campesinos were in general not victims of individual persecution. Their migration was rather the result of military operations in guerrilla-held regions. The majority of them found help in refugee camps in

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<sup>56</sup> Simpson, "Introduction," in Joseph M Kitagawa (ed.), *American Refugee Policy: Ethical and Religious Reflections* (Minneapolis: The Presiding Bishops Fund for World Relief et al., 1984), 86.

<sup>57</sup> For an in-depth discussion of Central American migration to the United States, see Ferris, *Refugees*; Leonel Gomez, "Feet People," in Robert S. Leiken, *Central America: Anatomy of Conflict* (New York: Pergamon, 1984), 219-229; William D. Stanley, "Economic Migrants or Refugees from Violence? A Time-Series Analysis of Salvadoran Migration to the United States," *Latin American Research Review* 22:1 (1987): 132-154; Demetrio Parades, "Los refugiados centroamericanos: Causas y situación actual," *Estudios Centroamericanos* 39 (1984): 803-808.

<sup>58</sup> Ferris, *Refugees*, 121.

<sup>59</sup> Leonel Gomez, "Feet People," 225.

neighboring countries or was displaced in their own country.<sup>61</sup> Social scientists have attested to a correlation between mobility to more remote regions and such factors as urban origins and a higher degree of education.<sup>62</sup>

In 1980, the UNHCR had started to operate refugee camps in Honduras for Salvadoran refugees and described the conditions of the fleeing Salvadorans as a refugee-like situation.<sup>63</sup> Circumstances and responses during the course of the 1980s revealed the impracticality of defining and categorizing Central American civil war migrants according to established legal rules. With the beginning of the peace process, Central American governments agreed on the fact that the high number of refugees had been caused by the wars.<sup>64</sup> In fact, it should be pointed out that the need to manage and solve the refugee problem was "so appealing" that "the dialogue surrounding the refugee issue contributed significantly to the impetus for the peace process" in Central America at the end of the 1980s.<sup>65</sup>

At the very beginning of the decade, however, Central American immigration was still a minor issue for U.S. migration and foreign policy. Yet, the asylum debate itself was highly politicized, and Central American immigration fueled in. Applications for asylum skyrocketed in 1980. The Statistical Yearbook of the INS documents the dramatic increase between 1979 and 1981. Whereas in 1979, the number of asylum application was 5,801, it had increased to 26,512 in 1980 and to 61,568 in 1981.<sup>66</sup> Due to special emergency programs for Cuban and later Haitian migrants, an overall number of 350,000 refugees and asylum cases were allowed to stay in the United States in 1980. Only six months after the introduction of the new refugee act, the United States had become a country of first asylum.<sup>67</sup> The arrival of a high number of people seeking to stay only temporarily did not belong to the historical experiences of this country of

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<sup>60</sup> UNHCR: *CR*, S830.

<sup>61</sup> Gomez, "Feet People," 221ff. Many of the Salvadorans who received help by the Sanctuary movement belonged to the urban middle class. See Cunningham, *God*, 14 and Golden, *Sanctuary*.

<sup>62</sup> Ferris, *Refugees*, 35-38.

<sup>63</sup> According to a statement by the American Council of Voluntary Agencies for Foreign Service in: U.S. Congress, House, *Refugee Assistance*, 7, 9 and 22 June 1983, 267. About the UNHCR's work in Honduras, see Nichols, *Uneasy Alliance*, chapter 8.

<sup>64</sup> Adolfo Aguilar Zinser, *CIREFCA: The Promises and Reality of the International Conference on Central American Refugees* (Washington, DC: Center for Immigration and Refugee Assistance, 1991), 4ff.

<sup>65</sup> *Ibid.*, 6.

<sup>66</sup> *Statistical Yearbook 1990*, Immigration and Naturalization Service (U.S. Department of Justice), 105. From 1981 to 1985 applications decreased, and then reached their highest point in 1989 with 101, 679.

<sup>67</sup> Meissner, "Asylum," 127.

immigration. Until the arrival of the newcomers from Third World countries in 1979 and 1980, asylum regulations had never been sincerely discussed because few people had drawn on them.<sup>68</sup> The refugee and asylum regulations of the 1980 law had been designed for an orderly, selective, and cautious resettlement policy from third countries. Those regulations seemed an inadequate solution for the high number of new undocumented immigrants whose status had to be defined after their arrival. The former director of the INS, Doris Meissner, emphasizes the gap between the political ideas before 1980 and the conditions after 1980:

No one in the drafting of the Refugee Act of 1980 anticipated that the asylum process would come to assume the major role it occupies today... Asylum had never been sought by large numbers of applicants.<sup>69</sup>

By the end of 1980, the public discontent with President Carter's emergency measures was fairly high.<sup>70</sup> Concern about new immigration was growing. The negative attitude toward immigration generally increases in a period of economic crisis, and unemployment, inflation, and the budget deficit had reached record heights in 1980.<sup>71</sup> Major foreign policy crises added to Carter's deteriorating political image at the end of his term. The Republican candidate for the Presidency, Ronald Reagan, reacted to the rising skepticism and fear of the population by introducing a domestic and foreign policy program that was aiming to "reconstruct U.S. power."<sup>72</sup> In the context of immigration and refugee policy, the new administration talked about measures to regain "control over our borders."<sup>73</sup> The new President's refugee and immigration policy did not only react to domestic trends, but also served as a strategic justification of foreign policy goals in Central America.<sup>74</sup>

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<sup>68</sup> Ibid., 124. See also U.S. Congress, House of Representatives, *Refugee Act of 1979*, Subcommittee on Immigration, Refugees and International Law, Committee on the Judiciary, 96th Cong., 1st sess., 3, 10, 16, 23 and 24 May 1979.

<sup>69</sup> Doris Meissner in: U.S. Congress, Senate, *Asylum Adjudication*, Committee on Judiciary, Subcommittee on Immigration and Refugee Policy, 97th Cong., 1st. sess., 14 and 16 October 1981, 6f.

<sup>70</sup> Simon, *Ambivalent*, 39ff.

<sup>71</sup> Edwin Harwood, "American Public Opinion and U.S. Immigration Policy," *The Annals of the American Academy of Political and Social Science* 487 (September 1986), 201-212, 201, 204.

<sup>72</sup> According to the German term "Rekonstruktion amerikanischer Stärke" by Helga Haftendorn and Jacob Schissler. The term hints at the attempts to overcome the foreign and domestic crises of the 1960s and 1970s. President Carter had introduced a similar psychological reconstruction program, but suffered from the economic and foreign policy problems at the end of his presidency: See Haftendorn, "Rekonstruktion," 3.

<sup>73</sup> See for example Secretary of State's Haig statement before the National Governors' Association, 22 February 1982. He declared that a restrictive immigration program reflects "the wishes of a large majority of our citizens to regain control of America's borders..." in *American Foreign Policy Current Documents 1982* (Washington, DC: Department of State, 1985), 384.

<sup>74</sup> Schoultz, "Central America," 157ff.

Recent studies of Latin American - U.S. relations have been eager to demonstrate the linkage and mutual influence of migration issues and foreign policy.<sup>75</sup> Refugees and migrants symbolize the interdependence and interaction of individual societies. They connect the international and domestic affairs and relate to one of the underlying concepts fundamental to foreign policy, "the distinction between 'us' and 'them,' nationals and foreigners" into their host country.<sup>76</sup> Their transnational role, however, is vulnerable. Their situation is largely dependent on the goodwill of states, the main protectors and guardians of human rights. By fleeing their home country and not being a member of the country of refuge, they also lack certain rights that stem from belonging to a national community of citizens.<sup>77</sup> In the case of the Salvadoran migration to the United States, the unrestricted right to leave one's home collided with the restricted right to be accepted as a refugee. Migration and foreign policy issues intersected clearly in the fact that most of the influential decisions on refugee admission are made in the U.S. Department of State.<sup>78</sup> On the one hand, forced migration poses questions about the country of origin and appropriate reactions and policies towards that country. On the other hand, the receiving country is forced to formulate, rethink, and adjust its admission policy as well as its treatment of these newcomers. In the following pages, I will examine the Sanctuary activists' and religious NGOs' practical and moral responses against the background of the U.S. administration's reaction toward Central American civil war migrants.

The refugee policy of the Reagan administration in the early 1980s served foreign as much as domestic policy interests. Cold War arguments were paired with a restrictive immigration policy. The administration linked its security and foreign policy goals in

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<sup>75</sup> Recent foreign policy studies link migration and foreign policy issues in order to explain the relationship between the countries of Latin America and the United States. On the one hand, there has been the attempt to stress migration issues as a determining factor of U.S. foreign policy. On the other hand, foreign policy is seen as a determining factor for migration policy. See: Christopher Mitchell, "International Migration, International Relations and Foreign Policy," *International Migration Review* 23:3 (Fall 1989): 681-708; *ibid.*, "Introduction: Immigration and U.S. Foreign Policy toward the Caribbean, Central America, and Mexico," in *ibid.*, *Western Hemisphere*, 1-30; Lars Schoultz, "Central America"; Jorge I. Domínguez, "Cooperating with the Enemy? U.S. Immigration Policies toward Cuba," in Mitchell, *Western Hemisphere*, 31-88; Robert W. Tucker et al. (eds.), *Immigration and U.S. Foreign Policy* (Boulder, CO: Westview, 1990); Michael Teitelbaum, "Immigration, Refugees, and Foreign Policy," *International Organization* 38:3 (Summer 1984): 429-450; Myron Weiner, *The Global Migration Crisis: Challenge to States and to Human Rights* (NY: HarperCollins, 1995), chapter 5; Aristide Zolberg, "The New Waves: Migration Theory for a Changing World," *International Migration Review* 23:3 (Fall 1989): 403-430.

<sup>76</sup> Stanley Hoffmann, *Duties Beyond Borders: On the Limits and Possibilities of Ethical International Politics* (Syracuse, NY: Syracuse UP, 1981), xii.

<sup>77</sup> Goodwin-Gill, "International Law," 526.

<sup>78</sup> Schoultz, "Central America," 196.

Central America with the growing migration from Central America.<sup>79</sup> President Reagan declared the United States to be unsafe because of the U.S. proximity to Central America. In 1983, he announced "Central America's problems do directly affect the security and well being of our own people. And Central America is much closer to the U.S. than many of the world's trouble spots...El Salvador is much nearer to Texas than Texas is to Massachusetts..."<sup>80</sup> According to this interpretation, a takeover of "Communist" regimes would cause more refugee movements: "And this time, they'll be 'feet people' and not 'boat people' swarming into our country, seeking a safe haven from Communist repression to our south. We cannot permit the Soviet-Cuban-Nicaraguan axis to take over Central America."<sup>81</sup> Experts on Latin America and immigration interpret these statements as strategies aiming at manipulating the fears of the U.S. population in order to gain political support for its interventionist policy in Central America.<sup>82</sup> The escalation of the refugee situation in 1980 had released the U.S. public's latent existing inclination against new mass immigration of new social groups. It offered the new administration a good ground on which to link restrictive immigration and refugee measures with foreign policy goals in Central America.<sup>83</sup> Policymakers utilized the public's inclination by stirring the fear against new refugee waves. Secretary of State George Shultz explains the administration's refugee policy according to the two-dimensional strategy:

Our refugee programs in Central America support our overall objective of strengthening the forces of moderation against extremism of both the left and the right. Our assistance for El Salvador's displaced persons helps those who have fled guerilla-infested villages for areas more firmly under Government control, thereby strengthening President Duarte's government....By

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<sup>79</sup> Most scholars observe a refugee and immigration policy that was very influenced by foreign policy goals in Reagan's presidency. See e.g. Schoultz, "Central America," 157ff.; Zolberg, "Roots," 115; Loescher, *Calculated*, 189.

<sup>80</sup> Ronald Reagan, "Address to Joint Session of the Congress," 27 April 1983, in: Leiken, *Central American Crisis Reader*, 548. Elliot Abrams, Assistant Secretary of the Bureau of Human Rights and Humanitarian Affairs formulated this approach accordingly: "...it is Communist rule that has caused the greatest refugee flows of recent years. We can, therefore, have a very firm notion of what the expansion of communism to El Salvador and Guatemala would mean. It has the potential to create a Southeast Asian refugee crisis right here on our doorsteps. Indeed, we have every reason to think that the expansion of communism in Central America would create this kind of incredible problem." Statement before the Tiger Bay Club, Miami, 2 June 1982, in: *American Foreign Policy Current Documents 1982* (Washington, DC: Department of State, 1985), 391.

<sup>81</sup> Ronald Reagan before *Mississippi Republican Party*, 20 June 1983, in: *Weekly Compilation of Presidential Documents* 19:2 (1983), 901.

<sup>82</sup> Zolberg, "Roots," 115; Schoultz, "Central America," 158ff.

<sup>83</sup> Concerning neo-restrictive tendencies in the late 1970s and 1980s see Harwood, "American Public" and Simon, *Ambivalent*. Harwood emphasizes two dimensions of the public's perception regarding legal and undocumented immigration that are relevant for an understanding of the Sanctuary movement or other citizens' reactions to the arrival of new immigrants. While undocumented immigration is generally perceived as disturbing and threatening, the public is more liberal about the arrival of individual refugees. Whenever an immigrant, whether undocumented or as a legal refugee, appears as an individual with a face and a personal history, the general attitude seems to be more welcoming.

maintaining our first asylum policy and supporting refugee centers located in Central America, we also ease the pressure of more massive illegal immigration to the United States.<sup>84</sup>

In order to anticipate growing migration, the administration introduced a prevention plan consisting of three parts. According to each individual region, economic assistance, military aid, and a human rights policy were to balance the economic and political reasons for flight.<sup>85</sup> The administration argued that military aid was important because of the interdependence of the Soviet Union's, Cuba's, and Nicaragua's subversive policy attempts in the Western Hemisphere and refugee movements in the region. According to this model, the United States had to support those forces that were trying to prevent subversion. Only then, a mass migration to the United States could be precluded.<sup>86</sup>

An additional policy measure had a defensive character. A few months after his inauguration, President Reagan called for more effective immigration policies.<sup>87</sup> A new program tightening measures on illegal immigration and refugee policy was introduced in Congress in 1981. The ambiguity that has characterized U.S. migration policy since the late 19th century continued under President Reagan. On the one hand, he announced the United States' welcoming of persecuted people and undocumented immigrants who were already living economically independently in the United States. On the other hand, undocumented immigration was to be controlled more strictly, in the form of deportation of newly arrived undocumented immigrants, tightening of the border control, and a more precise definition regarding the admission of asylum applicants.<sup>88</sup>

Undocumented immigration became the scapegoat for all other migration problems. The increasing use of detention centers for undocumented immigrants and a strategy of deportation were part of the new strategy at the border.<sup>89</sup> In the case of El

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<sup>84</sup> George Shultz in: U.S. Congress, Senate, *Refugee Admissions to the United States in 1985*, Committee on the Judiciary, Subcommittee on Immigration and Refugee Policy, 98th Cong., 2nd sess., 11 September 1984, 8.

<sup>85</sup> Abrams, 2 June 1982, in: *American Foreign Policy Current Documents 1982*, 391. Regarding the linkage of foreign policy strategies and refugee question in later years of the Reagan Presidency, see Moore, U.S. Coordinator for Refugee Affairs, "Refugees and Foreign Policy: Immediate Needs and Durable Solutions" before the John F. Kennedy School of Government, Cambridge, MA, 6 April 1987, in: *American Foreign Policy Current Documents 1987* (Washington, DC: Department of State, 1988), 214ff.

<sup>86</sup> Abrams, 2 June 1982, in: *American Foreign Policy Current Documents 1982*, 391. The struggle against subversive, "Communist" forces, therefore, was prevention against newcomers. Combining security issues and domestic policy in such a way, the administration twisted the traditional Cold War policy of the 1950s and 1960s that had presented refugees from Communist countries as positive and enriching elements of U.S. society that demonstrated repression and non-freedom of the other system by seeking refuge. See Loescher, *Calculated*, 192.

<sup>87</sup> Ronald Reagan, 30 July 1981, in: *American Foreign Policy Current Documents 1981* (Washington, DC: Department of State, 1984), 388.

<sup>88</sup> Reagan, 30 July 1981, in: *Current Documents 1981*, 389.

<sup>89</sup> Loescher, *Calculated*, 193. In 1981 President Reagan ordered a new detention center in the state of New York: *Public Papers of the President: Ronald Reagan 1981* (Washington, DC: GPO, 1982), 1038.

Salvador, the interests of the State Department and the Justice Department seemed to complement each other.<sup>90</sup> The State Department was reluctant to admit refugees from an allied country, despite its - in comparison to other departments - more liberal history concerning refugee admission. The interest of the INS in border security and tightened control of illegal immigration rendered more difficult the situation for new migrants.<sup>91</sup>

Responses to the new immigration from El Salvador and Guatemala were rather restrictive. In general, asylum applications were rejected, and undocumented immigrants in Texas, Arizona and California were detained, or deported to their home country.<sup>92</sup> The closer and obvious refuge of many civil war refugees from Guatemala and El Salvador was Mexico, but various reasons caused a continued migration to the United States in the 1980s. Under the pressure from the UNHCR and the public, Mexico established refugee camps after it had deported thousands of Guatemalans in 1981.<sup>93</sup> The new migration added to already existing economic problems and a high level of unemployment. Accordingly, Mexico opted for a restrictive immigration and refugee policy. The proximity of the wealthy United States also appealed to many of these new refugees.<sup>94</sup>

In the 1970s and 1980/81 undocumented<sup>95</sup> immigrants from Mexico, El Salvador, Guatemala, and Nicaragua were generally ordered to leave the United States voluntarily, the so-called option for voluntary departure.<sup>96</sup> Many accepted this option because the alternative, a deportation by force, excluded the right to apply for an immigration visa in

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<sup>90</sup> The State Department plays a distinctive role in the admission process of asylum applications. The INS is allowed to decide upon the admission of an application only after it has received the opinion of the State Department's Bureau for Human Rights and Humanitarian Affairs. Asylum adjudication is based on an individual's situation. The State Department, however, has in only a very few cases information about an individual person's situation, so it refers to its own human rights and country reports. Once an application is rejected, the INS decides whether to deport the person or ask for voluntary departure. More information about the procedure and interpretation of the asylum law are summarized in: David Weissbrodt, *Immigration Law and Procedure in a Nutshell* (St. Paul, MN: West Publishing, <sup>2</sup>1989), 179-200.

<sup>91</sup> Meissner, "Asylum," 138.

<sup>92</sup> A summary of the INS policies during President Reagan's first year in office can be found in: UNHCR in: CR, S 827-S 831.

<sup>93</sup> The military coups of 1982 and 1983 intensified the counterinsurgency measures by the Guatemalan state, that were especially carried out in rural areas with a high indigenous population. Since 1981/82, many indigenous were forced to leave their homes. In the mid-1980s, the number of Guatemalans living in the United States was approximately 150,000. See *The New York Times*, 27 October 1987, A18.

<sup>94</sup> Concerning the situation of Salvadoran and Guatemalan civil war refugees in Mexico, see bibliography in footnote 134, page 259.

<sup>95</sup> In this context, numbers about undocumented immigration refer to those people that had been arrested by the INS.

<sup>96</sup> In 1981, 825,290 undocumented immigrants were detected by the INS. 268,581 of those were held in detention centers. 16,654 people were deported while the rest was offered voluntary departure: *Annual Report of the INS 1981* (Washington, DC: GPO, no date), 7. In 1980, no undocumented immigrant was interned in a detention center. 17,263 of the undocumented were deported and the rest (719,211) - most of them Mexican citizens - were instructed to leave voluntarily: *Annual Report of the INS 1980* (Washington, DC: GPO, 1983), 6.

the future. The voluntary departure, in contrast, could be performed without governmental oversight.<sup>97</sup> From 1977 until 1981, the number of Salvadorans apprehended by the INS rose dramatically.<sup>98</sup> Despite attempts by the INS to combat the growing migration from El Salvador with a policy of detention and deportation after 1981 (instead of opting for the procedure of voluntary departure or releasing apprehended alien on bond), developments turned the other way after 1983. In contrast to a removal rate of 75 percent and 67 percent in 1980 and 1981, the rate had fallen to 29 percent in 1983.<sup>99</sup>

It was the high number of Salvadorans in detention - in comparative, proportional terms the nationality with the highest number of people detained - and their deportation at the climax of the Salvadoran civil war in 1981 and 1982 fueled the growing opposition of citizens at the grassroots and traditional relief NGOs.<sup>100</sup> In cooperation with solidarity groups like the Sanctuary movement an increasing number of Salvadorans applied for the admission as a refugee.<sup>101</sup> Instead of opting for voluntary departure, they utilized the newly enacted Refugee Act.

According to a study from Americas Watch (1991), 48,209 Salvadorans were deported from the United States between 1980 and 1986.<sup>102</sup> Annual asylum applications by Salvadorans remained under 5,000 and seem small when compared to the immigration rate of 300,000 in the early 1980s. Next to Poles, Hungarians, and Nicaraguans, Salvadorans still belonged to the most numerous applicants. In 1981, two out of 5,570 Salvadoran asylum applications were approved. Between June of 1983 and September of 1986 2.3 percent of the Salvadoran and 0.9 percent of the Guatemalan asylum applications were approved.<sup>103</sup> Proportionally, Nicaraguans were granted more

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<sup>97</sup> The "success" of this method cannot be determined. Official data about the number of those who did return voluntarily do not exist.

<sup>98</sup> See figures for Salvadorans in Stanley, "Economic Migrants," 135 and Schoultz, "Central America," 191.

<sup>99</sup> Schoultz, "Central America," 191. See also Zucker, *Gate*, 169.

<sup>100</sup> Regarding the traditional relief NGOs see statement of the American Council of Voluntary Agencies for Foreign Service in: U.S. Congress, House of Representatives, *Refugee Assistance*, Committee on the Judiciary, Subcommittee on Immigration, Refugees, and, International Law, 98th Cong., 1st sess., 7, 9, and 22 June 1983, 266-268.

<sup>101</sup> The person who wants to be admitted as a refugee but who is already located in the new country has to apply for asylum.

<sup>102</sup> Americas Watch, *El Salvador's*, 108.

<sup>103</sup> Data according to INS in: Zucker, *Gate*, 144. Data in this time period show high fluctuation. The whole number of new asylum applications is not always processed by the INS within the same year so that approved applications of one year sometimes comprises applications from the previous year or that not all of the applications have been processed. In 1986 e.g. the INS received 2,183 asylum applications by Salvadorans. 500 applications were still pending at the beginning of 1986, 90 were granted and 1,149 were denied. Furthermore, 482 were put ad acta. At the end of 1986 997 were still pending. See *Statistical Yearbook 1986*, Immigration and Naturalization Service (U.S. Department of Justice), 48f.

asylum, but the average rate of 14% of all their asylum application does not confirm a liberal policy in their case. Refugees from Nicaragua were by far not as numerous as those from El Salvador and Guatemala.<sup>104</sup>

To a certain extent, the refugee program, one could argue, reflects the administration's policy regarding Central America. The granting of asylum for citizens of those countries that received military and economic aid would have been contradicted U.S. foreign policy. A report by the U.S. Embassy in El Salvador from 1983 identifies "[a]ll inhabitants of El Salvador...to some extent potential victims of political violence."<sup>105</sup> Consulting the State Department on its stand regarding U.S. asylum policy, the report astoundingly concludes in contradiction to its previous analysis, "the majority of Salvadorans wishing to remain [in] the United States are economic, rather than political refugees."<sup>106</sup>

For critics, the deportation and asylum policy towards Salvadorans was proof enough that an allied nation was not to be discredited by refugee decisions.<sup>107</sup> Policymakers in the administration publicly held that Salvadorans in the United States did not meet the defining standards in order to be admitted as a refugee. Despite continuous human rights violations, the administration argued, visible improvements had taken place.<sup>108</sup> The newcomers from El Salvador were largely seen as people fleeing desperate economic conditions, rather than a climate of violence and fear:

[T]here are a lot of Salvadorans here now, though no one knows exactly how many, and there is no doubt that some of them are political refugees, and there is no doubt that some of them are not. It seems to me that the appropriate way to deal with that problem is, in fact, the asylum procedures that you in Congress have established under law, to separate the economic migrants from the political refugees. ... If we were to say that any Salvadoran who manages to get here can stay here, I think the impact would be very bad on immigration for this country...<sup>109</sup>

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<sup>104</sup> Fagen, "Central," 75. According to this study from 1988, approximately 40,000 - 80,000 Nicaraguans had immigrated to the United States in the 1980s.

<sup>105</sup> Cable by the Embassy in El Salvador to the Secretary of State, reg. El Salvador: Draft 1983 World Refugee Report to Congress, 27 May 1983, in: NSA, El Salvador, 1977-1984, doc. # 04029.

<sup>106</sup> Ibid.

<sup>107</sup> Teitelbaum, "Immigration," 439. Indeed, asylum applications from people fleeing the Soviet bloc had much higher chances of being granted: from 1983 to 1986 51 percent of all application from Rumania, 45.4 percent from Czechoslovakia, and 34 percent from Poland were approved. According to INS data in: Zucker, *Gate*, 144.

<sup>108</sup> Elliot Abrams, "Sanctuary and the Sanctuary Movement," *This World* 11 (Spring/Summer 1985): 3-21, 10f.

<sup>109</sup> Elliot Abrams, U.S. Congress, House, *Hearing on Refugee Assistance*, 7 June 1983, 64f. The fact that many Salvadorans and Guatemalans did not remain in Mexico proved to the administration that the main pulling factor of coming to the United States was economic.

### 5.3 The Response of the U.S. Religious Community

#### 5.3.1 Grassroots Activism: The Sanctuary Movement

In May 1981, Jim Dudley was on his way back from Mexico when he picked up a Salvadoran citizen in Arizona. They had only a little time to get acquainted before the car was stopped by the U.S. border patrol.<sup>110</sup> The Salvadoran - being without papers, and thus an "illegal alien," was taken into custody. The same night Dudley visited a Quaker friend, Jim Corbett, with whom he talked about the incident and El Salvador. Both knew little beyond the news reports about the growing violence in the country. They were worried about the man's plight and the prospect of him being detained and forced to return to his home country, a fate that many undocumented immigrants faced. Jim Corbett, a retired rancher from Tucson, Arizona, called the immigration office on the next day to find out about the whereabouts of the hitchhiker. Because he was not helped concerning the matter after initial inquiries into the matter, he pretended to be a popular former mayor from Tucson whose last name was identical to his. He received information and immediately went to see the man. Before Corbett drove to Nogales, a small border town in Arizona, to visit the migrant in the Santa Cruz County prison, he acquired information about the rights of undocumented immigrants at a nongovernmental civil rights organization, the Manzo Area Council.<sup>111</sup>

In the prison he found other Central Americans in custody and discovered that the police had not explained their rights to them, including the possibility of applying for asylum. Corbett realized that the deportation to El Salvador by U.S. agencies was the greatest legal problem for undocumented immigrants. According to U.S. immigration law, undocumented immigrants had the right to legal assistance and to a hearing before an immigration judge.<sup>112</sup>

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<sup>110</sup> The border patrol is subject to the Immigration and Naturalization Service. The INS is an agency of the Department of Justice headed by the Attorney General

<sup>111</sup> Information about Jim Corbett's actions and the history of the Sanctuary movement are taken from Hilary Cunningham, *God and Caesar at the Rio Grande: Sanctuary and the Politics of Religion* (St. Paul, MN: University of Minnesota Press, 1995), 23; Gary MacEoin, "A Brief History of the Sanctuary Movement," in *ibid.*, *Sanctuary*, 14-29,18; [John M. Fife, Jim Corbett, Phil Willis-Conger, Stacey L. Merkt], "Conspiracy of Compassion: Four Leaders Discuss the Sanctuary Movement," *Sojourners* 14:3 (March 1985), 14 -18; Smith, *Resisting Reagan*; Crittenden, *Sanctuary*; Coutin, *The Culture of Protest*; Michael D. Matters, *The Sanctuary Movement, 1980-1988: An Organizational Analysis of Structures and Cultures* (University of Illinois at Chicago: diss., 1994); Golden and McConnell, *Sanctuary*.

<sup>112</sup> [Jim Corbett], "Conspiracy," *Sojourners* 14:3 (March 1985), 15; Cunningham, *God*, 23 and 215, footnote 21; Matters, *The Sanctuary Movement*, 5. After signing a G28 immigration form, an undocumented immigrant has the right to a "deportation hearing" which falls under the jurisdiction of special immigration courts within the *Department of Justice*.

Trying to assist these people, Corbett encountered difficulties with the local bureaucracy: some individuals were sent to unknown places, while the majority of applications for asylum was turned down.<sup>113</sup> Corbett contacted legal aid organizations and churches in order to find legal and financial assistance for these migrants. Together with his wife and friends, he disseminated information about the rights of political refugees and forms to apply for asylum. Corbett hosted migrants on his property. In June 1981, approximately 21 Salvadorans lived with the Corbetts. Others were staying with friends who belonged to Corbett's Quaker community. In letter campaigns, Corbett had asked Quaker communities and organizations for support. He stressed the potential dangers of a deportation of Salvadorans to their war-torn country: "They will be sent back, maybe to be tortured or killed, at the very least to live under the daily threat of being assaulted..."<sup>114</sup> Invoking the disastrous consequences of the lack of civil disobedience in Europe under the Nazi dictatorship, Corbett described the "active resistance" as the last possible protection of refugees' human rights against state violence.<sup>115</sup> Corbett identified the undocumented immigrants as political and civil war refugees whose rights the U.S. government had failed to respect, especially the right to protection from persecution and from deportation to an unsafe situation.<sup>116</sup> He tried to improve the legal and social situation of the undocumented immigrants by doing the job that he believed the United States government should have done.

Only a few months before, the Tucson Ecumenical Council (TEC) - an association of 65 Protestant and Catholic congregations - had formed the Tucson Ecumenical Council Task Force on Central America (TECTF) to collect donations for Central Americans who were held in detention centers. The money was used to bail them out while their application for asylum was reviewed.<sup>117</sup> The task force worked with

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<sup>113</sup> [Corbett], "Conspiracy," 15.

<sup>114</sup> The letter is documented in Cunningham, *God*, 24f.

<sup>115</sup> Ibid.

<sup>116</sup> See chapter 5.1 regarding the definition of immigrants, migrants, refugees, and other people on the move and chapters 5.2 for a discussion of the divergent interpretation of the Central American migration.

<sup>117</sup> Most Salvadorans were held in custody in the detention center of El Centro, California. The main detention centers in which undocumented immigrants from El Salvador were detained, were located in those states with the highest rate of immigration: El Paso and Harlington in Texas; El Centro and Pasadena in California. According to the UNHCR and the two immigrants' rights groups, the *Manzo Area Council* and *El Rescate*, in 1981 89 of the 236 male migrants in Harlington were Salvadorans. In El Centro, there were 159. See "United Nations High Commissioner For Refugees Mission to Monitor INS Asylum Processing of Salvadoran Illegal Entrants, September 13-18, 1981" in: *Congressional Record* 128:12, 97th Congress, 2nd Session, S 827-S 831, S828. Sec. 242 (a) of the *Immigration and Nationality Act* (INA) allowed the enforced detention of undocumented migrants during the application and determination process of the migrant's status. Today, after reforms in the immigration law during the 1980s and 1990s, this rule can be found under Sec. 236 of the INA.

immigration lawyers and immigration rights groups such as the Manzo Area Council to develop a general legal aid program for the Central Americans.<sup>118</sup> It had been formed after professional smugglers had abandoned a group of Salvadoran migrants in the heat of the desert of Southern Arizona.<sup>119</sup> The border patrol found only 13 surviving members of the 26 people. In the early summer of 1981, the remaining victims were facing their deportation to El Salvador. The TECTF was able to collect more than \$ 100,000 and located volunteers who offered their houses and churches as intermediate homes.<sup>120</sup> As the number of Salvadorans and Guatemalans detained in El Centro, the main detention center in the Southwest, grew, the TECTF also gradually offered more assistance.<sup>121</sup> Pastor John Fife was one of the active members of the cooperation between civil rights and church groups; he explained the inevitability of Christian neighborly love in the case of increasing numbers of people in need:

Our encounter with refugees has been the point at which we had to make some decision about whether we would turn our back on this overwhelming need or whether we were going to meet that need. As soon as you begin that with one refugee, you begin to hear about others. As we started off, we didn't realize we were standing on the edge of a whirlpool that just drew us in as we began to see the life-and-death plight of the people of El Salvador and Guatemala.<sup>122</sup>

After a few weeks, a network of volunteers and civic groups from the Tucson region had emerged. Some authors hint at Tucson's tradition of citizen protest and grassroots movements as an advantageous platform for the actions of the early 1980s.<sup>123</sup> The community also had a history of church assistance for Chilean refugees in the 1970s.<sup>124</sup>

The Christian philosophy of charity was the activists' main motive for help according to Phil Willis-Conger, the project director of the TEC's task force: "It's all about responding to your neighbor, Christ in each one of us."<sup>125</sup> The personal contact, the geographical affinity, and the perception of inhumane conditions in detention triggered spontaneous activism. Corbett explained his activism as a response to pure human need:

The personal contact makes the difference. The first week after I learned about the refugee problem, I learned that there was a Salvadoran woman with a bullet in her, who was hiding out and who needed a doctor but was afraid to get help. She'd been shot in El Salvador just a couple of weeks before, and the bullet was still in her. I just started calling doctors to see who was willing to risk license, prison, and so forth in order to let us know what to do about this woman.

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<sup>118</sup> Golden and McConnell, *Sanctuary*, 40.

<sup>119</sup> [John M. Fife] "Conspiracy," 16.

<sup>120</sup> The bail for an undocumented migrant from El Salvador was \$5,000 in 1981. The Reagan administration had increased the amount from \$1,000 in 1980. According to the Immigration and Naturalization Act the bail is not allowed to be less than \$ 500. UNHCR: CR, S828.

<sup>121</sup> Golden and McConnell, *Sanctuary*, 40.

<sup>122</sup> Fife, "Conspiracy," 16.

<sup>123</sup> Robin Lorentzen, *Women in the Sanctuary Movement* (Philadelphia: Temple University Press, 1991), 13; Cunningham, *God*, 15.

<sup>124</sup> Cunningham, *God*, 15.

<sup>125</sup> [Willis-Conger] "Conspiracy," 15.

That's how it was all along. We didn't ever organize by running around and asking, "Will you become an active member of this secret organization?" When someone is in need, a lot of people respond.<sup>126</sup>

The TECTF also undertook weekly demonstrations and public prayers and vigils in front of the federal INS building in Tucson. The demonstrators spoke out against the violence in Central America and the role of the U.S. government in the conflicts.<sup>127</sup> Until then, Corbett, the TECTF, and all other volunteers had moved within the range of legal possibilities of civic action. Fife emphasized later that the various activists had tried to exhaust all the legal means to help: "I was doing everything possible within the bounds that had been set by government ... to serve the refugees."<sup>128</sup>

The rigidity of the state's deportation policy generated new forms and tactics of citizens' aid to refugees.<sup>129</sup> Some activists were frustrated by the bailing policy and their own inability to help, once asylum was denied.<sup>130</sup> Because the initial attempts aiming at legal asylum failed, the activists in Tucson started to provide asylum themselves, before refugees were captured by the border patrol.<sup>131</sup> Corbett slowly started to employ means that reached beyond the legal framework. A call from a Salvadoran migrant who requested help for a group of refugees beyond the border in Mexico triggered Corbett's outreach to migrants who were still on the Mexican side of the border. Together with the U.S. priest Ricardo Elford, the Mexican priest Ramón Dagoberto Quiñones,<sup>132</sup> and church worker María del Socorro Pardo de Aguilar Corbett started to smuggle Salvadoran migrants through the fence at the Mexican-U.S. border city of Nogales. Hence, Corbett had entered the road of illegal actions.

The activists adopted the new strategy because of the Mexican police's deportation strategies were similar to those of the U.S. government. Quiñones and de Aguilar had also noticed that many civil war refugees were handed over to the Mexican

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<sup>126</sup> [Corbett], "Conspiracy," 15f.

<sup>127</sup> Cunningham, *God*, 16; MacEoin, "Brief History," 16f.

<sup>128</sup> [Fife], "Conspiracy," 16; In a letter to "friends in Faith," the Tucson Ecumenical Council (Feb. 21, 1982), i.e. Pastor Fife and Timothy Nonn (TEC Project Director), point out the situation of undocumented Salvadorans, emphasize the immorality of returning these people to their home country, and call for the legal solution of granting extended voluntary departure. In: CCEIA, Box: 767, Folder: Sanctuary. Compare also Crittenden, *Sanctuary*, 64f.

<sup>129</sup> Compare chapter 5.2. Americas Watch quotes data from the INS: 1980 and 1982 12,828 Salvadorans were arrested and 2,378 of those deported to El Salvador. The majority was asked to leave the country voluntarily. See Americas Watch, *Report*, 172.

<sup>130</sup> [Fife], "Conspiracy," 16.

<sup>131</sup> "Conspiracy of Compassion," *Sojourners* 14:3 (March 1985), 14-18; Cunningham, *God*; Golden and McConnell, *Sanctuary*; MacEoin, "A Brief History," 14-29; Matters, *The Sanctuary Movement*.

<sup>132</sup> Quiñones' church had already started a social assistance program for the growing number of Central Americans arriving at the border in Mexico.

agencies at the border.<sup>133</sup> Once the refugees arrived in the United States, the activists sought to help them to apply for asylum.<sup>134</sup> By helping people to cross the border, the activists hoped to circumvent the detention by the U.S. border patrol. Once under the protection of churches and citizens, the deportation process could not start immediately.

The new project brought about a network of activists in the Tucson refugee support group (Trsg)<sup>135</sup> - students, housewives, retired people, and employees - who helped Salvadoran migrants to enter the United States and find refuge in their houses and churches. Members of the TECFC at first did not take part in the operation. The idea of breaking federal law seemed too far-fetched. Late in the summer of 1981 Corbett tried to persuade Fife and his church to support the actions of the Trsg. Corbett's own property and other homes were not sufficient to shelter the increasing number of migrants. The Southside Presbyterian Church, where Fife was the senior minister, hosted already civil war refugees who had been bailed out to apply for asylum. But what distinguished Corbett's and Fife's assistance was the question of legality. In the end, the Southside Presbyterian Church's senior council voted in favor of granting church refuge, i.e. sanctuary, to these "illegal" newcomers.<sup>136</sup>

Scattered assistance for incoming Salvadorans had evolved into a well-structured civic support network in Tucson. In small steps it had moved away from the legal political process. In the eyes of the activists, the radicalization of their activities was the result of their growing frustration with the high number of rejections of asylum applications, deficient conditions in the detention centers, and the refugees' reports about the violence, misery, and war they had left behind.<sup>137</sup> For the activists, sanctuary represented an act of active civil disobedience that protested against federal refugee and immigration policies and simultaneously provided direct help to people in need.

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<sup>133</sup> Cunningham, *God*, 27.

<sup>134</sup> *Ibid.*. The U.S. administration stressed the fact that Mexico was the Central Americans country of first asylum, and therefore made the United States' protection unnecessary. The Sanctuary movement argued that Mexico's asylum policy was failing. Many Guatemalans e.g. were deported from Mexico despite the insecurity that was awaiting them in their home country. Mexico, however, did cooperate with the UNHCR and provided refugee camps for Salvadoran and Guatemalan civil war refugees. For further discussion of the Mexican refugee policy toward Central American migrants in the 1980s see: Gil Loescher, "Humanitarianism and Politics in Central America," in Nichols, *Moral Nation*, 154-191; Elizabeth Ferris, "The Politics of Asylum: Mexico and the Central American Refugees," *Journal of InterAmerican Studies and World Affairs* 26:3 (August 1984), 357-384.

<sup>135</sup> The group's name was not capitalized because of the Quakers' affinity to decentralized institutions.

<sup>136</sup> [Fife], "Conspiracy," 17. In 1982, the Southside Presbyterian Church was a small community of 120 members in a predominantly Hispanic part of Tucson.

Sanctuary as such is not mentioned in U.S. law. Sheltering undocumented immigrants, however, is prohibited.<sup>138</sup> The community of the Southside Presbyterian Church realized that it was walking a thin line between a prosecution for professional smuggling and application of Christian-humanitarian ethics in a policy area that was the legal responsibility of the state. In order to avoid indictment and arrest, the congregation decided to go public. In various community, discussion, and prayer meetings, members of the church developed the idea of offering sanctuary. By going public, the community hoped for a general understanding for their actions and the plight of the individual civil war refugees among the citizens.<sup>139</sup> On 24 March 1982, two years after the assassination of Archbishop Romero, the congregation officially announced its church a sanctuary for Salvadoran refugees. Four other congregations demonstrated their solidarity with the Southside Presbyterian Church's project after the activists in Tucson had contacted them.<sup>140</sup> Corbett, Fife, a civil rights lawyer, and a Salvadoran refugee presented their arguments about U.S. refugee/immigration law and the situation in El Salvador before a group of forty news and TV reporters.<sup>141</sup> In an open letter to Attorney General William French Smith Fife –mainly responsible for revitalizing the biblical sanctuary concept in Tucson<sup>142</sup> - announced that his church was deliberately breaking law. The movement declared federal policy to be inconsistent with U.S. law:

...the Southside Presbyterian church will publicly violate the Immigration and Nationality Act Section 274(a)... We believe that justice and mercy require that people of conscience actively assert our God-given right to aid anyone fleeing from persecution and murder. The current administration of U.S. law prohibits us from sheltering these refugees from Central America. Therefore we believe the administration of the law to be immoral, as well as illegal...Obedience to God requires this of all of us.<sup>143</sup>

According to the activists, sanctuary might have been illegal according to the federal government, but it was morally legitimate.

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<sup>137</sup> [Merkt], "Conspiracy," 14; MacEoin, "The Constitutional and Legal Aspects of the Refugee Crisis," in *ibid.*, *Sanctuary*, 118-129, 124ff. Both, Merkt and MacEoin were Sanctuary activists.

<sup>138</sup> The *Immigration Reform and Control Act* (I.R.C.A.) from 1986 changed the wording of the rule but not the idea. Compare Sec. 274(a) of the pre-1986 law and Sec. 1324(a) of the post-1986 law in 8 U.S.C. (*Immigration and Naturalization Act amended by the I.R.C.A.*).

<sup>139</sup> [Fife], "Conspiracy," 17; Crittenden, *Sanctuary*, 58.

<sup>140</sup> The other congregations were the University Lutheran Chapel in Berkeley, California, the First Unitarian Universalist Church in Los Angeles, the Community Bible Church in Lawrence, New York, and the Luther Place Memorial Church in Washington, DC. Regarding the offering of sanctuary in Berkeley, see chapter 4.4.1.

<sup>141</sup> Smith, *Resisting Reagan*, 67.

<sup>142</sup> Personal interview with Wheaton.

<sup>143</sup> Documented in: Golden and McConnell, *Sanctuary*, 48.

Soon, with the help of the national and religious media, the Sanctuary movement proliferated nationwide.<sup>144</sup> Sociologist Christian Smith emphasizes the distinctiveness of this action: "A church openly breaking federal law was big news."<sup>145</sup> In the following years, grassroots attempts to help detained or undocumented immigrants grew into a nation-wide social movement called the Sanctuary movement. The interest in the movement was high, especially among churches and religious groups, which sought information and offered help.<sup>146</sup> In the summer of 1982, fifteen Christian churches and Jewish synagogues announced their sites to be a sanctuary. Seventy others offered their financial and moral assistance.<sup>147</sup> The decision of the refugee activists in Tucson had triggered a domino effect within the religious community. Over the next four years, the number of sanctuaries increased constantly. In the summer of 1985 there were 225, a year later 307.<sup>148</sup>

The events in Tucson and elsewhere demonstrate the emergence of a solidarity movement for civil war refugees from El Salvador and Guatemala that appeared first on a local and later on a national level. The Sanctuary movement attracted citizens who are usually not part of the foreign policy discourse in the United States.<sup>149</sup> Despite the illegality of sanctuary, it was supported by many citizens who were not taking part in any other projects related to Central America at the time. Various factors distinguished the Sanctuary movement from the general scheme of religious Central America activism: a low profile, a very decentralized structure, a high involvement of individual congregations, a focus on individual faith response, and the idea and visibility of sanctuary itself, as well as its detachment from established religious interest groups and from the political scene in Washington.

### 5.3.2 Sanctuary between Illegality and Legitimacy

From the early to the late 1980s, the Sanctuary movement stirred a public debate that touched the legality of the autonomous decision to grant asylum as well as the moral

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<sup>144</sup> Smith, *Resisting Reagan*, 68.

<sup>145</sup> *Ibid.*, 67.

<sup>146</sup> [Fife], "Conspiracy," 17.

<sup>147</sup> Christina Ravashiere, "U.S. Churches Defy Law - Form Network to Harbor Salvadoran Refugees," *Christian Science Monitor*, 20 August 1982, 6.

<sup>148</sup> Data from *Basta! National Newsletter of the Chicago Religious Task Force on Central America* (June 1985) and *Basta!* (June 1986), 28.

<sup>149</sup> Schoultz, "Central America," 210.

legitimacy of this kind of action. In the beginning, there were no charges or arrests of the refugees in sanctuary or the activists. An official of the Immigration and Naturalizations Service (INS) interpreted the inactivity of the administration as a sign of the movement's insignificance. The administration was not about to bow to pressure and propaganda from churches, this official declared. Yet, statements by INS officials also suggest that the administration feared to forcibly drag people out of a church, i.e. a sacred place.<sup>150</sup> The first arrest of a Sanctuary activist occurred two years after the official Sanctuary declaration in February 1984.

The U.S. administration's criticism was evident in its prosecution of eleven leading Sanctuary activists in Arizona (*United States v. Aguilar*). In the much-noticed trial, the activists were accused of having broken federal immigration law. The prosecution stressed the priority of federal law over religious motives. A federal court convicted the activists for "masterminding and running a modern-day underground railroad that smuggled Central American natives across the Mexican border with Arizona."<sup>151</sup> Eight of the eleven defendants were found guilty, though none were jailed.<sup>152</sup>

It remains unclear how many Central Americans the Sanctuary movement assisted in their border crossing.<sup>153</sup> Corbett's initial action had expanded into a small network of helpers. The so-called "evasion service" - smuggle and transportation - was the work of a handful of activists.<sup>154</sup> In the Arizona trial from 1985/86 only two of eleven defendants - the two Mexican citizens, Quiñones und Aguilar<sup>155</sup> - were indicted for smuggling.<sup>156</sup> Corbett estimated having taken approximately 400 Salvadorans and Guatemalans into the United States in the summer of 1983.<sup>157</sup> The U.S. administration

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<sup>150</sup> Ravashiere, "U.S. Churches Defy Law," *Christian Science Monitor*, 20 August 1982, 6. The INS official Bill Joyce says: "We're not about to send investigators into a church and start dragging people out in front of the TV cameras."

<sup>151</sup> See footnote 24, page 240.

<sup>152</sup> They were put on probation. The charges carried penalties of up to 25 years. Refugee work was continued in Tucson after the trial. New and other members of the movement took over. Some of the indicted activists abstained from further public appearance, others continued public advocacy. Pastor John Fife's church was still open to Central America migrants. In 1992, John Fife became head of the Presbyterian Church (U.S.A.). Sister Darlene Nicgorski's order, the School Sisters of St. Francis also remained a sanctuary order.

<sup>153</sup> Corbett and others declared that they had given migrants located in Mexico information about potential border crossings (holes in the fence etc.). Afterwards, they waited for the person on the other side of the fence.

<sup>154</sup> Fife, Corbett, and the director of the TECTF, the Methodist Philip Conger-Willis, explained in numerous interviews that they transported migrants across the border.

<sup>155</sup> Quiñones und Aguilar had taken part in the trial to show their solidarity.

<sup>156</sup> Loken and Bambino, "Harboring," 130f.

<sup>157</sup> See Carla Hall, "The Border Breaker," *Washington Post*, 23 July 1983, C1, C7.

only filed a lawsuit against those activists who had moved beyond the sole provision of sanctuary.<sup>158</sup>

The charges in the Arizona trial were filed against the leaders of the movement there. Apart from Quaker Jim Corbett and Presbyterian John Fife, the Methodist Philip Willis-Conger, the Catholic priests Anthony Clark and Dagoberto Quiñones, the Catholic sister Darlene Nicgorski, the Methodist Peggy Hutchison, Catholic Mary Espinosa, Unitarian Wendy LeWin, Catholic lay worker Socorro de Aguilar, and Quaker Nena MacDonald were charged. Especially Corbett and Fife had been portrayed in national and local newspapers and magazines as charismatic leaders of the movement. The relatively positive and sympathetic news reports had facilitated the expansion of the movement. *People* published a long article about Corbett in 1982.<sup>159</sup> The TV program *60 Minutes* invited him as a guest speaker.<sup>160</sup> In 1983, the *Washington Post* portrayed Corbett as a "cowboy" who had to be distinguished from professional smugglers.<sup>161</sup>

Despite earlier statements in which activists confirmed their breaking federal law, the Tucson group slowly started to argue that it had acted according to the law. The group saw its actions as consistent with higher as well as with national and international law standards.<sup>162</sup> The activists in Tucson understood the civil war migrants either as classical political refugees according to international and national law or as civil war refugees fleeing a general situation of violence and conflict. For the first group, they sought political asylum. For the latter, they requested the termination of deportation. The Sanctuary activists argued that stopping deportation was the United States' duty in the light of international refugee law that the United States had signed and that bound nation

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<sup>158</sup> Loken and Bambino, "Harboring," 131. In the Arizona trial as well as in trials in Texas, people stood on trial due to the transport of undocumented immigrants. Texas was the other central border region that assisted Central American civil war refugees. Two members of the Catholic charity organization Casa Oscar Romero, its director John Elder and the employee Stacy Merkt, were the first Sanctuary activists on trial. For a few months, Merkt was in jail, a governmental action that encouraged Amnesty International to adopt her as a "prisoner of conscience." At the time of the Arizona trial, Amnesty International had also announced its adoption of the accused as "prisoners of conscience." The organization did not want to question the United States' authority over immigration but sought to stress the violations of the human rights of the migrants in the United States. See Matas, *Trial*, 54.

<sup>159</sup> Crittenden, *Sanctuary*, 77.

<sup>160</sup> Davidson, *Convictions*, 77.

<sup>161</sup> Carla Hall, "Fighters for Rights," *The Washington Post*, 22 September 1984, D3. Corbett defined the media's interest as one directed by an interest in U.S. citizens breaking federal law and not one directed by an interest in the civil war refugees: "...the attempt to bring the situation to public attention has involved the absurdity of smuggling refugees under a steadily increasing glare of publicity. The media are not interested in the indigenous martyrs of Central America, but they are fascinated with the willingness of U.S. citizens to go to some slight risk in order to help refugees evade capture." Quoted in Davidson, *Convictions*, 78

<sup>162</sup> 883 F.2d 662, 673, 679, 687.

states to the principle of *non-refoulement*.<sup>163</sup> In contrast to the activists' interpretation, the federal court of appeals reasoned that the norms of a humanitarian law such as the Red Cross treaty did not bind the nation state.<sup>164</sup> Furthermore, the international refugee protocol in comparison to the Red Cross treaty was not binding to the nation state that had signed the treaty (*force of law*), but was rather a recommendation to the state.<sup>165</sup>

In the eyes of the Sanctuary movement, the government did not comply with national and international law. Accordingly, it was the citizens' civic duty to balance their government's shortcomings. They denounced the administration's policy, not their own action, as immoral and illegal. The United Presbyterian Church U.S.A. called upon its congregations in June 1982 "to actively resist the immoral and illegal policy of the U.S. Immigration and Naturalization Service by declaring their churches to be 'sanctuary.'"<sup>166</sup> John Fife identified the activities of the INS as "violations of the refugees' civil rights" that required a movement like sanctuary.<sup>167</sup> Quaker Jim Corbett introduced his concept of "civil initiative" according to which "people who are providing sanctuary are defending good laws which the U.S. government is violating..."<sup>168</sup> According to his opinion, sanctuary did not symbolize civil disobedience. Activists in the Sanctuary movement were rather complying with their individual civic duty rooted in history and international law to counter human rights violations by the state. He says that

[f]rom the Declaration of Independence to the trials at Nuremberg, our country has recognized that good citizenship requires that we disobey laws or officials whenever they mandate the violation of human rights.<sup>169</sup>

The movement believed international humanitarian and refugee law on its side.<sup>170</sup>

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<sup>163</sup> See chapter 5.2.1. The Red Cross Treaty from 1949 broadens the concept. Accordingly, people (also those without a refugee status) are secure from deportation as long as the war or civil war situation in the home country continues. Furthermore, refugees have a right to humanitarian assistance. In addition, the treaty affirms the right of every private individual to provide humanitarian help, i.e. international law protects private humanitarian work. The Sanctuary movement referred to these aspects of international law.

<sup>164</sup> 883 F.2d 662, 680.

<sup>165</sup> "As the Protocol is not a self-executing treaty having the force of law, it is only helpful as a guide to Congress's statutory intent in enacting the 1980 Refugee Act." In *ibid*.

<sup>166</sup> *Sanctuary: Nuts and Bolts*, 16.

<sup>167</sup> John Fife, "Conviction and Commitment: An Interview with John Fife" *Sojourners* 15:7 (July 1986), 20-22, 20.

<sup>168</sup> Jim Corbett, "Foundations for the Future: An Interview with Jim Corbett," *Sojourners* 15:7 (July 1986), 30. Some activists from other regions agreed: "...we are confronting ...lawless authority. Lawless authority defines itself as legal and those who disobey as illegal." Jim Wallis, "Waging Peace," in MacEoin, *Sanctuary*, 169-176, 174.

<sup>169</sup> Jim Corbett, "The Covenant As Sanctuary," in MacEoin, *Sanctuary*, 183-197, 192.

<sup>170</sup> Corbett, "Covenant," 189-195. See also American Friends Service Committee, *In the Shadow of Liberty: Central American Refugees in the United States* (Philadelphia: AFSC, 1988).

The judge in the federal trial in Arizona did not agree with the activists' interpretation of the law. Whether the highest moral motives were involved in their actions or not, citizens could not declare themselves to be (the better) immigration officers and judges, not even then when a government violated human rights, he argued.<sup>171</sup> According to democratic principles and the rule of law, citizens' autonomous immigration and refugee policy seemed threatening.<sup>172</sup> Liberal voices responded to such interpretations that respect for democratic institutions should not overshadow the defense and protection of the civil rights of the individual. According to those voices, law in a democratic system is not absolute but open for change. Responsible citizens had to follow their civic duties.<sup>173</sup>

Activists in Tucson implemented a screening process for incoming refugees in 1983/84. They applied defining criteria of the UNHCR. The screening of migrants was supposed to sort out political refugees.<sup>174</sup> Distinction between migrants, however, did not mean that "non-political refugees" did not receive assistance.<sup>175</sup> To a certain extent, this strategy symbolizes a climax of the autonomous refugee policy of U.S. citizens. The idea to screen migrants according to official standards and rules and then provide sanctuary in the United States aimed at demonstrating the movement's legitimacy as well as legality.<sup>176</sup>

In the context of U.S. refugee law, the narrow legal definition of the administration and the interpretation of the Sanctuary movement were at odds. Neither the U.S. refugee act nor the UN conventions define the term "well-founded fear of

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<sup>171</sup> Crittenden, *Sanctuary*, 232.

<sup>172</sup> The Sanctuary movement cited the warning by Supreme Court Justice Louis Brandeis that anarchistic citizen action might follow government violation of the law: "Our government is the potent, the omnipresent teacher. For good or ill, it teaches the whole people by its example. If the government becomes a lawbreaker, it breeds contempt for the law. It invites every person to become a law unto him. It invites anarchy." Quoted MacEoin, *Sanctuary*, 117.

<sup>173</sup> James W. Nickel, "Ethical Issues of the Influx of Central American Refugees into the United States," in MacEoin, *Sanctuary*, 95-108 106f. One scholar of international law, David Matas argues that international law would support the interpretation of the Sanctuary movement. If, as in the case of the Sanctuary movement, there is a connection between the breaking of international law by local agencies and the breaking of local law by private citizens, it the international duty of citizens to abolish injustice. See David Matas, *The Sanctuary Trial* (Winnipeg, Canada: Legal Research Institute of the University of Manitoba, 1989), 131f. Decisions by U.S. federal courts support Matas' interpretation because they identify the policy of the INS toward Salvadoran migrants as illegal: *Orantes-Hernandez v. Meese*, 685 F. Supp. 1488 (C.D. Cal. 1988).

<sup>174</sup> Davidson, *Convictions*, 81f.; Coutin, *Culture*, 116. Despite the attempts of the movement to gain official refugee status for the Salvadoran and Guatemalan civil war migrants, Corbett also affirmed that most of the newcomers had not been directly tortured or persecuted otherwise. It was rather the knowledge about tortured or murdered neighbors, relatives, and friends that had caused many to seek refuge.

<sup>175</sup> Davidson, *Convictions*, 82.

<sup>176</sup> *Ibid.*, 160.

persecution" that the refugee definition requires, leaving room for diverse interpretations. In March 1987, a U.S. Supreme Court decision supported the concerns of the Sanctuary movement and other refugee advocates of temporary asylum for people from regions torn by war. The Supreme Court questioned the strict interpretation of the INS and the State Department in the asylum case *INS v. Cardoza-Fonseca*. The court decided in favor of an asylum applicant from Nicaragua whose application had been denied due to the lack of evidence of persecution ("clear probability"). The court ruled that a proof of a "well-founded fear of persecution" was sufficient to be temporarily protected from deportation.<sup>177</sup> In the opinion of the Supreme Court, Congress had issued a new refugee act to give more room to a broader refugee definition.<sup>178</sup>

After the trial in Arizona, the discussion about the legal status of the movement's means was settled. Yet, the movement remained highly critical of its government's foreign and refugee policy, continuing and even expanding into the 1990s.<sup>179</sup> Some observers describe the sanctuary movement as "[t]he most spectacular example of religious opposition to U.S. foreign policy" of the 1970s and 1980s.<sup>180</sup>

The sanctuary movement was not a homogeneous group. Like other protest movements, it comprised people with different interests and only partially overlapping goals and motives. The grassroots character provided for the respective independence and autonomy of involved religious communities, individuals, and groups. Different forms of action are closely linked to the activists' motives and interests. Religious faith, values, and political opinion played a significant role.<sup>181</sup> In this section of the study, I will illustrate the various activities within the sanctuary movement and the motives and values underlying their involvement.

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<sup>177</sup> *Immigration and Naturalization Service v. Cardoza-Fonseca*, 480 U.S. 421, 107 S.Ct. 1207, 94 L.Ed.2d. 434 (9 March 1987). Both criteria exist in U.S. immigration law. § 208(a) (identical with the asylum rules of the refugee act from 1980) maintains the UN rule that requires a well-founded fear of persecution. § 243(h) demands the "clear probability."

<sup>178</sup> "Congress did not intend to restrict eligibility for that relief to those who could prove that it is more likely than not that they will be persecuted if deported." See *Immigration and Naturalization Service v. Cardoza-Fonseca*, 480 U.S. 421.

<sup>179</sup> At the end of the 1980s, there were still a number of sanctuaries. See John Fife, "Anwälte der Menschlichkeit: Die Sanctuary-Bewegung in den USA," Interview in *ai-Info* (January 1989), 12-14, 12; Linda Saslow, "Hope and Fear at a Refugee Sanctuary," *The New York Times*, 25 June 1989, Long Island Sec., 1, "Central American Find No Refuge at the Border: More and More Refugees Seek Help at Sanctuaries," *Utne Reader* (January/February 1990), 38-39. During the Gulf War in 1991 some churches offered sanctuary to conscientious objectors. See Loken and Bambino, "Harboring, 122.

<sup>180</sup> Ferber, "Revival," 9.

<sup>181</sup> In this context, values refer to the highest moral norms that include the interests and means to realize these values. Compare Reichley, *Religion*, 9.

The various forms of assistance and action can be grouped into four categories. The main idea of the movement was sanctuary, i.e. one person, one family, or multiple families stayed in a church, community center, house, or apartment. Apart from humanitarian assistance, the movement in the border region also offered direct transportation of migrants from Mexico into the United States, information about uncontrolled border crossings and transportation ("resettlement") within the United States. The Tucson group was one of the very few groups that had "smuggled" people into the United States. A fourth form of activity can be explained as advocacy work. In this context, it refers to a certain type of engagement for the sanctuary movement and Central American migrants that included political mobilization campaigns such as demonstrations, public statements, or the so-called "overground railroad."<sup>182</sup> In short, advocacy work refers to activities that reached beyond sanctuary itself. The "Chicago" wing exemplifies this fourth category. The terms Tucson and Chicago represent two different concepts within the sanctuary movement. The geographical division seems the most logical because two organizational 'centers' of the movement were located in these two cities. This division is not categorical. Individual biographies bridge this separation, so that we cannot talk precisely about two separate wings. We rather deal with two currents within one movement whose differences centered on questions of strategy and occasionally on goals.<sup>183</sup>

### 5.3.3 Humanitarian Sanctuary

The Sanctuary movement stood out because of its unconventional tactics, grassroots, decentralized character, and for that reason, its independence from the church leadership.<sup>184</sup> Repeatedly, it was emphasized that there was "...no official office, no

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<sup>182</sup> The sanctuary activists had labeled the transportation of refugees as the "overground railroad" in order to construct an affinity to the "underground railroad" of the 19th century.

<sup>183</sup> This study concentrates on the "leading activists" of two centers of the movement. Activists themselves talked about Chicago and Tucson when referring to the two currents in the movement. One of the leading activists in the Northeastern region of the United States, Rev. Philip Wheaton, defines his own position in the movement as "ideologically, I agreed with the people in Chicago." Personal interview with Philip Wheaton, 6 April 1999. Scholars of the movement have also, although with reservations, referred to the different approaches of these two groups. See Coutin, *Culture; Matters, Sanctuary*; Cunningham, *God; Zucker, Gate*, 245ff. There were other centers of activism as well, i.e. San Francisco, Texas, or Washington, DC.

<sup>184</sup> See also Barbara Yarnold, "The Role of Religious Organizations in the U.S. Sanctuary Movement," in *ibid.* (ed.), *The Role of Religious Organizations in Social Movements* (New York: Praeger, 1991), 17-46.

national coordinator. Sanctuary is a grassroots thing and it takes place on the local level."<sup>185</sup> This openness facilitated the emergence and development of different approaches to the issue. As an ecumenical and "politically colorful" movement, religious and civil rights groups, congregations, cities, and two states declared sanctuary out of different reasons.<sup>186</sup> Next to a majority of Christian sanctuaries, Jewish and indigenous communities also opened their doors, although in smaller numbers. In contrast to Christians, Jewish sanctuary activists identified with civil war refugees particularly because of their own history of persecution and flight. Although Torah and faith were named as well, the experiences of Jewish history dominated as motives for engagement. The major point of comparison was the Holocaust, not as a direct analogy but as an educational issue, a task, and remembrance.<sup>187</sup> Indigenous groups showed special solidarity with Guatemalan Indians who were exposed to persecution and violence under General García Lucas in the early 1980s.<sup>188</sup> Although much of the refugee assistance took place in the border states of California, Arizona, and Texas, sanctuary sites were also numerous in New York, Wisconsin, Illinois and Pennsylvania.<sup>189</sup>

According to activists at the border, the work there impelled them to engage more proactively, i.e. helping migrants across the border and transporting them within the United States were as necessary as the reactive model of protection in the sanctuary.<sup>190</sup> The active work presents a more aggressive version of sanctuary. It was also a direct challenge to the immigration policy of the United States. The charges of the Arizona trial

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<sup>185</sup> Gus Schultz in MacEoin, *Sanctuary*, 79. The guidebook *Sanctuary: Nuts and Bolts* illustrates the openness of the Sanctuary concept and the autonomy of each community to decide how to implement and shape the sanctuary. The introduction of *Nuts and Bolts* explains that: "Each local situation is unique and each congregation is different and will have its own ideas about how best to organize and handle its sanctuary ministry."

<sup>186</sup> Active individuals and congregations belonged to the following denominations and umbrella organizations (despite their denomination's official position on sanctuary): U.S. Catholic Church, United Church of Christ, NCC, Leadership Conference of Religious Women, Conference of Major Superiors of Men, Prioress of Benedictine Sisters of Erie, Pax Christi USA, Sisters of Mercy of the Union, Church of the Brethren, Rabbinical Assembly, Mennonite Central Committee, American Baptist Church in the U.S.A., UAHC, AFSC, Presbyterian Church U.S.A., Society of Friends, Unitarian Universalist Association, Lutheran Church family, Maryknoll, Episcopal Church, Methodist Church among others. The following Hispanic, immigration rights, human rights, solidarity, and Central America groups were actively involved as well: El Rescate, Witness for Peace, Coalition of U.S. Women Against Intervention, Lawyers Committee for International Human Rights, Central American Resource Center (Austin, TX), Rescue, Border Association for Refugees of Central America, ACLU, or the National Lawyers Guild.

<sup>187</sup> Coutin, *Culture*, 78f. The civil disobedience of some Christians during the Holocaust serves as an analogy for some activists to help people of other faiths and ethnicities: "...there were a few courageous voices - the righteous gentiles - who followed their consciences and provided safe haven." See *Jewish Covenant of Sanctuary* of a Jewish community in San Francisco, in: *Basta!* (June 1985), 28.

<sup>188</sup> Golden and McConnell, *Sanctuary*, 60f. Guatemalan Indians largely live in the Northwestern region (60 percent of the population) of Guatemala, a region where the guerrillas had a stronghold in the 1980s.

<sup>189</sup> According to data from June 1986, see *Basta!* (June 1986), 26.

indicate the difference between the active and reactive versions. Only two people were indicted due to the actual offering of sanctuary. The others stood on trial for the transportation, smuggling, and conspiracy.<sup>191</sup> The smuggling and transportation of migrants - first "underground," later "overground" - broadened the concept of sanctuary significantly. While critiques attacked the breaking of federal laws, activists confessed to the crime. Despite the legal situation activists at the border felt obliged on moral and humanitarian grounds to follow their own, autonomous immigration policy.<sup>192</sup>

Religious faith was the main motive for most sympathizers and sanctuary providers. A selection of sanctuary statements from congregations and individuals demonstrates the centrality of this motive. Whether Franciscan brothers, pastors of various Protestant churches, Jewish communities, Quakers, or Catholic nuns, they all reasoned to act out of the feeling of "helping thy neighbor," out of the religious duty to pursue social justice and to help the weakest members of society.<sup>193</sup> Activists and religious groups cited the Deuteronomy, the source for the Old Testament social laws and the commandments of justice, love for enemies, charity, and the siding with the poorest and weakest that are found in the sermons' of Jesus Christ in the New Testament. The Sanctuary movement seemed to scorn secular U.S. law and to obey a "higher, divine authority."<sup>194</sup> The National Capital Union Presbytery issued one of the earliest resolutions of the Sanctuary movement in September 1982 that stressed the moral superiority of divine law over "civil government":

As Christians, we have an even longer tradition of providing sanctuary in our churches for persons escaping persecution and death. Using a church as a refuge is a recognition of the moral limits of civil government and of God's superior claim on human allegiance. In both Old and New Testaments, we are called upon to show compassion for those suffering from oppression.

Under these circumstances, The National Capital Union Presbytery:

Believe that we are called as Christians to provide a safe haven for the people who flee to the United States to escape the threat of death or severe repression in El Salvador and other Central American countries where similar conditions prevail.<sup>195</sup>

Meeting people in an emergency situation as well as the - according to the activists - inhumane detention and deportation policy of the INS was a fruitful ground for the engagement of citizens with self-declared moral imperatives. Yet, in contrast to early

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<sup>190</sup> Corbett, Fife, "Conspiracy," 15ff.; Fife in: "Anwälte," 13.

<sup>191</sup> 883 F.2d 662, 666-667.

<sup>192</sup> An INS official called the actions as a "do-it-yourself" immigration policy." Quoted in Paul W. Schmidt, "Sanctuary: The Alternatives," in Tomasi, *In Defense*, 182-188, 186.

<sup>193</sup> Compare Don Lattin, "Franciscan in 7 States Open Arms to 'Illegals,'" *San Francisco Examiner*, 22 March 1985, B1; Donald P. Baker, "A Long Road to Sanctuary," *The Washington Post*, 25 March 1985, B1, B7; *Seeking Safe Haven*, 40; "Jewish Covenant of Sanctuary," *Basta!* (June 1985), 28; Jim Spencer, "Law vs. a nun's higher order: Aid to refugees," *Chicago Tribune*, 23 January 1985, C1, C2.

<sup>194</sup> Spencer, "Law;" *Seeking Safe Haven*, 40.

<sup>195</sup> *Seeking Safe Haven*, 43. Emphasis in the original.

Puritanism, the Sanctuary movement did not seek a society that should live according to the law of God alone. The movement rather combined divine and secular authority in order to legitimize individual morality and the demands in the public realm.<sup>196</sup> The state is accepted as an authority responsible to remove shortcomings. The autonomous intervention in refugee and immigration issues was to smooth the way for a different policy.

### **Faith-Based activism**

The interpretation of international and national law was one pillar of the sanctuary activism in Tucson. The other major pillar was faith-based. "Political" goals were defended with religious motives. Political activism seemed secondary. Biblical excerpts, and religious values such as charity, social justice, and solidarity, served as legitimizing forces.<sup>197</sup> In this study, I do not want to link the traditions and value systems of involved denominations and congregations and their respective engagement in the Sanctuary movement. Although the dominating role of some denominations can be traced back to those religions that are closer to the sanctuary ideals, this chapter wants to come to more general conclusions.<sup>198</sup> What is important for an understanding of citizens' interest in engaging in foreign policy-related issues is the fact that certain religious and universal values played a major role in the engagement of a broad range of people. Individual faith guided public action. The link between individual private faith and the society at a large corresponds to the idea that "good society depends on individuals acting responsibly to uphold moral and democratic values..."<sup>199</sup> Accordingly, religion moves beyond the private sphere. The Sanctuary movement demonstrated vividly in how

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<sup>196</sup> Concerning religion, individual and general morality, see Krakau, *Missionsbewußtsein*, 51.

<sup>197</sup> Matters, *Sanctuary*, 74. It is difficult and ambiguous to distinguish between "political" and "religious/humanitarian" activities and goals. Sincere religious faith can include political imperatives. Political action can be legitimized by religious motives. The big conservative parties of Europe represent a liaison between religion and institutionalized politics. The distinction between a "political" and a "humanitarian" wing in this study serves to stress priorities within the movement.

<sup>198</sup> Michael Matters presents a study in which he argues for the larger representation of those denominations, i.e. Quakers, Jews, Mennonites, and Unitarians because their value systems best reflect the values presented by the movement. Sanctuary activism of other congregations, e.g. Lutherans or Baptists is independent from the general opinion of their denomination. According to Matters, the individual congregation's background is important for its activism. See Matters, *Sanctuary*, chapters 4, 5 and 6. Robin Lorentzen uses a different key for breaking down the reasons for engagement. Small, homogeneous Protestant congregations were the most welcoming ones, whereas large, heterogeneous, hierarchical Catholic communities were more cautious. For the Catholic communities' engagement, the position of the individual bishop was significant. Within the religious Jewish community, conservatism and heterogeneity prevented many synagogues from declaring sanctuary. See Lorentzen, *Women*, 27-29.

<sup>199</sup> Wuthnow, *The Restructuring*, 58.

far activists combined values and action against the background of seeking social change.<sup>200</sup> By doing so, the movement reflects the demands for "acts of love" or "bringing about social justice" of progressive religious currents.<sup>201</sup>

The initial goal of the activists in Tucson was the immediate assistance for people in an emergency situation, not a mobilization campaign against Washington. Despite its criticism and sharp rhetoric against the policy of the INS and the State Department, Tucson as well as the majority of sanctuary sites concentrated on direct refugee assistance. Tucson activists concentrated on the people's needs before they concentrated on the causes of migration. Pastor John Fife explained: "...what we were doing was not nearly so important as the refugee's needs."<sup>202</sup> Peggy Hutchison agreed with her colleague that the migrants should remain in the center of the interest.<sup>203</sup> Discussion of the causes of the migration and the civil war were usually a direct result of the encounter with individual refugees. The means, one could say, were also the primary goal. Many activists were content with the actual humanitarian help without engaging in background analysis.<sup>204</sup> Religious faith functioned as the main base for becoming involved. In this sense, humanitarian assistance seems purely charitable without aiming at another cause. It resembles a more conservative approach of religious refugee assistance that concentrates on "neutral" curing of the symptoms, not on abolishing the causes.

Social scientists like activists are divided on the question of humanitarian assistance and its implications. Some reject a division between so-called political and neutral humanitarian assistance, others stress the importance of drawing clear lines.<sup>205</sup> The complex political context of the Central American migration has been explored in previous pages and it sheds some light on the difficulties of defining victims and responses according to established legal rules. Here, the study will concentrate on the

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<sup>200</sup> Ibid., 148f.

<sup>201</sup> Ibid., 149.

<sup>202</sup> Fife, "Conviction," 21.

<sup>203</sup> Peggy Hutchison, "A Mutual Ministry, An Interview with Peggy Hutchison," *Sojourners* (July 1986), 22-24, 23.

<sup>204</sup> The Catholic bishops of Texas formulated this approach: "As church, we accept these people regardless of the economic or political causes that generated their journey. We ourselves shall not sit in judgement on the conflict and tensions that may have initiated the process." In "The Pastoral Care of Hispanic Immigrants," *Origins* 15:31 (16 January 1986), 520.

<sup>205</sup> The political scientist Forsythe e.g. rejects a separation. According to his interpretation, every reaction to a human disaster - whether a natural disaster, hunger, or persecution - and the disaster itself would take place in a political context, i.e. each humanitarian response would compete with strategic, economic, or political interests in the political process surrounding the conflict. David P. Forsythe, "Humanitarian Assistance in U.S. Foreign Policy, 1947-1987," in Nichols, *Moral Nation*, 63-90, 68. Bruce Nichols on the other hand argues that "humanitarianism" was abused as a political concept by many refugee-assisting groups since the 1970s. See Nichols, *Uneasy Alliance*.

intentions of the activists in Tucson. By employing religion and values, activists entered a space beyond precise social analyses of migration and its background.

In Tucson, many activists worked quietly, i.e. without much public advocacy campaigns.<sup>206</sup> This aspect distinguished the humanitarian wing from the more "radical" activists. In fact, many refugee advocates in the Sanctuary movement distinguished between traditional political activism and their own work. One activist in Tucson argues, "I never, never want to be classified as a political activist... I work with them, and love them, but I don't - I can't be one."<sup>207</sup> A member of the movement outside of the Tucson community argues similarly: "I was turned off by the political groups because they seemed to be so fanatical. And I really liked sanctuary because it seemed to be sincere."<sup>208</sup> Various non-religious activists were drawn to the Sanctuary movement because of this non-partisan, non-organized political character. They valued that questions of power and sectarianism played a minor role and that it centered on principles such as religious and civic humanitarianism:

[I]n the organized Left, it's always "us" and "them." And it's always about things like power. Winning power, keeping power from other people, jockeying for position...And I think that a wonderful thing about religious people in general,... [is] there's none of that sectarianism that goes on. It's more broad than that. There's a basic humanity here in the sense that working in sanctuary is an affirmation of the human spirit, and that all people are welcome in God's house.<sup>209</sup>

Tucson sanctuary activist Jim Corbett is convinced that "[t]here probably weren't ten congregations in the whole country that would prune their advocacy of human rights to fit the strategies of revolutionary warfare..."<sup>210</sup>

Scholars and activists have pointed to various reasons that account for the different set of motives and interests. Geographical location seems to be one factor. A rabbi from Tucson describes the external factors that frame the division between Chicago and Tucson: "When you've brushed the dust off people and learned their names and hugged them in the middle of the desert, it's different from sitting in an office in Illinois discussing the theory of sanctuary."<sup>211</sup> On the other hand, membership in a certain denomination or congregation accounts for various attitudes toward the work with refugees. The active sanctuary organizations in Tucson, TECTF and Trsg, represent

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<sup>206</sup> Coutin, *Culture*, 117.

<sup>207</sup> Quoted in *ibid.*, 195.

<sup>208</sup> Quoted in *ibid.* A Dominican Sister formulated a similar approach: "Our agenda is the well-being of the refugees...We don't see ourselves as being involved in politics. But...there is a political dimension to social engagement." Quoted in Peter Applebome, "In Sanctuary Movement, Unabated Strength but Shifting Aims," *The New York Times*, 27 October 1987, A18.

<sup>209</sup> Berkeley activist Marty Finn, quoted in Coutin, *Culture*, 195f.

<sup>210</sup> Jim Corbett, *Goatwalking* (New York: Viking, 1991), 161.

<sup>211</sup> Quoted in Coutin, *Culture*, 41.

broad, ecumenical coalitions whose members were "clergy" and Quaker without a specific political background.<sup>212</sup> Activists there favored independence, decentralized structures, and the local community before hierarchies and doctrines.<sup>213</sup>

In previous chapters, we have seen that the tendency to abstain from political-partisan affiliation accounts for the faith-based Central American movement as a whole. Christian Smith holds that the general Central America activist is attached to the political and cultural left without being a member of a traditional party or political organization and despite his or her rejection of black-and-white/left-and-right thinking.<sup>214</sup> It needs to be added that the Sanctuary movement even appealed to moderate and conservative sectors of U.S. society. "...[I]ts mainstream, middle-class composition was a source of legitimacy for the movement..." writes Coutin.<sup>215</sup> The religious and non-radical position of many sanctuaries and sanctuary-sympathizing communities was able to reach out to the mainstream of U.S. society which more radical voices condemning U.S. imperialism per se could not. One sanctuary activist comments on this potential by saying: "If you want to reach out to Mr. and Mrs. Middle America, you don't do it by having a demonstration...Whereas church organizations, bowling clubs, healths clubs, those kind of places, are where people really are."<sup>216</sup> Accordingly, moderate and conservative voices were to be found next to the large majority of liberal activists: "I was not a political activist looking for a cause ... All through life I've been taught that you love your neighbor as yourself, you help them..."<sup>217</sup>

One of the leading voices of the Tucson group, Jim Corbett, was a firm opponent of "abusing" the Sanctuary movement as a political platform. He believed that such an approach would turn the movement into a political lobbying group and lose its special

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<sup>212</sup> Matters, *Sanctuary*, 214f.

<sup>213</sup> Cunningham, *God*, 42. Tucson only accepted one attempt to organize the movement more centrally: the National Sanctuary Defense Fund that collected donations for legal expenses.

<sup>214</sup> Smith, *Reagan*, 189.

<sup>215</sup> Coutin, *Culture*, 155.

<sup>216</sup> Berkeley activist Marty Finn quoted in Coutin, *Culture*, 197.

<sup>217</sup> Quote of a registered Republican who had voted for Ronald Reagan in 1980: *Sojourners* (July 1986), 17; See also Davidson, *Convictions*, 75. The moderate outlook of the sanctuary and refugee work attracted a diverse group of citizens. In Gainesville, Florida, for example, a former government-employed couple that had been working for the Agency for International Development and the State Department overseas joined the Central American Refugee Project of the Valley Religious Task Force on Central America (CARP), and engaged in helping Central Americans stay in the United States. A brochure of the Lutheran Immigration and Refugee Service writes: "The Lanes' primary functions as volunteers with CARP were to provide legal assistance to refugees detained by the INS, to get them out of detention and to delay their deportation as long as possible. One of their 'successes' was Trinidad Guinea Lazos, who had been in an INS detention center for seven and a half months. With funds contributed by University Lutheran Church in Gainesville, they were able to facilitate his release. Lazos had owned a small appliance and radio repair shop in San Salvador. After his brother disappeared and he began to receive threatening notes, he fled the country..." See "Advocates for Central America" LIRS Bulletin 10:2 (Fall 1984).

and unique characteristic.<sup>218</sup> Upon receiving the annual human rights award of the *Institute for Policy Studies* in 1984, he stressed the non-partisan and non-radical element of the movement:

[T]he movement is politically as well as religiously ecumenical; it bridges and transmutes the partisan separations formed by our creedal, cultural, and factional differences. Sanctuary has germinated, taken root, and flourished in Tucson, not because we are converting to more radical political beliefs, but because faith communities are accepting the yoke of the Kingdom...<sup>219</sup>

The humanitarian spirit of the work in Tucson manifested itself in a concrete ways. For example, movement members did not agree on the question whether undocumented immigrants with a right-wing extremist background (e.g. former soldiers or members of death squads) should also receive assistance.<sup>220</sup> The radical wing rejected such assistance. Most migrants were victims of rightwing or the security forces' violence but there were also some former members of death squads or Nicaraguans who had escaped the Sandinista government. Because the solidarity or sympathy of the sanctuary activists was generally expressed for the large numbers of victims of the repressive regimes in El Salvador and Guatemala who belonged to leftist or nongovernmental organizations, they were divided on the question regarding selective or all-embracing refugee assistance. Activists in Tucson opted for the latter option in order to be truthful to the goal of charity and moral legitimacy. The TECTF maintained that "[w]e provide sanctuary for the persecuted regardless of the political origins of their persecution or of their usefulness in promoting preconceived objectives."<sup>221</sup> Although doubts and skepticism did exist concerning the help for non-convenient refugees, activists did not want to engage in partisan refugee assistance - precisely what they criticized the Reagan administration of doing. The TECTF did not want to be indiscriminate in its efforts and not turn into "refugee medics - for the U.S. government or for Salvadoran and Guatemalan armed revolutionary movements."<sup>222</sup>

The general goals of the movement such as "expression of compassion," "to resist injustice," and "act of hospitality... a symbol of resistance...a symbol of hope"<sup>223</sup> could not really bind the different approaches toward the concept of sanctuary. The growing

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<sup>218</sup> Corbett, "Covenant," 189f. See also Corbett, *Goatwalking*, 160-165.

<sup>219</sup> Quoted in Davidson, *Convictions*, 83f.; See also Carla Hall, "Fighters for Rights," *The Washington Post* (22 September 1984), D3.

<sup>220</sup> Davidson, *Convictions*, 82.

<sup>221</sup> TECTF, "A View from the Border," in: Corbett, *Goatwalking*, 162.

<sup>222</sup> TECFC in: Corbett, *Goatwalking*, 163.

<sup>223</sup> *Seeking Safe Haven*, 66f.

discrepancy between the radical and humanitarian wing almost caused a break-up.<sup>224</sup> While Chicago wanted to go for a political trial that would uncover the entanglement of the U.S. government with reactionary forces in Central America, activists in Tucson argued against a confrontational discussion. Based on the priority of his faith, Philip Willis-Conger expressed the more compromising approach within the movement. Despite the anger about the indictment, he wanted to be loyal to his faith realizing that he must also "love" or at least "forgive his enemy." He wanted to remain unyielding to his values and faith, not to political beliefs. According to his faith, dialogue and negotiations with the enemy were worthwhile:

We need to be willing to confront the evil in our society and yet still love the individuals who are carrying out an unjust system, who are creating misery among God's people. It means being able to hold on to one's faith and values while also looking for the openings in the other's position, because we're not living in an ideal world. We can't compromise our values, but at some point we must realize that we have to deal with the enemy, we have to quote the enemy, we have to enter into negotiations and dialogue. There has to be some common ground, some meeting place.<sup>225</sup>

Tucson activists also looked for cooperation with the INS and the border patrol.<sup>226</sup> At times, INS officers accepted asylum applications from refugees in the Sanctuary movement without prior detention. In the late 1980s, volunteers who transported undocumented migrants always carried a letter with them that had prior been sent to the INS office stating that the migrants were being helped "to reach legal counsel...and legal status in the United States."<sup>227</sup> As long as the public attention was limited, no legal steps were taken against the movement. Tucson's approach seemed successful in Arizona. Although national asylum quotas for Salvadorans were still under 3 percent in 1985 to 1987, INS bureaus in Arizona granted half of the asylum application by Salvadoran and Guatemalan citizens.<sup>228</sup>

Members of the Sanctuary movement in Tucson as well as their co-workers in other regions criticized the "inhumane policy of the U.S. government in Central America and that of the INS" and regarded the United States as co-responsible for the migration movement.<sup>229</sup> Nevertheless, Tucson's primary goal was the immediate and humanitarian

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<sup>224</sup> The conflict between Tucson and Chicago took largely place between 1983 and 1984. Corbett, *Goatwalking*, 160; Davidson, *Convictions*, 84; Bau, *Ground*, 30.

<sup>225</sup> Philip Willis-Conger, "The Trials of Faith: An Interview with Philip Willis-Conger," *Sojourners* (July 1986), 26.

<sup>226</sup> According to a Trsg rule, the INS director was to be notified whenever refugees were assisted to cross the border. Corbett, "Foundations," 30; Corbett, *Goatwalking*, 171-173; Davidson, *Convictions*, 82.

<sup>227</sup> Corbett, *Goatwalking*, 176.

<sup>228</sup> Davidson, *Convictions*, 162.

<sup>229</sup> *Seeking Safe Haven*, 64.

assistance: the "protective sanctuary" or humanitarian sanctuary.<sup>230</sup> Tucson did view U.S. foreign policy as one cause of the migration.<sup>231</sup> According to Corbett, massive U.S. military assistance for El Salvador was a main reason for the continued human rights violations of the Salvadoran state against its own citizens. As early as January 1982 Corbett had stressed the interdependence of U.S. military aid, the Salvadoran security forces' violence, and migration. According to Corbett, however, a respectful and humane refugee policy would inevitably lead to a more humane foreign policy. The activists in Tucson sought political change by seeking a change in their country's refugee policy:

We have to be aware that the violation of Central Americans' human rights in the United States is integrally tied to the violations of Central Americans' basic rights in Central America...If refugees' rights are respected in the United States, there's no way that the United States can continue to follow a policy of military intervention based on pacification techniques designed to create refugees.<sup>232</sup>

A number of social movement studies focusing on the Sanctuary movement have observed a radicalization of the activists' values/opinions. The sociologist Matters discovers that principal values within the movement had transformed from "neighbor love" to "social justice" and finally to "solidarity."<sup>233</sup> Christian Smith sees a similar development or "politicization."<sup>234</sup> According to Matters and others, radicalization is a substantial dynamic of social movements. Radical forces within the movement were successful in alienating or radicalizing moderates.<sup>235</sup> The Sanctuary movement embodied many facets. It seems that people in Tucson or in the emerging sanctuaries across the United States had already decided for radical<sup>236</sup> means when they initiated or joined the movement. Participation in the movement could be already interpreted as opposing or resisting the status quo.<sup>237</sup>

According to many activists, means and goals were imagined to build a unity. In the pages above, we have seen that a major current of the movement did not search for a direct confrontation with the state and the law. The actual confrontation was rather the

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<sup>230</sup> Term used by Zucker, *Gate*, 248.

<sup>231</sup> Willis-Conger, "Trials," 26.

<sup>232</sup> Corbett, "Foundations," 30.

<sup>233</sup> Matters, *Sanctuary*, 88.

<sup>234</sup> Smith, *Reagan*, 69. So do the more radical voices in the movement: Golden and McConnell, *Sanctuary*, 48

<sup>235</sup> Matters, *Sanctuary*, 228f.

<sup>236</sup> In this context, "radical" refers to "out of the norm," not in the comparable sense of radical versus liberal or conservative forces as used in order to describe the currents within the religious community.

<sup>237</sup> Cunningham, *God*, 128.

result of the activists' reaction to human needs.<sup>238</sup> In the following pages, I will trace this conclusion by introducing another group of activists. This group's religious roots are apparent. But religious faith and political interests were openly fused. Charity by itself was rejected. This wing believed humanitarian assistance for refugees to be of little worth if not analyzed in its political and economic context of migration. It was debated in how far charity was humanitarian if the roots of the problem were neglected and victims of persecution and violence were only assisted in the final stage of their migration.<sup>239</sup> Chicago was more interested in a direct confrontation with the government.

### 5.3.4 Public Sanctuary

The Chicago Religious Task Force on Central America (CRTF) supported the Sanctuary movement as early as March 1982 when activists in Tucson announced their decision to offer sanctuary. Chicago became more actively involved after the summer of 1982. The various activists in Tucson had realized that they were not able to handle the organization of locating and maintaining connections with sanctuaries as the movement expanded. They asked the CRTF to coordinate the nationwide outreach.

Pastors, nuns, priests, Catholics, Protestants, and Jews ran Chicago's task force.<sup>240</sup> Sid Mohn, pastor of the Wellington Avenue United Church of Christ, expressed the position of the Sanctuary activists in Chicago when saying: "Now the pastoral has merged with the political."<sup>241</sup> On the one hand, Chicago activists aimed to help refugees from El Salvador and Guatemala to protect them from deportation and persecution by the state. On the other hand, providing assistance was also a medium for political mobilization and disseminating information in religious communities and in the public in general. For the leftliberal religious circles in Chicago the Sanctuary movement was an unusual and welcomed opportunity to demonstrate its criticism of U.S. foreign policy toward Central America with a concrete and visible example.

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<sup>238</sup> Compare Jon Sobrino, "Sanctuary: A Theological Analysis," *Cross Currents* 38 (Summer 1988), 164-172, 168. The Salvadoran theologian Sobrino understands the Sanctuary movement as a moral necessity in the light of the historical and present U.S. policy toward Central America that was and is also responsible for the region's poverty, exploitation, and repression. Accordingly, it was a way in which U.S. citizens were paying reparations to Central Americans.

<sup>239</sup> Bau, *Ground*, 33.

<sup>240</sup> Personal interview with McConnell, and Golden and McConnell, *Sanctuary*, 51.

<sup>241</sup> Sid Mohn, Wellington Avenue United Church of Christ (Chicago), 9 August 1982 in: *Seeking Safe Haven*, 63.

The CRTF had been created immediately after the four U.S. churchwomen's murders in December 1980. Some of its members had worked as missionaries in Guatemala or Nicaragua.<sup>242</sup> The original goal of the group was to work toward the "end of the persecution of the weakest members" of the Central American societies. According to the Chicago Religious Task Force, the termination of U.S. military and economic aid was one way to achieve this goal. In the first months of CRTF's existence, it had tried to lobby for their objective through letter campaigns, meetings with political representatives, and sit-ins, albeit unsuccessful according to their own estimation.<sup>243</sup> Activists in Chicago had connections to the older advocacy groups and activists in Washington, DC.<sup>244</sup>

The contact with Tucson revitalized the strategy of the CRTF. In the words of Michael McConnell, one of the leading activists in Chicago, "it also seemed that especially if refugees were willing to tell their stories it would be a whole new way about getting information about Central American out."<sup>245</sup> Eyewitness reports were not only supposed to fill the lack of information but also to counter biased media reports. McConnell and Renny Golden, both members of the CRTF, explain that the progressive forces of the Central American Catholic Church had already influenced the activism of the Chicago task force before civil war refugees had arrived.<sup>246</sup>

Once it took over the national coordination, the CRTF organized internal cooperation and exchange, disseminated information brochures and lists of the sanctuary sites helping to spread the word.<sup>247</sup> Such publications as *Sanctuary: Nuts and Bolts*, *Sanctuary: A Justice Ministry* and *Seeking Safe Haven: A Congregational Guide to Helping Central American Refugees in the United States* were of great interests to the involved religious communities in order to clarify legal and financial questions.<sup>248</sup> Due to the work of the CRTF, a broad network of sanctuaries emerged nationwide that assisted refugees channeled from Tucson or Texas to other locations. The CRTF, however, was not the leading group of the movement. When Chicago tried to tighten the strategies and goals of the movement, it faced strong opposition from Tucson where members wanted

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<sup>242</sup> Golden and McConnell, *Sanctuary*, 52.

<sup>243</sup> Ibid.

<sup>244</sup> Personal interview with Wheaton.

<sup>245</sup> Personal interview with McConnell.

<sup>246</sup> Golden and McConnell, *Sanctuary*, 52.

<sup>247</sup> Personal interview with Wheaton; Lorentzen, *Women*, 15.

<sup>248</sup> Personal interview with McConnell.

to keep a true grassroots character.<sup>249</sup> After the trials in Arizona, the CRTF started to focus more on other Central America-related issues.<sup>250</sup> The refugee work and assistance continued in other regions, especially at the border.

Activists in Chicago developed their own sanctuary concept, the so-called public sanctuary. Similar to the first public declaration in Tucson, people in Chicago planned the public appearances for individual refugees to talk before meetings, conferences, religious communities, and the media. The goals behind the public campaign in Tucson and Chicago, however, were different. While Tucson decided to go public, in order to protect refugees and activists, the group in Chicago did not look for the protection by the media. If the refugees agreed, they were to step out into the public to share their experiences and report on repression, persecution, and the reasons for their flight. In most cases, a U.S. activist who lectured about U.S. policy toward Central America accompanied the Salvadoran or Guatemalan.<sup>251</sup> Public advocacy served political goals. According to Michael McConnell, Chicago wanted to "educate people" about the "truth" of the situation in Central America and the U.S. contribution and not only take in "some poor refugees."<sup>252</sup> In Chicago, the ultimate goal was "to stop intervention in Central America...we wanted to go to the source. You have to go to the source eventually and stop the reason for the refugees being created."<sup>253</sup> Like other faith-based Central American task forces and solidarity groups it engaged in a variety of direct action projects touching issues of disarmament and open resistance to U.S. military intervention.<sup>254</sup> In a way, activists in Chicago opposed to U.S. foreign policy in Central America used refugee and immigration issues as a means to voice their criticism and press for a change in the official U.S. foreign policy.

Chicago organized demonstrations, car caravans, and bus tours, so-called "caravans of conscience," through which refugees and activists alike presented their cause at different locations in public.<sup>255</sup> According to the CRTF, one of its most

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<sup>249</sup> Corbett, *Goatwalking*, 163-165; Bau, *Ground*, 33; Cunningham, *God*, 42.

<sup>250</sup> Lorentzen, *Women*, 26. In the late 1980s, CRTF together with other social justice and peace groups organized demonstrations against the U.S. policy toward Nicaragua. The CRTF dissolved in 1994. In the 1990s, some former Chicago sanctuary activists devoted their time to domestic issues such as poverty and homelessness. Personal interview with McConnell and with Kathleen DeSautels, 17 January 1997. In 1997, Sister DeSautels worked for the 8th Day Center for Justice-Claretian Missionaries.

<sup>251</sup> Personal interview with DeSautels.

<sup>252</sup> Personal interview with McConnell. CRTF member Don Dale says in an interview with the *Los Angeles Times* in February 1983: "We don't want to develop the perfect sanctuary model...We want to stop U.S. intervention in Central America." Quoted in Davidson, *Convictions*, 81.

<sup>253</sup> Personal interview with McConnell.

<sup>254</sup> The CRTF e.g. worked with other local groups to recruit pledgers for the Pledge of Resistance movement.

<sup>255</sup> *Basta!* (January 1984), 1 and 2; *Basta!* (December 1985), 1; *Basta!* (June 1986).

successful activities was a caravan in 1985 that started in Chicago and ended in a convent in Vermont. It was a very effective public relations campaign. The big daily newspapers and political magazines published articles.<sup>256</sup> According to the activists, "success" is equaled with a broad media coverage that offered the chance to spread the concern of the movement:

We got tremendous press the whole way. We had a UPI<sup>257</sup> Reporter with us who actually rode in the van with the refugees. He was just going to do for 2 or 3 days. We stopped at various potential sanctuary locations across the way. The interest was so great that UPI made him come back and join us for the last part of the journey 'cause everybody wanted to know what happened. It was fantastic. Stories went over the wire every day and got picked up all across the country...<sup>258</sup>

In order to overcome its geographical isolation, the CRTF cooperated with Darlene Nicgorski, a Catholic sister of the School Sisters of St. Francis and sanctuary activist in Arizona. Like so many other religious Latin America and human rights activists in the United States, Nicgorski had been a missionary in Guatemala where she had helped to set up a preschool. She also shared the experience of violence and repression with refugees whom she assisted in Arizona. She had to leave Guatemala in 1981 due to the increasing violence and attacks against religious workers. Among the victims was her pastor.<sup>259</sup> She left for Chiapas, Mexico's southernmost state, where she started to work in refugee camps that had been set up for Guatemalan refugees by the Mexican government in cooperation with the Catholic Church in the Diocese of San Cristobal de las Casas, UN agencies, and other humanitarian organizations.<sup>260</sup> Upon coming back to the United States in 1982, she had realized that the experiences in Guatemala and Mexico had transformed her understanding and reading of the scriptures.

Having lived and walked with the people in Central America, having read the scriptures with them, having experienced the fear, the suspicion, needing to flee, and the daily dependence on faith and prayer gave me a sense what when I was back here I could not forget, and I felt compelled to do something. I couldn't go back to being the kind of person I was before; there was somehow a call to give voice to those experiences.<sup>261</sup>

For her, the trial and the refugee work was an additional medium to raise the issue of the refugees and Central America in public. In her eyes, the refugees resemble "new

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<sup>256</sup> Manuel Galvan, "Family Rode to Refuge in Trial Balloon," *Chicago Tribune*, 1 April 1984, 5; "This is a Freedom Train," *Newsweek* (2 April 1984), 36; "Guatemalan Family Reaches Refuge," *The New York Times*, 25 March 1984, Sec.1, 18.

<sup>257</sup> UPI (United Press International) is a large, private U.S. news agency.

<sup>258</sup> Personal interview with McConnell.

<sup>259</sup> Darlene Nicgorski, "No Turning Back: An Interview with Darlene Nicgorski," in *Sojourners* 15:7 (July 1986), 27.

<sup>260</sup> "Testament in Tucson," *Commonweal* 113 (9 May 1986): 276. Regarding refugee camps in Mexico see: *Guatemalan and Salvadoran Refugees in Mexico* (International Commission of Migration in coll. with the UN University of Peace, July 1984).

missionaries, missionaries to the North American church."<sup>262</sup> Like her fellow missionaries who felt "ashamed"<sup>263</sup> of their own government's policy and believed that U.S. military aid and a "strong military" in Central American countries do not guarantee democracy but "murder[] democracy,"<sup>264</sup> Sister Nicgorski felt obliged to bring her country's policies back to "the best principles on which this country was founded."<sup>265</sup>

In Arizona, Nicgorski chose potential candidates for the public sanctuary in Chicago.<sup>266</sup> "Screening" potential candidates meant that only those migrants able to disclose the political background of the civil wars in Guatemala and El Salvador were would go public.<sup>267</sup> The idea was to give the U.S. public an alternative picture of the events.<sup>268</sup> One particular event deepened the division between the more "political" and the humanitarian currents and documents Chicago's interest in alternative news coverage. The CRTF had rejected two Guatemalan refugees as candidates for the public sanctuary due to their lack of profound knowledge of Guatemala's political situation. The two were young Guatemalans from the rural areas who had reached Arizona in October 1982. They were taken to Chicago via the "overground railroad." The trigger of their migration was the bombing of their village, which they blamed on guerrilla forces. Activists in Chicago sent the refugees back to Arizona because they believed the Guatemalans lacked a complete understanding of the political conflict in their home country.<sup>269</sup> They never reached Arizona and were not found.<sup>270</sup>

The Sanctuary group connected to the CRTF was a religious interest group whose activities were determined by religious motives and political interests. Chicago was the

<sup>261</sup> Nicgorski, "No Turning Back," 28.

<sup>262</sup> Ibid.

<sup>263</sup> Letter by Bernice Kita, 5 February 1981, in: Kita, *What Prize*, 163.

<sup>264</sup> Letter by Bernice Kita, 11 October 1980, in: *ibid.*, 135.

<sup>265</sup> "Testament in Tucson," *Commonweal* 113 (9 May 1986): 276.

<sup>266</sup> Cunnigham, *God*, 39; Crittenden, *Sanctuary*, 118.

<sup>267</sup> Personal interview with DeSautels.

<sup>268</sup> Activists denounced analyses by the administration as well as the media as too one-sided. "Human Rights in Nicaragua, Guatemala, and El Salvador," *Basta!* (June 1986), 23-25.; "The Press on Central American Elections," *Basta!* (January 1984), 4-5. The last article refers to a study by Edward Herman and Frank Brodhead (*Demonstration Elections*) that criticizes the *New York Times* for its one-sided source coverage. Regarding El Salvador the *New York Times* would cite official government reports without representing forces of the rural population. Guerrillas were only interviewed in regards to their violent means, not in regards to the background of their abstinence from the national elections.

<sup>269</sup> The rural population in Guatemala was not the target of guerrillas. Furthermore, guerrilla forces did not have planes at their disposal. Under Lucas García (1978-1982), Ríos Montt (1982-1983) and Mejía Vítores (1983-1985) the counterinsurgency by the military was directed against the indigenous population. In general, guerrillas did not try to kill the rural inhabitants but attempted to convert them for their goals.

<sup>270</sup> Sanctuary activists in Tucson assumed that they had been detected by the border patrol and deported to Guatemala. Crittenden, *Sanctuary*, 90f.; Lorentzen, *Women*, 16.

place where the political interests of one wing within the movement were particularly articulated. In fact, activists connected to the Chicago's philosophy believed Chicago activists to be "much more politically advanced."<sup>271</sup> Leading members of the Chicago activists sought the transformation of U.S. domestic and foreign policies that promoted social discrimination.<sup>272</sup> Accordingly, their goal was the liberation of oppressed peoples.<sup>273</sup> The expression of charity could not serve as the only medium to reach these goals. Liberation and charity rather depended on each other. One member of the CRTF expresses the view that "[l]iberation without charity is only a power struggle. Charity without liberation is only self-serving pietism."<sup>274</sup> The "liberal" call for gradual changes was seen as an unsuccessful business that avoided the confrontation with the problems' roots.<sup>275</sup> Furthermore, compromise would sustain human suffering:

[T]he tactical argument that resists stating a political goal such as stopping U.S. intervention because not all the churches and synagogues are conscientized, sets the conversion<sup>276</sup> of the North American religious community as a priority over the liberation cause of Central America. Salvadoran Marta Benavides, an ordained Baptist minister, has said: "Our people can't wait for your religious community to be converted. We are dying..."<sup>277</sup>

Their main target was the U.S. government that was accused of being responsible for the devastating economic situation, the civil war, and the subsequent migration.<sup>278</sup> In the eyes of these activists a factor such as poverty that was one of the main sources of social conflict was also linked to the interventionist policy of the United States. According to Chicago, only conscious citizen resistance could help to bring about the goal of "social justice": "to stop U.S. government from funding and directing the brutality happening in Central America."<sup>279</sup> Humanitarian sanctuary meant political sanctuary through public witness. For former missionary and sanctuary activist Philip Wheaton, the "initial purpose of this humanitarian sanctuary was to keep them safe from deportation, meaning it was also a political sanctuary."<sup>280</sup> He sees no dividing line between the moral and political issues of refugee assistance. He argues that the activists

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<sup>271</sup> Personal interview with Wheaton.

<sup>272</sup> Golden and McConnell, *Sanctuary*, 174.

<sup>273</sup> *Ibid.*, 175 and *Basta!* (June 1986), 9-13.

<sup>274</sup> Quoted in Golden and McConnell, *Sanctuary*, 178.

<sup>275</sup> Golden and McConnell, *Sanctuary*, 170ff.

<sup>276</sup> "Conversion" means here solidarity with the poor and persecuted. "Conscientization" means critical reflection of the historical and current relationship between North and Latin America according to and interpretation from below or from the viewpoint of liberation theology.

<sup>277</sup> Golden and McConnell, *Sanctuary*, 171.

<sup>278</sup> E.g. Golden and McConnell, *Sanctuary*.

<sup>279</sup> Michael McConnell, "Statement of Faith and Resistance," (16 March 1984).

<sup>280</sup> Philip Wheaton, "Sanctuary: People Before the Law," ...40 (April 1994), documented in <http://garnet.berkeley.edu:3333/mags/cross/40/40salv/wheaton.html> (5 April 1999).

questioned the background by asking: "Is this law, applied within the context of a foreign policy which aids and abets the Salvadoran army that is doing the killing, just?"<sup>281</sup>

This wing emerged structurally and personally out of the religious and secular wing of the U.S. American peace movement since the Vietnam War or the religious human rights movement influenced by Latin America. William Coffin, pastor of New York City's Riverside Church and sanctuary for two Guatemalan members of the UNRG (Guatemalan National Revolutionary Unity), was one of the "more political" voices within the movement. For him, the concern for the 'other' in the community was strong, but not necessarily the only goal or aim. Coffin was eager to address the structural problems responsible for the disastrous socio-economic situation and civil war in Central America. According to Coffin, the ignorance of the United States for other peoples' problems and their eagerness for self-determination is a fundamental dilemma of U.S. foreign policy. By shedding light on the perception of Latin America by U.S. policymakers, he attempts to reveal the underlying domestic problems. To uphold the economic and political system of the United States, he argues, is the principal interest of federal U.S. policies. Revealing U.S. strategies in Latin America could, therefore, help citizens understand problems of class and race in the United States:

The US wants to continue to do what it has done all along - control what goes on south of its border. It's not a matter of national security, it's a matter of national pride...what our governments seems most to fear is that for which millions of Central and Latin Americans long - a successful economic and social revolution. We always pose the issue in terms of civil liberties - freedom v. Marxism, freedom v. totalitarianism. But the real issue is human rights in economic terms, the pyramid of property and power relationships. Perhaps the fear deepest in the hearts of those who run this country is that a successful economic revolution...would not only be a beacon of hope to other Central and South Americans, it might also cast a ..rays of light in our direction.<sup>282</sup>

These activists' main criticism is directed toward the United States' traditional political intervention in Central America, which is interpreted as "arrogance" of the North, as "imperialism" and as "racism." The main aspects of U.S. imperialism were, in their eyes, frequent military interventions and economic exploitation by big U.S. corporations and supported by the political and economic elites of the Central American countries. Together with advocacy workers from traditional church agencies such as AFSC, CWS, and LIRS, Chicago activists believed that the U.S. government "sought to perpetuate its own interests and in doing so has also perpetuated military rule, unjust economic systems, and the violations of human rights" through military and economic

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<sup>281</sup> Ibid.

<sup>282</sup> William Sloane Coffin, "Sanctuary for Refugees - and Ourselves," *Christianity and Crisis* 45:4 (18 March 1985), 75-76.

assistance in Central America.<sup>283</sup> The activists criticize the ambivalence of the government's political rhetoric. While the administration had started to denounce right-wing death squads, these statements were reduced to absurdity through the support for the security forces. Instead of strengthening democratic systems, U.S. policy would contribute to human rights violations: "U.S. surveillance and intelligence maintains a systematic persecution of those who assist urban and rural workers to live, to gain their rights."<sup>284</sup>

Activists saw the policies of the 1980s as a historical continuation of over 100 years of economic and political domination expressed at first in the Monroe Doctrine, later in Manifest Destiny.<sup>285</sup> Thus, civil war refugees from Central America were consequence and product of U.S. military and economic principles. "The refugees," they argued sarcastically, "are fleeing bombs with USA written on them."<sup>286</sup> They believed the termination of U.S. direct or indirect intervention to be the most appropriate crisis management, not only a policy of "open borders."<sup>287</sup> Chicago also believed the principles of representative democracy such as the right to vote<sup>288</sup> were secondary to the most urgent problems in El Salvador. Economic and social rights like "access to land, work, food, shelter, medical care, and schooling" were more pressing.<sup>289</sup> U.S. support for parliamentary and presidential elections would, therefore, "undermine democracy" and deny the Salvadoran society self-determination.<sup>290</sup>

In contrast to the "humanitarian" current, Chicago or other more radical activists' uncompromising dissent evokes traditional characteristics of major parts of the U.S. left or the U.S. peace movement. These characteristics also seem to create a dilemma for left-wing foreign policy activism. "[T]o protest the deployment of American power" is the peace movement's main principle according to peace scholar DeBenedetti.<sup>291</sup> John

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<sup>283</sup> Report of the 1983 Consultation: Central American Refugee Defense Network (Los Angeles, 9-11 February 1983), by courtesy of Patrick Taran, formerly CWS.

<sup>284</sup> Golden and McConnell, *Sanctuary*, 139.

<sup>285</sup> *Ibid.*

<sup>286</sup> *Basta!* (June 1986), 22.

<sup>287</sup> *Ibid.*

<sup>288</sup> In the United States, Sanctuary activist Kathleen DeSautels detects a general deficit in understanding democracy because for most U.S. citizens, elections mark the essence of democracy. Personal interview with DeSautels.

<sup>289</sup> Golden and McConnell, *Sanctuary*, 140.

<sup>290</sup> *Ibid.* and McConnell, "Statement of Faith."

<sup>291</sup> John P. Diggins, *The Rise and Fall of the American Left* (New York: WW. Norton, 1992), 35, 39; DeBenedetti, "Peace Activism," 226. Diggins' analysis of the Left comprises the New Left of the 1960s, the Old Left of the 1930s, the New Intellectuals of the First World War and the academic Left since the 1970s.

Diggins defines its strategy as opposition but identifies its philosophical basis as permanent negation.<sup>292</sup> Permanent negation, however, faces the dilemma of losing its power of persuasion according to DeBenedetti.<sup>293</sup> Furthermore, the sole debate about the consequences of U.S. power demonstrates the inner-focused interest of these movements.<sup>294</sup>

A large part of the U.S. public does not respond to opposition or counteraction but to a "positive" creed for suffering people. In the case of the Sanctuary movement, substituting or sidetracking radical voices that are highly critical of the United States with a humanitarian concept that promised immediate success (helping a visible human being), proved more fruitful in the religious community and the general public sphere. The majority of sanctuary declarations denounced U.S. refugee policy as well the violence in Central America, but did not specifically attack U.S. foreign policy.<sup>295</sup> "Protective" or "humanitarian sanctuary" seemed more accessible. Helping people in need held positive connotations. Furthermore, activists in Tucson defined their activities as complying with the law. By depicting 'sanctuary' as constructive, not confrontational, the humanitarian concept appealed to conservative congregation, denominations, and individuals as well.<sup>296</sup> Sociologist Robert Bellah confirms the attraction of "the immediate personal claim of the mission ideal, the obligation to reach out to the neighbor in need" for U.S. Christians.<sup>297</sup> The moment of taking social responsibility, he identifies as an issue that "involves hard thinking about economic, social, and political systems, something that Americans, with our inveterate tendency to think in personal, individual terms, have difficulty doing."<sup>298</sup> Both notions, immediate help and taking responsibility for the structures and powers of the United States by reforming and correcting injustices, however, have "exemplary" aspects.

In the following pages, I will present a third concept of Sanctuary. Despite differences in political strategy and motivational priorities, all activists united in the Sanctuary movement felt compelled to act due to feelings of civic responsibility. Movement's activists embraced a set of principles that were directly related to U.S.

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<sup>292</sup> Diggins, *Rise*, 40.

<sup>293</sup> DeBenetti, "Peace Activism," 227.

<sup>294</sup> *Ibid.*, 226.

<sup>295</sup> In general, there was unspecific criticism of a policy that caused migration and misery: "to work for an end to the policies of violence that have forced so many to flee." Religious Leaders' Affirmation of Sanctuary Ministry (23 January 1985), in Golden and McConnell, *Sanctuary*, Appendix 2.

<sup>296</sup> Matters, *Sanctuary*, 211.

<sup>297</sup> Bellah, "Religious Influences," 58.

<sup>298</sup> *Ibid.*, 56.

traditions and democratic values.<sup>299</sup> The large majority of groups and individual activists agreed on the importance of this concept which I will refer to as (the model of) "civic sanctuary."

#### 5.4 Civic Sanctuary

The Sanctuary movement was "concerned for the soul of our country."<sup>300</sup> The St. Francis Presbyterian Church in Fort Worth, Texas, declared that:

"Whenever the tax dollars of U.S. citizens are used to send seekers of political asylum back to be tortured, raped and murdered, then we declare the fundamental ideals of this nation to have been betrayed."<sup>301</sup>

The repetitive emphasis on U.S. traditions and values such as "safe haven for the persecuted," "life and liberty," and "human rights and equality" framed action and thinking of the movement.<sup>302</sup> One Sanctuary movement publication writes that "[f]or many in the church what the United States is supporting in El Salvador and Guatemala increasingly appears to be antithetical to what most U.S. citizens believe this country stands for: democracy, equality, and haven from oppression."<sup>303</sup> Along with the Christian commandment of charity and ideals of international humanity, the movement activists pleaded for an implementation of U.S. traditions in public life. Religion, however, was not described as a connecting link to these higher national values. Both, the Judeo-Christian and U.S. value system independently supported their cause.

The Christian religion is governed by a comprehensive concept of the good and its moral ideals are distinct from the liberal democratic political culture. But these ideals can also support civic moral ideals.<sup>304</sup> In the case of the Sanctuary movement, religious

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<sup>299</sup> There are a few studies that define the "idealistic-humanitarian" side or liberal current of U.S. religion as too universal or non-U.S. specific in their moral value system. See Brill, "Religious Influences," 62; Wuthnow, *The Restructuring*, 253. Wuthnow writes: "They appeal to broader values that transcend American culture and, indeed, challenge some of the more nationalistic assumptions it incorporates."

<sup>300</sup> Declaration of Public Sanctuary, St. Francis Presbyterian Church, Fort Worth, Texas, 24 December 1983, in *Church and Society* 75 (March/April 1985), 36-37, 37. The majority of deported or returning Salvadorans were not subject to direct assaults. They were, however, facing a climate of fear and possible assault. The movement and the administration rallied around this issue, both sides stressing an interpretation favorable to their position.

<sup>301</sup> Ibid.

<sup>302</sup> "Sanctuary...is a human rights issue, ...an issue that is close to our souls as U.S. citizens. We sing of "this land of liberty." Open Letter to Unitarian Universalist Congregations by the Unitarian Universalist Association and the UUSC (23 January 1985), in Golden and McConnell, *Sanctuary*, Appendix 1, 202.

<sup>303</sup> *Seeking Safe Haven*, 6.

<sup>304</sup> Thomas Bridges, *The Culture of Citizenship: Inventing Postmodern Civic Culture* (Albany: University of New York Press, 1994), 217.

activists drew an analogy between American civic ideals and Christian moral ideals. By evoking these two sets of moral standards, activists sought to revitalize a sense of "*Gemeinwohl*", a step toward the common good for the societies of the United States and of Central America.

The most often named civic aspect was the tradition of granting asylum to the religiously and politically persecuted:

As citizens of a free country, we have a long tradition of welcoming and providing a safe haven for people from other lands who are fleeing from threat of death and oppression.<sup>305</sup>

An activist of a Franciscan Sanctuary community rhetorically asks: "We're following the Gospel, which tells us to shelter the homeless and feed the hungry. Isn't that what America is all about?"<sup>306</sup> The ideals of the Declaration of Independence are identified as similar points of orientation for their own and governmental action. Activists thought it the duty of the United States to act according to its tradition as a country founded by refugees and immigrants, to its laws, and to practice humanitarianism.<sup>307</sup> According to rabbi and Sanctuary supporter Marshall Meyer, the Declaration of Independence's principles serve as democratic guidelines worldwide. By supporting sanctuary, Meyer hopes to revitalize these ideals. Because of these principles, he believes that the U.S. embassy was the most frequented and popular refuge for many persecuted people during the Argentine military dictatorship:

There they saw the possibility of life and liberty and the pursuit of happiness, and all of these very, very beautiful words that evidently have no meaning to the people who currently occupy the same building and houses where those same words were penned. ... Herein is also the future as well as those pages of the past that we must capture once again, those pages of the past that made the United States a country in which we wanted our children to live.<sup>308</sup>

Sanctuary activist Corbett has a similar positive understanding of the possibilities under U.S. law and tradition: "A very good structure of human rights and equality under the law has developed over the centuries, and we are the beneficiaries of that. I disagree with those who think the whole system has to topple."<sup>309</sup> He argues that improvement is possible through the right adoption and implementation of these traditions.

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<sup>305</sup> Excerpt of the Sanctuary declaration of the *National Capital Union Presbytery* (September 1982) in: *Seeking Safe Haven*, 43 (emphasis in the original).

<sup>306</sup> Quoted in Don Lattin, "Franciscan in 7 States Open Arms to 'Illegals,'" *San Francisco Examiner*, 22 March 1985, B1.

<sup>307</sup> "We are, indeed, a nation founded by refugees fleeing political or religious persecution." Open Letter to Unitarian Universalist Congregations of the Unitarian Universalist Association and the UUSC (23 January 1985), in Golden and McConnell, *Sanctuary*, Appendix 1, 202.

<sup>308</sup> Marshall Meyer, "The International Struggle for Human Rights," in MacEoin, *Sanctuary*, 130-136, 133.

<sup>309</sup> Quoted in Davidson, *Convictions*, 82.

Such arguments also touched the concerns of religious and secular human rights NGOs that struggle against the violation of human rights by governments and states and for the rule of law. The American Civil Liberties Union for example sided with the Sanctuary movement in the 1980s when it declared that the official asylum policy of the United States was discriminatory and non-humanitarian.<sup>310</sup> It argued that granting temporary asylum to migrants from a country like El Salvador that experiences continuous human rights violations was in the "national interest" of the United States "while maintaining our proud humanitarian traditions accomplishes its essential humanitarian and pragmatic purposes in a benign manner."<sup>311</sup> Elie Wiesel, survivor of the Holocaust and Nobel peace laureate from 1986, names the same moral obligations of the United States to serve as a refuge for DPs from El Salvador.<sup>312</sup> Under the leadership of Elie Wiesel the National Campaign for the Civil and Human Rights of Salvadorans pressed for the human rights of Salvadorans in the United States and against further military aid to El Salvador. Among the members of this campaign were Congressman Joe Moakley, civil rights leaders such as Coretta Scott King and Cesar Chavez. Various religious leaders and activists joined the Salvadoran migrant community in the United States in 1988 and 1989 in the campaign "no human being is illegal."<sup>313</sup> This campaign was just one of the many initiatives that were started by religious Central America refugee advocates in the 1980s.

There were several "city sanctuaries" which focused on the civic ideals of the United States and refrained from attacking U.S. foreign policy. City sanctuaries directly criticized the Salvadoran government that allowed and exercised human rights violations.<sup>314</sup> These sanctuary communities demanded that the U.S. government comply

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<sup>310</sup> "We are strongly committed to the rule of law, and are concerned by the apparent discriminatory application of our nation's asylum and refugee laws on the basis of extraneous, political or non-humanitarian considerations." ACLU in: U.S. Congress, Senate, Committee on the Judiciary, Subcommittee on Immigration and Refugee Affairs, *Temporary Safe Haven for Salvadorans*, 100th Cong., 1st sess., 18 June 1987, 116.

<sup>311</sup> ACLU in *ibid.*, 129.

<sup>312</sup> "...if we are to continue America's leadership role in rescuing refugees...we have a human and moral obligation to provide refuge to these displaced men, women, and children." Wiesel to Congressman Moakley, 28 April 1987, in: U.S. Congress, Senate, Committee on the Judiciary, Subcommittee on Immigration and Refugee Affairs, *Temporary Safe Haven for Salvadorans*, 100th Cong., 1st sess., 18 June 1987, 206.

<sup>313</sup> See information in: U.S. Congress, House of Representatives, Committee on the Judiciary, Subcommittee on Immigration, Refugees and International Law, *Central American Asylum Seekers*, 101st Cong., 1st sess., 9 March 1989, 273-276.

<sup>314</sup> Todd Howland und Richard Garcia, "The Refugee Crisis and the Law: The City Sanctuary Response," in Ved P. Nanda (ed.), *Refugee Law and Policy: International and U.S. Responses* (New York: Greenwood Press, 1989), 185-199, 190. Apart from congregations, denominations, and religious and human rights groups, several cities and two states declared sanctuary. The municipal and state declarations

with international and national law and its own traditions of asylum. A revitalization of positive civil elements of U.S. history in fact appeared to be the main motivating theme for city sanctuaries.<sup>315</sup>

The reference to historical experiences of the United States served as a concrete background against which a humanitarian and idealistic approach to U.S. policies could be more easily presented. The verbal criticism was accompanied by immediate practical work, a fact that demonstrated the sincerity of the activists' criticism, despite the problematic legal situation. The sanctuary concept was drawn upon in order to help people in need and, in doing so, to overcome and reform failures of public policy.

Activists wanted the government to act according to its own civic ideals, both within its own and beyond its borders. By calling on civic traditions as well as religious ideals, activists tried to refrain from transferring their individual moral standards to the state.<sup>316</sup> Topics such as asylum and refugee policy touched essential questions of human rights. The Sanctuary movement demonstrated that these questions do not only have a political or technical side within the framework of U.S. foreign policy. Sanctuary activists demanded a moral interpretation of U.S. foreign policy means and ends.

The amalgamation of religious and secular U.S. values seems emblematic for the relationship between religion and politics in the United States. It reflects the significance of religious values in and for U.S. public life. The correlation echoes the political mission ideal of a Woodrow Wilson or the philosophy of the founding fathers. The Sanctuary movement was not an uncritical defender of U.S. myths whose ends justify certain means.<sup>317</sup> It criticized U.S. dominance and abuse of power in Central America as seen in previous chapters. Yet, the movement grounded its criticism of U.S. values in a positive vision of moral and democratic renewal. The movement's motives and goals encircled two themes: radical charity on the one hand and support for peace and justice in Central America on the other. But the struggle for a better America was a common goal of all activists and interest groups.<sup>318</sup>

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had only symbolic character because federal law breaks local law. See *Constitution of the United States*, art. 6: "This Constitution, and the Laws of the United States...shall be the supreme Law of the Land."

<sup>315</sup> Howland, "Refugee," 192.

<sup>316</sup> Arthur M. Schlesinger, Jr. argues that individual moral standards cannot be applied to state's behavior, see, "National Interests and Moral Absolutes," in *ibid.*, *Cycles of American History* (Boston, MA: Houghton Mifflin, 1986), 69-86.

<sup>317</sup> Nevertheless, they believed their own ends and means to be morally justifiable and superior.

<sup>318</sup> Trying to identify the various policy approaches to Central America, Christian Smith frames the arguments of the U.S. actors, i.e. the administration, members of Congress, and interest and citizens' groups. By framing them within the context of U.S. history, Smith defines among others two positions of activists: an "imperial-America frame" and a "wayward-America frame." According to Smith, the "wayward-America" interpretation was the most dominant viewpoint among activists in the Central

Sanctuary activists did not want to reform or abolish the Refugee Act or other U.S. laws. Activist Coffin declared that it "...is a good law, but it is being miserably misinterpreted by the INS." Some argued that the detention and deportation of Central Americans by the INS were "un-American activities."<sup>319</sup> Others stressed the legal and moral offences of the INS: "Its abuses are a challenge to our Judeo-Christian values and to our national identity. Government lawlessness, far more than technically illegal border crossing, undermines the fabric of respect for the law that maintains our social order."<sup>320</sup>

The movement also wanted a political solution.<sup>321</sup> It emphasized the necessity of a common policy for all refugees, a group solution that would make the concept of sanctuary unnecessary. Activists stressed that Congress had the political power to remind the administration to employ the laws according to their real character and to enact a temporary asylum program for Salvadorans and Guatemalans until the end of the civil wars. The "legal concept of sanctuary" guided the lobbying activities of mainline denominations and church agencies.

Since early 1981 a coalition of liberal members of Congress, and refugee advocates, religious and civil rights groups had tried to press for temporary asylum for Salvadoran civil war refugees.<sup>322</sup> In order to circumvent the deadlock debate about political and economic causes of migration, to rectify the argumentation, and to help the migrants, this coalition demanded the granting of temporary asylum for Salvadorans, the so-called extended voluntary departure. Extended voluntary departure is a concept that applies in emergency cases independent of the rules and regulations of refugee law, acknowledging that not every person from a war-torn nation can prove individual persecution. According to this concept, a national group as a whole can be granted temporary asylum until the situation in the home country – be it a civil war or a natural disaster - has improved. Unlike a person granted asylum under the regular principles, one

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America movement of the 1980s. It calls upon the United States to "always act as a benevolent force in world affairs, promoting freedom, democracy, prosperity, and human welfare." In Smith's opinion, this view has to be seen separately from the imperialism critique of a small minority that interprets the Central America policy not as a mistake but as a sign of a "malignant, predatory national character." Smith, *Resisting Reagan*, 245-248.

<sup>319</sup> William S. Coffin, "To Deny Sanctuary is Un-American," *The New York Times*, 21 January 1985, A26.

<sup>320</sup> MacEoin, "The Constitutional and Legal Aspects," 118-128.

<sup>321</sup> In a letter to friends on 21 February 1982 John Fife and Timothy Nonn from the TEC ask to advocate the concept of extended voluntary departure. Letter in: CCEIA, Box 767, Folder: Sanctuary.

<sup>322</sup> A letter by Senator Edward Kennedy to Secretary of State Alexander Haig, 6 April 1981, was the first congressional move, in UNHCR: *CR*, S831; Dennis Gallagher et al., *Safe Haven: Policy Responses to Refugee-Like Situations* (Washington, DC: Center for Policy Analysis and Research on Refugee Issues, 1987), 35.

offered temporary asylum cannot apply for permanent residency or citizenship. Before the arrival of Salvadorans in the 1980s, extended voluntary departure had been granted to Cubans in 1960, to Chileans from 1971 until 1977, and to Nicaraguans in 1979 among other national groups.<sup>323</sup>

In December 1981 Congressmen Ted Weiss brought a resolution to the House of Representatives requesting that the Attorney General grant extended voluntary departure to Salvadorans, but it failed. In 1983 Congressmen Joseph Moakley, Edward Boland, Ted Weiss, Senator DeConcini and others tried to raise the issue again, but the administration rejected it. Congressman Joseph Moakley and Senator DeConcini introduced identical bills in 1984 calling for a temporary halt to the deportation of Salvadorans.<sup>324</sup> The bills were reintroduced in 1985, not being enacted in 1984.<sup>325</sup> Until 1989/90, several hearings regarding the same matter were held without legal consequence. Although the proposed legislation failed during these years, the protection of Salvadorans from deportation gained support from some of those Congressmen and Senators who took otherwise moderate to conservative positions regarding the military and economic assistance to El Salvador and Nicaragua.<sup>326</sup> In the light of the restrictive Immigration Reform and Control Act of 1986 that prohibited employers from employing undocumented immigrants, Salvadoran President Duarte also started to urge President Reagan to refrain from deporting Salvadoran citizens from the United States. Duarte's argument that their return would increase unemployment and reduce the capital flow from Salvadorans living in the United States to their relatives in El Salvador apparently influenced the administration's decision to stop deportation in 1987.<sup>327</sup> The status of the immigrants was still not clarified.

Faith-based groups played a major role in influencing the legislation and in cooperating with Congressman Joseph Moakley, one of Congress' principal advocates in

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<sup>323</sup> Schoultz, "Central America," 212; for more information on the history of U.S. refugee policy see Loescher, *Calculated*.

<sup>324</sup> The bill would limit the power of deportation of the Attorney General. According to the Refugee Act of 1980, Congress is not allowed to decide exclusively about measures regarding asylum. Only if Congress sets concrete criteria according to which the administration has to grant extended voluntary departure, Congress is able to control the administrations' policies. Gallagher, *Safe Haven*, 40.

<sup>325</sup> See report of the Refugee Policy Group in: U.S. Congress, Senate, Committee on the Judiciary, Subcommittee on Immigration and Refugees Affairs, *Temporary Safe Haven For Salvadorans*, 100th Cong., 1st. sess., 18 June 1987, 248-257.

<sup>326</sup> One of the moderate Congressmen was Daniel Patrick Moynihan of New York. He favored extended voluntary departure for Salvadoran refugees but supported military aid to El Salvador and assistance to Nicaragua's contras. The Catholic community in New York put major effort in lobbying Moynihan to vote against military assistance to the Salvadoran government or the contras, but to vote for temporary asylum for Salvadorans in the United States.

<sup>327</sup> Schoultz, "Central America," 216.

the matter.<sup>328</sup> Church groups had called the situation of Salvadorans in the United States to the attention of U.S. lawmakers as early as 1981.<sup>329</sup> By 1984 the following groups plus others were supporting congressional efforts (in comparison to sanctuary which was in many cases only endorsed by congregations within one denomination): Lutheran Council in the U.S.A., National Conference of Catholic Bishops, Episcopal Church, NCC, Synagogue Council of America, United Church of Christ, United Presbyterian Church in the U.S.A., the Lutheran Immigration and Refugee Council, CWS, AFSC, Church of the Brethren, Christian Church (Disciples of Christ), Union of Hebrew Congregations, United Methodist Church, Unitarian Universalist Association, and the American Council for Voluntary Agencies.<sup>330</sup> The Catholic bishops said in 1981, "[w]e believe that as long as the present state of violence and turmoil exists in El Salvador, the citizens of that country, regardless of political philosophy, should not be forced to return home. Hence, we urge that a moratorium be placed on all deportations to El Salvador, at least until such a time as the government in power can guarantee the safety of its citizens."<sup>331</sup> In a letter to President Reagan, three leaders from the Protestant, Catholic, and Jewish faiths utilize "the positive historic commitment" to homeless people of the United States and "its traditional ideals" to convince President Reagan "to protect in a humane, equitable and non-discriminatory manner those who seek asylum here."<sup>332</sup>

Sanctuary activists and advocates of the extended voluntary departure program agreed that the deportation and detention practice of the administration violated human rights.<sup>333</sup> Mary Solberg, the coordinator of Central America concerns at Lutheran Immigration and Refugee Service at the time, expresses a concern about the human rights situation of Salvadorans in the United States, which she links to U.S. foreign policy questions. Similar to activists in the Sanctuary movement, she demands the respect of human rights of foreign citizens at home as a fundamental base for a human

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<sup>328</sup> Personal interview with Kay Bellor, former CWS-Washington office staff member, New York City, 31 March 1999; telephone interview with Michael Myers, former advocacy coordinator for CWS in Washington, 9 April 1999.

<sup>329</sup> In 1977, a Jesuit priest had already stressed the plight of Salvadoran migrants in the United States in a hearing before Congress.

<sup>330</sup> *Seeking Safe Haven*, 52; *Peacemaking*; *Peacemaking II*; *Refugees and Human Rights Newsletter* (Summer 1983).

<sup>331</sup> Statement of the USCC, 17 September 1981, in: *Origins* 14:45 (25 April 1985), 736. In October 1983 Archbishop James Hickey from Washington, DC, advised the National Commission on U.S. Policy in Central America, the so-called Kissinger Commission, to implement the concept of extended voluntary departure. See *Origins* 13:22 (20 November 1983), 384 and *Origins* 15:45 (24 April 1986), 730.

<sup>332</sup> Letter to President Reagan by Rev. Claire Randall, NCC, Bishop Thoman Kelly, USCC, and Rabbi Mandelbaum, Synagogue Council of America, 30 October 1981, in: *Peacemaking*, 42-43.

<sup>333</sup> Letter to the editor by J. Michael Myers, CWS Immigration and Refugee Program, in: *The New York Times*, 19 August 1983, A20.

rights policy abroad: "How can we demand respect for human life from others when we refuse to guarantee the most basic human right - the right to survive - to those who seek safe haven here?"<sup>334</sup>

The campaign around extended voluntary departure was Washington-oriented and legislation-directed. The organizers belonged to the Washington-based advocacy groups or the Washington offices of denominations such as CWS. Michael Myer, the advocacy coordinator of CWS at the time, however, points out that the push for the issue had come from the grassroots.<sup>335</sup> His colleague, Kay Bellor, explains that CWS acted as a coordinating body between local congregations and their representatives in Congress. Bellor's job was to call individual congregations, highlight the issue's urgency, and remind them to pressure their representatives. She is convinced: "It really was a grassroots effort."<sup>336</sup> She also points out that the campaign around extended voluntary departure was "pretty much uncontroversial" among the denominations whereas the issue of sanctuary due to its civil disobedience character was not.<sup>337</sup>

During the course of the 1980s, numerous initiatives, new faith-based advocacy groups, networks, and grassroots campaigns worked toward the legal residence of Central American civil war refugees. Traditional church agencies like CWS, AFSC, Lutheran Immigration and Refugee Service, and the Catholic Migration and Refugee Services funded local asylum and refugee rights projects throughout the United States.<sup>338</sup> By 1990, CWS<sup>339</sup> for example co-funded 53 local projects and four national programs "to demonstrate the support of national churches for local services and advocacy efforts involving church communities."<sup>340</sup> In the nationwide Central American Refugee Defense Network, church relief and refugee agencies like the CWS, AFSC, and LIRS and local religious task forces such as the Chicago Religious Task Force on Central America, the national IRTF, and Central American rights' groups like El Rescate tried to set up a common policy advocacy strategy, legal defense work, and responses to the needs of

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<sup>334</sup> Mary Solberg, "Now, I think: Human Rights and U.S. Central America Policy," *The Lutheran* 21:12 (15 June 1983). The Lutheran is a magazine of the Lutheran Church in America.

<sup>335</sup> Telephone interview with Michael Myers, 9 April 1999.

<sup>336</sup> Personal interview with Kay Bellor.

<sup>337</sup> Ibid.

<sup>338</sup> *Central American Refugees in the United States*, A Profile Prepared for the Symposium of NGOs for Assistance to Immigrants (Reynosa, Mexico, 18-19 September 1987), 16.

<sup>339</sup> The denominational members of the CWS Immigration and Refugee Program at the time were: American Baptist Church, African Methodist Episcopal Church, Christian Church (Disciples of Christ), Christian Reformed Church, Church of the Brethren, Episcopal Church, MCC, Presbyterian Church (USA), Progressive National Baptist Convention, Reformed Church in America, Southern Baptist Immigration and Refugee Service, United Church of Christ, United Methodist Committee on Relief.

<sup>340</sup> CWS-IRP. Ecumenical Asylum and Immigration Project Fund 1990 Project Profiles (June 1990), by courtesy of Patrick Taran, formerly CWS.

refugees ("How do we transform – for ourselves and others – charity into solidarity?").<sup>341</sup> As members of the Central American Refugee Defense Network AFSC, the Lutheran Council in the USA, and NCC joined as parties to a "complaint alleging a violation of the human rights of Salvadoran Refugees by the United States" filed by the International Commission for the Defense of Salvadoran Refugees headquartered in Mexico City and submitted to the Inter-American Commission on Human Rights of the OAS in 1982.<sup>342</sup> The complaint charged the U.S. government with discriminatory asylum decisions and "the impermissible 'refoulement.'"<sup>343</sup> In addition, refugees together with church groups filed numerous class action suits for political asylum in federal courts.

With the approval of its constituent denominations CWS also issued a "First Asylum" resolution in which it calls upon the U.S. government to live up to its moral responsibilities and legal obligations to provide protection and due process.<sup>344</sup> By the end of the 1980s, church relief and refugee agencies were forming cooperative projects around the issue of first asylum, trying to coordinate local programs with national advocacy campaigns.<sup>345</sup> Other projects helped to resettle a few thousand Salvadoran civil war refugees in Canada with the help of Canadian churches and the Canadian government.<sup>346</sup> In their attempts to advocate the protection of Central American civil war refugees, efforts by grassroots groups and faith-based NGOs crossed national boundaries. By the mid-1980s, cooperative faith-based lobbying and protection activities reached from Central America through Mexico to the United States and Canada.<sup>347</sup>

It would be misleading to ignore the heated immigration debate of the 1980s and the U.S. public's generally negative response to new immigrants, especially undocumented ones. While church groups tried to fight for the postponement of Salvadorans' deportation, the issue of undocumented immigration and labor migration

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<sup>341</sup> Report of the 1983 Consultation: Central American Refugee Defense Network (Los Angeles, 9-11 February 1983), by courtesy of Patrick Taran, formerly CWS.

<sup>342</sup> See Central American Refugee Defense Network: Report of the Consultation (California, 13-15 February 1982), in: CCEIA, Box 767, Folder: Sanctuary.

<sup>343</sup> Memorandum to the Inter-American Commission on Human Rights: Admissibility of Case 7969, 10 July 1982, in: CCEIA, Box 767, Folder: Sanctuary.

<sup>344</sup> *Refugees and Human Rights Newsletter* (Summer 1983).

<sup>345</sup> Memorandum from Patrick Taran to CWS-Immigration and Refugee Program Committee regarding the Committee for U.S. Action on Asylum Concerns (CUSAAC), 29 December 1988, by courtesy of Patrick Taran. The Committee included staffers from CWS, USCC, LIRS, and others.

<sup>346</sup> *Central American Refugees in the United States: A Profile Prepared for the Symposium of NGOs for Assistance to Immigrants* (Reynosa, Mexico, 18-19 September 1987), 17. "Canada Accepting Some Central American Refugees from the U.S.," in CWS, Immigration and Refugee Program, *Fulfilling the Promise: Church Orientation Guide to the New Immigration Law* (May 1987).

from south of the border – especially from Mexico - remained high on the agenda. The Immigration Reform and Control Act of 1986 reflected restrictive attitudes toward immigrants of the 1980s. It tried to reduce undocumented immigration by making the employment of undocumented immigrants illegal and by legalizing those undocumented immigrants who had resided in the United States before 1 January 1982. The new immigration law affected the status of those Salvadorans able to show proof of their pre-1982 residency. While the Catholic, mainline Protestant, and peace churches argued against existing notions of playing off U.S. citizens and foreign citizens' interests against each other, church and other rights' groups tried to keep the Central American civil war refugees separate from the general discussion of undocumented migration.<sup>348</sup> The congressional actions and lawsuits seeking temporary or genuine asylum on behalf of Salvadorans helped to frame the special case for civil war migrants.

After almost ten years of lobbying, Congress passed a bill regarding the status of Salvadoran migrants in the United States that was signed into law by President George Bush in October 1990. One provision of the Immigration Act of 1990 granted those Salvadorans already in the United States temporary asylum for twenty months. Salvadoran citizens were the first group to be assigned the temporary protected status

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<sup>347</sup> *Building Bridges: Report and Recommendations of the Canada-U.S. Church Consultation on Refugee Protection and Safe Haven* (Washington, DC, 11-12 April 1985).

<sup>348</sup> In 1981, the NCC observes the underlying conflict of interest between the newcomer and the receiving society: "The violation of human rights - civil, political, social, economic, cultural - often impels people to leave their homes and seek new ones. ... People who are suffering the deprivation of their rights should be able to move to another land where they can pursue economic well-being, freedom and dignity. But those who already live in that land - especially the working poor and the unemployed - have a right to employment and to social and economic security. The tension among these rights should be resolved in the context of the stewardship of God's gifts, the knowledge that all resources come from God and are not the unqualified property of those holding them... National Council of the Churches of Christ in the U.S.A., *Immigrants, Refugees and Migrants* (14 May 1981). In the resolution, the NCC asks for permanent resident status for those immigrants who entered the U.S. illegally or had overstayed their visa. It calls for the protection of the human rights of foreign migrants and temporary workers and the protection of labor rights such as collective bargaining, occupational safety and health and wage and pension protection. At the same time, it denounces discrimination against any workers, domestic or foreign. The National Conference of Catholic Bishops argued similarly against the clear-cut division of the national interest versus the migrants' interest by viewing the (im)migrant and the receiving society in a universal context: "This right to migrate for work should never be displaced by the exercise of a nation's sovereign right to control its own borders. Protecting the public interests of our society and recognizing the right to immigrate are determinations that should be made in the context of the universal common good." National Conference of Catholic Bishops, *Statement on Principles for Legal Immigration Policy* (13 September 1988). Believing in the "neighborly spirit in the community," the Church of the Brethren wishes a total elimination of borders: "We need to affirm that everything belongs to God and that we are part of an immigrant people who are looking for better land... We look forward to a time when all people will be free to move from one nation to another and to choose their homeland without restriction." *Statement Addressing the Concern of Undocumented Persons and Refugees in the United States*, Annual Conference 1982, in: <http://www.brethren.org> (October 2000).

(TPS) that protects people from being extradited to regions experiencing civil war.<sup>349</sup> Since then, the status has been granted to over 20 national groups fleeing to the United States as a result of civil wars or natural disasters. Due to the ongoing civil war, the status for Salvadorans was renewed in 1992.<sup>350</sup> The Immigration Act of 1996 threatened the special protection of Salvadorans in the United States. After citizens' protests and declarations by Central American governments, Attorney General Janet Reno suspended the extradition in July 1997.<sup>351</sup> In 1998, the Nicaraguan Adjustment and Central American Relief Act was passed as a response to Hurricane Mitch, which had hit the countries of Honduras and Nicaragua especially hard. It allowed Nicaraguans and Hondurans residing as undocumented immigrants in the United States to adjust their status, and undocumented Guatemalan and Salvadoran immigrants of the 1980s to apply for suspension of deportation or for a cancellation of their removal and adjustment of their status until 8 March 1999.<sup>352</sup>

The U.S. Catholic Church and other active groups of the 1980s remained supportive of the decision to grant temporary asylum to Central American disaster and conflict refugees. On 16 November 1998, Bishop Anthony Pilla, then President of the National Conference of Catholic Bishops, had written to President Clinton asking for a TPS designation for Nicaragua, Honduras, El Salvador, and Guatemala: "The Central American nations affected by this disaster...are just beginning to start the long process of rebuilding their countries. Considering the magnitude of their task, it seems to be unjust to continue to repatriate the nationals of these countries at such a time of crisis."<sup>353</sup> The American Friends Service Committee carries out a Central America Political Asylum Project in Miami, Florida with which it provides the refugee community with legal representation.<sup>354</sup> Central American rights' groups such as El Rescate and the Central American Resource Center (CARACEN) in California that had been founded by Salvadoran refugees and local faith-based groups or co-funded by religious organizations continued lobbying for the "civil and human rights" of Central Americans in the United

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<sup>349</sup> *Immigration Act of 1990* (P.L.101-649), Sec. 303(b)1c.

<sup>350</sup> Plaut, *Asylum*, 120.

<sup>351</sup> *Süddeutsche Zeitung*, 3 April 1997, 7; *Süddeutsche Zeitung*, 14 July 1997.

<sup>352</sup> <http://www.ins.usdoj.gov/graphics/publicaffairs/newsrels/tpsrel.htm> (February 2001).

<sup>353</sup> The Church also pressed for a new TPS status for Salvadorans and Guatemalans. Bishop Nicholas DiMarzio, auxiliary bishop of Newark and chairman of the U.S. Bishop's Committee on Migration, asked the administration to reconsider the decision not to designate El Salvador and Guatemala. "Although these two countries received less damage than Honduras and Nicaragua, we believe the decision not to designate TPS for El Salvador and Guatemala is unfortunate. The effect of Mitch was regional, and calls for a regional response." See "Honduras and Nicaragua Designated for Temporary Protected Status," *Policy Notes* 2:1 (Winter 1999), published by the Office of Migration and Refugee Policy of the USCC.

<sup>354</sup> <http://www.afsc.org/pdesc/pd357.htm> (February 2001).

States.<sup>355</sup> Many of these local groups helped those Salvadorans eligible for TPS to submit their claims.

The immigration law of 1990 liberalized U.S. refugee law. For the first time undocumented immigrants from civil war regions were taken into full consideration in U.S. law. The introduction of TPS established a legislative base.<sup>356</sup> In the case of Salvadoran civil war refugees, the new rule, without doubt, also reflected the shifting priorities and international and regional conditions after the Cold War. The ending of the Cold War changed the context of foreign policy-related issues that helped to form, if not a consensus, an agreement regarding the more liberal refugee policy toward Central America. Apart from the break-up of the bipolar fronts, the end of President Reagan's second term as President and the peace processes in Central America altered the context of foreign as well as refugee policy.

Events in El Salvador resumed some of their intensity of earlier years in 1989, making protection from deportation more obviously necessary. The murder of six Salvadoran Jesuits of the Central American University in San Salvador, among them its well-known director Ignacio Ellacuría, that had been preceded by a new FMLN offensive reminded the U.S. public once more about the ongoing civil war in El Salvador, an issue that had lost much of its prominence as a U.S. foreign policy matter at the end of the decade. It changed the foreign policy debate toward El Salvador in Congress. From 1984 until 1989 policymakers in Congress were in agreement that U.S. foreign policy toward El Salvador was helping to contain the FMLN and to construct democracy. After the murder of the Jesuits, committed by members of the U.S.-trained Atlacatl Battalion, Congress grew reluctant to agree to further assistance for the Salvadoran armed forces. Congressman Joseph Moakley, a long-term advocate for granting a temporary asylum status to Salvadorans, had chaired the congressional task force on El Salvador after the Jesuits' murders. Furthermore, as Chairman of the Committee on Rules he was in a powerful position to push for his agenda.<sup>357</sup>

Religious groups could mark a political and judicial victory in the case of Salvadoran undocumented immigrants. A court ruling of a federal district court in San Francisco in 1990 manifested the new refugee and asylum approach. The court decided that the denied asylum applications of approximately 150,000 Salvadoran and

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<sup>355</sup> <http://www.caracen.la.org/90.html>; <http://www.elrescate.org/about.asp> (February 2001).

<sup>356</sup> See *Immigration Act of 1990* (P.L.101-649), Sec. 303(b)1c. INA § 208 (8 U.S.C. 1254).

<sup>357</sup> Schoultz, "Central America," 217.

Guatemalan citizens should be reviewed once more.<sup>358</sup> Others were encouraged to apply under the new ruling. The American Baptist Church had brought the case to court in 1985.<sup>359</sup> In 1996/97, the INS still had to deal with 240,000 backlog cases of this settlement agreement.<sup>360</sup>

The decision coincided with new asylum rules at the INS. According to the new rules, asylum policy was to be administered by an independent institution within the Justice Department in Washington instead of local INS officials. INS officials handling asylum cases as well as immigration lawyers were to receive special training that covered questions of human rights.<sup>361</sup> The Sanctuary movement had criticized the INS for following the interests of the State Department. The court in 1990 confirmed that foreign policy factors should not influence decisions regarding asylum, a fact that the Refugee Act of 1980 had already established.<sup>362</sup> Members of the Sanctuary movement believed both the court ruling and the new legislation were justification for the movement.<sup>363</sup> Among the Central Americans affected by the new rules were also some "sanctuary refugees."<sup>364</sup> In an interview from 1989 Pastor John Fife looks very positively at the movement and its achievements. He summarizes the effects of the movement as follows:

It is an example how effective such a grassroots movement can start to set something in motion that changes the lives of people and maybe the policy of governments.<sup>365</sup>

The Sanctuary movement influenced legislative measures on behalf of Salvadoran civil war refugees. Compared to the high number of immigrants from El Salvador and Guatemala in the 1980s the number of migrants in sanctuaries itself was tiny. In Tucson the Southside Presbyterian Church helped approximately 6,000 people; in Texas the movement protected ten times as many.<sup>366</sup> In Chicago, only "a few dozen" were participating in the public sanctuary concept.<sup>367</sup> When need was most urgent between 1980 and 1982 and most refugees were returned, however, the movement was

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<sup>358</sup> Katherine Bishop, "U.S. Adopts New Policy for Hearings on Political Asylum for Some Aliens," *The New York Times*, 20 December 1990, B18; "Deportations Curbed," *The Christian Century*, 13 March 1991.

<sup>359</sup> *American Baptist Churches v. Thornburgh*, 760 F. Supp. 796 (N.D.Cal. 1991).

<sup>360</sup> <http://www.ins.usdoj.gov/graphics/aboutins/history/jan95.htm> (February 2001).

<sup>361</sup> Zucker, "Redefinition," 68.

<sup>362</sup> Schoultz, "Central America," 217; Bishop, "New Policy," *The New York Times*, 20 December 1990, B18.

<sup>363</sup> Bishop, "New Policy," *The New York Times*, 20 December 1990, B18.

<sup>364</sup> Loken and Bambino, "Harboring," 180.

<sup>365</sup> Fife "Anwälte," 13. Translation of the interview quote (German magazine) by the author of this study.

<sup>366</sup> Fife, "Anwälte," 14.

<sup>367</sup> Personal interview with McConnell.

still developing and could not help. But the constant reminders of the situation of Central Americans – especially Salvadorans<sup>368</sup> - in the United States generated a growing public interest and linked the movement's interest with those of other interest groups.<sup>369</sup> In fact, the Sanctuary movement highlighted the urgency of the situation for the religious community. Initiatives of Senator Edward Kennedy and Congressmen Joseph Moakley and Ted Weiss, religious NGOs and denominations, and the Sanctuary movement complemented each other and provided a constant "publicity" on the unsolved migration problem.

When asked about their own contribution to the legislative effort and its eventual success, staff members of Washington-based advocacy groups call attention to the dedication of the people involved in this particular issue who almost ruled out the possibility of losing.<sup>370</sup> Despite the many years of lobbying for this one issue, activists remained intensely dedicated to the cause.<sup>371</sup> They were rewarded. The U.S. legislature as well as the judiciary urged the administration at the end of a decade-long conflict between the government and societal groups to adopt the policy of temporary asylum, the humanitarian and civic ideal of Sanctuary activists and religious groups.

## 5.5 Conclusion

The Sanctuary movement as a major actor of faith-based Central America activism in the 1980s demonstrates the interweaving of traditional elements of the American peace and anti-Vietnam War movement, religious Latin America experiences, and human rights activism with new and revitalized aspects of civic foreign policy. The Sanctuary movement was part of the growing faith-based "alternative foreign policy establishment" of the 1980s. One foreign policy analyst confirms that "[s]uch

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<sup>368</sup> The Sanctuary movement helped both Salvadorans and Guatemalans. Salvadorans, however, received most of the publicity for several reasons. The Salvadoran refugee community in the United States was itself vocal and active. The transnational Guatemala network became more vocal in the late 1980s and 1990s. In order to be more successful in Congress, groups limited the campaign for extended voluntary departure in the 1980s to Salvadorans. According to one advocate, pushing for one issue and the protection of one group seemed more successful than trying to present all the intersecting Central America issues.

<sup>369</sup> See Gallagher, *Safe Haven*, 34ff.

<sup>370</sup> Personal interview with Kay Bellor, March 1999; telephone interview with Michael Myers, 9 April 1999.

<sup>371</sup> With every adjourning Congress, a legislation that was not enacted has to be reintroduced again. For lobbyists, this means that they have to re-collect the signatures from their constituency and re-encourage them to write to their representative.

constituencies may represent a minority of the electorate, but they are active citizens whose voices are clearly heard by politicians."<sup>372</sup>

The movement helped to illuminate the complex background of migration. The new status for civil war and disaster refugees in U.S. law established in 1990 echoes the new awareness. Migration became a significant political factor in the U.S. discourse regarding its relationship with Central America. While the debate reflects a century-old conflict between the claims and the reality of U.S. immigration policy, it gave room to a new perception of the U.S. role in its affairs with Latin America. Through the movement "church and state representatives engaged in a struggle over who and what interests define the undergirding moral terms of Central American-North American integration."<sup>373</sup> Interacting with Central Americans, many movement members received a more comprehensive version of the foreign conflicts. Activists started to re-interpret the role of the United States and its responsibilities in international affairs.<sup>374</sup> Or they felt reassured in their opinion, like some of the human rights veterans.

The interests of the diverse activists and religious NGOs that engaged in the Sanctuary movement were not always corresponding. Some interpreted their work as refugee help, others as a form of protest against the war, still others as protest against "the establishment" and "the institutionalized imperialism" of the United States.<sup>375</sup> Some voices were more critical of U.S. foreign policy and confrontational in their strategies, very few desired a transformation or even overthrow of the U.S. political system. In contrast, civic foreign policy is marked by its constructive employment of the possibilities offered by U.S. political institutions and a revitalization of democratic participation beyond representative institutions. By criticizing their government's foreign policy, religious activists pointed out those elements that were in their eyes not in accordance with U.S. values and human rights.

Traditional belief systems such as Christian pacifism and Christian humanitarianism seem to have attracted people in the U.S. society in a decade marked by its quest for values.<sup>376</sup> A renaissance of these Christian values made new forms of political activism possible. The practice of ethical and political visions at the grassroots level confirms the possibility of participatory democracy regarding issues of foreign affairs. Seeking the influence on the decision-making process was one part of the broad

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<sup>372</sup> Falcoff, "The Apple of Discord," 378.

<sup>373</sup> Cunningham, *God*, 202f.

<sup>374</sup> Coutin, *Culture*, 82f.

<sup>375</sup> *Ibid.*, 176.

<sup>376</sup> Regarding the 1980s and the quest for values and norms, see: Hunter, *The Culture Wars*.

refugee rights network. The direct humanitarian help that seemed to give substance to one's own opinion was the other distinguishing aspect. A Sanctuary activist from California describes in how far the combination of action and words set off people's involvement:

...it was one thing you could do that would actually make a difference in a refugee's life. This was something I could actually do to visibly say no to our government's policy. It has given me a real sense of satisfaction...You have some real substance to your activity.<sup>377</sup>

The linkage between foreign and migration policies mobilized citizens that demanded a refugee policy based on humanitarian principles and/or a revision of the official Central America policy. A concern for the "other", i.e. a non-national, became one of the fundamental goals of these faith-based groups. It was triggered by sensing failures of the United States that deepened the sense of civic duties, of "what America stands for" and of implementing ideal American values.<sup>378</sup> The encounter with migrants from El Salvador or Guatemala made the situation in Central America and U.S. foreign and migration policy more concrete for those that had not previously been involved in these issues. As a grassroots initiative, the Sanctuary movement pushed for "radical humanitarianism" on its own terms, for a greater balance between state power and individuals.

Most traditional faith-based refugee and relief agencies embraced a more moderate position in regards to the refugee question. Being partners of governmental refugee programs at home and abroad, these agencies sought a solution within the legal framework. Some advocacy workers within these agencies pushed for education programs about the root causes of migration and refugee movements. Asylum issues were increasingly seen as part of the churches' justice, human rights, and development programs.<sup>379</sup> The combat of world migration's root causes became part of most denominations immigration and refugee programs in the 1980s and beyond. While engaging in temporary asylum advocacy at home, religious relief and refugee agencies

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<sup>377</sup> Quoted in Barbara Epstein, "The Politics of Moral Witness: Religion and Nonviolent Direct Action," in Marullo and Lofland, *Peace Action in the Eighties*, 106-124, 122.

<sup>378</sup> The historian and former Central America activist Van Gosse identifies a "sense of civic duty" as one of the major legacies of the ex-missionaries and activists that caught the imagination of other citizens in the 1980s. Van Gosse, "Active Engagement," 29.

<sup>379</sup> See e.g. Protection of Asylum Seekers in Western Countries: Report and Recommendations of the WCC Consultation. Niagara Falls, Canada, 15-18 May 1984; "Church Refugee Workers Address Restrictive Canadian and U.S. Policies," *Monday* 8:18 (19 June 1989), both documents by courtesy of Patrick Taran, formerly CWS. See also Scott W. Pentzer, *Refugees After the Cold War: Rethinking the Definition from a Roman Catholic Perspective* (Washington, DC: USCC/Migration and Refugee Services, April 1991).

simultaneously cooperated in church and UN refugee projects in Central America.<sup>380</sup> In general, those church and relief agencies engaged in humanitarian assistance programs abroad, were also advocating policy concerns such as human rights and poverty alleviation to become part of U.S. foreign aid programs. In regards to the Central American conflicts, they supported the redirection of U.S. aid toward negotiation, reconciliation, and democratic participation. In their aspiration to support refugee rights, U.S. religious groups also accompanied Salvadoran refugees from camps in Honduras and Mexico to El Salvador.

The moral dimension of detention and deportation policies was the reason for the increased participation of people who are usually not involved in foreign policy issues. The Salvadoran and Guatemalan refugee rights campaign characterized a new dimension of political as well as grassroots activism. Without overthrowing traditional concerns for refugees or lobbying efforts in Congress, strategies and concepts including the discourse about human rights broadened. The more progressive or "politicized" groups as well as liberal to moderate forces did not only focus on the human rights violations in the region but attempted to demonstrate the linkage of the U.S. government to the situation. In addition, they argued against the inhumane treatment of the victims of the war - the refugees.

The call for temporary asylum in the United States went beyond general criticism of U.S. foreign policy. Arguing for an integration of non-nationals into U.S. society due to human rights violations of the United States symbolized a new dimension of national duties in the context of international migration and migration policies. Civic foreign policy of the 1980s concentrated on the victims of the Salvadoran civil war. By doing so, it was directed toward the national ethos of the United States.

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<sup>380</sup> See chapter 4.3.3.