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# New Mexico sanctuary move rapped

By Ed Rogers  
THE WASHINGTON TIMES

Gov. Toney Anaya of New Mexico was sharply criticized by political foes yesterday for proclaiming the entire state a sanctuary for illegal immigrants from Central America.

Mr. Anaya said his proclamation means the state opposes "deportation of Central American refugees back to their home countries, where they may face persecution, torture and even assassination by anonymous death squads."

"I think it was a wrong thing to do whether you sympathize with the immigrants who are coming in or not," Republican state Chairman Edward Lujan said. "The law is the law, and it's wrong to advocate going against the law."

"I think he has stepped over the bounds of what is proper and is advocating that the state not follow the laws or regulations of the United States," said Rep. Mary L. Thompson, Republican floor leader in the New Mexico House.

"All the comments I've heard so far from my constituents, the people of the county [Dona Ana], are quite negative," Mrs. Thompson said. "They were really appalled that he would make such a statement."

Station KOAT-TV in Albuquerque, N.M., said in the 22nd hour of a 24-hour call-in poll that 309 callers,

or 17.3 percent, supported the sanctuary proposal while 1,477, or 82.7 percent, opposed it.

A computer kept score of the yes and no votes, a spokesman for the station said.

The Democratic governor had already received a rebuff from Gov. Bruce Babbitt of neighboring Arizona. Mr. Anaya had urged all other governors to follow suit. Mr. Babbitt said he would not obstruct the enforcement of federal immigration laws.

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*New Mexico is the first state to proclaim sanctuary. The governor said it would apply to refugees from all Central American countries.*

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Mr. Anaya then issued a clarification: "I am in no way encouraging anyone to obstruct federal law, but encouraging the federal government itself to comply with the spirit and intent of its own law."

A spokesman said Mr. Babbitt was careful not to say anything that might interfere with the trial of 11 religious leaders in Tucson, Ariz., who are charged with smuggling illegal aliens into this country.

After months of stormy trial sessions, the case has reached the

closing-argument stage.

Prosecutor Donald M. Reno Jr. said he told the jury that the law "does not allow people to engage in criminal acts and say it was a religious exercise."

An estimated 275 churches of all major denominations and more than a dozen cities have declared themselves sanctuaries for illegal immigrants from El Salvador and Guatemala.

New Mexico is the first state to

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proclaim sanctuary. The governor said it would apply to refugees from all Central American countries.

Church leaders persuaded Mr. Anaya to take the step on the grounds that the Reagan administration is violating the intent of the 1980 Refugee Act by denying haven to political refugees.

The Immigration and Naturalization Service denies that any bona fide refugees are being deported and says most of the immigrants from Central America have

come to America to get better jobs.

"We view his declaration with serious concern," said David V. Vandersall, acting regional INS commissioner. "By making a blanket declaration that all of these people are refugees, I feel that the governor is heading into an area where he is not qualified."

"Second, I think it sends a bad message to people that they are welcome in the United States when, in fact, their coming is violating the immigration laws of this country," Mr. Vandersall said in a telephone interview from his office in Dallas, Texas.

"We have procedures under the law where people who feel that they can qualify for refugee status, because of a well-founded fear of persecution, can apply and will be given due process adjudication of their claim," he said.

While the sanctuary proclamation was generally viewed as being symbolic, without any legal force, there was no agreement on what effect it will have on the actions of state employees.

A spokesman for Mr. Anaya said this will be clarified later when the governor issues administrative guidelines for state employees. He said the guidelines might be issued as an executive order with full legal effect.

TUCSON, ARIZONA



ACTIVISM is the doctrine of vigorous devotion to one's beliefs. It drove the Underground Railroad of the nineteenth century, and it survives in the controversial convictions of a movement quite literally on the fringe of America.

# Keepers of the Flame

by David Quammen

Remember the part about *Give me your tired, your poor, your huddled masses yearning to breathe free? Remember I lift my lamp beside the golden door?* Don't be fooled. Today you could go to prison for believing too fervently in that ideal. Jim Corbett and Sister Darlene Nicgorski, for a pair of instances, seem to be well on their way.

Their offense has been to welcome that category of huddled masses of whom the U.S. government particularly disapproves: Guatemalans and Salvadorans in flight from murderous chaos at home.

Jim Corbett is a wiry Quaker with a vandyke beard and a bad case of rheumatoid arthritis who lives in a small house on the north fringe of Tucson, Arizona, venturing out into the severe hill country of the Sonoran Desert whenever necessity demands and his health permits. Darlene Nicgorski is a Catholic nun, a member in good standing of the School Sisters of St. Francis, who does social-service work out

DAVID QUAMMEN lived in Tucson for two years and has written extensively about the Sonoran Desert.



Jim Corbett (left) and Sister Darlene Nicgorski (above, left) are two conductors on a new underground railroad, smuggling Central American refugees across the border to a safety network in the U.S.

PHOTOGRAPHS • BILL OWENS

of her office-apartment in Phoenix. In the view of the U.S. Justice Department, these two are parties to a criminal conspiracy. On January 10 they were indicted—along with twelve other Arizona residents and two church people from just over the border in Mexico—by a federal grand jury. The crimes charged against this group include smuggling illegal aliens into the U.S.; abetting and counseling such illegal entry; transporting, harboring, and shielding such aliens once they entered; as well as conspiring with one another to smuggle, abet, harbor, shield, et cetera. The indictment runs to seventy-one counts. Each count represents a felony worth at least five years in prison. Clearly Corbett, Nicgorski, and the others must have done *something* provocative to draw such a redundancy of official wrath.

That much they freely confess: Yes, no question, there has been a lot of harboring, shielding, abetting. A lot of smuggling, yes. Jim Corbett admits to having helped hundreds of Salvadorans and Guatemalans sneak over the border from Mexico—he has even occasionally allowed reporters, photographers, and, once, a television crew to come along. In most respects it's a very public conspiracy, this latter-day underground railroad that carries displaced Central Americans to sanctuary in the U.S. The aliens are generally kept hidden for fear they will be arrested and deported, but Nicgorski and her collaborators do their work in a glare of publicity. The point at issue, they argue, is not who drove a car, who offered shelter, who held the strands of barbed wire apart while a young widow and two kids climbed into America. The point at issue is whether the people being aided are *illegal aliens* (as the Immigration and Naturalization Service sees them) and *economic migrants* (as the State Department contends) or, alternatively, *political refugees* as defined by U.S. law.

The distinction is more than semantic. "We're *not* committing civil disobedience. We're *not* fighting against unjust laws," says Jim Corbett. "We're fighting for the *observance* of just laws." He cites the 1980 Refugee Act, among others. By deporting these Central Americans back into mortal danger, he explains, it's the U.S. government that is breaking the law.

Corbett has been the most visible of the humanitarian smugglers and he was one of the first, but he insists that he is in no sense the movement's founder. "What has come to be called the sanctuary movement started with many thousands of people in this country who decided to help fugitive Salvadorans and Guatemalans," he says. "It happened everywhere along the Mexican border and wherever else the refugees arrived in large numbers." The border town of Nogales, an hour south of Tucson, was one of those places.

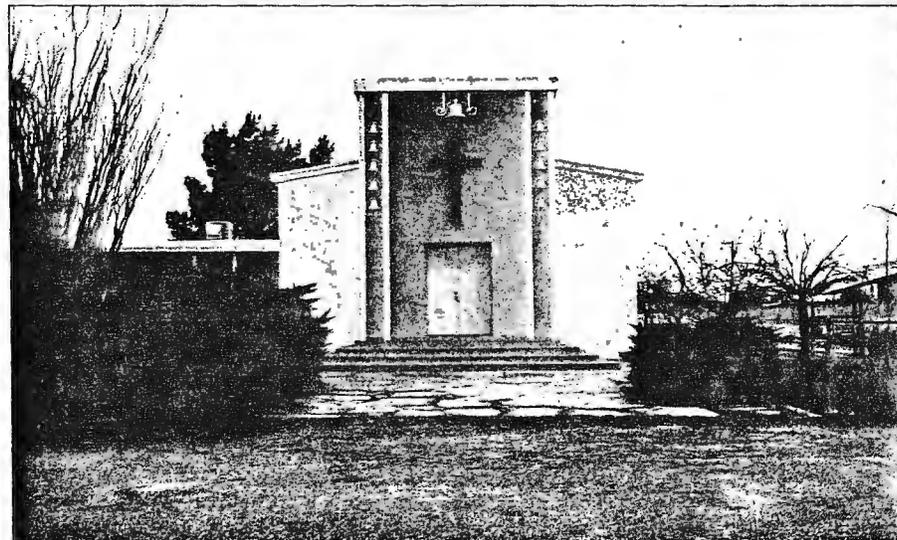


Two nuns against whom the U.S. government has dropped charges

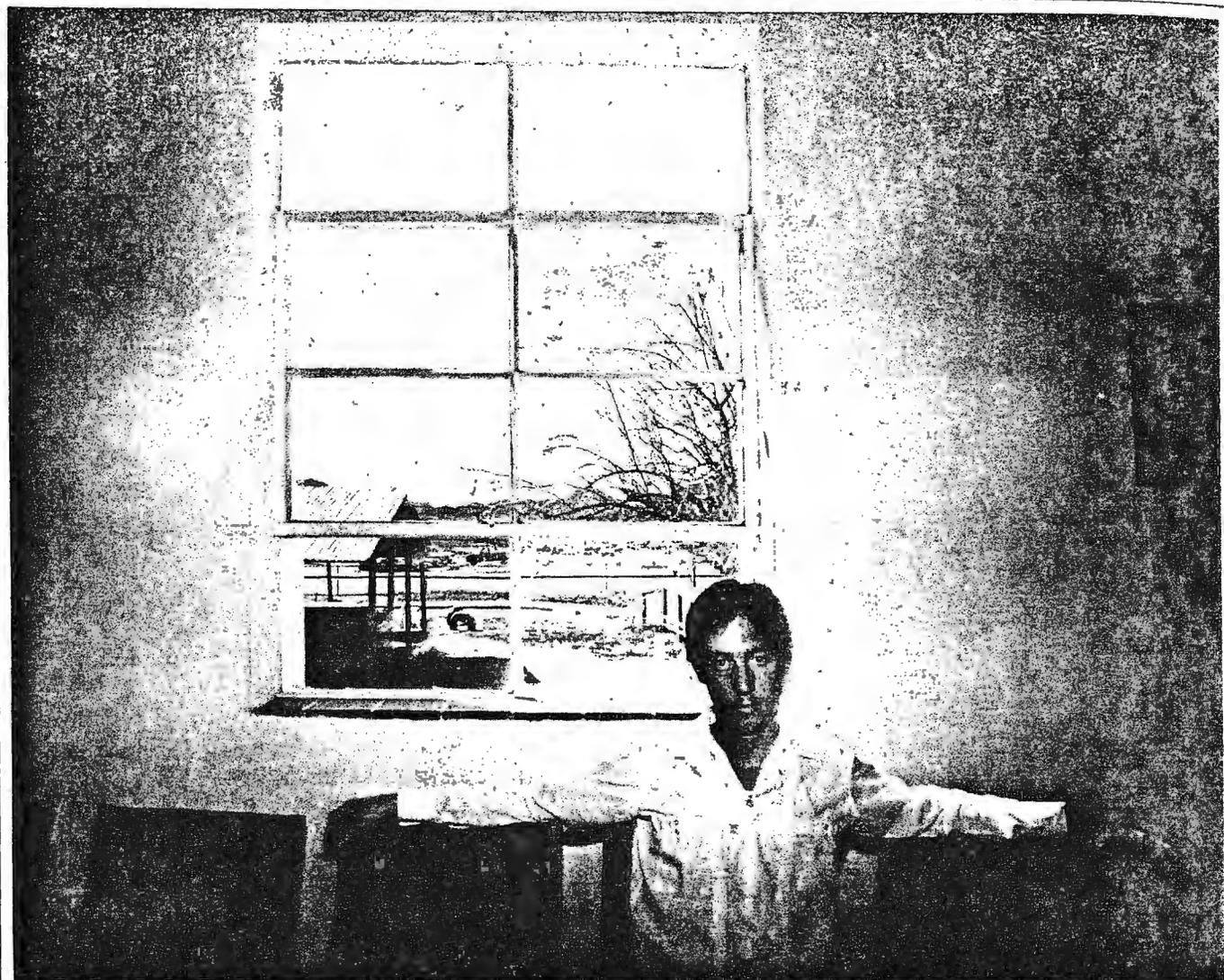
**W**e're *not* fighting against unjust laws. We're fighting for the *observance* of just laws." By deporting refugees back into mortal danger, Corbett says, it's the U.S. government that's breaking the law.

On May 4, 1981, driving back from Nogales, a friend of Corbett's picked up a hitchhiker, a man who turned out to be Salvadoran. Before they reached Tucson the car was stopped at a border-patrol checkpoint and the Salvadoran was taken away. When Corbett heard the story, he began wondering what would become of the man. At that point Corbett was still ignorant of immigration law and deportation procedure, but he knew that El Salvador was a dangerous place. He had heard about the civil war that was killing hundreds of civilians each month. He had heard about *los escuadrones de la muerte*, the right-wing death squads that were enforcing political orthodoxy by means of kidnap, torture, and murder. He had also heard rumors that a planeload of deportees had been massacred right at the San Salvador airport in December 1980. "So we were concerned about what might happen to that hitchhiker," he says. "The next morning I woke up having decided that, somehow, I ought to find out."

He traced the man to the Santa Cruz County jail. Within the next few days he had learned of fifty other Salvadorans (including one woman with a year-old child) who were being held in the local jails and detention facilities pending deportation. They were confused and terrified people with little or no legal help, ignorant of their right to apply for asylum. And the Immigration officials seemed determined to keep things that way, so that these folk could be expeditiously freighted back south. In a letter he sent to other Quakers that month, Corbett wrote, "I can see that if Central American refugees' rights to political asylum are decisively rejected by the U.S. government, or if the U.S. legal system insists on ransom that exceeds our ability to pay, active resistance will be the only alternative to abandoning the refugees to their fate." So he embarked on his own active resistance: smuggling in



Fact: the sanctuary movement is basically a religious phenomenon.



*Phil Conger's church publicly proclaimed itself a shelter for refugees.*

**M**y notoriety is now a problem," Corbett says, smiling. "Every border patrol agent knows my face. I've used up my ability not to be noticed."



*Sister Darlene and Sister Mary Malher provide medical care for refugees.*

refugees through the mountains of southern Arizona.

Corbett knew the terrain and how to survive in it, how to travel fast and light along the brushy dry washes that offered cover, how to dodge the border patrol cruisers and low-flying planes. He had ranched cattle in this country for some years, all up and down the steep hills and washes by horseback, until his arthritis made it impossible for him to continue. Compared with those physical demands, leading Central Americans on one- and two-day hikes through the border zone proved to be relatively easy. He also began making trips into Mexico, meeting with refugees there in dingy hotel rooms, briefing some for the backcountry trek, advising others how to pass through official ports of entry by masquerading as Mexican visitors. In the border towns along the Mexican side he found people who would help by offering their homes as final staging points, feeding the fugitives, letting them rest for a few days before the crossing, even lending identity documents that were enormously useful at the ports of entry. When it was a matter of bushwhack-

ing overland through the hard country for a fence climb, beating the Immigration patrols and then beating the desert too, Corbett himself usually went as guide. Dressed for one of those ordeals in an old cowboy hat and jeans, he could pass for a dotty archaeologist just wandering in from six months at Olduvai Gorge.

Last July Corbett made a crossing that (as reported by Carmen Duarte in a fine series of articles for *The Arizona Daily Star*) stands as roughly typical. In this case he was bringing across just one person: a Guatemalan woman too traumatized by her recent experiences to have much chance of bluffing her way through a port of entry.

Back in Guatemala, the woman's husband had been involved in a labor union, which in itself is considered subversive activity, threatening to the army-supported oligarchy. One night at 4:00 A.M. strange men barged into the house, beat him with gun butts, and took him away in an official-looking car. The husband was never seen again. She was warned not to report his disappearance. She searched for him at a body dump, where the hands and heads had been cut off many of the

corpses. After a year there was still no news, no evidence of his fate, and now strangers had begun stalking her. So she fled to Mexico City. A few months passed before she was detained and interrogated by men who seemed to be Mexican immigration agents; they held her without charge in a private house, tied her to a chair, untied her only when they wanted to rape her. Finally she was deported by bus back to Guatemala. Not daring to go to her home, she returned to Mexico City. This time she was lucky enough to make contact with Jim Corbett, who escorted her by plane and then automobile up to Nogales, Mexico. From there they would continue by foot.

On the day of the crossing, they were driven out of Nogales on a road that runs parallel to the border. The car stopped briefly in a remote spot while Corbett and the woman climbed out. Very quickly they were off the pavement and down a steep bank into the dry wash below. Mesquite and creosote bush gave them a little cover, but for the first half hour they could still be seen from the road. It was the day's longest and most delicate half hour. They picked their way downward along the bed of the wash, over rock ledges and sand, through the thickest vegetation—a path that made progress slow but left at least some chance of concealment. When a truck rumbled into earshot on the road above, they skittered out of sight in the brush. Then they continued to walk. After only an hour they came to the border fence. Nothing elaborate here, not the ten-foot-high chain link barricade that divides the town of Nogales—just five strands of tightly strung barbed wire. They climbed it. As the woman stepped down onto U.S. soil, according to Carmen Duarte, Corbett greeted her with a hug.

The crossing had been made, but the hike had only begun. Mosquitoes and gnats harried them as they went, and the air was full of flying ants. The sky was overcast, a blessing because it held the temperature down, even more so because it made aerial surveillance amid the steep mountain canyons less likely. Four miles of hard walking brought them to a remote shelter, far enough for one day. The woman's feet were blistered. Raisins for dinner and only a tarpaulin for a blanket. They spent a chilly night. The Sonoran Desert, so rocky and bare, gives heat back to the atmosphere quickly; it can be a cold place after dark.

The next day was clear and beautiful, destined to be fiercely hot. After a breakfast of tuna, cold coffee, and crackers, they started walking again, passing down the canyon amid yucca and manzanita. The last mile was a hard climb uphill, then along another dry wash, to the point where by prearrangement they would rendezvous with a vehicle.

The vehicle was where Corbett ex-

pected it. An innocent-looking picnic was in progress. Jim Corbett introduced the Guatemalan woman to his friends, who offered her a ham-and-cheese sandwich and an orange drink; for the ride up to Tucson she would hide on the floor of their rig. She had entered the American sanctuary network.

That was last July. But with three years of this sort of thing behind him, Corbett has lately been forced to shift his focus. He can no longer accompany anyone through the ports of entry, and even his presence among a group of borderland picnickers can be a giveaway. "My notoriety is now a problem. Every border-patrol agent knows my face," he says. A mild, bashful smile flickers across his face. He gestures gently with his arthritic hands, which look as though they were run over by a backhoe. "I've used up my ability not to be noticed."

**S**ister Darlene had been asked to Guatemala to set up a child-care program. "But I was only there six months when our pastor was shot and killed," she says. "And people from the village came and told us we would be next if we didn't leave. We did not wait."

For Sister Darlene it began in a different way, in a different place, at almost precisely the same time. She went to Guatemala in 1981 to work at a village parish near the Honduran border. Guatemala at that time (as now) was in effect ruled by its army; there was a fierce campaign of suppression conducted both by the army and by plainclothes death squads against anyone considered subversive; and teaching the gospel, like union involvement, was often judged an act of subversion. When Sister Darlene arrived, she knew barely any Spanish; she had been asked to Guatemala to set up a child-care program for small children. "But I was only there six months when our pastor was shot and killed," she says. "And people from the village came and told us that we would be next if we didn't leave. We did not wait around." Though this was supposed to be the less violent region of the country, she and her fellow nuns had already discussed

what they would do if conditions got really perilous. "We had all decided we would stay till the *último momento*—the last minute. But that comes very quickly." She moved down into Guatemala City for a while, then back up into Mexico, and eventually found her way to the string of refugee camps in Chiapas, Mexico's southernmost state, just over the Guatemalan border. Those camps were filled with thousands of fugitives from Guatemala. She stayed in Chiapas for ten months. Her Spanish improved, and finally, she says, the people began to trust her.

They began to tell her their stories; they wanted her to understand why they had left their villages for such a woebegone place as this. She made some tape recordings, and, she said, their "stories kind of melted into one: 'The army came and killed. The army came and burned our crops, our animals, our people.'"

Sister Darlene went back to Phoenix for a short visit with her parents, which instead turned into a month in the hospital. During that time she started hearing about Guatemalan refugees right there in the Phoenix area—hundreds of them, hiding from Immigration in overcrowded motel rooms, living out under the trees in the citrus groves south of the city. Like those in the Chiapas camps, they needed food, housing, clothes, medical care; most of all, they needed to avoid deportation. "That's when I learned about sanctuary," says Sister Darlene. "I didn't know before that it was considered illegal to help these people."

She became a collaborator with Jim Corbett and many others. She began supplying shelter and other material aid to refugees brought in by Corbett. Most importantly, she made Phoenix a way station and herself a dispatcher for the underground railroad that moves Central Americans to havens among church communities across the U.S. She also began talking—patiently, and with a distaste that is evident but politely controlled—to journalists. Like Corbett, she feels compelled not only to help the refugees but to make America hear why that help is necessary.

In a Phoenix kitchen, over a bowl of chocolate-chip cookies, she says, "A lot of those people are never going to be able to get out. So what's needed is somebody to speak the truth. That's obviously why we're a threat."

Who are these people that the sanctuary activists call refugees and the State Department calls economic migrants?

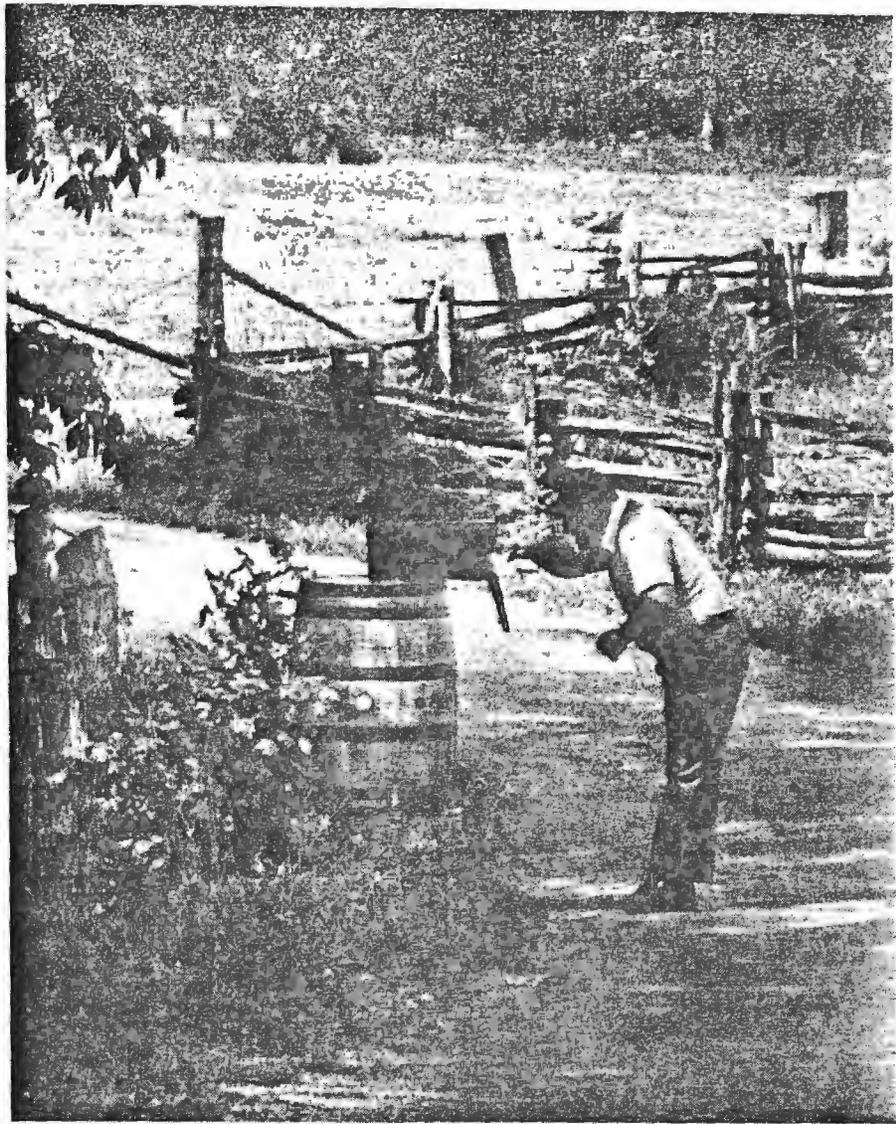
Francisco R. is representative. The name has been changed for his own protection, but he is a real person. Francisco fled north from Guatemala because some of his relatives were active in the labor unions and—as with the woman helped by Corbett last July—that involvement put the

whole family in jeopardy. One uncle disappeared, according to Francisco, and fifteen days later was found dead. He had been tortured, tied up with barbed wire, mutilated, and finally strangled. The skin of his face, says Francisco, had been peeled off. A cousin of Francisco's was also taken away, tied up with barbed wire, tortured. The cousin's eyes were gouged out, Francisco says. The body was burned. The family identified it by its teeth.

Santana Chirino Amaya is representative. His name has not been changed, because it's too late for that to help. Santana came north from El Salvador, entered the U.S. at Laredo, Texas, but was eventually picked up by Immigration. In June 1981 he was deported back. On August 29 of the same year his body was found at a crossroads not far from his home. Cigarette burns. Legs tied with wire. He had been decapitated.

Roberto J. is representative. Again the name has been changed, and again he is real. He taught history and literature at a high school in San Salvador before it became necessary for him to flee. He is also a poet of some reputation, published in Brazil and Peru, with a book forthcoming in Belgium. The poetry may have been part of his problem; Roberto himself says that some of his poems could be described as "political." His wife is a nurse. She worked at a children's hospital in San Salvador and saw hundreds of kids newly orphaned by the civil war—many of them sick or injured, and dying for lack of medicine. Roberto and his wife and their own two small children crossed into the U.S. in May last year, along a desert route very much like the one Jim Corbett used in July. They were guided by two sanctuary activists, an intense young man and a tall, placid young woman. The seventh member of the party was a craven but curious journalist, who shall remain nameless. During a long day of hiking and climbing, as he watched Roberto's family cross a strange desert into a strange country, carrying their remaining possessions in two leather bags, cowering under mesquite bushes when a light plane passed low overhead, taking care to avoid snakebite and scorpion sting, leaving behind their language and their culture, it occurred to the journalist that this was a very inconvenient way for a teacher and a nurse to turn themselves into economic migrants. Roberto told the journalist his story.

He had been picked up by the Salvadoran National Guard in June 1983. Possibly it was because of the poetry, though Roberto never found out. In the course of searching his house, the Guardia discovered books that were judged subversive: a volume entitled *The Fight of the Campesinos*, one novel by a Cuban, several works by the Brazilian priest and educator Paolo Freire. For a week Roberto was held in solitary confinement, kept



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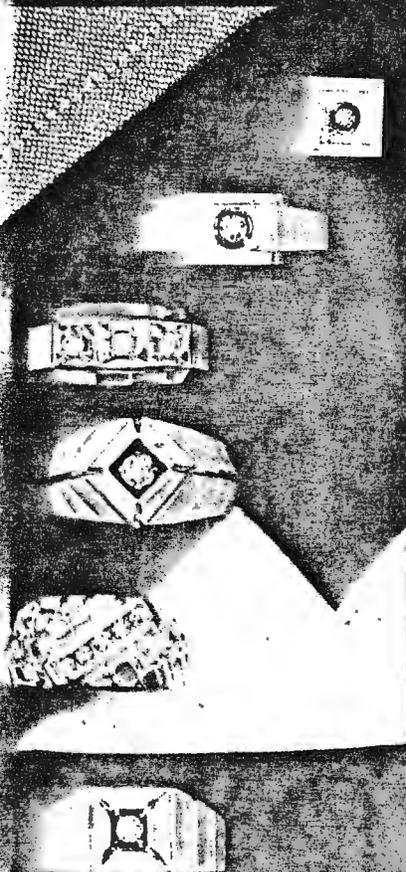


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blindfolded, beaten, interrogated. "What group are you in?" the Guardia wanted to know. "Who are your comrades?" No group. No comrades. He was transferred to Mariona Prison, the main men's prison in El Salvador, where he was apparently forgotten. At Mariona he was put in the "political section" and so had a chance to talk with other prisoners jailed for suspicion of subversion—doctors, professors, and many illiterate campesinos. He collected their stories, from which he intends to write a book portraying the persecution of the Salvadoran people. "Where are your notes?" the journalist asked him. Smiling, Roberto tapped his temple. The journalist thought: I'm sitting under a mesquite bush with the next Solzhenitsyn.

For seven months Roberto was held without charge. Finally his wife, having pushed the case through legal channels, won his release. But the release did not mean he was out of danger. "After release, often, is when the death squads come," Roberto told the journalist. As soon as it was possible, Roberto and his family fled north. In Mexico City they were put in touch with the sanctuary network.

Did Roberto want to go back to El Salvador when it was safe? "Yes. Very, very much," he said. "There is so much I can do to help in the reconstruction of the country." Right now though, for him, returning sounded distinctly unsafe. Yet, if the border patrol had captured him during that hike in the desert, he would have immediately faced deportation—back to the San Salvador airport, perhaps back to Mariona Prison, or worse.

The U.S. grants asylum to less than 2 percent of Salvadorans who apply. Last year nearly four thousand were deported. The numbers for Guatemalans are even less encouraging.

To an outsider looking at the sanctuary movement of which Nigorski and Corbett are part, three facts stand out.

First, the movement is not a political phenomenon most essentially but a religious one. That is literal fact, not rhetoric. Religious people are doing these things—smuggling, harboring—for religious reasons. The proportion of secular humanists, agnostic liberals, political radicals of the Old or New Left variety, is startlingly low. What you find are nuns, priests, ministers, devout Quakers, rabbis, serious Unitarians, church assistants, church volunteers, and all sorts of other churchy people, most of whom sound quite convincing when they explain that abandoning the refugees would be equivalent to abandoning their own faith. It has been this way since March 24, 1982, when a small Tucson congregation known as Southside Presbyterian Church (joined by a handful of other congregations in California, New York, and Washington, D.C.) made the public declaration that they

would henceforth be providing sanctuary, in the Judeo-Christian tradition, to refugees from Central American violence. Today there are about two hundred churches across the U.S., accounting for fifty thousand members, that have made the same declaration. But it happened at Southside first because there the need was most immediate: Jim Corbett had been bringing refugees to their very door. The pastor of Southside Church, a lanky man named John Fife, had been active in weekly prayer vigils focused on the Central American situation, as well as in legal-defense efforts for refugees who faced deportation. "We had tried all the other avenues we could possibly think of and had taken some risks," he says. "But none of that had made a difference. So we decided that sanctuary was appropriate." Now Reverend Fife is also among the indicted.

A second fact: Corbett and a few other highly visible males notwithstanding, this movement is dominated by women. Overwhelmingly. Of the original sixteen indicted in Arizona, eleven are women, and in the informed view of Sister Darlene, that proportion correctly reflects the national numbers. Why is this so? One of the defendants, a young woman named Wendy Le Win, told me, "We're taught in a lot of ways to take risks in taking care of people." Another, a nun who was indicted but then saw her charges dropped (because she has Hodgkin's disease; she protested, arguing that she is healthy enough to stand trial for her beliefs), said on the same subject, "Women tend to get at the heart of a matter more quickly."

The third intriguing fact is that this movement—like so many other religious upheavals throughout history—came out of the desert. Tucson and Nogales; Calexico and El Centro in California; San Benito and McAllen in Texas: the first battles were fought, the first commitments were made, and the first wave of federal prosecutions are now being coped with in these hot, red-rock places. One reason for that pattern is obvious: to Central Americans arriving in dusty buses and on the tailgates of trucks, those desert borderlands are the doorway, golden or not, to America.

Several other reasons are not quite so obvious. The Sonoran Desert of southern Arizona, the Chihuahuan Desert of south Texas are lands of extremity and denial. Too hot, too rugged, not enough rain, not enough fuel, not enough food. When rain does come, nothing holds back the flood. The environment offers no respite—the physical ecology is merciless. The moral ecology must therefore compensate, or a species so ill-adapted as humanity couldn't survive. Desert tribes like the Papago understand that. People like Jim Corbett understand that.

And there's one other reason, I suspect. People who live near a border, unlike the rest of us, see human faces on the far side. ☉

# Sanctuary churches sue U.S. in religious freedom test case

## *Federal probe causes distrust in churches*

By LYDIA BREEN

Special to the National Catholic Reporter  
**Tucson, Ariz.**

FOUR ARIZONA churches and two national Protestant denominations have lodged a civil suit charging the U.S. government with violating their free exercise of religion. The suit, filed in Phoenix Jan. 13, contends an 11-month Immigration and Naturalization Service (INS) investigation of the church-based sanctuary movement employed unduly invasive intimidation tactics, resulting in an atmosphere of fear and mistrust among church members.

The suit contends the federal government used agents or paid informants to infiltrate church services, Bible study classes, prayer and other meetings without court-ordered approval or search warrants. Peter Baird, attorney for the churches, contends this violated the First, Fourth and Fifth amendments to the Constitution.

The religious coalition acknowledges that church activities are not above the law. But the plaintiffs contend that the first amendment right to free exercise of religion can only be overridden when there is a compelling state interest, which the courts must determine. They charge the INS infiltration breached this separation of church and state when government informants, not the courts, were allowed

ministers, either in their offices or on the telephone.

A volunteer worker at Tucson's Southside Presbyterian Church told *NCR* that people joke about the government listening in on telephone calls. "Still," she said, "I don't use my name when I answer the phone. I'm on a government pension, and I worry they might make trouble for me."

No evidence exists that church telephones are tapped, but people have been photographed entering Sunday services and their car license plates recorded while they worshiped inside. Many sanctuary workers contend the investigation has been more extensive than evidence suggests. And they say the government continues to keep an eye on church activities.

Southside Presbyterian Church is a plaintiff in the suit. Others are three Phoenix-area churches — Alzona Evangelical Lutheran Church, Camelback United Presbyterian Church, Sunrise United Presbyterian Church — and the American Lutheran and Presbyterian churches USA.

The suit names as defendants the U.S. government, the INS, four INS agents and two INS informants.

A Tucson newspaper said INS Washington, D.C., spokesman Duke Austin accused the churches of using the suit as a smoke screen to "divert attention from the real issue that those people (sanctuary workers) smuggled aliens into the United States, and to create the false impression that the issue is one of church against state."

However, church officials appear anxious not to draw the connection between this civil suit and the criminal trial of 11 sanctuary workers under way in Tucson (see accompanying story). Baird said he does not expect the suit to have any bearing on the trial.

Asserting "this is not a sanctuary movement case," Baird noted the suit is supported by some clergy who oppose sanctuary but also deplore the government's tactics in this case.

The plaintiffs have requested the court to establish guidelines for future investigations and seek an injunction from any possible continuing "unwarranted governmental intrusion." Attorneys say their research indicates this is a precedent-setting case that could have a historic effect on church-state relations and potentially go to the Supreme Court. ■

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# Insulting the Memory Of the Holocaust

*Sanctuary movement*

BY MAX GREEN

**R**abbis who belong to the sanctuary movement are touring the country. They hope to persuade the nation's synagogues to declare themselves "sanctuaries" for illegal aliens from Central America.

Their speeches are replete with references to the Holocaust. They compare Nazis and right-wing death squads, Jews and Salvadoran refugees. Indeed, both Jewish and Gentile speakers from the movement often tell church and synagogue audiences that their purpose is to save Central American refugees from the fate of the six million Jews.

Away from the houses of worship, these leaders reveal a more far-reaching goal: the defeat of what they refer to as "fascist" or "imperialist" U.S. intervention in Central America. By this, they mean American support for the region's democratically-elected governments, particularly that of El Salvador.

To those attracted by the movement's humanitarian goal, the Chicago Religious Task Force, coordinating body for the movement, has this to say: "Some churches have declared themselves sanctuaries and done almost nothing to oppose U.S. military aid to Central America. We wonder whether this is adequate. What is the value of a sanctuary church that continues support (by silence, by vote or whatever) for U.S. policies in Central America?"

The movement's radical objective explains the blindness of its leaders to both the decline in human rights abuses in the Central American democracies, and the increased brutality of Nicaragua's Sandinista government and the antigovernment rebel group in El Salvador.

The sanctuary movement

arose at a time when right-wing death squads roamed almost at will in El Salvador. In 1981, there were 9,000 violent civilian deaths, many attributable to far-right paramilitary units. But the political landscape of the country has changed since Jose Napoleon Duarte's election to the presidency. In 1984, the year of Duarte's election, the number declined to 774, and to half that in 1985.

Guatemala has also been democratized; like El Salvador, the country now has freedom of the press, freedom of religion and free internationally-supervised elections.

Acknowledging the progress made by the Salvadoran and Guatemalan governments in human rights would put the sanctuary movement out of business. Instead, it behaves as if 1986 were 1980 and Napoleon Duarte were Robert D'Aubisson, the right-wing politician closely linked to the death squads.

The movement also focuses on the fate of Central American immigrants deported from the United States. Such deportations, one leader alleges, are like putting "Jews on boxcars bound for Dachau." Numerous studies, however, indicate that the hyperbole is all but baseless. The Intergovernmental Commission on Migration has not reported a single case of a deportee coming to harm. Even in the much-worse days of 1983, the American Civil Liberties Union failed to conclusively identify a single deportee who had suffered a human rights violation.

The movement also charges the U.S. government with mercilessly violating the rights of Salvadoran illegals. The facts belie this allegation as well. There are a total of 500,000 Salvadoran illegals in the United States, of whom fewer than 3,000 will be returned to their homeland this year. Of the relatively few that immigration authorities catch up with, many request political asylum, which is granted if they

can demonstrate a "well-founded fear of persecution if forced to return home." But, as Assistant Secretary of State Elliot Abrams has explained, "under our laws, generalized conditions of poverty and civil unrest do not entitle people to leave their homeland and settle here. If this were our test, one half of the 100 million people living between the Rio Grande and the Panama Canal would meet it." As is, the United States takes in more legal immigrants and refugees (of whom the fourth-largest group is Salvadoran) than the rest of the world combined.

As the threat of persecution in El Salvador recedes, fewer Salvadorans meet the political asylum test. Fully 70 percent of Salvadorans caught by the Immigration and Naturalization Service return voluntarily, rather than under "deportation orders." The majority of the remaining 30 percent do not list fear of political persecution as a reason for being allowed to stay. Moreover, those who are deported have had every opportunity to appeal to administrative panels and the federal courts, guaranteeing due process of law.

The facts relating to the situation in El Salvador and to illegal Salvadoran immigrants to the United States appear to have passed the sanctuary movement by. Nevertheless, movement leaders continue to raise the specter of the Holocaust as they speak of "horrors" being committed with U.S. acquiescence.

These references to the Holocaust do more than insult the memory of the Jews who perished under Hitler's tyranny. They reveal a lack of concern for the truth, both past and present, that deserves our strongest rebuke.

For Jewish leaders in the sanctuary movement, nothing is sacred, not even Jewish history. They "use" the Holocaust demagogically because the facts are against them. Surely, this is not in the Jewish tradition. □

*Max Green is associate director of the White House Office of Public Liaison. This article is adapted from the National Jewish Coalition Bulletin.*

# AIDS

## -AND-

### The Silent Jewish Majority

BY ANDREA JOLLES

**N**avah Harlow is waging a war on behalf of Jewish victims of the AIDS epidemic. Her war is one of small skirmishes, not large-scale campaigns. The battle is directed not against the disease but against the reluctance of congregational rabbis to succor the suffering. What brought her to the front lines, she says, was witnessing the anguish of a Jewish family whose son was dying of AIDS a year and a half ago.

"They were from out of town and had to confront the fact that their son was gay and was dying," recalls Harlow, who is director of patient representatives at Beth Israel Hospital in New York. "They were deeply involved with their synagogue at home and were in need of spiritual guid-

ance here in New York." But Harlow could not find a rabbi willing to help.

Angry and frustrated, she wrote to the Committee on Medical Ethics of the New York Federation of Jewish Philanthropies, a supporter of Beth Israel. She urged them to sponsor a forum for rabbis explaining why and how they should counsel Jewish AIDS patients.

"Judaism teaches compassion and caring," she points out. "We all know the Biblical prohibition against homosexuality, but we have to respond in a human way. And we have to overcome the judgmental attitudes, the wrath of God syndrome [that homosexuals have been struck with AIDS as punishment for their lifestyle]."

According to Harlow, gay Jewish AIDS patients often hesitate to ask for rabbinic guidance. "They want spiritual support as they are dying," she says, "without having to justify their lifestyle."

Their hesitation is understandable. Even the most sympathetic rabbis interviewed for this article made statements implying that people contract AIDS *because* they are gay. In fact, AIDS is caused by a virus, not by an individual's sexual proclivity.

The patients need help but remain silent. Rabbis do not seek them out. Harlow notes that the Protestant clergy is far more responsive to the AIDS crisis.

Why has the Jewish community, which prides itself on humane concern and understanding, come to such an impasse? In large part, the frightening nature of the disease is to blame. AIDS (Acquired Immune Deficiency Syndrome) attacks the immune system and renders victims defenseless to a host of ravaging illnesses. It is transmitted through sexual contact and intravenous

**Patients need help but hesitate to ask. Rabbis do not seek them out.**



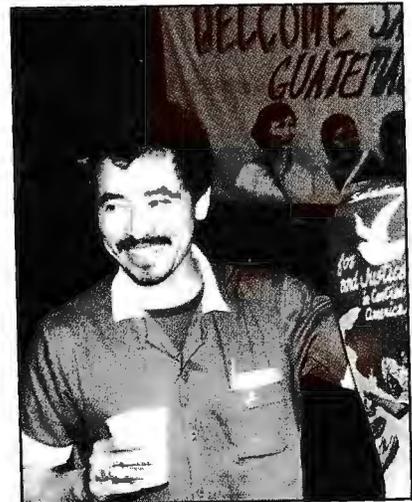
CONNIE BLITT

Patricia Salazar, a Guatemalan refugee, addresses a Freedom Seder in Tucson.



HARVEY FINKLE

Rabbi Henry Cohen of Philadelphia with a refugee given sanctuary by his synagogue.



HARVEY FINKLE

A Central American activist speaks about the effects of the wars in his homeland.

# Should Sanctuary Be Sanctioned?

*The law of the land vs. Leviticus 19:33*

BY CONNIE BLITT  
AND DENNIS BERNSTEIN

**"I** am a refugee from Guatemala," said 11-year-old Patricia Salazar during a Freedom Seder last Passover at Temple Emanu-El in Tucson, Arizona. On the holiday that marks the Exodus of the Jews from Egypt, she spoke to congregants who had come to learn the parallels between the history of Jews as refugees and the current plight of Central American exiles.

"I can imagine the persecution of Jewish children during World War II in the Nazi concentration camps," the soft-spoken Salazar said. "Children in my country disappear, then reappear dead, and

*Connie Blitt and Dennis Bernstein, who produce a daily investigative radio program in New York City, covered the Tucson sanctuary trial for Newsday.*

nobody knows who did it."

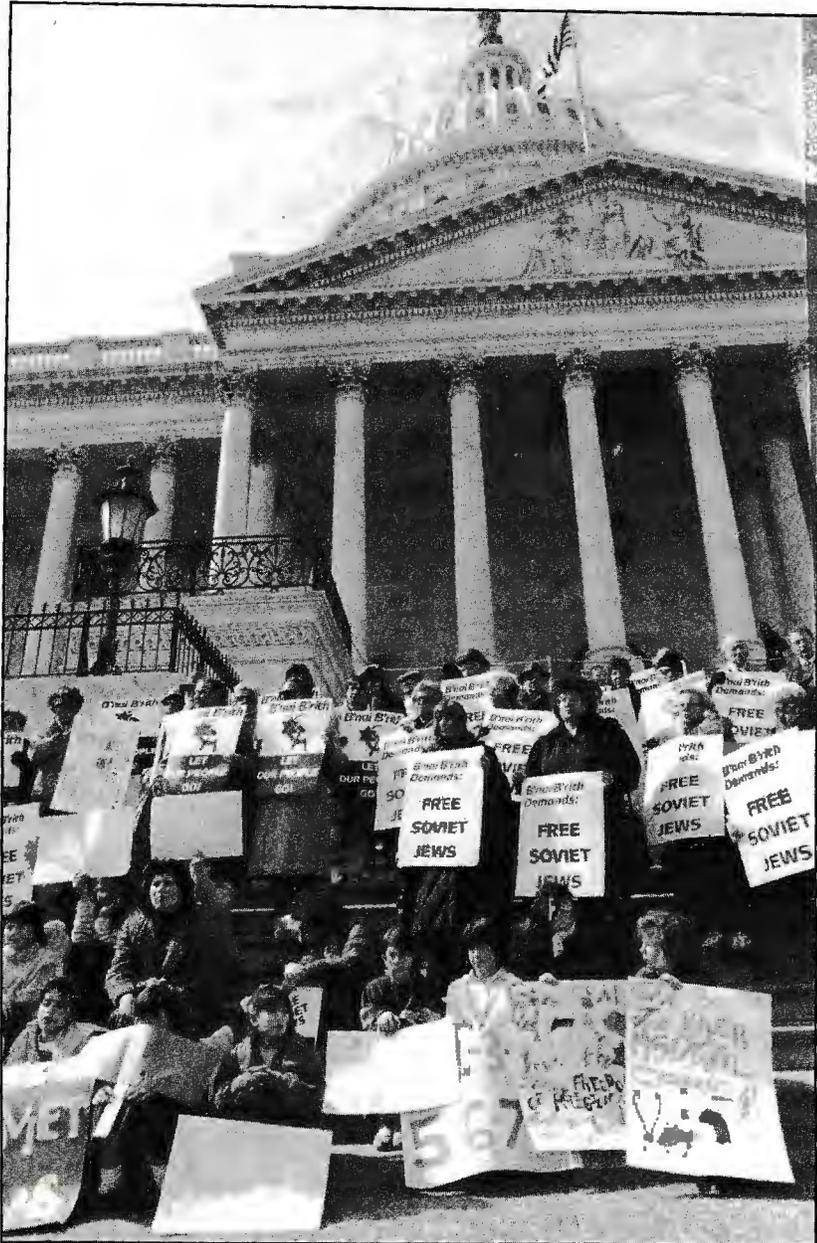
In November 1984, Temple Emanu-El joined the sanctuary movement, which was founded in the early 1980s by Jim Corbett, a retired cattle rancher. Corbett, a Quaker, wanted to help meet the basic needs of Central American refugees who were entering Tucson, which is some 65 miles from Mexico, without going through border checkpoints. The city's religious community began to offer food, clothing, shelter and medical care to the new arrivals, who were considered illegal aliens by the authorities.

The sanctuary movement has since blossomed into a national grassroots network of over 300 churches and synagogues. Two states, Wisconsin and New Mexico, 14 cities and scores of smaller municipalities have also declared

themselves sanctuaries.

The movement is a response from the U.S. religious community to refugees who fear that the government will send them back to the torturous conditions they escaped in Central America. A church or synagogue that pledges support for the movement may decide to help in a variety of ways. At the core of the movement are congregations whose members host refugees and help them resettle in the United States. Other sanctuary-related activities include lobbying for reforms in immigration laws, offering legal assistance to refugees who face deportation, providing food and clothing for new arrivals and educating the public about the effects of the wars in Central America.

Some in the Jewish community  
Continued on page 22



**Demonstrators in Washington — and around the world — gave a message to Gorbachev: Let Soviet Jews go.**

enough," said Mayor Tom Bradley. "He is just one of the 400,000 Jews that want to leave." Said City Councilman Zev Yaroslavsky, paraphrasing Edmund Burke, "Evil thrives when good people remain silent. It's our responsibility, no matter how inconvenient it may be, to stand up and be counted."

Among other speakers were the Reverend Royale M. Vadakin of the Interreligious Coalition on Soviet Jewry; Burton Levinson, Anti-Defamation League national chairman; and Kaygey Kash, past international president of B'nai B'rith Women.

And there was Tatianan

Bogomolny, released from the Soviet Union just three months ago with her husband, Benjamin. (He is listed in the *Guinness Book of World Records* as the refusenik who waited the longest for an exit visa.) Tatianan Bogomolny thanked those who worked in their behalf; the pressure, she feels, was instrumental in obtaining their release. She implored the crowd to be creative in efforts to convince the Kremlin to let Soviet Jews emigrate.

The 19 individuals who read the names of 200 refuseniks represented the various organizations brought together in this event.

There was Misha Apter of B'nai B'rith District 4, event cochairman; Rabbi Laura Geller, B'nai B'rith Hillel director at the University of Southern California; Cathy Mendelson, president of the Los Angeles chapter of the American Jewish Committee; Rabbi Paul Dubin, chairman of the Board of Rabbis of Southern California; as well as several university students.

The rally was over in 40 minutes. As the crowd dispersed, the group of émigrés lingered, exchanging phone numbers. Alla Rubin scribbled the addresses of her mother and brother, still trapped in Leningrad, for ADL personnel. Their names had been omitted from *A Uniquely Jewish List*. Rubin, like other former refuseniks, was glad she attended the rally and grateful for the community support. "Eventually," she said, echoing the words of American civil rights fighters, "we shall overcome."

Naomi Pfefferman

## ON THE CAPITOL STEPS IN WASHINGTON, D.C.

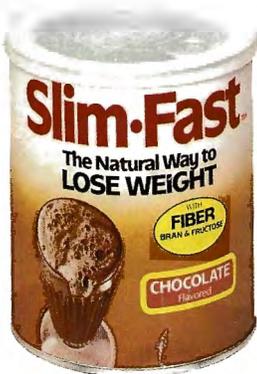
The chilly weather in the nation's capital did not deter Soviet Jewry activists, and construction work in the area did not drown out their voices. At noon, over 100 B'nai B'rith members, professionals, Hillel students and BBYO teen-agers assembled with clergy and politicians at the United States Capitol, determined to remember and to remind others of the thousands of Jews who wish to leave the Soviet Union. Carol Klein of the Metropolitan Council of B'nai B'rith Women, Eugene Margolis, president of B'nai B'rith in Virginia, and Herbert Spielman of the National Capital Association chaired the event.

After an invocation from Rabbi Benjamin Kahn, honorary executive vice president of B'nai B'rith, 17 senators and congressmen solemnly read the names of over 200 refuseniks. Several of the officials alluded to their own Soviet Jewish ancestry. "If my father's family hadn't left Russia in the early 1900s," said Representative Barbara Boxer (D-Calif.),

Continued on page 48



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## SANCTUARY

Continued from page 12



HARVEY FINKLE

An interfaith demonstration against the deportation of Guatemalan and El Salvadoran "illegal aliens."

munity believe that Jews have a special responsibility to be active in the sanctuary movement. Nobel laureate Elie Wiesel, a Holocaust survivor, told a 1985 sanctuary conference, "It is impossible for human beings today, especially my contemporaries, who have seen what people can do to themselves and to one another, not to be involved." But others question whether the sanctuary movement, which breaks U.S. immigration laws, should be supported by a people who have always put the utmost value on the sanctity of law.

### THE BIRTH OF THE MOVEMENT

The flow of Central Americans over the southern border of the United States has been constant since 1979 — the year that civil war broke out in El Salvador. On one side are the rebels, who say they are fighting a government that keeps its citizens in abject poverty while a few rich families prosper. On the other side is the U.S.-backed Duarte government, which maintains that the rebels must be stopped in order to maintain an orderly society and prevent the spread of Communism. Since then, some 60,000 noncombatant Salvadorans have been killed in political violence; many more have gone

into exile in surrounding countries.

A similar situation exists in lush, mountainous Guatemala. A series of dictators have intensified attacks against the peasant population, maintaining that force is necessary to prevent social unrest. "Violence has taken possession of Guatemala," declared a 1984 national bishop's conference. The Guatemalan bishops deplored "the irrational use of torture and massacres of entire families." In the last decade, 100,000 have died in the violence in Guatemala.

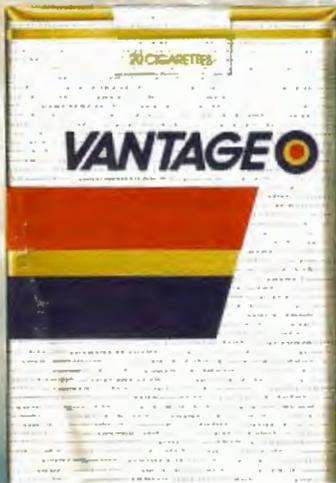
In El Salvador and Guatemala, one fifth of the population — generally people caught in the crossfire — have been forced from their homes. Scores of refugee camps have sprung up in the region. They are often overcrowded, with poor sanitary conditions and few supplies.

Because of the unbearable conditions in these camps, many flee north. Half a million Salvadorans now live in the United States. They often arrive poor and scarred both physically and emotionally by the torture and violence in their country. Over 100,000 Guatemalans are in the United States.

U.S. immigration officials routinely deport Central American refugees in large numbers, saying

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that they don't qualify for asylum because they have come for economic reasons. "El Salvador has a long history of cases of immigration to the United States for economic reasons," said Elliot Abrams, assistant secretary of state for inter-American affairs, who considers the sanctuary movement "a willful and casual violation of American law."

But the difference between political and economic refuge in a war-racked country like El Salvador is, according to Elie Wiesel, hard to discern. "Those men and women who leave a country because they are hungry, because they cannot see their children die, or because they cannot see their parents die of hunger, deserve our respect; they deserve our friendship and they deserve our support, just as do those who flee the very same country or others for 'political' reasons."

Sanctuary workers assert that their actions in behalf of the Central Americans are legal. The government, they say, is violating the law by refusing to fulfill obligations under existing U.S. and international refugee laws that guarantee safe haven to those fleeing war and oppression in their homelands.

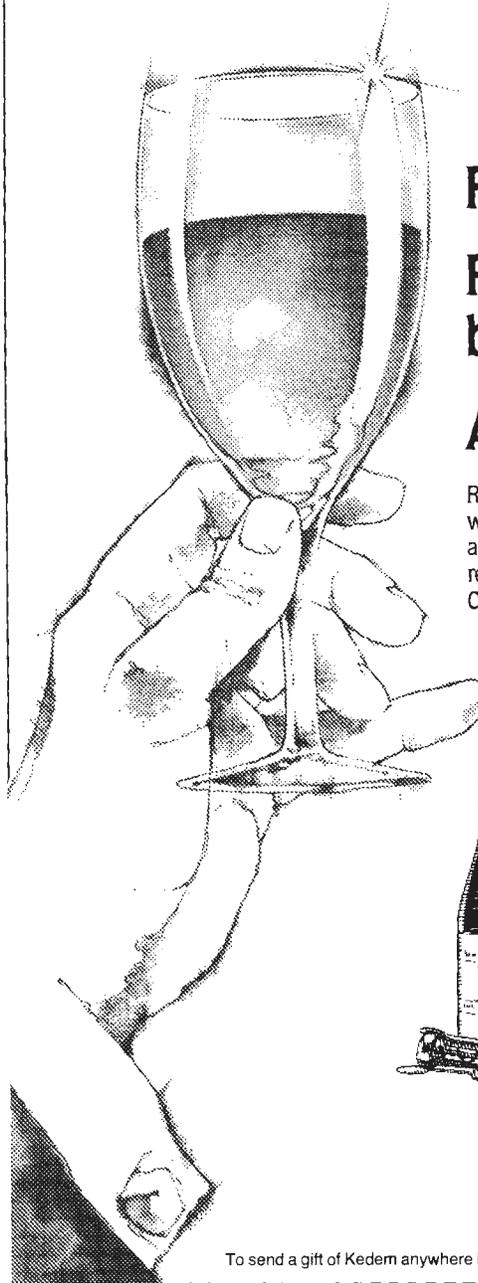
The U.S. government has spent an estimated \$2 million to investigate and prosecute sanctuary activists and has even sent infiltrators with hidden tape recorders into church services and Bible study meetings. In a federal trial concluded last May in Tucson, eight sanctuary activists, including a priest, two ministers and a nun, were given suspended sentences for "harboring" and "transporting illegal aliens."

#### THE JEWISH RESPONSE

In the Jewish community, as in the larger American community, there is continuing debate over sanctuary.

The Orthodox community and several major Jewish organizations have been reluctant to take a stand. The issues are the legality of the sanctuary movement and the controversy over the reasons that Central Americans seek to enter the United States.

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munity Relations Advisory Council, which sets a suggested agenda for many local Jewish agencies, does not condone sanctuary but supports suspension of deportation of Salvadorans pending further study of the fate of those already returned to El Salvador.

But over 40 synagogues and Jewish groups and several prominent Jewish organizations have endorsed sanctuary.

• In April 1984, the Rabbinical Assembly of America (Conservative) endorsed the sanctuary movement, declaring that "the murder of innocent men, women and children is a 'chilul Hashem' — a desecration of the Name of the Holy One, Blessed be He" and that "hundreds and thousands of such men, women and children are fleeing oppression and murder in El Salvador and Guatemala and are seeking temporary sanctuary in the United States."

• The Central Conference of American Rabbis (Reform) passed a sanctuary resolution in June 1985, stating, "We applaud our members and their congregations who provide sanctuary — support, protection and advocacy — to all refugees who request safe haven out of fear of persecution upon return to their homelands." In November 1985, the Union of American Hebrew Congregations (UAHC), representing the majority of Reform congregations, declared support for the sanctuary movement.

• The American Jewish Congress passed a resolution in November 1986 saying it was "dismayed" by the federal government's refusal to ease immigration restrictions for Central Americans arriving in this country. The Congress supports "the reasonable efforts" of Americans who extend temporary haven and other assistance to such refugees.

The first national meeting of representatives from Jewish sanctuary congregations and involved Jewish organizations took place in September in Washington, D.C., during a sanctuary movement conference. The 75-member caucus discussed how to further Jewish involvement.

The motivation of many Jewish sanctuary activists is highly personal. Rabbi Weizenbaum of Temple Emanu-El explained how



After crossing the U.S.-Mexican border at the Rio Grande, a group of young refugees enter Brownsville, Texas.

his father came to the United States from Poland in 1913 as an undocumented alien. He left behind a sister and brother who in 1942 "knocked on doors" in their village looking for protection from the Nazis. They found none and perished. "Know the heart of the stranger, for you were strangers," said the rabbi, quoting the verse from Leviticus 19:33 that is a cornerstone of the sanctuary movement. "It is literally true in my family as in many Jewish families, and is the very heart and soul of Judaism."

Weizenbaum noted that Tucson's proximity to the Mexican border makes sanctuary more than an abstract concept. "I would say almost every day of the week in our part of the country a human life is saved," Weizenbaum told teenagers at a Union of American Hebrew Congregations summer camp outside San Francisco. "I have personally spent time finding a surgeon to remove bullets from the leg of a Salvadoran. Another time I had to find a dentist quickly. You may wonder what we need a dentist for, but when the Guatema-

lan police take a rifle butt and stuff it down your throat, it does affect your teeth. I called a dentist in the congregation. I said cancel your early afternoon appointments, I have more important work for you to do."

"What gives Judaism meaning for me has to do with not only ritual and tradition, but also with how Judaism responds to the world," commented Carole Weiner of sanctuary congregation Shir Shalom in Los Angeles, a city where over 400,000 Central Americans, mostly Salvadoran, now live.

Weiner volunteers at a shelter for newly-arrived Central Americans. "We've had people who were tortured, who were political prisoners," she recalled, "people who saw relatives killed, who had to flee" because they were community organizers and social activists.

The refugees stay at the shelter one month while they learn some English, receive legal advice and acclimate themselves to the United States. Sanctuary congregations donate clothes, furniture and some rent money so the refugees can establish apartments

HARVEY FINKLE

of their own.

"The refugees have given me the opportunity to look more closely at my Judaism," said Weiner. "When I talk of sanctuary, I talk of the Jewish concept of pikuach nefesh — saving an endangered life. The refugees give me the opportunity to perform that mitzva."

#### THE LAW OF THE LAND

When a congregation considers supporting the sanctuary movement, the question of legality invariably arises. Some sanctuary work is legal: for example, posting a bond to release a refugee from detention prior to deportation or asylum hearings. But other activities — such as harboring "illegal aliens" — walk the delicate line of the law. Often, congregations vote to accept responsibility for a refugee only after lengthy debate.

"One thing that bothers me," declared attorney Sam Klafter of Rochester, New York, who unsuccessfully opposed his synagogue's bid to become a sanctuary, "is that before Jews throw off that which is legal, the law of the land, they better make darn sure they know what they're doing. We are a minority and the law protects us and gives us our rights."

San Francisco attorney Ephraim Margolin is also a strong believer in the law. Born in Germany, Margolin immigrated with his family to Palestine in 1936. In 1942 and '43, when the British colonial rulers of the territory started turning back shiploads of Jews who had begun to flee from the Nazis, Margolin joined the Jewish underground resistance in Palestine.

"When you live through the experience I lived through," said Margolin, one-time personal secretary to Menachem Begin, "you don't treat the plight of others as unimportant and you don't accept claims that we are only enforcing the law. At some point you have to do the right thing. If it's breaking the law, then you pay the price."

"Politically I am a Reaganite when it comes to foreign affairs," said Margolin, who is vice president of the National Association of Criminal Defense Lawyers. "I am not prepared to say that whatever

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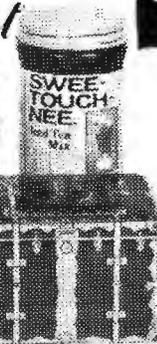
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America does in Central America is wrong; I do not say that INS [Immigration and Naturalization Service] officials are Nazis. All I say is that when individuals are persecuted, you don't send them back to their deaths. You help them."

Margolin filed a brief in support of the sanctuary movement in the case of American Baptist Church vs. Attorney General Edwin Meese, a civil suit now pending in federal district court in San Francisco. The 80 churches and denominations that brought the suit are seeking to halt the deportation of Salvadorans and Guatemalans and stop prosecution of sanctuary workers. In his brief, Margolin argues that under international law, which the United States abides by, refugees fleeing war cannot be deported to their home country and must be given aid.

The federal government maintains that sanctuary activists, by assisting "illegal aliens," violate immigration law and undermine the well-established process that allows immigrants to enter the country legally. "[The sanctuary movement] prevents people from applying for asylum," INS district counsel Steve Abrams told a legislature in Rockland County, New York, that was considering a sanctuary proposal. He assured the legislators that under the current system "illegal aliens" who can prove they have a "well-founded fear of persecution" will be awarded political asylum, which is decided on a case-by-case basis.

Sanctuary workers say that many refugees hesitate to apply for asylum because they feel the INS deck is stacked against them.

Government statistics reinforce this perception. From October 1, 1985 to September 30, 1986, 77 percent of Soviets who applied received political asylum, as well as 75 percent of Romanians, 71 percent of Czechoslovakians and 61 percent of the applicants from Libya. This contrasts starkly with the five percent of Salvadorans and one percent of Guatemalans in the same period.

One sanctuary activist asked Abrams, "How would you feel about going into an operation in which the doctor only gave you a three percent chance to survive?"

The activists say that the refugees are living proof of massive human rights violations in countries supported by the United States. According to the activists, the government does not want to legitimize these claims of persecution by awarding political asylum. But while members of the sanctuary movement have developed a political agenda in response to the stories of persecution they have heard from refugees, their primary motivation remains humanitarian. Care is given regardless of a refugee's political status, and refugees are not asked to take a political stand in exchange for the assistance they receive.

Two new congressional bills will focus national attention on the legal and political issues surrounding the sanctuary movement. In February, Representative Henry Gonzalez (D-Texas) introduced a bill to provide exception to the law that mandates a criminal penalty for those who harbor illegal aliens. According to the Gonzalez bill, the law would not apply to individuals who act on the basis of religious belief, who do not gain commercial or personal advantage from sanctuary work and who believe that each "illegal alien" helped is a political refugee who will be persecuted if returned to his homeland. There is another bill pending that would legitimize the status of the refugees being helped by the sanctuary movement.

#### DOUBTING THE REALITY

Some question whether there are wars raging in Central America that are causing an exodus. "If there was such a slaughter, such a tragedy," said one active synagogue member in Kansas City, Missouri, "we would know, our government would tell us."

"I would invite people who hide behind this facade that our government would tell us," said Rabbi Marshall Meyer of Conservative synagogue B'nai Jeshurun in New York City, "to think carefully about how much they knew as to precisely what was going on in Auschwitz or Dachau in 1941 and 1942."

Meyer, an impassioned and eloquent supporter of the sanctuary movement, returned to the United States in 1984 after 25 years in Argentina. He was one of

the first clergy of any denomination to speak out against the Argentine military junta that seized power in the early '70s and brutally murdered thousands of innocent people, among them over 1,200 Jews. Meyer, who is American, notes that many in the Jewish community here are still largely unaware of what transpired in Argentina.

#### AN INTERFAITH MOVEMENT

Some Jews are reluctant to participate in the sanctuary movement because many churches are involved and most refugees are Catholic.

Holocaust survivor Hedy Epstein encountered this kind of resistance from congregants in St. Louis, Missouri. "I know the terrible pain a refugee goes through, the isolation, the terrible loneliness; it's something that's with me every day," she said. "When I see another group, another individual go through that, I cannot just stand by and say I'm too busy, I don't have time, you're not Jewish."

"During the Holocaust we accused some people of not helping because Jews were the victims," Rabbi Meyer added. "How can we, 40 years later, say that this is a Catholic problem because most of the Central Americans are Catholic?"

Rabbi Weizenbaum has found that working side by side with Christians to save lives has produced an extraordinary interfaith movement. "There is really a sanctuary community, people of all faiths and no faith, who are united in true communality over this work," he declared. "We feel this is our second congregation."

"Within the sanctuary movement all faiths participate because all faiths share the understanding that human life has to be protected," commented the Reverend John Fife, a founder of the sanctuary movement. "But beyond that, the Jewish community contributes the memory of the Holocaust, and the failure of the Christian church to understand our oneness with them at that moment. In many ways, that memory has compelled the sanctuary movement to say that Jews and Christians have to become one people in defense of refugees." □

# Sanctuary supporters question importance of El Salvador report

## Reporter Staff Special

A report showing the apparent safety of refugees sent back to El Salvador by U.S. immigration officials got mixed response last week from leaders related to the sanctuary movement.

"I'm delighted to hear about the program" to meet and help deportees at the San Salvador airport, said Linda Schultze of the United Methodist General Board of Global Ministries in New York.

The safety of deportees "certainly is pertinent" to whether the sanctuary movement is needed, said Ms. Schultze, who has been the board's chief staff link with the sanctuary movement.

"I've seen reports of other studies saying very different things from this, but they were from earlier periods," she said. "We definitely need to act on up-to-date information and see how these reports fit with each other."

## 'Deportee fate not main issue'

The Rev. Guillermo Chavez of the General Board of Church and Society staff said he feels the actual fate of deportees is not the most important determinant for whether the sanctuary movement is needed.

If all Salvadorans deported from the United States were able to resettle safely in their homeland, that didn't prove the deportation was just, he said.

"The only valid consideration is whether there are conditions in El Salvador that could create fear to cause a person to flee," he said. "And there are. There's a civil war there."

So, he said, those refugees should be allowed to stay in the United States until the conditions change.

"I'm sure some of the Salvadorans are economic refugees, but I don't think we in this country have the right or ability to determine who is and isn't," he said.

Michael McConnell of the Chicago Religious Task Force for Central America pointed to political concerns of the sanctuary movement. His organization is the central coordinating group for the movement.

He said that putting attention on whether deportees are safe when they return to El Salvador takes the focus off the "bankrupt Central American policy of the United States and the causes of the violence that drove refugees here."

Workshops on the foreign policy questions are to be part of a national "Sanctuary Celebration" Sept. 26-29 in Washington. Sponsors bill the event as an effort to strengthen the movement and

send "a message" to the Reagan administration.

## Critics say no need for sanctuary

A spokesman for an organization that has led criticism of the sanctuary movement during the past year said he was incensed that some sanctuary leaders—particularly some connected with churches—plan to continue asking people to break the law by harboring refugees when there is no need for it.

"I was brought up in the church and taught the church has a higher commitment to truth," said Patrick Burns, who said he and his wife are members of Wesley United Methodist Church in Arlington, Va. He is with the Federation for American Immigration Reform in Washington.

"Sanctuary leaders are taking a lot of money on the idea that they are protecting refugees from harm," he said.

"I will absolutely concede that the illegal immigrants being sheltered in the sanctuary churches probably deserve asylum. But you don't have to break the law. Help them through the legal system.

"Obviously, the legal system is working if the people it orders deported resettle in their homeland without harm" (see story above).

Most people fleeing El Salvador are leaving economic problems brought on by the civil war and severe overpopulation, a more dense population than India's, Mr. Burns said.

Duke Austin, spokesman for the U.S. Immigration and Naturalization Service, cautioned that the good report on the treatment of Salvadoran deportees does not prove that U.S. foreign policy in Central America is correct or that no civilians are in danger in El Salvador.

What it does seem to prove, he said, is that people can trust the U.S. legal system to protect those who need to be protected.

"My wife comes from a family of Methodist ministers, and we've often agonized over how the United Methodist Church has gotten caught up in this sanctuary movement," Mr. Austin said.

On the other hand, he said, when Christians have worked through legal channels on behalf of Salvadoran refugees, they have affected far greater numbers than have sanctuary efforts.

Of the 49,000 Salvadorans arrested in this country during 1982-1984, 71 percent are still in this country because of legal efforts, he said.

—ROY HOWARD BEUK

*S. and J. present*

# SACRED SPACE:

## Jewish Involvement In The Sanctuary Movement

*Is the plight of Jews in Latin America akin to that of Jews in Germany in the years immediately preceding the Holocaust? And is civil disobedience the proper response to their situation?*

BY ARTHUR J. MAGIDA  
Assistant Editor

Agustin Diaz is safe. After being on the run for two years in El Salvador, Guatemala, Mexico and the United States, Diaz is a 25-year old Salvadoran who has seen an eternity's worth of atrocities. For the five years before he left home, he saw decapitated bodies on the streets of Salvadoran villages. He saw protesting students piled onto the flatbed of Army trucks for trips from which they would probably never return. He saw bodies dumped like carcasses from government trucks into a common grave.

And the day before he left home, Diaz did not know whether the Salvadoran Army officer who held a rifle to his head would actually pull the trigger.

Diaz is now in "sanctuary" in St. John's United Methodist Church. He is the only Central American refugee in Baltimore in "sanctuary," a mostly symbolic protest against U.S. immigration and foreign policy toward Central America.

Last week, a federal jury in Tuscon, Arizona, convicted six sanctuary activists of conspiring to smuggle Salvadorans and Guatemalans into the United States. The Rev. John M. Fife III, a founder of the movement to give religious sanctuary to illegal aliens from violence-torn Central American countries, was among those convicted.

After the verdict, according to *The New York Times*, the federal prosecutor, Donald M. Reno, said he thought the verdict would deter those involved in the movement from further action.

But activists, including the Rev. Mr. Fife, said the ruling would have the opposite effect. Rabbi Joseph Weizenbaum of Tuscon, who has been aiding refugees from Central America for three years, agreed.

The verdict, said Rabbi Weizenbaum, "definitely will not" discourage people from participating in the sanctuary movement. "The one thing of which I can be certain is that the movement will be stronger than ever. The support we're getting from around the country has been good."

Currently, about 270 churches and up to 30 synagogues around the country have joined the sanctuary movement. Although Jews joined the movement later than Christians, its recent backing by national Reform, Conservative and Reconstructionist rabbinical organizations and other major Jewish groups has spurred Jewish involvement.

In Washington, for example, members of Temple Sinai recently decided to

become a sanctuary. In Columbia, the Columbia Jewish Congregation has voted to take in a Central American refugee. And at least two Baltimore rabbis — Floyd Herman of Har Sinai and Donald Berlin of Oheb Shalom — may ask their congregants to vote on becoming a sanctuary in the fall.

(Orthodox rabbinic and civic groups have not taken a stand on the sanctuary movement. Two Baltimore Orthodox rabbis, asked to comment on sanctuaries, in fact, had not heard of the issue.)

The concept of sanctuary derives from the European tradition that regards a church as a safe refuge for those fleeing from the law. Reform and Conservative Jews have borrowed this notion and embroidered it with Jewish compassion, morality and history. Some see a precedent to sanctuaries in the Biblical idea of "cities of refuge" where innocent people accused of murder could flee. Most see parallels between U.S. policy toward European Jews fleeing Hitler in the 1930s and toward Central Americans fleeing death squads in the 1980s.

And all are appalled at Washington's backing for the brutal Salvadoran regime, a government that Rabbi Barry Silberg of Milwaukee called "the pocket fascists of our day."

In a sense, a congregation adopts a refugee when it gives him "sanctuary." If there is room in a synagogue, the refugee may actually live on its premises. Or, a congregant may take him or her into his home. Or, the entire congregation may provide financial and legal aid to a refugee living elsewhere.

Congregants willing to help a refugee — and to make the act of civil disobedience implicit in aiding him — may form a separate group for that purpose. For example, 25 of the 140 families who belong to Congregation Beth Israel in Media, Pennsylvania recently formed the "Religious Fellowship of Sanctuary for the Stranger." Up to three refugees will live in the homes of fellowship members.

"Jews teach that any space, including a home, can be sacred," said Rabbi Brian Walt of Beth Israel. "It is Christians who teach that only the church building is sacred."

Only about 10 of the 60,000 Central American refugees in the Washington-Baltimore area are in sanctuary. Most of these are from El Salvador or Guatemala. They came north — "el norte," in the hopeful refrain of the Central American —

# Profile Of A Refugee



Agustin Diaz:  
He remembers  
the horror.

Agustin Diaz remembers the bodies. The bodies with their heads chopped off, the bodies with half their legs chopped off. The bodies with the word "Communist" carved on them with a machete. The female bodies with their breasts sliced off the male bodies with their genitalia gone.

Diaz is now 25. He left home, a small village in central El Salvador, two years ago. He had seen the bodies in the streets of towns and cities since he was 18.

In early 1984, Diaz visited his sister. She lived in San Martin, a town with about 15,000 people nearly three kilometers from his home. Walking by a cemetery, he saw a municipal truck pull up to a common grave.

"Bodies were pulled off the truck and thrown into the grave as if they were animals," said Diaz, speaking through a translator. "It was something I was accustomed to by that time, but I couldn't eat meat for weeks afterward. I kept thinking of the eyes that were ripped out, the flesh that was torn. They were given no greater dignity than the lowest animals."

As tensions increased in Diaz' region, so, too, did his fear.

"I was afraid that since I wasn't working for the government, I would be accused of being a subversive," he said. "In El Salvador, to call someone a 'subversive' is the same as calling someone a 'pagan' during the Middle Ages. The difference is that instead of burning you, they cut your head off or torture you."

In March 1984, the body of a farmer who lived about a mile from Diaz's village was dropped about 15 feet from Agustin's home.

"He had been taken from his home by the Army the previous day," said Diaz. "He returned the next day in his underwear. His head was missing. His mother said he was just a *campesino*, a farmer. He was not a subversive. He had three children."

A few days later, about 20 soldiers arrived at Diaz's home. They pushed him and his mother outside while they searched the house. One held a rifle to Diaz's head while another frisked him.

"They interrogated me for what seemed like an awfully long time," said Diaz. "They asked me questions like, 'Who are you working for?' and 'What organization are you a part of?' They found nothing in the house. No propaganda. Nothing. They said they would be watching me. I was afraid they would kill me when they came back."

Diaz left home the next day.

Getting into Guatemala was not difficult, even without a passport. But Diaz could not stay there. Guatemala's repression and terror are almost as bad as El Salvador's. He illegally entered Mexico, where he stayed for almost 18 months. He worked in a bakery and a hotel in southern Mexico, then traveled to Tijuana, where a priest helped him get a job as a security guard in a newspaper office. Eight months later, he was fired when the newspaper discovered that he was Salvadoran.

Two Mexicans said they could help him get into the U.S. One night just over a year ago, they put him in the rear of their pickup truck and crossed the border. Just north of San Diego, they took his wallet and two rings. Diaz ran to a church, where he slept on the steps.

"I was desperate when I woke up," Diaz said. "If I went back to Tijuana, I couldn't get work. If the immigration service caught me, I could be sent back to El Salvador and killed. But I couldn't go on like this."

Diaz found his way to a railroad station, where he was ready to board a train for Tijuana. Instead, some Mexicans at the station told him to go north to Los Angeles. There, he contacted the Committee of Central American Refugees, which introduced him to some Jesuits.

For two months, Diaz lived with the priests. Then, the sanctuary movement found him a haven at Baltimore's St. John's Methodist Church, 27th and St. Paul Streets.

Diaz has not applied for asylum in the U.S. He is not certain whether he will.

"The United States does not easily grant asylum to Central Americans," he said, "mostly because it is supporting the war in El Salvador. That is precisely why there should be a sanctuary movement."

Diaz spends much of his time in his apartment in St. John's. But he occasionally leaves the church property.

"It isn't to say that I'm not afraid to leave," he said, "but I can't just stay here. I must have a life. Life is a risk."

The ultimate risk, of course, is that he might be deported. Diaz is convinced that both the FBI and the Salvadoran Embassy in Washington know that he has been speaking publicly in Baltimore about his experiences in El Salvador. That, he says, particularly makes him a marked man.

Drawing a finger quickly across his throat, Diaz said, "If I was deported back home, I would disappear the next day. Of that I am sure."

— A.J.M.

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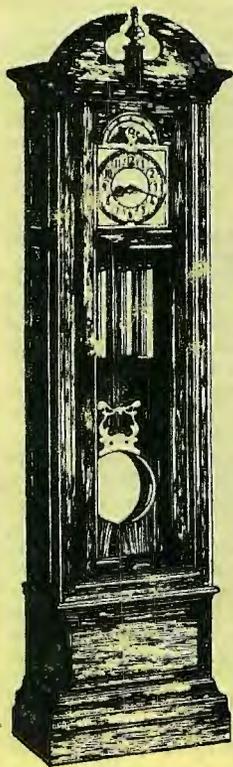
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La Virtud refugee camp, Honduras.

to escape the terror that permeates much of Central America. Claiming they are political refugees, a few apply for asylum in Mexico or Canada. Most wish to settle in the United States.

But few are granted asylum. The U.S. government tags almost all the 250,000 Salvadorans north of the border as economic — not political — refugees.

"I smile when I hear the term 'economic refugee,'" said Rabbi Elias Lieberman of Temple Oheb Shalom. "Is washing dishes for \$2 an hour in the United States an economic bonanza?"

Both sides of the sanctuary movement have been accused of being politically motivated. The government, say sanctuary advocates, grants refuge to immigrants only from countries it wants to embarrass. And sanctuary advocates, say the government, help only aliens from Central America as a way to protest U.S. policy in that region.

"They don't really care about helping the refugees," said Richard Krieger, the State Department's associate coordinator for refugee affairs. "They care about changing U.S. policy. If they really cared about helping people, they would take in Afghans and Laotians and Vietnamese."

But San Francisco attorney Patty Blum

retorted that U.S. refugee policy "is a reflection of U.S. foreign policy. It's infuriating. The only refugees who are selectively treated by the U.S. government are from Central America."

"We have a responsibility to take in those whom the government does not favor," insisted Blum, a Baltimore native who is co-director of litigation of the Central American Refugee Defense Fund.

"The State Department's accusations (about the movement being politically inspired) are not entirely fair," said Rabbi Lieberman. "There can be no separating politics from humanitarianism. These people are refugees because of U.S. politics toward Central America."

Blum's charges of bias against Central Americans may have some credence. Statistics suggest that asylum is granted more readily to those fleeing the regimes of "foes" than those escaping "friendly" governments. Last year, for instance, asylum was offered to 54 percent of applying Iranians, 23 percent of Afghans, 33 percent of Ethiopians. Only 1.2 percent of the Guatemalans asking for political asylum received it. And in the past five years, asylum has been granted to 2.7 percent of the applying Salvadorans.

Deported Salvadorans' fear for their



lives is not unfounded. They come from a nation that has been turned upside down. About 50,000 Salvadorans have been killed since 1979. Daily, civilians are killed, maimed, kidnapped, strafed from airplanes. Seven-hundred thousand people in this country of five million are displaced. Another 750,000 are displaced in other countries.

Salvadorans refused U.S. asylum have been beaten or murdered or they have disappeared upon returning home. Among these are:

\*Twenty-four year old Santana Chirini Amaya, whose decapitated body was found near the Salvadoran village of San Vicente. Amaya had been deported from the U.S. one month before his murder. His head was never found. His feet were tied together with wire and his body bore scars from cigarette burns.

\* Jose Hernandez, 19, whose headless body was discovered near his village 15 days after he had been deported from Brownsville, Texas. Hernandez had also been shot three times in the chest.

These are not isolated incidents. The American Civil Liberties Union (ACLU) has concluded that of 112 Salvadorans who were deported, 47 had disappeared, 52 had been murdered for political reasons

and 13 had been unlawfully arrested for political reasons.

"Our immigration policy is madness," said Rabbi Weizenbaum. "It's crazy. Our government's policies are unbecoming to the faiths of either Christians or Jews."

"You can discomfit a person," he said, "you can make life difficult for individuals, but no government can ever kill an idea that is right. My reaction to the verdict of last week was more one of sadness than shock."

Weizenbaum is convinced that only time, place and ethnicity distinguish Jews from the deportees.

"Refugees from Central America are the Jews of today," said Weizenbaum, recalling the thousands of Jewish refugees who fled Nazi atrocities and were turned away by the West. "Saving them is the way we remember the Holocaust. You do for the living what you could have done for the dead."

Weizenbaum is not alone in evoking the Holocaust. Moral arguments aside — "In our theology," said Rabbi Lieberman, "we are responsible for others because they are intrinsically like ourselves" — Jews favoring sanctuary usually cite the Holocaust as perhaps *the* compelling reason for Jews to offer refuge.

"We ask of those who could have saved the Jews of Europe, 'Where were they?'" said Lieberman. "We don't want that same question asked of us 10 years from now."

"No one has the right to compare catastrophes and tragedies," said Marshall Meyer, who spent 25 years in the rabbinate in Argentina. "But if there is no involvement of the synagogue in the sanctuary movement, then we had better forever shut up about the silence of the churches during World War Two."

This use of the Holocaust irks Rabbi Murray Saltzman of Baltimore Hebrew Congregation.

"The Jewish conscience does not require direct Jewish identification with an issue to feel outrage when humanity is affronted and civilized values are violated," said Saltzman. "The treatment by the United States of Central American refugees is a moral disaster. We protest as Jews, as Americans, as human beings because of an erroneous national policy. This is sufficient. No parallels are required."

Milwaukee Rabbi Silberg was "astounded" at Saltzman's reaction.

"The Holocaust occurred in a world run amok," said Silberg, a Baltimore native whose congregation has provided sanctuary to Salvadoran and Afghan refugees. "The situation is no different in Central America. To say that the idiosyncrasy of the Holocaust cannot be used as a springboard to action is to consign it to the scrapheap of history."

The sanctuary movement also claims that the government violates its own laws.

# Dzengoff

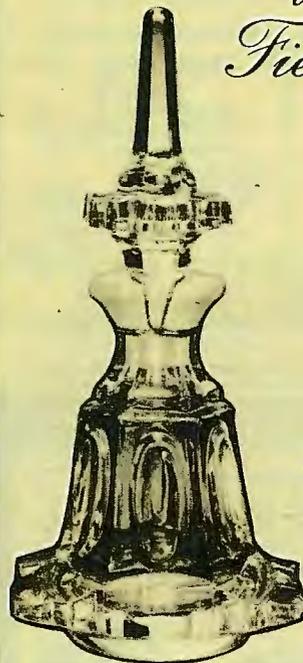
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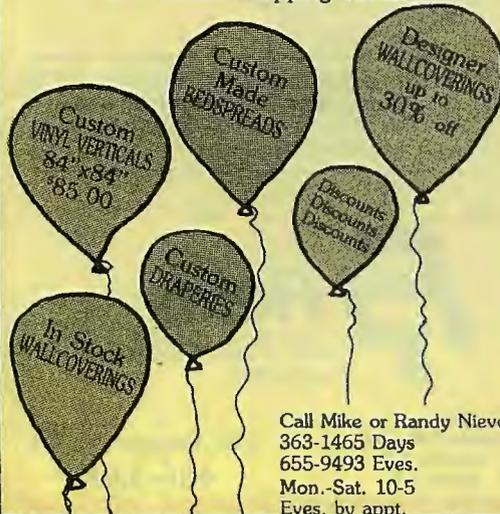
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Immigration statutes passed six years ago defined a refugee as someone with a "well-founded fear" of being persecuted for racial, religious, political reasons or for belonging to a particular social group. But the Immigration and Naturalization Service (INS) has said that since terror is the norm in Central America, Salvadorans and Guatemalans who seek asylum in the U.S. are no different from their compatriots.

Also, say Administration officials, few Central Americans can prove they were persecuted in their own countries. Or that they will be terrorized if they return.

"You're never that alone," said Richard Krieger of the State Department. "You can usually produce some witnesses who saw something happen to you, some kind of documentation."

"These people are almost always looking for some kind of economic opportuni-

ty," insisted Krieger. "Why do the sanctuary people even bother bringing them across the border and hiding them in basements? If they really cared about them, they would set them up in business."

But nobody is actually hiding in a basement or, in a Central American version of Anne Frank, in an attic. For the most part, refugees in sanctuary go wherever they want, whenever they want. Many have jobs. Many make public appearances where, identified as "undocumented refugees," bandanas cover the lower halves of their faces. Many live in the homes of congregation members rather than in churches or synagogues.

And there they are as safe as if they were in a house of worship. For under the law, there is no refuge from the law.

"No place provides a veil of protection from the law," admitted Patty Blum. "Taking someone into a church or a synagogue is purely symbolic. The INS can arrest someone on the property of a house of worship. It probably won't because it would be a bad public relations move."

Almost everyone in the sanctuary movement concedes that their homes, their churches, their synagogues — wherever a refugee is ensconced — could be raided by the government. They know that there is a certain fiction to the notion that they have given someone the asylum that the government denies. And they know that by harboring someone who is in the U.S. illegally, they can be fined a maximum of \$10,000 or jailed up to five years.

Some Jews have shied away from "sanctuary" because of its implicit element of civil disobedience. But, said Rabbi Brian Walt of Media, Pennsylvania, "We are not breaking the law. It is the government that is not obeying its own statutes."

And more traditional Jews have stayed away from "sanctuary" because, they say, there is nothing in Jewish laws or traditions that compels them to make such a gesture. But, said Rabbi Silberg of Milwaukee, "This is really a matter of empirical theology. Our morals have to be governed by experience and not by tradition. Are we going to turn our back on these people? Are we going to condemn many of them to death by sending them back to El Salvador?"

"I remember the Jew's obligation to ransom the captive," said Silberg. "I remember how we barked at Roosevelt and Pope Pious XII because they didn't [help save the Jews from Hitler]. I remember the *mezuzot* on our doors and how they say "safe haven" to the wanderers and the needy."

"U.S. policy may change," said Silberg. "Our political and economic pressure may eventually cause some change."

"But by then, it will be too late. "Too late."

## Is Sanctuary A Jewish Issue?

With fewer than a dozen Jews in Nicaragua and even fewer in El Salvador, most American Jews rank Central American refugees far behind the other Jewish priorities: Soviet Jewry, Israel, domestic social problems, Jewish education, U.S. Jews' assimilation.

The issue is both moral and tactical: Just how far can the agenda of U.S. Jews be stretched without completely diluting Jewish efforts?

As Shoshana Byren, head of the Jewish Institute for National Security Affairs in Washington, said, "We haven't discussed 'sanctuary' at our policy meetings because we have far more important security issues."

Sanctuary advocates are alarmed at some Jews' "fortress mentality." Addressing only issues that directly affect the Jewish community, said Rabbi Barry Silberg of Milwaukee, "is self-defeating. This 'them against us' mentality that has arisen in recent years is totally false. We have many allies. If we limit ourselves to ourselves, no one will speak up for us."

"To know the heart of the Jew is to know the heart of the stranger," said Rabbi Joseph Weizenbaum of Tucson. "Everything we call 'Jewish' is intended to sensitize us to our role in the world. If being Jewish is just ethnicity and just living in a certain neighborhood or eating in a certain type of restaurant, then being Jewish has no bearing and little meaning. It's just a form of ancestor worship."

A.J.M.

# Jewish organizations celebrate S.F.'s sanctuary stand

By STEVE SMITH  
Special to the Bulletin

More than 300 supporters of the sanctuary movement gathered at Congregation Sherith Israel in San Francisco last week. But instead of the somber urgency that usually surrounds such occasions, the mood was festive.

Billed as a celebration of San Francisco's new status as a city of refuge for Central Americans, the evening included entertainment by folk singer Ronnie Gilbert and television actor Robert Foxworth.

Honored were local politicians who supported the resolution, passed last December, offering city services to the illegal political refugees. They included Mayor Dianne Feinstein and Supervisors Nancy Walker, Willie B. Kennedy, Harry Britt, Doris Ward, John Molinari, Richard Hongisto, Louise Renne and Carol Ruth Silver.

Although it is largely Christian organizations in the forefront of the local sanctuary movement, Jewish groups were well represented at the \$25 per head fund raiser. Co-sponsoring the event with the San Francisco Sanctuary Covenant was the Northern California Board of Rabbis, one of the first Bay Area Jewish organizations to adopt a resolution advocating sanctuary.

The board's statement, read to the gathering, drew a parallel between the plight of Central American refugees today and that of the Israelites leaving Egypt 3,000 years

ago.

Citing the Torah's maxim that "the stranger who sojourns with you shall be to you as the native among you," the board stated that "by all moral and ethical standards, the offer of sanctuary to Guatemalan and Salvadoran refugees is a holy responsibility."

This was seconded by Lynn Altshuler, president of the Raoul Wallenberg Jewish Democratic Club, one of several Jewish groups to sponsor a table at the dinner. "I think it represents an issue that's important for the Jewish people because we've been in the same predicament," she observed.

"We in the Jewish community have committed ourselves to saying 'never again,'" added Rabbi Allen Bennett of the American Jewish Congress. Appealing on behalf of the San Francisco Sanctuary Covenant, he urged those in sympathy with the movement to "put your money where your mouth is."

So far, however, no San Francisco synagogues have contributed funds or public support, although many Jewish leaders are hopeful that they soon will.

Among East Bay synagogues, Temple Sinai in Oakland and Berkeley's Kehilla Community-Synagogue and Congregation Beth El openly have resolved to support the sanctuary movement.

The first San Francisco congregation to consider the issue most likely will be Sherith Israel, which



Rabbi Allen Bennett and Supervisor Carol Ruth Silver participate in sanctuary movement festivities.

is scheduled to vote on a sanctuary proposal in June, reported Martin Weiner, senior rabbi.

The finely crafted resolution supports the sanctuary movement's goals but stops short of challenging the law by declaring the synagogue an actual shelter for refugees, as several Bay Area churches have done.

"I'm hopeful the resolution will pass," said Weiner. While not involved in planning Thursday night's event, both he and associate Rabbi John Rösove were there to lend their support.

Both also said they were hopeful that the fact that the event was held at a synagogue would galvanize

other Jewish groups into action.

Said Weiner, "I would hope it would sensitize other congregations to this [issue]." Lana Dalberg, a refugee committee volunteer who helped organize the event, acknowledged that the San Francisco Sanctuary Covenant was thinking along the same lines when it decided to approach Sherith Israel, Feinstein's synagogue, about using its facilities.

Observing that "synagogues have been very involved [in the sanctuary movement] in other parts of the country," she said, "We wanted to give [it] a nudge and welcome the [local] Jewish community into our sanctuary covenant."

Dan Sudran of the Jewish Sanctuary Coalition, which coordinated the event, also echoed those sentiments. "We felt that it would be important for the Jewish community [to have the celebration in a synagogue] because it brings the sanctuary movement closer to the Jewish community," he said.

Aside from Gilbert, formerly of the Weavers, and Foxworth, a star of the TV series *Falcon Crest*, the evening included an address by James J. Brosnahan, an attorney representing defendants at the Tucson sanctuary trial. The government has charged them with violating immigration laws by giving haven to Central American refugees.

Local Jewish attorney Ephraim Margolin introduced Brosnahan, a partner with the law firm of Morrison & Förster. Alluding to the 36 unknown great people in every generation mentioned in Jewish mystical tradition, Margolin called Brosnahan "a person who embodies the attributes for which humanity was created."

Noting that the Arizona sanctuary case had gone to the fury that very morning, Brosnahan declared that "the [Reagan] administration is using political rhetoric in the courts of justice in this country, and that is not right."

And iterating the thoughts of those who had spoken before him, Brosnahan concluded that "the government will come to understand what is in the Bible."

# SANCTUARY

Source: Nat'l Sanct. Def. Fund  
(Sanctuary)

**Shall the guest in our house  
be sent away to certain death?**



Dear Friend:

Why is this child wearing a mask?

Quite simply, to prevent his being identified and murdered in cold blood if the U.S. Executive Department succeeds in forcing him and his family to go back to certain death in their tortured homeland of Guatemala.

For the moment he is safe -- he and his family sheltered in a Benedictine Monastery in Vermont where Brother John is the Prior.

This monastery is just one of more than a hundred churches, religious homes and other sanctuaries that are part of an extraordinary new movement that springs from the very heart and spiritual roots of our American heritage of freedom and justice.

It is the Sanctuary Movement in which American religious leaders of many denominations and thousands of private individuals have joined to reestablish a principle that goes back to the dawn of civilization -

That the guest in our house  
shall not be sent away to  
certain death.

Unless we act now, at least three such guests (one an 18-month old baby) will be sent away - and two religious workers may go to jail for 15 years for helping them. Please let me tell you what happened.

Just before dawn on February 17, 1984, on a deserted Texas highway, 3 Americans and 3 Salvadorans were arrested.

The three Americans were Stacey Merkt, a Catholic lay worker, Sister Dianne Muhlenkamp, and a reporter for the Dallas Times-Herald. Stacey was working for a home - sponsored by the Catholic

(continued on page 2)

diocese of Brownsville - which gives hospitality to Central American refugees fleeing for their lives. Stacey, the only Sanctuary worker in the car, has now been charged with transporting illegal aliens.

Who were these three dangerous aliens this religious worker was "illegally" transporting?

Mauricio Valle, 23, and Brenda Sanchez-Galan, 19, fled El Salvador in fear for their lives. They swam across the Rio Grande with Bessie, Brenda's 18-month-old daughter, to enter this country. With the church's assistance, they were bound for San Antonio, Texas, to receive legal counseling. Both had worked for Green Cross, a non-partisan organization like the American Red Cross which gives medical care to refugees. The organization was a target of a campaign of terror and violence by the Salvadoran military. Brenda had watched as a co-worker was brutally killed in a public courtyard and the fetus in her womb mutilated. Lutheran churchworkers advised her that she too would probably be killed and helped her out of the country.

Mauricio's father, who worked with the Lutheran church in El Salvador, had nursed a wounded man in 1979 whom the military declared to be a subversive. As a result, the military issued death threats against him, his daughter and his son. The father and daughter committed suicide. Mauricio escaped after being kidnapped by the Death Squads and threatened with death.

President Reagan's Central American policies are the cause of the flow of refugees into this country. He has continued to support the repressive governments of El Salvador and Guatemala without regard to human rights violations. He is advocating a military solution to the region's problems, pouring out millions of dollars in military aid to governments for use against their own people.

Salvadoran refugees who flee to the United States have become an acute political embarrassment as they tell of murders committed by military units armed and trained by the U.S. government. It's not surprising that -- contrary to the clear intent of Congress -- the Reagan Administration has classified Salvadorans as economic rather than political refugees. As such, they are not eligible for asylum and are deported back to their country, where their lives are in great danger.

But most Americans do not think in terms of warlike solutions. They do not support governments built on Death Squads that murder their own people by the thousands.

Nor will most Americans turn away families fleeing for their lives and send them back to certain death - death even for 18-month-old Bessie.

It is in response to this situation that American churches of all denominations -- and over 35,000 individual Americans who follow their own conscience -- have come together to form the nationwide Sanctuary Movement.

Though based on religious principles of sanctuary, the Movement is not the property of any one religious denomination. On the contrary, like the Underground Railroad before the Civil War, the Sanctuary Movement brings together individuals of all religions, as well as many whose support is based simply on American principles of justice and concern for human life and liberty.

Because we feel this may be of concern to you too, we wanted to tell you that the Christic Institute has established the Sanctuary Defense Fund to defend in the courts those American citizens charged with "illegally" helping these political refugees - and to keep these helpless victims from being sent to be murdered in cold blood.

Stacey Merkt has already been charged by the Justice Department, tried and convicted. She could be sentenced to up to 15 years in prison and fined.

But the Christic Institute has already filed an appeal to reverse this conviction. This is a tremendously important case because it is the first one the Government has brought against a member of the Sanctuary Movement. This appeal will directly impact the fate of the more than 100 sanctuaries already in existence and the thousands of dedicated volunteer workers -- as well as the life or death of many hundreds of refugees now being sheltered in these sanctuaries.

Your help is desperately needed if this appeal is to be fought successfully. A victory in the higher courts would have a tremendous impact in many directions --

*(continued on back page)*

#### THE UNDERGROUND RAILROAD -- AN AMERICAN TRADITION

This is not the first time there has been an Underground Railroad in America to help those fleeing from injustice. In the years before the Civil War, thousands of free Americans, black and white alike, organized to help runaway slaves escape to freedom. The "conductors" led slaves along the escape route where they found sanctuary in "stations" -- homes, churches, farms -- on their way to freedom in the U.S. or Canada. The Underground Railroad and "conductors" like Harriet Tubman and Frederick Douglass -- struck a tremendous blow against slavery and for freedom. Then too, this railroad was declared illegal by the Federal Executive Dept. and those helping the slaves could be (and were) fined and imprisoned under the Fugitive Slave Act. Stacey Merkt, Jack Elder, Brother John and the many other Sanctuary workers are following in this great tradition.

- Stacey Lynn Merkt would not go to jail - and other participants in the Sanctuary Movement will not be indicted . . .
- Brenda Sanchez-Galan (and her baby) and Mauricio Valle will be given sanctuary in this country (along with many other refugees from Salvadoran and Guatemalan terror).
- The Sanctuary Movement will be strengthened as a real expression of the deep concern Americans have for the human victims of oppression.
- And the spotlight will be thrown on the responsibility of the Reagan Administration's Central American policies for the flow of refugees from repressive governments supported by us without regard for their violation of human rights.

Since Stacey's arrest, three other Sanctuary workers have been indicted for transporting Salvadoran refugees in separate incidents. The Sanctuary Defense Fund is assisting all three, either as chief counsel or by providing legal advice. As the Reagan Administration's attack mounts, we are in increasingly desperate need of your help.

Your contribution to the Christic Institute will help to pay for court costs, trial transcripts, legal research, typing, travel, and all of the other costs related to a strong legal defense. The Sanctuary Defense Fund will provide only subsistence salaries to its attorneys.

Your gift will also help to ensure that the North American public is made aware of the broad social issues involved in these trials. Information will be disseminated to the U.S. public through Central American coalition groups, through religious constituencies, through major national media, and through the alternative press.

((( Your contribution to the Christic Institute will be a tremendous force to help win these goals. It is tax deductible, too, so please be as generous as possible. )))

And thank you again for all you have done in the past to support the never-ending fight for justice for all humanity.

In love and peace,



Daniel P. Sheehan  
Attorney, Sanctuary Defense Fund

**SHANTUARY**

**CHRISTIC  
INSTITUTE**

1324 N. Capitol St.  
Washington, D.C. 20002

# Behind the Sanctuary Movement

Max Green

Amidst extensive coverage in the Jewish press, rabbis belonging to the Sanctuary Movement have been touring the country's synagogues. Already, members of Reform Jewry's Union of American Hebrew Congregations and the Central Conference of American Rabbis, as well as the Conservative Rabbinical Assembly of America, have passed resolutions in support of the Movement. Now, the rabbis are hoping to persuade the nation's synagogues to declare themselves "sanctuaries" for illegal aliens from Central America.

Leaders of the Sanctuary Movement, both Jewish and non-Jewish, carry a seemingly-powerful message. Their speeches to synagogues and churches are replete with references to the Holocaust, including comparisons between Nazis and right-wing death-squads, and between Jews and Salvadoran refugees. Indeed, speakers often define the Movement's purpose as saving Central American refugees from the fate of the Six Million Jews.

But, away from the houses of worship, these leaders reveal a more far-reaching goal: the defeat of what they refer to as the "fascist" or "imperialist" U.S. intervention in Central America. By this they mean American support for the region's democratically-elected governments, particularly that of El Salvador.

To the naifs attracted to the Movement by its declared humanitarian goal, the Chicago Religious Task Force, the coordinating body for the Movement as a whole, has this to say: "Some churches have declared themselves sanctuaries and have done almost nothing to oppose U.S. military aid to Central America. We wonder whether this is adequate. What is the value of a sanctuary church that continues its support (by *silence*, by vote or whatever) for U.S. policies in Central America." (*emphasis added*)

The Movement's radical objective explains its leaders' blindness to both the decline in human-rights abuses in the

*Max Green is associate director of the White House Office of Public Liaison.*

Central American democracies, and the increased brutality of Nicaragua's Sandinista government and the anti-government rebel group in El Salvador. It also explains why it refuses to help refugees from Nicaragua, or even those from El Salvador, unless they first agree to denounce U.S. policy in Central America.

The Sanctuary Movement arose at a time when right-wing death-squads roamed almost at will in El Salvador. But the political landscape of the country has changed since Jose Napoleon Duarte's election to the presidency. In 1981, there were 9000 violent civilian deaths, many attributable to far-right para-military units. But in 1984, the year of Duarte's

## The Movement's radical goals blind it to the decline in human-rights abuses in El Salvador.

election, the number declined to 774, and to half that in 1985.

Acknowledging the progress made by the Salvadoran government in the area of human rights would put the Sanctuary Movement out of business. So, instead, it continues to behave as if 1986 were 1980 and Napoleon Duarte were Roberto D'Aubisson, the right-wing politician often closely linked to the death-squads.

The Movement also focuses increasingly on the fate that awaits Salvadorans who are deported from the United States. Such deportations, one leader alleges, is just like putting "Jews on boxcars bound for Dachau." Numerous studies, however, indicate that such hyperbole is all but

baseless. The Intergovernmental Commission on Migration, which monitors such matters, has not reported a single case of a deportee coming to harm. Even in the much-worse days of 1983, the American Civil Liberties Union failed to identify conclusively a single deportee who had suffered a human-rights violation.

The Movement also charges the United States government with mercilessly violating the rights of Salvadoran illegals. The facts belie this allegation as well. There are a total of 500,000 Salvadoran illegals in the United States of whom fewer than 3,000 will be returned to their home country this year. Of the relatively few that immigration authorities catch up with, many request political asylum, which is granted if they can demonstrate a "well-founded fear of persecution if forced to return home." But, as Assistant Secretary of State, Elliott Abrams, has explained, "under our laws, generalized conditions of poverty and civil unrest do not entitle people to leave their homeland and settle here. If this were our test, one half of the one hundred million people living between the Rio Grand and the Panama Canal would meet it..." As it is, the United States takes in more legal immigrants and refugees (of whom the fourth-largest group is Salvadoran) than the rest of the world combined.

As the threat of persecution in El Salvador recedes, fewer Salvadorans are meeting the political-asylum test. As a result, fully 70 percent of Salvadorans caught by the INS return voluntarily, rather than under "deportation orders," while the majority of the remaining 30 percent do not list fear of political persecution as a reason for being allowed to stay. Moreover, those who are deported have had every opportunity to appeal to administrative panels and the federal courts, guaranteeing due process of law.

The facts relating to the situation in El Salvador and to illegal Salvadoran immigrants to the United States appear to have passed the Sanctuary Movement by. Nevertheless, the Movement's leaders continue to raise the specter of the Holocaust as they speak of "horrors" being committed with U.S. acquiescence.

This parallel between the Holocaust and the rapidly-improving human-rights situation in El Salvador does more than merely insult the memory of the six million Jews who perished under Hitler's tyranny. It reveals a lack of concern for the truth, both past and present, that deserves our strongest rebuke.

**FAIR**

Sanctuary

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**SANCTUARY  
INFORMATION  
PACKET**

**Federation for American Immigration Reform**

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**1424 16th Street N.W., Suite 701, Washington, DC 20036**

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2/3/85

## *Why Sanctuary?*

**L**EADERS of the sanctuary movement are embarked on a heavily political mission. They seek to do more than shelter and feed Salvadoran refugees, which would not violate any American law. Instead, by organizing thousand-mile car caravans and calling press conferences, they publicize the fact that they are transporting undocumented aliens in furtherance of their evasion of the immigration laws, and that is a violation. The movement wants to accomplish two objectives: a change in the immigration laws that will allow undocumented Central Americans to remain here indefinitely and an end to U.S. intervention in Central America.

For two years the movement was all but ignored by the Immigration and Naturalization Service. There are millions of illegal aliens here, and immigration officials in the Southwest estimate that 3 or 4 million more avoid apprehension at the border each year. About half a million of these aliens are Salvadorans, but the sanctuary movement has aided only a few hundred. Recently, though, there have been some arrests. One movement worker was convicted of transporting an illegal alien and sentenced to two years' probation; another was acquitted of similar charges recently; 16 more, in-

cluding three Roman Catholic nuns, two priests and a Presbyterian minister, have been indicted.

At his trial in Corpus Christi, Tex., recently, Jack Elder, a sanctuary worker, claimed that the First Amendment barred his prosecution, since his actions had been based on his religious beliefs. This argument—which might also be made by abortion clinic bombers or polygamists, for example—is a bad one, and it was rejected by the court. Nevertheless, Mr. Elder was acquitted by a jury—though a co-worker was convicted some months ago—which may demonstrate a growing sympathy for the objectives of the movement.

In the months ahead, in public forums and at the trials to come, public debate on this issue will increase and important questions will be considered. Are we treating all potential refugees equally, or do we give preference to those—from Poland and Afghanistan, for instance—fleeing from regimes we dislike? How many of the millions of Central Americans who want to come here can we take in? Are they, in fact, political refugees? Or have they chosen to come for economic reasons, in which case they must wait their turn and come as ordinary immigrants? The sanctuary movement is forcing us to confront again these difficult political questions.



# THE ARIZONA REPUBLIC

## Benson



## The Politics of 'Sanctuary'

**B**eyond the glare of national publicity a church-based movement has been using generous American immigration laws to oppose U.S. policy in Central America. A growing number of religious activists have declared that their consciences require them to offer and provide "sanctuary" to illegal immigrants from El Salvador and Guatemala.

Cutting across denominational lines, the sanctuary movement numbers as many as 200 churches and synagogues nationwide, including several in Michigan. Sanctuary workers argue that their refugees would be murdered by death squads if they returned home.

That claim has a hollow ring, however. If you can demonstrate to the Immigration and Naturalization Service (or, barring success, to an appellate court) that repatriation entails a risk of racial, religious, or political persecution, you will be granted status as a political refugee. This allows you to bypass normal immigration procedures and jump ahead of the other applicants whose only motivation is a desire to be Americans. Of 470,000 immigrants to our shores in 1984, 72,000 were political refugees. Several hundred Salvadorans were among that group and received asylum — the first step toward legal immigration as refugees — while the claims of several thousand were rejected. No other nation can boast such generous numbers.

The trouble starts if you claim refugee status on the basis of a lie. If the authorities find out, you can be sent home. That is why aiding illegal immigration is considered a serious offense, as sanctuary workers in Texas recently found out. Leaders of the movement in Texas recently were convicted of harboring fugitives and could have received long prison sentences. Cases against a dozen or so others across the land are in progress.

The State Department, which advises the Immigration and Naturalization Service on the granting of political refugee status, maintains that a great many immigrants from Central America, and in particular El Salvador, have been misrepresenting themselves as political refugees. When Assistant Secretary of State for Human Rights Elliott Abrams and other officials refer to these as "economic migrants", it is not, as the sanctuary movement alleges, that they see anything wrong with coming here for economic reasons. Most immigrants come here for economic reasons. They're just saying these migrants are no different from others — and therefore must play by the same rules as everyone else.

Nonetheless administration officials have taken seriously some Salvadorans' claims that they would be murdered by goons in the pay of Miami-based emigre oligarchs. In recent years the State Department has asked American diplomatic personnel in El Salvador to monitor refugees unobtrusively. So far, they have found no evidence that returnees have been subjected to violence from either the right or the left. Significantly, this finding is entirely consistent with the research of the Geneva-based Inter-Government Committee for Migration, which provides resettlement services for every returnee to El Salvador. Salvadoran human rights organizations, including the one which the American left prefers, Tutela Legal, reported the deaths of two returnees in 1981 and none since then. And when the sanctuary movement claimed that Amnesty International had evidence that a third of the returnees to El Salvador were being killed or tortured, it was met by a flat denial by the organization's Latin American coordinator.

The fact is Salvadorans for decades have entered the United States illegally. By one count, there are half-a-million illegal Salvadoran immigrants in the United States today. Being sent home is no big deal: They will try again next year. Repatriation thus does not mark people for death, as the sanctuary movement asserts. It's an everyday thing in El Salvador.

Yet if the claim that the danger to returning illegal immigrants is specious, why are religious organizations defying U.S. immigration law? Their purpose is not a great mystery. Their real aim is not the U.S. immigration laws that they are flouting, but U.S. policy in Central America and beyond that, as one movement leader put it, the "fundamental economic priorities of the American system."

Sanctuary workers are convinced that U.S. policy in Central America, which is to prevent a Marxist-Leninist takeover, is responsible for the influx of Salvadorans, even though El Salvador, which is the most densely populated country in the hemisphere, was sending us migrants legal and illegal long before most people knew where it was on the map.

Rather than breaking laws, these activists should try to change American policy through the political process. Inventing new and extra-legal roles for U.S. churches and synagogues will only make it more difficult for Americans to determine through sober and democratic debate what our proper role in Central America should be.

## Caravan refugees are being manipulated

Ron  
Arnold

Freelance Columnist



The "sanctuary movement" for Central American refugees proves again that every rose has its thorns. A spate of caravans carrying Guatemalans, Salvadorans and others to sanctuaries sponsored by 150 churches across the United States — in open defiance of the law — has stirred our compassion for suffering humanity. But the most recent caravan from Tucson, Ariz., to the Pacific Northwest showed us the thorns: It stuffed our welcoming arms with political propaganda.

While the nation's heart went out to five Guatemalan refugees, Interfaith Sanctuary Network spokespeople snagged us with their message: The Reagan administration's "misguided foreign policy" is using our tax dollars to sponsor Central American regimes "bent on genocide." They want "to start a river of Central American refugees into the United States." We should ignore the sheer arrogance of these self-righteous church people in manipulating innocent refugees to push their personal politics. Instead, we should ask, "Who's misguided?"

**SANCTUARY MOVEMENT** leaders carefully select refugees at the Mexican border for their publicity value, usually choosing attractive young families and students. Movement leaders do not seek out refugees from communist Nicaragua, where real genocide has been wrought upon the Miskito Indians. Sanctuary leaders concentrate on refugees from El Salvador and Guatemala, whose governments are supported by the United States. Movement leaders only work to discredit U.S. support of anti-communist freedom fighters in Central America and to embarrass the Reagan administration. Their movement is not humanitarian, it is political.

And their movement makes the perfect media circus. Flag-waving caravans, dedicated church activists defying law, appealing Hispanic and Indian victims of repression: What liberal editor or reporter could resist? Of course, movement leaders notify the media in plenty of time and give them a good show.

The movement's party line goes thus: deliberately smuggling these unauthorized foreign nationals into the United States is not illegal since the federal Refugee Act of 1980 allows aliens to immigrate here if they are fleeing their homeland because of religious, racial or political persecution. And the liberal press helps the movement by portraying U.S. Immigration and Naturalization Service (INS) officials as hard-nosed, insensitive brutes who won't let any of these poor unfortunates into the land of the free. Some liberal editors even claim it would be politic-

ally embarrassing for the United States to officially acknowledge Central American political refugees while we support the governments that supposedly make them refugees. That's nonsense. Besides, I've overheard one editor saying "I want Reagan OUT!" They should at least try to oust him with facts.

It's obvious that these editors never talked to anyone at INS. I spoke with James Turnage, district director of INS in Seattle, destination of the latest sanctuary caravan. He answered questions on several sanctuary issues. First, it appears that sanctuary organizers are misleading their followers: transporting illegal aliens is indeed a crime and violators face arrest and conviction. A sanctuary volunteer recently found himself arrested and his automobile seized by INS as he brought two Salvadoran refugees back from Canada, whose government had turned them away.

**SECOND, EVERY** refugee gets a hearing, a chance to stay in America. Since March 1984, five Salvadorans have been granted permission to remain in Turnage's jurisdiction alone. Nationwide, Salvadorans win their cases in the same ratio as Polish refugees, about one in 10, so charges of a U.S. conspiracy to discriminate against Central American refugees are hogwash. The vast majority of immigrants from most countries are economic refugees, not legitimate claimants.

Third, INS won't arrest sanctuary caravans, won't break down church doors and send congregations to the slammer as movement leaders dramatically worry. INS won't provide grist for the media circus. The press should have told you that clearly stated Reagan administration policy has been to leave illegal refugees alone until they get a job. However, INS does arrest all illegals from jobs that should go to those legally in America.

Despite press glorification of the sanctuary movement, the vast majority of Americans think it is wrong. Informal radio polls, talk show call-ins, letters to INS, all show strong public resentment against churches that want to take the law into their own hands. Americans see through the sanctuary movement's hypocrisy to its true political motives.

Will the sanctuary churches abandon their unworthy political ambitions and become the humanitarian movement they claim to be? Not likely. That would require a commitment against communist dictatorship and for bringing democratic freedoms to all nations of Central America. That doesn't seem to interest them.

Arnold is a Bellevue writer and media consultant.

# Church mixing into politics



**GEORGIE ANNE GEYER**

FARGO, N.D. — Traveling around the country recently, talking to Americans, I was amazed to find that one issue

dominates moral concerns in many places. This is the "sanctuary movement" in the churches, which offers (illegal) sanctuary to Salvadorans ostensibly facing oppression in their own country.

It is obvious to me, after many conversations, that this has become a moral quandary for many compassionate Americans. Is it not right to break only a mortal "law" in order to save lives? One serious churchwoman in Fargo was distressed when an impassioned "peace" group wanted the promise of the Presbyterian church for prayer and protest if the United States invaded Nicaragua. The church had said no, but she was deeply confused about what was right in this case.

It's tricky. What is right and wrong in this whole difficult and often ambiguous issue? What is good? What is Christian? What is smart?

Jack Elder, who has become the symbol of the sanctuary movement for his indictments for smuggling refugees in illegally, directs the Casa Romero on the Texas border. Interviewed recently by my assistant and others at the Carnegie Institution in Washington, he gave some answers that began to shed some light on this unusual cause:

"I feel that U.S. involvement in the area is at heart at least one of the problems in the area. I don't believe laws are to be obeyed simply because they are on the books, but to serve the people . . . The prospect of 20 million to 30 million people coming to the United States (in case of communist takeovers or breakdown in Central America) will happen only if the United States continues in its myopic view of Central America, but if such a scenario hap-

pens, it will be our responsibility to take in 20 million to 30 million people unless we change policies . . . Elections (in El Salvador) mean nothing unless conditions are right for them . . .

"I'm saying that the United States should stay out and give El Salvador time to reconstruct and develop and then step in and say, 'What can we do to help?'"

Not only in these quotes but in reading over much of the move-

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**In this new and curious North American sanctuary movement, instead of sanctuary carrying people away from the shabbily political, it carries them right into it.**

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ment's literature I have been struck by several troubling signs. On the personal level, there is a genuine concern to help others, although one has to note that there are people close to home in need of help. On another level, that of the highly ideological agenda-setters who are the leaders, the movement comes down to one passion: Remove all American influence from Central America.

One example of many: The December 1984 statement of faith of the Chicago Religious Task Force on Central America, one of the key Christian sanctuary groups, says: "In conclusion, we believe that at this time, the sanctuary movement should emphasize the goal of stop-

ping U.S. intervention in Central America. We do understand that other groups and more sanctuaries will choose to focus on serving refugees returned to their countries by the U.S. government. We support this response, but our primary attention is directed toward stopping U.S. intervention."

I have to conclude, sadly, that at least on the level of the agenda-setters, the movement is a political cause using the churches for reasons that quite simply have little to do with the poor Central Americans involved, rather than primarily a humanitarian movement saving people.

Historically, sanctuary has been a sacrosanct right that protected Latin American individuals against any abuse by state or by group. This was the right to be beyond unjust individual terror or unjust laws of the moment by seeking sanctuary in either church or embassy. It did not assume perfectibility.

In this new and curious North American sanctuary movement, instead of sanctuary carrying people away from the shabbily political, it carries them right into it.

What's more, there is only one devil, the United States. Never are the degradations of the Marxist left mentioned. On the other side, never mentioned are the courageous reformist Christian Democrats — who are Catholic Church-related in their beliefs. Indeed, they, too, are also the enemy.

I'm afraid the sanctuary movement is designed to make one group of people feel righteous while it allows the other, the movement's leaders, to go about their highly political business. I don't see that either group really does very much for the people of Central America, who need the patience and intelligence of persistent long-term reforms, not self-indulgence or self-righteousness on foreign shores.

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*Georgie Anne Geyer's column is distributed by Universal Press Syndicate.*

## Viewpoints

Editor . . . . . Carolyn Barta

*Viewpoints is a daily forum for a wide variety of news and opinions and does not necessarily reflect the editorial opinion of The Dallas Morning News. Phone: 977-8494.*

2/11/85

## SANCTUARY

# Facts Put Rhetoric To Flight

**F**ACTS — cold, hard, merciless facts, — have a way of putting overblown rhetoric to flight.

Ambassador-at-Large H. Eugene Douglas, coordinator of refugee affairs for the State Department, deals in facts. And his facts don't support claims made by the activists of the sanctuary movement.

Douglas, unlike the sanctuary rhetoricians, does not have the privilege of making airy claims, unfounded accusations and uninformed emotional appeals. His responsibilities in providing for thousands of refugees in camps from Thailand to Ethiopia preclude anything but hard-headed realism.

*Fact:* Despite the claims of the sanctuary activists, an exhaustive 18-month study in El Salvador showed that deported illegal aliens do not suffer persecution on their return.

*Fact:* U.S. immigration law has no provision for granting refugee status to those fleeing the anxiety of generalized violence. "Things are bad" — as they are in many places in the world — is not an acceptable reason for granting refugee status.

*Fact:* U.S. immigration law allows appeals up to and including the Supreme Court. And beyond that there is appeal to the United Nations High Commission on Refugees. Sanctuary activists never have pursued these avenues of appeal.

*Fact:* El Salvador, a small, overpopulated country, has an established long-term pattern of migration northward which preceded and has nothing whatsoever to do with the Marxist guerrilla war. A cease-fire tomorrow probably would not alter migration patterns.

*Fact:* El Salvador is not consumed in violence. The war between the guerrillas and the centrist democratic government is confined to specific areas of conflict, and according to the United Nations, there have been significant recent improvements in the human rights situation.

*Fact:* The sanctuary movement's rhetoric about the United States closing its doors to refugees is not true. The United States expends vast resources on refugee relief worldwide and admits more legal refugees and immigrants each year than all other nations combined.

*Fact:* The overwhelming majority of the world's 12.5 million refugees have fled from or been driven out of leftist or Marxist countries. Very few come from rightist regimes. An end to U.S. aid to El Salvador and a Marxist victory there would not solve the refugee problem.

Douglas concludes the activists are sincere, but uninformed and unwilling to become so.

They are arrogant in putting themselves above the law and the good sense of the American people. The sanctuary movement is a slap in the face of democratic institutions and the American tradition of being an open door to the oppressed.

## REVIEW & OUTLOOK

### The 'Sanctuary' Movement

One of the most striking aspects of last year's long and often emotional debate over the Simpson-Mazzoli immigration bill was that however tense the arguments became over U.S. attitudes toward Mexicans seeking economic opportunity here, all sides played most of the time with their cards face up and on the table. Now the issue of foreigners fleeing to a better life in the U.S. is percolating through the news again, but this time it's more difficult to clearly identify the motives and goals of the people involved in what has come to be known as "the sanctuary movement."

For the past several years, various Protestant and Catholic congregations around the country have been harboring illegal aliens from Latin America. The church people say most of these aliens are from El Salvador, Guatemala or Honduras, and that they've fled here fearing political persecution or even assassination by their own governments. The church groups believe these people deserve the protection of the federal Refugee Act of 1980. The Reagan administration disagrees, arguing that many of the aliens are non-qualifying "economic refugees," and last year the government began prosecuting sanctuary-movement leaders who were bringing Salvadorans north through "underground railroad" systems.

Our own instincts on these refugee and immigrant questions has generally been to avoid getting bogged down in definitional legalisms over political vs. economic hardship and to simply regard anyone with the courage and wit to get here as a potential asset. Some theoretical limits on the number of yearning souls the U.S. can absorb may well exist. But we've yet to see convincing evidence that the projected number of opportunity-seekers from Mexico, El Salvador, Asia or elsewhere is at all near the point of apocalyptic social and economic collapse predicted by those who want to restrict entry by these people.

Nonetheless, we and others have become troubled by the church-sponsored "sanctuary movement." The evidence mounts that what we have here is not so much a spontaneous outpouring of Christian concern as it is a movement led by a politically selective network of activists running an aggressive offensive against U.S. foreign policy in Central America. Most of the time, the activists are content to let the church people get out front to give Scripture-quoting interviews. But the organizations' political directors have spoken often enough to make clear the "sanctuary" movement's familiar far-left agenda.

"An escalating military budget is taking money from the poor in this country to kill the poor in other countries," says Renny Goldman of the Chicago Religious Task Force on Central America, the movement's key organization. "It's the same as what the government did to draft resisters during the Vietnam War," says Jim Harrington, Texas director of the ACLU, speaking of the government's decision to prosecute some sanctuary leaders. The flow of refugees "will only stop if our government stops giving weapons to the Guatemalan government—the people's killers," the Chicago Task Force's Ms. Goldman says, blithely ignoring the fact that the U.S. does not supply weapons to Guatemala.

Defending a sanctuary worker in federal court last year, lawyer David Sheehan of the Christic Institute likened the Salvadoran refugees to Jews fleeing Hitler in World War II and the sanctuary workers to Mary and Joseph protecting Jesus from King Herod. Mr. Sheehan later said he had documents "proving, without dispute, that the Ronald Reagan administration is fostering torture and death" in El Salvador.

The key to understanding what's going on here is the provision in U.S. refugee law giving refugee status to foreigners with a "well-founded fear of persecution" because of, among other things, their "political opinions." The sanctuary activists obviously hope to draw into the movement sympathetic Christians whose role is to create a wave of innocent, selfless sympathy for the illegal Latin aliens. Then, if the Reagan administration confers asylum status on the Salvadorans here, the activists running this operation can loudly claim that the administration has, in effect, delegitimized the government in El Salvador or Honduras or Guatemala. Ironically, Salvador's popularly elected president, Napoleon Duarte, is a socialist, suggesting that the sanctuary movement is less interested in what the left thinks presumably will help Latin Americans than it is in trying to damage a conservative American government.

This past February, three well-established migrant and refugee groups—the American Jewish Committee, the Center for Migration Studies and the International Rescue Committee—said in an unusual joint statement that "the tendency to confuse refugee and foreign policy is among the most dangerous and discouraging trends of recent debates on this issue." The importance of this joint statement is that it is the first time to our knowledge that centrists have blown the whistle on the left's recurring attempts to seize control of well-intentioned movements in U.S. political life. Strategic nuclear issues, civil rights, feminism, Catholic economic doctrine, human rights—all in recent years have been taken over organizationally by left-wing activists who've led their mainstream followers to the irrelevant fringes of public policy.

The plight of the world's growing population of political and economic refugees deserves serious attention. The "sanctuary movement," however, does not provide it.

**WILLIAM SLOANE COFFIN**

Guest columnist

# We can't send people back to be brutalized

NEW YORK — We Christians and Jews in the sanctuary movement make no apology for what we do; it is an evil thing to deport innocent people to possible detention, torture, and death.

Were Russian Jews today being forcibly returned to the Soviet Union, or Poles to Poland, Congress and the American people wouldn't stand for it.

Why then do they sit idly by while innocent Salvadorans are returned to a country whose death squads long ago would have done in a Lech Walesa?

Why do they tolerate the forceful repatriation of Guatemalans to a government widely viewed as the most brutal in the Western Hemisphere?

In 1980, Congress passed a refugee act recognizing political asylum as a right due those fleeing persecution.

It's a good law, but it is being miserably misinterpreted by the Immigration and Naturalization Service.

While correctly classifying as political refugees people escaping a variety of communist countries, the INS insists on labeling Salvadoran and Guatemalan refugees as "economic," and as such deportable.

The reason is transparent; to call "political" refugees coming from countries whose governments our own enthusiastically supports with military and economic aid would obvi-

*The Rev. William Sloane Coffin is pastor of Riverside Church, a sanctuary church.*

ously raise embarrassing questions.

Because it has knowingly deported innocent people to torture and death, the Reagan administration has blood on its hands, but only because Congress and the American people have water on theirs — water as did Pilate.

Now nuns, priests, ministers, and Christian laity are being indicted for doing God's work of hospitality: "Thou preparest a table before me in the presence of mine enemies."

Congress could put the sanctuary movement out of business tomorrow by insisting that the Refugee Act of 1980 be administered in an evenhanded way, or by passing the so-called "extended voluntary departure" act, which would allow Salvadorans and Guatemalans to remain in this country until such time as it was safe for them to return home.

One more task would then remain to the members of the Sanctuary Movement: to respond to the urgent pleas of Christians throughout Central America to do all in our power to help them stop the carnage.

Alas, the United States government has yet to realize that the military solutions are no answer to their social and economic problems.

**ROGER CONNER**

An opposing view

# Don't give asylum to illegal refugees

WASHINGTON — Saul Alinsky noted that people often do the right thing for the wrong reason.

But the Sanctuary Movement harboring persons from El Salvador illegally in the USA shows the opposite is also true: People — even church workers — do the wrong thing for ostensibly the right reasons.

The cornerstone of the church-inspired movement is to smuggle illegal aliens as conspicuously as possible.

The publicity generated is then exploited to voice opposition to the deportation of any Salvadorans, as well as the Reagan administration's foreign policy in Central America.

But their behavior has broader implications. If well-meaning people take the law into their own hands, we will soon deteriorate from a nation of laws into a nation of men — the precise situation many are confronting in Central America today.

Today there are an estimated 500,000 Salvadorans illegally in the USA, one in nine of that country's native population. Given an exploding labor force in Latin America, we will continue to see more and more people trying to enter this country for the foreseeable future.

Sanctuary workers want everyone who is here now illegally, and anyone who may come in the future, to be able to stay. But to grant that kind of blanket exemption would quickly undermine the integrity of our overburdened asylum laws, laws that mandate individualized decisions.

As Americans, we have established ways to right a wrong.

If we disagree with a law, we should work to change it, not

*Roger Conner is executive director of the Federation for American Immigration Reform.*

flout it.

If we believe the government is breaking a law, we should use the courts to stop it.

Civil disobedience — and a willingness to accept the consequences — are arguably appropriate only after exhaustive efforts to work within the system have failed.

To do otherwise is to opt for anarchy and to challenge the social compact.

The group's followers claim to be guided by a higher law. As sincere as they may be, our laws do not generally yield to claims of freedom of religion.

After daring the government to arrest them, they may not now seek to hide behind the veil of the church. These protesters must face the societal response to their actions.

And in the end, do they offer any solutions?

Over 2 billion persons today live under regimes that we would consider violent or oppressive.

If we really want to help, we should:

- Respect the law.
- Provide sufficient financial support for the U.N. high commissioner for refugees to temporarily house in camps in Central America those fleeing persecution or violence.
- And provide ample opportunity for those fleeing persecution to apply for asylum from outside the country.

For those Salvadorans who enter the USA solely to find work, Congress needs to pass a law banning employment of illegal aliens to encourage them to return home.

# Offered Sanctuary: Scores of U.S. Churches Take In Illegal Aliens Who Flee Guatemala and El Salvador

By GERALDINE BROOKS

Staff Reporter of THE WALL STREET JOURNAL

MASSILLON, Ohio—In Sunday silks and starched white shirts, the congregation of Central Presbyterian Church stands to sing Hymn 435—"In Christ There Is No East or West." Rich organ chords reverberate from the church's old stone walls.

This is a scene of worship, but also one of deliberate lawbreaking.

In the sanctuary are two men and a woman from El Salvador—young people who entered the country illegally and who remain here against the will of the U.S. government, which wants to send them back.

Central Presbyterian is one of more than 140 churches and synagogues that have decided to illegally shelter Central Americans who have fled their homes. The first such institutions, predictably, were in the Southwest. But now the sanctuary movement has spread to mainline and conservative congregations across the Midwest. Among them: McKinley United Presbyterian Church in Champaign, Ill.; the North Manchester, Ind., Church of the Brethren; Wheadon United Methodist Church in Evanston, Ill.; St. Luke's Presbyterian Church in Wayzata, Minn.; St. John's Cathedral in Milwaukee, Wis.; and Temple Beth Israel in Madison, Wis.

## Acts of Conscience

The Massillon example is particularly striking. The manufacturing town of about 30,000 is part of a congressional district that hasn't sent a Democrat to the House of Representatives since 1948. Yet four churches in the district are harboring Salvadorans or Guatemalans. Central Presbyterian's middle-class congregation includes lawyers, retired military personnel and even a federal judge. For most of them and other church members, the decision to break the law came only after long study and a struggle of conscience.

"There are activist churches that will take stands on a lot of social issues, but this [church] certainly isn't one of them," says Pamela Hollinger, a member of Central Presbyterian. The church has been low-key on issues such as the nuclear freeze and even on the Vietnam war, she says. Back in 1963, a pastor at Central Presbyterian earned the disapproval of many members of the congregation by participating in Martin Luther King's march on Washington. Eventually, the minister was asked to leave his job.

"In those days, I guess I thought you obey the law at all costs," says Robert DeMass, a member of Central Presbyterian who attended Kent State University between 1963 and 1968 but didn't share the anti-Vietnam war sentiments of many of his friends there. Mr. DeMass recently voted to break the law by harboring the Central Americans. This time, he says, "I made my decisions on the basis of being a Christian rather than on being a patriot."

Mrs. Hollinger and Mr. DeMass come from the kind of conservative background that the church's pastor, Robert Hoover, says is typical of the congregation. Mrs. Hollinger used to work as a legislative aide at the Pentagon, and her husband, Greg, did classified engineering work for the Central Intelligence Agency. Mr. DeMass is a minister's son who leases organs to Midwestern churches. The congregation voted 149-101 in favor of protecting the three Salvadorans after a full year of study and discussion.

## Compliant Congregation

No one quit the congregation following the vote and the arrival of the Salvadorans in January. One church member, Judge David Dowd, of the northern district of Ohio, says he attended most of the study sessions and the church meeting at which the vote to shelter the refugees was taken, but he didn't actually vote himself. He hasn't publicly expressed an opinion on the church's action. "In my position, I don't think it's appropriate" to do so, he says.

Assisting an illegal alien is a felony, carrying a possible penalty of \$2,000 and five years in prison. Conspiring to do so can have an even stiffer penalty—10 years' imprisonment. Since the first churches declared themselves sanctuaries in March 1982, several arrests have been made, but only one trial has been concluded so far. Stacey Merkt, a lay worker at a Roman Catholic refugee center in San Benito, Texas, will be sentenced Wednesday for transporting illegal aliens from a shelter north of the Rio Grande to San Antonio.

Most of the Central American refugees in the U.S. illegally wouldn't be eligible for amnesty under the immigration bill the House passed yesterday because they arrived after Jan. 1, 1982, the cutoff date endorsed by the House. (See story on page 2.) But provisions in the bill that would make hiring undocumented workers illegal could add to the burdens of religious organizations harboring and trying to find work for Salvadorans and Guatemalans.

All the arrests to date have been related to transporting refugees from the border to some church offering asylum. None of the churches involved have been raided. The belief that a fugitive in a church is protected from the law is an ancient one, mentioned in the Bible and written into Roman and British law, but it isn't recognized in U.S. law. Besides, most of the refugees aren't actually housed in churches.

The churches argue that the Salvadorans and Guatemalans they are assisting shouldn't be classified as illegal aliens but as refugees who would be persecuted if they were sent home. Under the 1980 Refugee Act, such people may stay and work in the U.S. until it is safe for them to return home.

*Continued From First Page*

A few Salvadorans and Guatemalans have been granted refugee status, and a few more have been given asylum, a permanent status that can lead to citizenship. But the State Department says that most Salvadorans and Guatemalans don't qualify as refugees from persecution under the Refugee Act. Rather, it says, they are fleeing poverty, and such people are being deported at the rate of about 500 a month. The American Civil Liberties Union and some church groups say that successful applicants for asylum are more likely to face persecution by leftists rather than by government forces. The State Department says no such bias exists in granting asylum.

"El Salvador has a long history of cases of immigration to the U.S. for economic reasons," says Elliott Abrams, the assistant secretary of state for human rights and humanitarian affairs. He describes as "utter rubbish" estimates church groups were making that a third of the deported Salvadorans are killed when they return home.

The House immigration subcommittee had the U.S. Embassy in San Salvador write to or visit 482 randomly selected deportees and was unable to substantiate a single human-rights violation, Mr. Abrams says. However, the embassy couldn't find half the people on the list, nor could it obtain any information about them.

"It's not exactly what you would call hard social-scientific method," says Amit Pandya, the director of the ACLU's political-asylum project. The ACLU has compiled evidence of 120 cases of civil-rights infringement including murder, torture and imprisonment, he says, but he adds that all such information is difficult to gather and substantiate because many who return to El Salvador change their names or go into hiding.

Nevertheless, Mr. Abrams dismisses the sanctuary movement as "a willful and casual violation of American law." He says civil disobedience should be a last resort after normal democratic channels, such as pressuring Congress, have been tried.

Some church members, such as William Clarke, say they did try and failed. Mr. Clarke is the president of Hilscher-Clarke Co., an electrical contractor in Canton, Ohio. He is an admitted conspirator on behalf of Central American refugees and a member of Christ Presbyterian Church in Canton.

Mr. Clarke got involved with the Central Americans two years ago through his friend John Fife, the Tucson pastor whose church was the first to offer the refugees sanctuary. When he first heard Mr. Fife's account of mass deportations, he says, he "had a little trouble believing it." But after studying court records and talking to refugees, he became concerned enough to take the issue to Washington.

The message he got was that the refugees just weren't an issue. Mr. Clarke returned to Ohio determined to make them one. He began visiting local churches, entreating them to offer refugees haven. Central Presbyterian in Massillon was one of the churches at which he spoke.

On a recent Wednesday evening, he spoke at a Mennonite church in Tedrow, Ohio—a tiny town about 30 miles west of Toledo.

Elias Frey, a visitor from a neighboring congregation, waved a hand toward the 60 or so people gathered in the church. "There would have been a lot more," he said, "but they're all so busy in the fields."

Mr. Clarke always starts his speech the same way—a way almost certain to win the trust of people such as these Mennonite farmers and small-business owners

"I'm a Republican," he says. "Very conservative. I voted for Ronald Reagan. So I'm the last person in the world to be advocating civil disobedience." But by the end of his speech about El Salvador, Guatemala and U.S. immigration policy, that is precisely what he does.

"We look down on those churches in Germany that allowed the Jews to be rounded up after they knew what would happen to them," he says. "Now you know. If you believe that people are being tortured and murdered in Salvador, and that we are supplying the guns and the bullets, then you know that we are standing behind the death-squad member [who has] the gun and the knife. By offering sanctuary, we can at least stop supplying these death squads with their victims."

The Tedrow church agreed to study and to discuss taking in refugees.

### Legislative Interest

Mr. Clarke's work has also made refugees an issue with Rep. Regula. In April, he became one of a handful of Republican co-sponsors of a bill calling for an inquiry into the fate of Salvadorans deported from the U.S. and for a halt to further deportations while the study is under way.

Nationwide, at least one new sanctuary church is enlisted every week, says the Chicago Religious Task Force on Central America, which tries to match and transport refugees to churches that will have them.

Other refugees find their own way to a safe haven through a network of friends and relatives. The three Salvadorans at Central Presbyterian—Anna, Ever and Hugo—had been scratching out a living in Texas until one of them received a deportation notice. (They won't give their surnames because they are afraid.) They knew that Ramon, a neighbor from their village, had found sanctuary with St. Michael's Catholic Church in Canton. He told them the Massillon church was going to vote on harboring refugees.

In an old car bought with savings from a dishwashing job, the three made their way to Ohio.

"They had nothing," recalls Mrs. Hollinger of Central Presbyterian, "just the clothes they were wearing and a shortwave radio they used to listen to news broadcasts from home." The three stayed with Ramon until the church vote, when the Massillon church offered to take them in.

### Anna's Tale

Anna, 26, was a nurse in El Salvador. There isn't any way to substantiate the story she tells, but it is typical of cases reported by human-rights organizations such as Amnesty International and by missionaries in El Salvador.

Anna's husband disappeared amid a wave of killings that followed a strike at his factory. For weeks, she went by bus from town to town, asking for her husband at police stations and jails, searching body piles along the roadside.

Among the corpses she found the bodies of two of her husband's fellow workers. "I feel terrible this time," she says, in English barely adequate for what she has to describe.

Eventually, Anna went to work for a small health clinic and tried to get on with raising her infant son and small daughter. But after the clinic treated demonstrators injured in a street scuffle, the clinic's doctor was murdered. Anna left her children in her mother's care and fled. She was smuggled into the U.S. in a crate.

### Ever and Hugo

Ever, 21, came to the U.S. on a student visa, but, he says, he was afraid to return home because many of his friends had been killed after refusing to join either the army or the left-wing guerrillas.

Hugo, 26, was a member of a union at a cooking-oil factory. He saw the army kill six of his co-workers, he says. After he fled, soldiers came to his house, beat his father and arrested his brother. Hugo says his father is deaf from the beatings and his brother still is in jail.

The three now are settled in an apartment in Massillon. Church members have found them jobs—Anna as a private nurse, Hugo in a plant nursery and Ever in a Mexican fast-food restaurant.

If anything, the presence of the refugees has consolidated the congregation's support for sanctuary. One retired military man who had said he couldn't possibly vote to break the law was the first to offer Anna a job.

### A Family Tradition

For others, such as Lois Flanagan, helping refugees is nothing new. "We had Ukrainians in our barn after World War II," she says. "We had to shoo the turkeys out before we moved them in. Of course, the government recognized those poor souls were displaced persons."

Winning similar status for the Central Americans is the purpose of the sanctuary movement. "There are probably somewhere between 250,000 and half a million Salvadorans [in the U.S.] now," says Darlene Gramigna of the Chicago Religious Task Force. Churches can't provide shelter for more than a few of them. "What we want to do is change the administration's policy on deportation and its foreign policy on Central America."

Mr. Hoover, Central Presbyterian's pastor, agrees. "Breaking the law is something that's not in the character of these people (in the congregation) to do, but they're doing it for deep humanitarian reasons," he says. "And when you have people out in the grass roots of Ohio saying there's something the matter, the politicians might be wise to listen."

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## Sanctuaries misused

The church as a sanctuary for people in trouble dates back to biblical times when it was a safe haven, and often the only haven, for those oppressed by governments. But the growing use of churches to protect illegal immigrants from the Central American countries is contrary to U.S. law, and that illegality is bad.

More than 110 churches, monasteries and synagogues, according to the Chicago Interreligious Task Force on Central America, now serve as sanctuaries for illegal immigrants in 60 U.S. cities. The group also said that a half-dozen churches in Oregon, including some in Eugene and Portland, were planning to become sanctuaries or make other efforts to aid aliens.

While these religious groups are estimated to be housing fewer than 400 of the some 500,000 illegal Central American aliens in the United States, thousands of other illegal immigrants are being provided with food, medical and legal services, even job training, by church groups.

Studies of illegal aliens, whether from Central America or elsewhere, all point to the same fact: The great majority are seeking economic opportunities, and only a tiny minority are escaping political persecution. Separating the two groups is not a simple matter, nor is it attempted by generous Americans, including those operating the sanctuaries. It is usually assumed that all who apply for help would be in political danger if returned to their homes.

Many groups offering protection for illegal aliens are for the most part using

their safe harbor activities as a way of protesting the administration's policy in Central America. In these cases, the Reagan administration has been wise, from its own election-year image standpoint, to avoid scenes of immigrants being dragged from sanctuaries by their heels, being deported and church leaders being prosecuted. Under the law, the clerics would face five years in prison and \$2,000 in fines for each offense.

It is not easy to determine which refugees would face persecution if deported and thus qualify as political refugees. The government has sent 29,479 illegal aliens back to El Salvador since 1980 and believes the few later killed were victims of accidents, not death squads.

The church groups think otherwise, declaring those they protect face cruel persecution if returned. They use the aliens for propaganda speeches, for rebuttals against the administration's policies in Central America they oppose.

Using oppressed peoples, if that they all be, for propaganda purposes goes beyond providing historic sanctuaries for humanitarian reasons. It is not a tactic even those who may be opposed to the Reagan policies in Central America ought to support because it is a clear effort to use acts of civil disobedience to scoff at U.S. laws that are not patently unjust.

Groups that distort a historic, humane tradition can expect a day of earthly reckoning, a day when the government will decide it cannot continue to turn the other cheek in the face of unlawful transgressions.

SATURDAY, APRIL 2, 1983

# The Washington Post

AN INDEPENDENT NEWSPAPER

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## Deporting Salvadorans

AS MANY AS half a million Salvadorans may now be illegally in the United States, making this country a major sanctuary for victims of war and poverty in El Salvador. At the 1982 rate of deportations, moreover, 99 percent of that estimated total can expect to stay indefinitely. The slabbiness of the immigration law and the inability of the immigration service to apprehend or process more than a small fraction of the illegals make it so. A sharp argument has arisen, nonetheless, over that deported 1 percent. Are some in that number, denied political asylum, being deported to great peril?

Some church and human rights groups say they are, citing the pervasive violence in El Salvador and a few cases in which deportees have been killed. That the violence is so pervasive indicates that deportees may not be special targets of it. At the same time, it is unfeeling of the bureaucracy to suggest that the violence facing a given deportee doesn't count because it is pervasive rather than personal. Last year, 74 Salvadorans received political asylum. Of the 1,067 Salvadorans whose applications were denied, some simply had lawyers who know that requesting asylum is a good way to spin out an illegal stay, but conceivably some were

worthy. Certainly the applicants should get the benefit of the inevitable doubt.

Especially for the churches now providing "sanctuary" for illegals, however, the point appears to be not simply to help people in trouble but in addition to use them in the cause of ending American aid to El Salvador. They would like *all* Salvadoran illegals to be treated as political refugees fleeing persecution, and they ask the administration to suspend the customary one-at-a-time immigration reviews and grant a blanket "extended voluntary departure" status permitting a mass indefinite stay.

Properly, we think, the administration resists spreading this blanket. The illegals are, after all, illegals. Their numbers are huge. Most are fleeing not violence or political persecution in El Salvador but economic hardship in Mexico, their port of first asylum. It diminishes the concept of political asylum to bestow that status unselectively. The better course is to treat, individually and compassionately, the relative handful of Salvadoran illegals who come into the coils of American law. Beyond that, the drive to rewrite the immigration law, so as to improve the American people's capacity to control who comes and goes, must move on.

7/10/84

*Alan K. Simpson*

# We Can't Allow All Salvadorans to Stay

According to current estimates, nearly 500,000 Salvadorans are living in the United States as illegal immigrants. As the conflict in El Salvador continues, there have been urgent calls for suspending the deportation of this entire group of people.

While these requests have been based on compassion and charity, they have also been founded on mistaken assumptions and undertaken without consideration for the full consequences. There are reasonable, humanitarian alternatives to sending Salvadorans back to contested areas in their homeland, but allowing *all* of them—refugees or economic migrants—to stay in the United States until the conflict subsides is not one of them.

It is therefore most important to place the issue of undocumented Salvadoran "refugees" in perspective. El Salvador has traditionally generated the second-largest flow of illegal aliens, exceeded only by Mexico. Since long before the conflict in that country heated up in 1979, hundreds of thousands of Salvadorans have migrated illegally to the United States in search of economic opportunity.

These "pre-conflict" Salvadorans are estimated to constitute 350,000 of the approximately 500,000 undocumented Salvadorans here today. The Spanish International Network (SIN) conducted an exit poll of Salvadoran voters during that country's recent presidential elections. Seventy percent of Salvadorans polled said they would like to emigrate to work in the United States.

Almost all Salvadorans come to the United States by land routes. In doing so, they must cross at least two countries to reach our border. All of them must pass through Mexico and Guatemala, and some also travel through Honduras. Both Mexico and Honduras have allowed "safe haven" for Salvadorans, and the U.N.'s High Commission for Refugees has established a presence in each country. In a legal sense, then, it is these nations that are the country of safe "first asylum," not the United States.

While it may be true that many Salvadorans left their homeland because they perceived their lives to be in danger, they did not travel 2,000 miles through the friendly and accepting country of Mexico because of a continuing threat of personal violence.

Their reasons for traveling through Mexico are reasonable—to find better employment opportunities or to live with friends or family in the United States—but this is the motivation of most legal and illegal immigrants around the world, not of the true refugees. The United States and the United Nations define such a refugee as having a "well-

*"Critics of present policy would have us believe that the violence in El Salvador prevents anyone from living there with any reasonable expectation of personal safety. This is most assuredly untrue."*

founded fear of persecution based on race, religion, nationality, membership in a particular social group, or political opinion."

The United States already has a mechanism for assisting those persons who would face persecution if they were returned to their homelands: political asylum. Based on the above definition, political asylum affords those present in the United States a specific administrative and judicial process by which to make their claim of persecution if they are deported.

Undeniably, political asylum is a difficult test to pass, but that is because the U.N. and U.S. definition of a refugee is very specific, and the manner in which that definition should be interpreted—according to the U.N. Handbook on Criteria and Procedures for Determining Refugee Status—is very strict. The low approval rates for political asylum worldwide are caused not by "political prejudice," or "covering up our involvement in Central America," but by the exacting international standards on who may be considered to be a "refugee." Of the 500,000 or so Salvadorans in this nation today, only 20,000 to 30,000 have applied for political asylum.

The suspension of deportation of *all* Salvadorans illegally present in the United States would be a most curious policy. It would require simply that the United States *not* deport those people who clearly are not refugees according to the U.N. definition, who clearly are economic migrants, and who could return home without any signifi-

cant risk. It would also send a quite explicit message to the people of El Salvador: all you have to do is get here; once you do, we will allow you to stay regardless of your circumstances. Given the tattered disarray of current U.S. immigration laws, this would be an absurd precedent.

Some strident and often partisan critics of current policy would have us believe that the violence in El Salvador prevents anyone from living there with any reasonable expectation of personal safety. This is most assuredly untrue. There is relatively little violence in the western provinces of El Salvador. There are displaced-person camps throughout the country that are rarely, if ever, in danger and that are receiving increased amounts of assistance from the U.S. government and the international community. Honduras provides safe refugee camps open to *all* Salvadorans seeking haven. It is beyond dispute that internally displaced Salvadorans experience poor living conditions, but this should be addressed through increased humanitarian assistance, not by relaxing further our strained immigration laws.

What should the United States do with deportable Salvadorans? First, we should return those who would choose to go voluntarily or who express no significant apprehension over returning. When the State Department began conducting a recent random survey of 500 returned Salvadorans in El Salvador, it learned that not only had not one person been found killed or abused because of political violence, but no relatives or neighbors of those sought had even heard rumors about any of the returnees disappearing or being abused.

Second, the United States should remove those Salvadorans who express significant fears of returning and place them in refugee camps in Honduras, or in secure displaced-person camps in El Salvador. Correspondingly, the United States should provide sufficient aid to these present facilities so that an additional number of people could be handled and adequate living conditions be assured.

Finally, we should develop guidelines that would identify certain classes of people who might well be subject to particular risk if returned to El Salvador. There is evidence that this may be true of teachers and medical personnel. In such instances, a "case-by-case" review of the need for extended voluntary departure would certainly be in order.

We must not distort our laws concerning political asylum. Serious risks are taken by those who would grant "sanctuary" to those who are not refugees. Such an indiscriminate selection process would only further the "compassion fatigue," which will lessen our nation's willingness to respond to the millions of truly persecuted humans all over the planet.

*The writer, a Republican senator from Wyoming, is co-author of the major immigration reform bill now before Congress.*

# Sanctuary workers sentenced for aiding Salvadorans

SO. TEXAS CATHOLIC APR. 5 1985

**BROWNSVILLE**—Two Brownsville Diocese sanctuary workers, convicted in February of aiding illegal aliens, were sentenced March 27 and 28, one to 150 days in a halfway house, the other to 179 days in prison.

Jack Elder, director of a church-sponsored shelter for Central American refugees, was sentenced to 150 days in a halfway house March 28 by U.S. District Judge Filemon Vela. A day earlier Vela had sentenced Elder to one year in prison after Elder rejected Vela's offer for probation that would have prevented him from continuing his work in the sanctuary movement.

Elder, 41, is director of Casa Oscar Romero in San Benito, Texas, a shelter run by the Brownsville Diocese.

Stacey Merkt, 30, a volunteer at the same shelter, was sentenced to 179 days in prison for her conviction on conspiring to help the Salvadorans enter the United States illegally. She could have received a five-year sentence.

Vela also ordered Ms. Merkt to serve 90 days on a similar conviction in May 1984. Ms. Merkt had been on two years probation but the judge revoked her probation March 26, ordered her to leave the shelter, and imposed a gag order forbidding her to speak with reporters.

The judge ruled that she would serve the two sentences concurrently. Ms. Merkt planned to appeal.

Elder's sentence was reduced from one year to 150 days after the judge consulted with defense and prosecution attorneys. Vela ruled that Elder would serve the reduced term in a halfway house to be determined later. Elder termed the reduced sentence "probably fair."

Elder's attorney, Steve Cooper, had asked that the sentence be reduced to 90 days because Elder was a first-time offender.

Elder and Ms. Merkt, who were convicted Feb. 21 in Houston, have received support from the Brownsville Diocese and the Galveston-Houston Diocese.

Vela had offered Elder a two-year probation on the conditions that he move out of Casa Romero and that he not speak publicly about the sanctuary movement.

"Those are unacceptable," Elder said of the proposed terms.

A Corpus Christi federal court jury acquitted Elder in January on charges of transporting three Salvadorans from the shelter to a bus station in March 1984.

Sanctuary workers say Central Americans are fleeing violence in their homelands and should be granted political asylum. The U.S. government has classified almost all Central Americans as economic refugees and has deported many of them.

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THURSDAY, JANUARY 17, 1985

## No legal sanctuary

This being a nation of laws, it is odd that the National Council of Churches should find it, as it says it does, "surprising and shocking" that the government has cracked down on the sanctuary movement under which some churches have protected those they consider political refugees from Central America.

The last vestiges of the ancient concept of sanctuary — under which some kinds of fugitives could receive limited and temporary protection from civil authorities — were eliminated from most nations' laws in the 18th century.

Those harboring illegal aliens inside or outside of churches are violating the law, irrespective of the worthiness of their motives. There is in the United States a tradition of social recognition

of civil disobedience, but that tradition includes an understanding that violators of the law will be subject to prosecution.

It is, of course, deeply troubling when the dictates of individual conscience run counter to the dictates of law. The most desirable remedy is for energy to be focused on changing the law rather than disobeying it.

U.S. immigration laws provide for asylum in certain kinds of cases. Critics of those laws or of their application should take their case to Congress or the courts. That is an imperfect remedy, but it remains the best one in a pluralistic society where there is no more agreement on some matters of conscience than there is on some laws.

# **Sanctuary: For the birds**

With a fanfare of publicity, a Washington church this week is declaring itself a "sanctuary" for Salvadoran refugees. According to advance press releases, a "solemn procession" from one Protestant church to another in Northwest Washington will highlight the ceremony.

It is obviously a "media event." It is also an act of civil disobedience and a red flag waved in front of the U.S. Immigration and Naturalization Service which is in the process of cracking down on undocumented Salvadoran refugees in the United States.

The group here, called the D.C. Metropolitan Sanctuary Committee, follows in the footsteps of several churches in other parts of the country, mainly the Southwest.

The INS considers the Salvadorans economic and not political refugees. This policy ignores documented evidence that repatriation of such refugees often places them in great personal danger.

Archbishop James A. Hickey, speaking on behalf of the U.S. Catholic Conference, has urged Congress to adopt special legislation if necessary to grant a stay of deportation of such refugees until peace is achieved in El Salvador.

"These refugees come to America, as did our own ancestors, to seek freedom from political fear and from the dehumanizing poverty of a country prostrated by war," the Archbishop recently told a House subcommittee.

De facto sanctuary in churches already exists. The INS, while arresting undocumented Salvadorans almost everywhere else, has yet to drag anybody out of a church.

Thus, by their public defiance, organizers to this "sanctuary" movement actually threaten those who have been able to gather with a sense of security in Catholic churches and places such as the Centro Catolico, Capilla Latina, Casa Santa Maria, clinics, classes and parishes.

They also are placing in danger those very refugees they claim to be helping. We feel sorry for these recent arrivals who surely will be bewildered, confused and frightened by the spotlight of efficient American publicity.

Civil disobedience is justified only when every other remedy has been exhausted. That still is not the case here.

We hope that Catholics will lead a vigorous nationwide campaign to influence public opinion and pressure policy makers to bring about more humane immigration practices.

Meantime, a sanctuary should be just a nice place to go to watch birds.

## Parish majority rejects civil disobedience

By WILLMAR THORKELOSON  
Special to the National Catholic Reporter  
St. Paul, Minn.

"IN GOOD CONSCIENCE, we can lend no support to those who advocate violating the law."

Those words from a petition signed by more than 320 parishioners of St. Mark's Catholic Church here best explain why their church will not offer sanctuary to a refugee from Central America.

The parish's social justice committee had arranged dozens of programs during the past year seeking to acquaint parishioners with the sanctuary issue. The debate that accompanied them was often emotional, and some said it threatened to divide the parish.

The debate reached its climax in late February when the 13-member parish council met to consider a pro-sanctuary resolution presented by the social justice committee.

With some 200 parishioners on hand to watch, and television and other media representatives present to record the action, the council voted 8-3 against the resolution. One member abstained, and the president was not permitted to vote.

In the discussion that preceded the vote, in which some 40 parishioners spoke, the question seemed to focus on civil disobedience and whose laws would be obeyed.

"We believe we must first obey divine law," said Frank Schmidt, a member of the social justice committee. Not to offer sanctuary, said Judy Ratte, who represents that committee on the parish council, would "deny what Jesus is asking us."

Another council member, Mike Gaida, said he was "staunchly pro-life, but that doesn't give me the right to disobey the law. I have six children, and it is my duty to show them an example."

Bruce Leier, the council's retiring president, who favored sanctuary, argued that "part of this parish does not have the right to veto what a significant part of the community wants to do — offer sanctuary."

He reported that a lawyer in the U.S. Immigration and Naturalization Service (INS) had confided to him that what the U.S. government is doing in denying sanctuaries to Central American refugees violates treaties it has signed and the 1980 refugee act.

Leier sought to counteract arguments given at an earlier parish meeting by Gerald Coyle district INS director, who had urged the parish not to offer sanctuary. Coyle had said the INS did not intend to arrest refugees given sanctuary locally, but the next day Salvadoran refugee Rene Hurtado, sponsored by St. Luke Presbyterian Church of Minnetonka, was arrested, Leier pointed out. He also disputed Coyle's statements that the refugees were not in danger if they were forced to return to their home countries.

Parish council member William Haugh, an attorney, argued against giving sanctuary, saying "civil disobedience is not warranted under such vague circumstances. Civil disobedience is too often the first step to anarchy." He also said adequate remedies exist within the law.

Haugh also called attention to the petition, asking the council to reject the proposal to "establish and finance an illegal refugee sanctuary."

Robert Keyport, later elected the council's new president, said he had not seen an issue in 35 years that had divided the parish of 5,000 Catholics so badly as the sanctuary issue.

He had told a reporter earlier he felt the sanctuary issue was being pushed "more as a political statement rather than as an outreach of help to a particular person in need."

And he said most parishioners were against the proposal because they "don't like the idea of getting involved in something illegal."

Council member William Marzoff said he, too, objected to sanctuary because it amounted to civil disobedience.

"Heal this grievous wound which this issue has caused in our parish fabric," he pleaded.

Council member Don Lindstedt urged support for the sanctuary resolution, as did Father John Brandes, St. Mark's pastor, who announced that as a member of the parish council, he would vote for the resolution.

Brandes observed that "it is something new for Catholics to see social justice as a component of the Gospel."

"I would hope that St. Mark's might be one Catholic parish that would open its doors to Catholic people from Catholic countries," the priest said. He noted that churches of other

denominations are giving sanctuary to Catholic refugees.

Marion Rogowski, who represents the parish Altar and Rosary Society on the parish council, reported that members of that society's board had voted 0-18 against the sanctuary proposal.

Since June 1983, St. Mark's has been one of the supporting churches of Walker United Methodist Church, Minneapolis, in offering sanctuary to refugees from Guatemala — Alberto Giron and Teresa Lopez. Brandes said St. Mark's has had many visits from the two refugees.

As a supporting church, members of St. Mark's have provided financial aid and dinners for the refugees, have sat with them and have participated in their cultural acclimation. They also have lobbied Congress to change the laws regarding refugees.

Besides St. Luke Presbyterian and Walker United Methodist, refugees also are being harbored in the Twin Cities' area by First Universalist Church of Minneapolis and by the Twin City Friends (Quaker) Meeting of St. Paul. Three Duluth area congregations — First Unitarian, Duluth-Superior Friends Meeting and Sacred Heart Catholic Church — joined to provide sanctuary to a young woman from El Salvador. However, the Catholic parish withdrew as a sponsoring church with a change of pastors.

Hurtado, 26, the first refugee to be given sanctuary in Minnesota, has been held in Ramsey county jail while his attorneys seek to reopen his petition for political asylum, which was rejected when he applied for it in California in 1982.

Hurtado's case is regarded as having national significance for the sanctuary movement. Hundreds of Minnesotans concerned about Central American developments have rallied twice in his behalf outside his jail. Minnesota's entire congressional delegation and 90 Minnesota legislators have signed petitions asking the INS not to reveal Hurtado's real name and urging that he be given a proper court hearing before possible deportation.

Hurtado insists his life would be in danger if he were returned to El Salvador and that his family remaining there would be persecuted if he were identified.

Meanwhile, while the parish council vote at St. Mark's Catholic Church ends the possibility that parish will itself harbor a refugee, it does not end discussion about the issue of civil disobedience.

Brandes said a series of Lenten programs for the parish will deal with "Human Law and the Conscience of Believers." One document being used in the discussion was a statement on civil disobedience adopted last October by the Minneapolis-based American Lutheran church.

MONDAY, MARCH 19, 1984

# Tick, tick . . .

By Richard L. Strout

**W**HERE are we going to put them all? Population is growing all over the world — particularly underdeveloped countries. Who will feed them? Communist China is taking drastic steps to limit its population. It is already the largest in the world. But how about many of the others? You are reminded of it as you leave the Washington National Airport where a clock computer with digital letters grimly announces, **WORLD POPULATION IS NOW 4,814,900,891.**

The little numbers in the population clock turn menacingly. Tick, tick, tick. In the United States we shall have 282 million by 2000. The population growth rate of the earth is slowing down, but it is still one of the most menacing things on our planet.

President Reagan and the State Department are worried about Latin America. The population explosion has something to do with it. In 1979 Paul Ehrlich and Loy Bilderback in their book, "The Golden Door", noted that "El Salvador, a country about the size of Massachusetts, has 4.5 million people today. . . . The 'Soccer War' between El Salvador and neighboring Honduras in 1969 was formally . . . attributed by the OAS to Salvadoran migrants being pushed into Honduras by El Salvador's skyrocketing population — the first time that population pressure received official mention as a cause of war."

Was it the first time? One of the most tense spots in the world right now is along the US-Mexican border. Not a formal war but akin to it. According to a recent TV program, by the end of the century Mexico City will be the biggest metropolis on earth. Already, according to the narrator's account, there is barely standing room. The smog in the slums is murky and oppressive. When will they move into the United States? Here is an excerpt from the Federation for American Immigration Reform in its February immigration report:

"Current United Nations projections show . . . a 100 percent rise in population for all the (world's) developing countries, and a 130 percent increase for Latin America between 1980 and 2025. . . . With annual births increasing from 2.7 to 3.2 million by 2020, Mexico's population, even with falling fertility rates, is projected to rise from its present 75 million to 174 million by 2025. . . . What this means for all of Latin America . . . is that the region's population will rise from its present 200 million to 390 million by 2025. . . ."

But can they feed these people? In their scholarly 1973 book William and Elizabeth Paddock answer the question in their title, "We Don't Know How." They recall the 18th-century green revolution in Ireland.

"In the resulting Irish famine of the 1840s, 2 million Irish starved to death, 2 million emigrated, and 4 million were left on the land in poverty." What's their comment? "When such a thing as a Green Revolution occurs, its name will be Disaster if it arrives ahead of the Population Control Revolution."

Perhaps we are building another disaster on our own southern border. There have been humanitarian calls in the United States to ease Mexican immigration restrictions. US has immigration laws, but their nonobservance is almost as bad as Prohibition. On Feb. 1 the Reagan administration requested 977 additional enforcement officers for the Immigration and Naturalization Service. It is doubtful if Congress will give any such amount. The patrol service is destitute. At any given period only 400 Border Patrol agents guard the entire US-Mexican border. They apprehend over 3,000 illegals a day, and the guess is that for every one apprehended two or three make it across — not only Mexicans but El Salvadoreans. The US has cut down its fertility rate, but because of the influx from abroad (legal and illegal) it has one of the highest growth rates of any industrial country.

America's laws are a paradox. It is unlawful for an undocumented person to work in the US, but it is not unlawful to hire that person. After a decade of bipartisan work the Senate has twice passed a pending comprehensive immigration control bill (Simpson-Mazzoli) and did it by overwhelming majorities: 80 to 19, and 76 to 18.

But the House of Representatives hasn't acted. It might offend somebody in an election year.

The lonely border patrolman grabs the illegal immigrant and brings him into custody. But he fights a war that the nation has forgotten. The world population clock ticks on.

# A modern form of slavery



**MIKE ROYKO**

No other developed country has so little control of its own borders.

So why, the question keeps being asked, can't something be done about it? Immigration laws that might help have been proposed. They've been humanitarian and practical, but they wind up being shot down in Washington.

It's usually assumed the main opposition to new immigration laws comes from opportunistic Hispanic politicians or chronic do-gooders.

They're probably a factor, even though some of their positions are so clearly goofy. I've heard defenders of the illegals argue that anybody who manages to sneak into this country should immediately qualify for all welfare benefits. Some people with soft hearts — and even softer heads — have even argued that illegal aliens should have the right to vote.

But I suspect there is much stronger clout involved, and it has nothing to do with compassion.

It has to do with something a restaurant employee complained to me about the other day.

She works in a big downtown restaurant, owned by a man who owns two other successful places.

The restaurant owner dresses well, lives well and likes to talk on his mobile phone as he wheels around town in a big, expensive car.

His employees have a less flamboyant life style.

As the waitress said: "It started in December, when business fell off after Christmas. They just stopped issuing paychecks.

"First they told us they had switched accounts from one bank to another and there were problems. Then they said the payroll delivery truck was late. Then they said they just didn't have the money to pay us because business was slow.

"They told us if we weren't patient and willing to wait awhile for our money, they'd just close and

we'd never see any of the money.

"It was a month before I got a check. I could scrape by because of my tips, but most of the help in the kitchen and the clean-up jobs don't get tips, so they were really shafted.

"Most of them are illegal aliens, so they just kept their mouths shut. They're afraid if they complain, they'll get picked up and shipped back.

"Some of the illegals worked two or three months without getting paid, and when checks were issued, they bounced.

"So, a lot of the illegals finally just gave up and moved on. He (the owner) got two or three months of free labor out of them, but he didn't care if they quit, because he can replace them with other illegals."

It's a dream of a setup for a businessman. Pay your help the minimum rate. Then, if the cash flow is slow, or you need money for other investments, or your personal expenses increase, don't bother to pay them at all.

There's not much the illegals can

The immigration people also say they don't like to see aliens being cheated, and they will help them get what they worked for, if they complain.

They will not snatch them up and deport them, either, at least not immediately.

But they have to open a file on them. That's their job. That will make it easier to bring them in later.

Which is why the aliens let themselves be used by people such as the restaurant operator. They fear being deported a lot more than they fear being cheated out of a few weeks of their labor.

An immigration official said: "It's a chronic problem. Some businesses are always taking advantage of them. We receive complaints all the time here in northern Illinois."

That's only one part of one state. You can multiply it by thousands across the country.

So, when you hear the argument it would be cruel and terrible to reform the immigration laws, don't as-

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'So, a lot of the illegals finally just gave up and moved on. He (the owner) got two or three months of free labor out of them, but he didn't care if they quit, because he can replace them with other illegals.' It's a dream of a setup for a businessman. Pay your help the minimum rate. Then, if the cash flow is slow, or you need money for other investments, or your personal expenses increase, don't bother to pay them at all.

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do. Sure, they can go to their state's department of labor and file a claim for their wages.

A spokesman at the Illinois agency says: "Whether they're citizens or not is not our concern. We're here to protect employees, including aliens.

"The only fear they should have is if the employer turns them over to immigration."

That's like saying that if you jumped off the roof, the only fear you should have is in landing.

sume somebody's heart is bursting with compassion.

It's just as likely you're hearing from somebody who has discovered the economic benefits of a modern form of slavery.

Who would have thought that after all these years, this country would have so strong a pro-slavery lobby in Washington?

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Mike Royko writes for The Chicago Tribune.

# Religion & Democracy

**A SPECIAL REPORT**

Newsletter of the Institute on Religion and Democracy

March 1985

## The Sanctuary Movement: A Time for Reappraisal

The Sanctuary movement has been gaining growing support among major U.S. denominational boards and agencies in recent months, calling us to the Biblical injunction not to oppress the stranger in our midst. It should not be surprising that many Christians and Jews have responded.

But there are some who believe that the sanctuary campaign is primarily a means to undermine U.S. opposition to Marxist-Leninist movements in Central America. These politicized sanctuary supporters are not on the fringes of the movement: they are at its very center. The principal sanctuary coordinating organization, the Chicago Religious Task Force on Central America declared in a December 1984 position paper that:

...some churches have declared themselves sanctuary and have done almost nothing to oppose U.S. military aid to Central America. We question whether this is adequate.... What is the value of a sanctuary church that continues its support (by silence, by vote or whatever) for U.S. policies in Central America?

The political agenda of such leaders of the sanctuary movement has so detoured the movement from Christian purposes that it now threatens not only to worsen the problems of Central Americans, but to further undermine the moral credibility of our churches.

Consider, for instance, the central argument of the movement: the assertion that an illegal alien about to be deported to El Salvador probably faces death upon his return. There is simply no proof that this is so.

El Salvador has been the second largest source of illegal aliens in the U.S., after Mexico, for the last thirty years. In 1979, before the beginning of guerrilla war, the number of Salvadoran illegal aliens in the U.S. was already approximately 350,000. By 1984, that number had increased to some 500,000.

Clearly, a large proportion of the illegal Salvadorans now in the United States were here before the onset of civil war. What do we know about the others? In fact, most Salvadoran illegal aliens apprehended by the INS opt for

Sanctuary, Cont'd on page 2

Felipe Escot, a featured speaker, denounces U.S. imperialism at the sanctuary symposium held in late January at the Temple Emanu-El in Tucson, AZ.

Photo by Elizabeth Mangelsdorf, *Arizona Daily Star*



## Sanctuary, Cont'd from page 1

what is called voluntary departure, in which they post bail and arrange to return to El Salvador within six weeks in order to collect their money. In 1982 the number of Salvadoran voluntary departures (2,701) exceeded the number of deportees (2,127). Today the Congressional Research Service (CRS) of the Library of Congress estimates that "About 70% of the Salvadorans apprehended by INS return to El Salvador under a 'voluntary departure' agreement rather than a deportation order."

Even those Salvadorans who do apply for asylum after apprehension -- a growing number now -- freely cite economic considerations as a principal reason for coming here. These asylum applicants have overwhelmingly responded in the asylum questionnaire that they were not in any more jeopardy than anyone else in El Salvador.

Thus by self-admission these persons do not qualify as refugees under international law. The 1951 Geneva Convention on Refugees defines a refugee as someone who has a "well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion." A refugee must demonstrate membership in a group subject to persecution. It is not enough simply to be trying to escape generally unpleasant conditions in one's home country.

The assertion that Salvadorans who are sent back to El Salvador are in grave danger there has been repeated so often and with such a strong sense of urgency by church sanctuary activists that the absence of hard evidence sometimes goes unnoticed.

In 1982 the Chicago Religious Task Force's Basta! Sanctuary Organizer's Nuts & Bolts Supplement, No. 1, claimed Amnesty International as a source for the assertion that: "As of August 1982 ... 30% of all refugees forcibly returned to El Salvador from the US and Mexico have been tortured, maimed or murdered upon their return." But, this testimony was disclaimed in a letter of June 23, 1983 by Rona Ellen Weitz, Amnesty International's Area Coordinator for Latin America, who stated that "for the record, none of the facts or figures attributed to Amnesty International in the organizer's guide published by the Chicago Religious Task Force are accurate."

In 1983 the American Civil Liberties Union (ACLU) published a study which attempted to fill in the lack of documented evidence of abuses against Salvadoran returnees. This study was based on a comparison of the names of 8,500 deportees with a list of the names of 22,000 victims of human rights violations. The study took nine months but found only 113 "possible" matches among the names, and a mere 25 cases where, by the ACLU's own estimation, there was better than an average possibility of a match, i.e. 1/3 of 1% of the total. The ACLU could not actually establish a single positive identification between a deportee and a human rights victim. This study is still quoted as if it proved the sanctuary movement's case, while in fact it proves the opposite.

Unlike the ACLU, the State Department has conducted an "on the ground" investigation of what actually happens to deportees when they return to El Salvador. Of a random sample of 482 deportees, interviews conducted with the deportee or a close family member found only one case in which a deportee became a human rights victim. In that one case, the deportee was shot and killed back in 1981 by the guerrillas, apparently as a result of mistaken identity.

No Salvadoran human rights organization -- including even Tutela Legal, a favorite source for opponents of U.S. policy in El Salvador -- has reported any case of a deportee being killed since two deaths were reported in 1981. Moreover, the Geneva based Inter-government Committee for Migration (ICM), which provides resettlement services to every returnee to El Salvador, has found no cases of human rights abuses of the returnees.

Today the general level of violence resulting from the fighting in El Salvador is steadily abating. Out of a total population of 5 million, estimates of the number of civilian violent deaths in 1984 range from the 771 compiled from newspapers reports to Tutela Legal's high estimate of 2,024. Tutela Legal asserts that among its number, 205 were the victims of death squads, 55 were killed by guerrillas, and the rest were killed incidental to combat between the army and the guerrillas. But Tutela Legal has been criticized for counting dead guerrillas as civilians killed in combat, and the

Sanctuary, Cont'd on page 7

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# Sanctuary: A Look at Church Tradition

by Richard H. Feen

The use of churches as places of refuge for illegal aliens from war-torn Central America is rapidly gaining acceptance by the clergy and the lay community.

Some theologians have been eager to point out that the current practice of offering sanctuary to fugitives is a continuation of a Judeo-Christian tradition. In part, their justification is based upon the claim that they are simply observing a custom which can be traced back to the Old Testament and medieval canon law. In their eyes, sanctuary has always been of deep "religious-political significance." As one minister explained, since the earliest times, "God's law could be invoked . . . in opposition to civil law," (Sid L. Mohn, "Central American Refugees: The Search for Appropriate Responses," World Refugee Survey 1983, New York: American Council for Nationalities Service, p. 45).

It is therefore important to determine what really has been the historical usage of sanctuary by the church. Was it used as a challenge to civil authority? Could any fugitive from justice place himself under ecclesiastical protection? Only by examining both the form and substance of this ancient tradition can we judge whether these modern advocates of sanctuary are truly following the practice as it actually developed in the canonical codes of the church.

The legal basis for church sanctuary can be found in the Old Testament with the establishment of the Levitical cities of refuge for those guilty of involuntary homicide. The intention of this law was to rule out blood vengeance and similar forms of retribution. In order that the cycle of retaliation could be stopped and tribal unity maintained, the duty of vengeance by a murdered person's relatives was to be turned over exclusively to the highest authority -- God. Thus the priests, as God's surrogates, became arbitrators and protectors for those fleeing vengeance. This occurred not only in the ancient Near East but in the Greco-Roman world as well.

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This article was adapted for Religion and Democracy from an article published in: Immigration Reform and Refugee Policy Development, Defense of the Alien, Vol VII, edited by L. Tomasi, Center for Migration Studies, New York: 1985.

By the late Middle Ages, with the growth of state power and the king's authority, royal edicts were conceived further to restrain this "license" of revenge and to limit the duration of feuds. Again, custom dictated that the clergy have a special role as intermediaries between criminals and those who desired vengeance. Thus the church became a recognized place of refuge for those involved in any number of crimes.

In general, one could seek sanctuary in any religious center, be it a church, monastery or abbey. In fact, a number of such places were specifically chartered by the crown for that purpose. However, not every type of criminal was permitted to go into sanctuary or, if he got in, was allowed to remain. Those excluded from the privilege were repeat offenders, heretics, sorcerers, those already convicted of an offense, and suspected or indicted traitors.

According to canon law (especially as formulated in England), those who arrived safely within the precincts of a sanctuary were expected to make a confession of their misdeeds to the ecclesiastical officials, surrender any weapons, and put themselves under the supervision of the religious leader. Depending upon the place of sanctuary, the fugitive might be required to wear religious garb and take part in daily activities such as the ringing of the bells and attendance at mass.

Contrary to contemporary beliefs about the practice of sanctuary, the fugitive was not given an indefinite period of time to remain on church grounds. Moreover, his future options were specifically circumscribed. Within a period of forty days, the individual had the choice either of taking an oath to "foreswear the realm" (i.e., forfeit all lands and goods and go into permanent exile), or surrendering to the king's authorities and standing trial. On the continent of Europe, as opposed to England, there existed the possibility (rarely exercised) of remaining and joining a religious order for the duration of one's life.

In regard to those who chose to turn themselves in to the civil authorities, the forty days offered the fugitive gave him time to contemplate his offense and prepare his case.

Tradition, Cont'd on page 4

## Tradition, Cont'd from page 3

Furthermore, the formal transfer from authority ecclesiastical to that of lay officials would take place under guard, thus keeping the defendant safe from any retribution by avenging parties.

With the Reformation in the 16th century came a critical questioning of the practice of sanctuary. The early leaders of the Reformation held the concept to be invalid because the physical structure of the church, as well as the clergy within, were thought to have no exclusive hold on holiness. Furthermore, the reformers usually sided with the Protestant princes in their fight to obtain supreme authority over their domains. The French king and other Catholic monarchs soon followed suit in abolishing sanctuary. If the least confidence in public order was to survive, they held, violent criminals could not be allowed to escape civil justice.

In order to accommodate these changing views, in 1591 Pope Gregory XIV issued a Papal

Bull which restructured the process of granting sanctuary. Henceforth, when a bishop received an application, the individual was to be taken out of sanctuary and placed in an episcopal prison until he could be tried by the ecclesiastical authorities for his crime. If the evidence gave reason for a guilty verdict, the accused was to be immediately handed over to the civil authorities for trial in the state's court. The Pope later eliminated the right of sanctuary for anyone whose acts resulted in a death, regardless of circumstances. By the late 17th century, the only persons who could seek sanctuary were debtors. A period of two months was established for the individual to "make grace," at which point the debtor would be expelled from sanctuary and given over to the mercy of his creditors.

Though sanctuary remained in the canonical code books of the Catholic Church, it was very rarely practiced from the 18th century onward. The use of churches as places of refuge for civilians fleeing the horrors of war did continue in the modern era, but the laws of warfare did not designate churches as places of safe haven

## Bringing the Revolution Home. . . .

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The first national inter-American symposium of the "sanctuary" movement, "From Fences to Friendship," was held on January 23-24 in Tucson, Arizona. This conference marked a new stage in the sanctuary movement, which for the first time is becoming more centralized and is broadening its appeal. At least 1300 people registered for the conference, but the total number of participants may have reached 1700. Further, the sanctuary movement has begun to use sympathy for the plight of refugees not merely to build opposition to U.S. Central American policy, but also to try to bring radical change to the United States.

The conference was sponsored by the Tucson Ecumenical Council's Task Force on Central America which, along with the Chicago Religious Task Force on Central America, have become de facto coordinators of the sanctuary movement. The conference also coincided with the trial of Texas church worker Jack Elder, who was recently convicted of transporting illegal Salvadoran aliens. Many of the sixteen other indicted sanctuary workers (including the Rev. John Fife of the Southside Presbyterian Church and Jim Corbett, who are credited with launching the sanctuary movement in 1982) are connected with the Tucson Ecumenical Council.

The following are highlights of the actual conference proceedings which, in the main, were not reported in the press.

The keynote speaker at the symposium was the familiar Rev. William Sloane Coffin Jr., of the Riverside Church in New York City. He argued that if the sanctuary movement reaches out to the poor in the U.S., especially blacks, it can help foster economic and social change in our own country. Coffin noted that a "successful revolution in Central America would not only bring economic and social change there, but also cast a few hopeful rays in our direction."

Yvonne Dilling, the director of Witness for Peace, the principal church support group for the Sandinistas, equated her work in the sanctuary movement with her previous work among Salvadoran refugees in Honduras. Dilling had worked with a refugee settlement which by her own estimate was in a "center of guerrilla activity."

Jim Wallis of Sojourners magazine and "Christian community" reported on his role as the National Director of the Emergency Response Network. The Network will undertake massive civil disobedience in the event of any

for the noncombatant population. Unfortunately, no international conventions on war have recognized churches as a refuge for the innocent.

It should be noted that in America, given the early separation of church and state, a law of sanctuary never existed. There was a brief attempt by isolated Protestant churches in the North to establish the "right of sanctuary" for escaped slaves from the South, but it was never officially recognized. Persons could seek refuge in a church, but the clergy had no formal power to refuse the entrance of public law officers to arrest runaway slaves. During the Vietnam War, draft resisters sought the protection of the churches but that, too, failed because there was no legal precedent for sanctuary.

From this brief review of the historical usage of sanctuary by the church, it is clear that the contemporary practice of sanctuary does not have its roots in ecclesiastical tradition. Sanctuary was never meant as a means of openly and defiantly challenging the policies of the civil

authorities. In addition, those seeking sanctuary were not encouraged by the clergy or their congregations. Furthermore, once a fugitive was inside church grounds, it was expected that he would resolve his uncertain status by either turning himself in to the king's officials to stand trial, or permanently leaving the country. Finally, sanctuary as a means of providing accused persons with a certain immunity from the state was a foreign practice and was never accepted in the United States.

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**Dr. Richard Harrow Feen did graduate work at the Fletcher School of Law and Diplomacy and Harvard Divinity School. He served as a University Chapel Associate at Tufts College, and was a staff member with responsibilities for ethical and human rights issues in the Office of Ambassador Eugene Douglas, United States Coordinator for Refugee Affairs. Dr. Feen is currently a broadcast journalist for the Voice of America in Washington, D.C.**

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escalation of U.S. military involvement in Central America primarily by occupying federal offices. The Network's Pledge of Resistance was distributed to all participants during the symposium.

Many of the panel discussions included a Salvadoran or Guatemalan refugee, usually wearing a bandana as a mask. Each of these refugees argued against U.S. policy in Central America and demonstrated a highly ideological understanding. One Salvadoran identified the sanctuary movement as the most effective challenge to the U.S. role in Central America. A Guatemalan army deserter said "sanctuary is a symbol of solidarity with us," in the struggle against "U.S. and Israeli imperialism."

Roberto Pineda of the Student Christian Movement of El Salvador also argued that "sanctuary creates a beautiful opportunity to work with us in building up a community... for our people to get united." His apparent goal is to make the refugee community in the U.S. an arena for radicalizing Salvadorans before their return to El Salvador.

Marta Benavides, a U.S.-educated Salvadoran who had worked for a church relief group in El Salvador until Archbishop Romero's assassina-

tion, asserted that in returning to the U.S.: "We from El Salvador are not here to make friends but to wage peace." She called for "revolutionary patience" in this effort. Ms. Benavides now works for the MEDEPAZ, an NCC related group based in Philadelphia that is involved in Central American solidarity work.

Phillip Wheaton, director of the NCC-related Ecumenical Program for Inter-American Communication and Action (EPICA) and the coordinator of the Washington, D.C. sanctuary group, reminded the participants that the struggle for sanctuary was not directed against a particular Administration but "an acquisitive system based on the maximization of profit...."

"This empire," Wheaton added, "is sucking the world dry of its wealth and resources." The sanctuary movement must seek "change in the fundamental economic priorities of the American system." The sanctuary movement is not "a goodwill gesture" but a way to force people "to ask basic questions about our way of life."

The open January 23-24 symposium was followed by a closed consultation on January 25 which only representatives of churches already engaged in sanctuary were allowed to attend.

— Kerry Ptacek

## A Sanctuary Survey: Positions of the U.S. Denominational Boards

### The Presbyterian Church (U.S.A.) recommends:

"That the General Assembly support congregations and individuals who provide sanctuary to asylum seekers as a way of showing Christian compassion for them and stressing the need for change in our government's policies and actions; and that other congregations be challenged seriously to take this stance."

"The Church and Asylum Seekers." Adopted by the 1983 General Assembly of the P.C. (U.S.A.)

### The United Methodist Church:

"Therefore, be it resolved that the General Conference of the United Methodist Church strongly...Encourages congregations who take seriously the mandate to do justice and to resist the policy of the Immigration and

Naturalization Service by declaring their churches to be "sanctuaries" for refugees from El Salvador, Guatemala, and other areas of the Caribbean and Latin America."

"Assistance and Sanctuary for Central American Refugees." Adopted by 1984 General Conference.

### The Christian Church (Disciples of Christ):

"The Department of Church in Society of the Division of Homeland Ministries ... stands with those congregations who seek to be true to their understanding of the faith by making the decision to provide sanctuary."

"Sanctuary for Central Americans: A Position Paper." September, 1984.

### The American Lutheran Church:

"Resolved, that The American

Lutheran Church at its 1984 General Convention ... offer support and encouragement to congregations that have chosen to become refugee sanctuaries."

Resolution on "Central Americans in the United States."

### The American Baptist Churches in the U.S.A.:

"Therefore, we commend to American Baptist churches the following: ... that we respect those churches that, responding to the leading of God's Spirit, are providing sanctuary for refugees fleeing certain suffering and death in Central America."

Resolution on "Central America," June 1984.

### The United Church of Christ:

"Be it further resolved that the Fourteenth General Synod applauds those congregations granting sanctuary to El Salvadorans and Guatemalans, and encourages all our congregations to consider providing sanctuary until such time as extended voluntary departure status is granted."

Statement on "Sanctuary," General Synod, June 1983.

### The Lutheran Immigration and Refugee Service of the Lutheran Council in the U.S.A.:

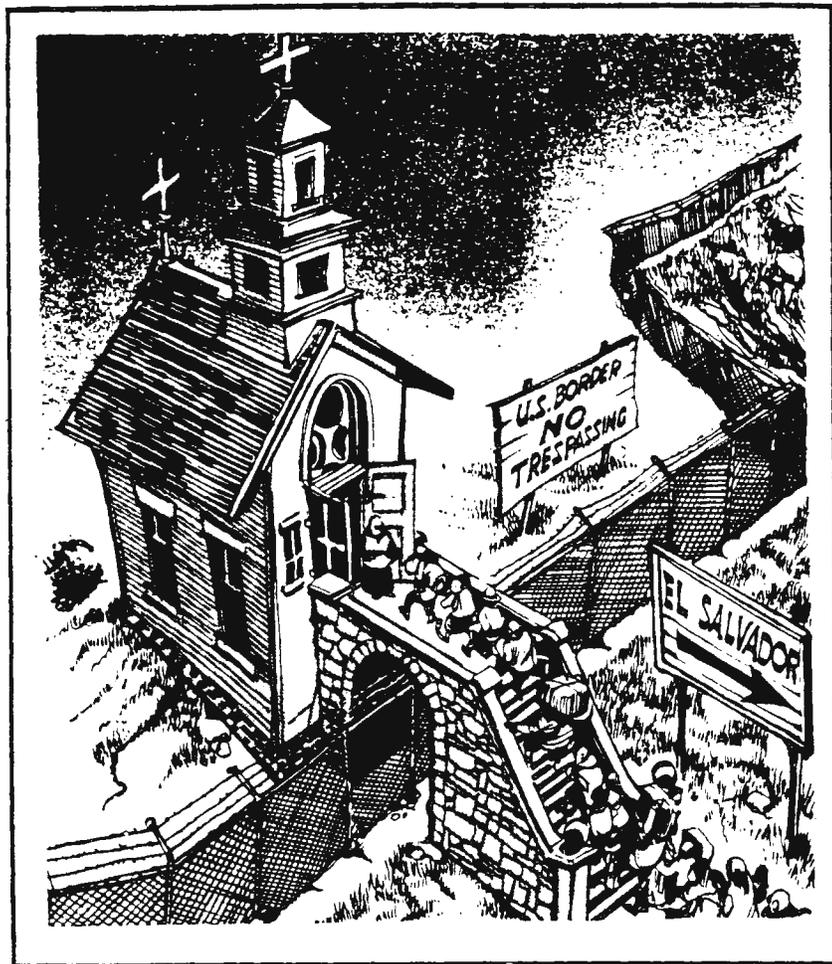
"Therefore, be it resolved that the ministry of congregations providing sanctuary to Central American refugees be affirmed by the Lutheran Council in the U.S.A. through its Department of Immigration and Refugee Services of its division of Mission and Ministry."

Resolution adopted by the Central American Concerns Program of the Lutheran Immigration and Refugee Service, March 1983.

### The Rabbinical Assembly:

"The Rabbinical Assembly endorses the concept of sanctuary as provided by synagogues, churches, and other communities of faith in the United States."

1984 Convention of the Rabbinical Assembly.



## Sanctuary, Cont'd from page 2

guerrilla practice of hiding in civilian homes and forcing civilians to act as supply carriers must also be weighed when evaluating the organization's figures.

But even if one accepts Tutela Legal's numbers, the 2,024 civilian victims in 1984 represent a decrease of more than half from the 5,142 reported in 1983. This decline is a product of the improving government control over the practices of the security forces and the firing of officers charged with abuses. The army has also shown greater skill in separating civilians used for cover from the guerrillas. Even Americas Watch, a critic of the U.S. Administration, has noted in its July, 1984 report that "death squads are virtually non-existent today." Violence in El Salvador now is largely criminal -- not political -- save for that which occurs in military combat. In some degree, this must be attributed to the success of U.S. military training and human rights policies.

These facts are apparently understood by the Salvadoran people. Most of those fleeing the civil disorder in El Salvador go to the regions of the country held by the army. According to U.S. government figures, in Fiscal Year 1984 they numbered at least 400,000. This is seven times the number of Salvadorans who fled to camps outside El Salvador, including 20,000 in Honduras, 18,000 in Costa Rica, 17,500 in Nicaragua, 3,500 in Mexico, and 2,000 in Belize. And only a small portion of these would claim they were fleeing from the Salvadoran authorities.

While many Salvadorans have fled the areas affected by the guerrilla war, more have left El Salvador because of the decline in the economy caused by the armed struggle. This economic crisis worsened when the guerrillas, unable to defeat the army in the field, turned their war against the economy, deliberately targeting warehouses, bridges, coffee farms, and power stations. (Ironically, some church-based opponents of U.S. policy in El Salvador carry out their own version of what Archbishop Rivera y Damas calls the "War of the Empty Table" by pressing for a boycott of Salvadoran coffee.)

But the growing ability of the Salvadoran army to maintain stability has now begun to produce an improvement in the economy. According to The Washington Post (February 11, 1985), the Salvadoran economy stabilized in 1983 and posted real growth in 1984. There are already indications that this economic revival is slowing migration to the U.S.

But there are still many thousands of Salvadorans who come illegally to the United States, and feeling grows among many of our citizens that we are becoming a nation which has no real borders, and therefore no effective government. Many who favor more liberal U.S. immigration policies agree that whatever those policies are, they must be established by law and effectively enforced. Christians and Jews who blur the distinction between authentic asylum-seekers and economic refugees contribute to undermining our government's policy of granting political asylum. This policy has not always

Sanctuary, Cont'd on page 8

# RESPOND

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**Sanctuary, Cont'd from page 7**

been honored, as the shameful treatment of Jewish refugees in World War II reminds us. Those who are abusing the concept of political asylum in order to "destabilize" our foreign policy may again turn public opinion against the American tradition of granting haven to the victims of political persecution.

At present, any illegal alien is allowed to apply for asylum and to remain in the United States while his case is being heard. The INS, the State Department, the immigration judges, the Board of Immigration Appeals and the U.S. District Courts are obliged to guarantee his rights until his case is decided. U.S. immigration law, far from deserving attacks from churches, has permitted our country in recent years to accept for permanent resettlement more refugees than all of the other Western countries combined.

Under U.S. law Christians and Jews are not prevented from helping illegal aliens. An editorial in The Washington Post clarifies this important point:

Leaders of the sanctuary movement are embarked on a heavily political mission. They seek to do more than shelter and feed Salvadoran refugees, which would not violate any American law. Instead, by organizing thousand-mile caravans and calling press conferences, they publicize the fact that they are transporting undocumented aliens in furtherance of their evasion of the immigration laws, and that is a violation.

It is clear that the plight of illegal aliens in the United States is a painful one, and surely our churches should maintain special ministries to aid them. But the sanctuary movement is becoming a cause which exploits these vulnerable people for political ends which are not good, either for Salvadorans or Americans.



This husky hero of socialist realism appears on the cover of the Chicago Religious Task Force's sanctuary manual. For the public, the iconography is usually more appealing.

**Religion and Democracy**

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**OCT 1 1985**

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# LEGISLATIVE BULLETIN

## EXTENDED VOLUNTARY DEPARTURE (EVD) FOR SALVADORANS S. 377/H.R. 822

Senator Dennis DeConcini (D-AZ) and Congressman Joe Moakley (D-MA) have reintroduced legislation that would deny detention or deportation of any illegal Salvadoran aliens currently residing in the U.S. for a period of at least 18 months. The legislation is designed to protect all Salvadorans present in the U.S. as of date of enactment of the legislation.

The bill also provides for a study by the General Accounting Office (GAO) to be completed within one year on conditions of displaced Salvadorans. S. 377/H.R. 822 are substantively similar to the EVD for Salvadorans legislation introduced by Senator DeConcini and Congressman Moakley in the 98th Congress. There are three issues that must be addressed upon consideration of this legislation:

**How will S. 377/H.R. 822 affect current U.S. immigration policy?** Until 1980, decisions over refugee admissions were often made to achieve foreign policy goals. Congress sought to remove immigration policy from the foreign policy arena by enacting the Refugee Act of 1980. The Act created a uniform standard for what constitutes a "refugee" (a person who has a "well founded fear" that he or she would face persecution if returned home) and mandated a case-by-case evaluation of refugee and asylum applications.

The objective of the Act was that all determinations should be made based on the personal circumstances of each applicant regardless of whether his or her government is "Communist", "right-wing", pro-American, or anti-American. Prior to 1980, for example, all applications from communist countries were automatically granted. Last year 93% of all applications from mainland China were denied.

The logic of S. 377 is that El Salvadorans should be singled out for special treatment because of our past foreign policy (or its failure). As such, it is a step backward.

**Is S. 377 practical?** As drafted, the bill fails to address a host of practical concerns. First, the bill does not provide any procedures for or assurances that Salvadorans awarded this "temporary" relief will voluntarily return home once the suspension of deportation is terminated. Second, the bill covers only those Salvadorans present in the U.S. as of date of enactment. What will be done with people who come in later? What documents will suffice to prove how long the person has been here? Third, and most importantly, the bill does not speak to the issue of cost. Who will be fiscally liable for the cost of processing up to 500,000 applicants? Who will pay for social service benefits to which Salvadorans will be entitled as newly legalized residents?

**Is EVD for Salvadorans necessary?** Proponents claim this legislation is necessary because the U.S. is failing to uphold the Refugee Act by systematically denying all Salvadoran asylum claims. Asylum claims are heard by INS District Directors and Immigration Judges. Negative decisions can be appealed to the Board of Immigration Appeals and finally to the courts. The INS employees and Immigration Judges are independent. Each group insists that they

make asylum decisions based on the merits of each case. While it is true that most Salvadoran asylum applications are denied, the overwhelming majority of all asylum applications are denied, and reversals by the courts are infrequent.

In fact, more Salvadorans are granted asylum under our present laws than all but three other countries in the world. Considering the small population of El Salvador (5 million), on a per capita basis, El Salvador ranks second among all countries in asylum claims granted.

Proponents also claim that returned Salvadorans are facing torture and death. There is virtually no credible evidence to support such a charge. There are numerous studies, including recent findings by Tutela Legal (the Human Rights Office of the Archdiocese of El Salvador) confirming that deported Salvadorans are not victims of human rights violations as a result of U.S. immigration policy.

It is worth noting that the ICM (Intergovernmental Committee on Migration), based in Switzerland, and in charge of providing assistance to repatriated Salvadorans, has reported that the main complaint of recently returned Salvadorans was not that they were persecuted, but rather that they have difficulty finding the kind of job they want.

#### FAIR'S POSITION

Since the founding of FAIR in 1979, we have urged successive administrations to review refugee and asylum claims on the merits of each individual application. We strongly believe that the national debate over foreign policy should not prejudice or benefit any claimant, be they Salvadoran, Polish, Haitian or Palestinian.

S. 377/H.R. 822, like prior administrative grants of "Extended Voluntary Departure," is ill-conceived and discriminatory. It sets a harmful precedent. The Census Bureau estimates that the population of Third World countries will grow by about two billion in this quarter-century. That is nearly ten times the population of the United States. There are already massive unemployment, housing shortages and urban crowding, with the prospect that conditions will worsen. Such conditions spawn violence.

FAIR believes we should be more vigorously confronting Third World poverty and overpopulation by helping these people in their own countries. We support the Refugee Act and our immigration law, which rejects the idea that anyone who wishes to leave such countries has a right to immigrate here. Rather, refugee status—whether temporary or permanent—must be limited to those who would be singled out for persecution in their home countries.

S. 377 implies an entirely new principle for U.S. policy: That anyone who wishes to leave a country with overpopulation, high unemployment, and political violence can come to the United States. Were we to grant such special status to El Salvadorans, on what principle could it be denied to those who leave the Philippines, Lebanon, Northern Ireland, Haiti, Guatemala, Peru, Afghanistan or Turkey, to name but a few? S. 377 simply fails to face the hard questions which must be answered by those who make immigration policy: How many immigrants can we accept? How are we to choose among the millions who would come if they could? How do we enforce the rules against illegal immigration?

**For more information, contact Kateri Callahan at the Federation for American Immigration Reform, 1424 Sixteenth St. NW, Washington, DC 20036. Telephone: 202-328-7004.**

EXTENDED VOLUNTARY DEPARTURE FOR SALVADORANS

- Roger Conner

Statement before the Senate Subcommittee on Immigration  
and Refugee Policy

April 22, 1985

Mr. Chairman and Members of the Subcommittee:

The Federation for American Immigration Reform (FAIR) is a national non-profit membership organization working to stop illegal immigration and reform U.S. immigration policies to reflect the economic and environmental realities of the 1980s. FAIR has over 100,000 supporters in every state of the Union and has worked hard to supply Congress, the media, and the American people with data and information about the relationships between immigration policy and important national values. We appreciate this opportunity to submit a statement regarding Senate Bill 377, to grant Extended Voluntary Departure to illegal aliens now residing in the United States.

S. 377, commonly referred to as "extended voluntary departure" for Salvadorans, would give a congressionally mandated amnesty to all Salvadorans currently residing illegally in the U.S. The bill does not provide procedural guidelines for the repatriation of Salvadorans upon the sunset of the amnesty; rather, the drafters of the legislation assume that Salvadorans will return to their home country voluntarily in 18 months or so.

There are three issues that must be addressed upon consideration of this legislation:

- (1) Is a congressionally mandated grant of "Extended Voluntary Departure" to 500,000 Salvadorans justified?
- (2) Will the legislation function as intended by Congress, i.e. will the amnesty be only a temporary reprieve from deportation followed by a voluntary return?
- (3) How will S. 377 affect current U.S. immigration policy?

Implications of S. 377 to U.S. Immigration Policy

Throughout the history of our country, U.S. immigration laws have often been used, abused, circumvented and nullified to achieve foreign policy goals. In 1980, Congress tried to move our immigration laws out of the foreign policy arena by enacting the Refugee Act of 1980. The Refugee Act was intended to supplant all previous ad hoc and nation-specific immigration legislation. By creating a uniform standard for what constitutes a "refugee" and mandating an individual determination of refugee and asylum applications, the Act set a new objective for refugee and asylum policy that determinations should be made based on the personal circumstances of each applicant rather than foreign policy goals.

Passage of S. 377 would signal a return of our immigration policy to the foreign policy arena. Proponents of such a major departure from the principles of the Refugee Act bear a heavy burden of justification.

The source of demand for "Extended Voluntary Departure" for Salvadorans has come from the so-called "Sanctuary Movement." When members of the movement are asked why we should grant such an extraordinary reprieve to nationals from El Salvador, the basic response is that the U.S. has an obligation to offer asylum to all Salvadorans here because U.S. foreign policy in El Salvador has created the conditions from which Salvadorans are fleeing.

The irony of the situation is that the Sanctuary Movement claims that EVD is necessary because the Reagan administration, for foreign policy reasons, is denying all Salvadoran asylum applications, even the valid ones. How to correct this? The Sanctuary Movement suggests that we grant all asylum claims, even the invalid ones as a protest to U.S. foreign policy in Central America. In either instance, our immigration policy would be used to advance foreign policy goals and agendas.

Yielding to such pressures in the past has undermined our immigration policies. Since the founding of FAIR in 1979, we have urged every administration to review refugee and asylum claims on the merits of each individual application. We strongly believe that the national debate over foreign policy should not prejudice or benefit any claimant.

Plainly, the U.S. has not fully lived up to this principle; but that is no reason to abandon the principle. Rather, we should work within the existing system, i.e. the courts and federal agencies to demand that the principle be upheld. [For a further treatment of the Sanctuary Movement's role in this issue; please see Attachments A, B and C].

#### Is EVD for Salvadorans Justified?

Proponents of Extended Voluntary Departure for Salvadorans argue that the United States is failing to uphold the Refugee Act and is instead systematically denying asylum claims of Salvadoran nationals because the Reagan Administration supports the Duarte government.

The Refugee Act and regulations governing asylum provide extensive hearings and review by independent administrative bodies and the courts. These include the District Directors of the Immigration and Naturalization Service, Immigration Judges, the Board of Immigration Appeals (BIA), the U.S. Court of Appeals, and finally, the Supreme Court. The federal agency employees making these decisions are career professionals, most of whom were in their positions before President Reagan was elected. Federal judges have lifetime appointments.

The notion that all of these career public servants are in a conspiracy to advance Reagan policy by denying legitimate asylum claims, intentionally sending El Salvadorans to death and torture in the process, strains credulity.

Those advancing such serious allegations have a burden of proof they have not met. More Salvadorans are granted asylum than all but three other countries in the world. Only one other country is granted more asylum claims than El Salvador, on a per capita basis.

The proponents of S. 377 routinely claim that Salvadorans returned to their homes from the U.S. are facing torture and death. While this assertion has been often repeated, virtually no credible evidence has been advanced to support it. In fact, there are numerous studies which show that returned Salvadorans are not singled out for prosecution simply for having migrated illegally to the United States.

The American Civil Liberties Union, seeking evidence that illegal aliens deported from the United States were summarily imprisoned, tortured and killed by the Salvadoran government, failed to find any supporting evidence for this claim. After an exhaustive search for human rights violations inflicted upon returning Salvadorans, they established that 99.66 percent of returned Salvadorans had been returned without harm. As to the remaining one-third of one percent, the ACLU was simply unable to track them down. Significantly, this major study found no hard evidence of human rights violations as a result of U.S. immigration policy, which was quite the opposite of what the investigators hoped to find.

A recent State Department study of repatriated El Salvadorans reached a similar conclusion; agency investigators could not find even one case of violence against a returning Salvadoran. (Elliot Abrams, testimony before Senate Immigration Subcommittee, April 22, 1985) Furthermore, Tutela Legal, the human rights office of the Archdiocese of El Salvador, is on record as denying any pattern of persecution against repatriated Salvadorans. The fact of the matter is that in a country crawling with U.S. journalists, missionaries, and human rights activists, not a single case of abuse by the government against one of the Salvadoran nationals returned in the last five years has ever been established.

It is worth noting here that the Intergovernmental Committee on Migration (ICM), based in Geneva, Switzerland and in charge of providing assistance to repatriated Salvadorans, has reported that the main complaint of recently returning Salvadorans is not that they are persecuted, but that they couldn't find a job. (Refugee Reports, March 1985, p. 14)

It is unfair for Congress to pass S. 377 without designating additional funds or providing extra staff to the INS. Normal INS functions would have to be put on hold and their limited personnel reassigned in order to handle the flood of applications for EVD that this legislation would generate.

Another cost factor not considered in S. 377 is the additional tax burden to U.S. citizens caused by granting "quasi-legal" status to approximately 500,000 persons. Under a consent agreement entered into during the Carter administration that is being used to interpret certain state statutes, Salvadorans granted EVD could be eligible for virtually all state and federal welfare programs.

For over a decade, long before the onset of current civil strife, Salvadorans have migrated to the United States as illegal aliens. In fact, a quick check of the Statistical Yearbook of the Immigration and Naturalization Service reveals that for the last ten years, El Salvador has sent more illegal aliens to the United States than any other country except Mexico (as measured by apprehensions of illegal aliens in the United States). The U.S. Department of State estimates that of the 500,000 Salvadorans now living in the United States, approximately 350,000 were present in the U.S. prior to the start of the war in 1979. Clearly, these people did not come to the United States fleeing civil strife in their homeland. They came for the same reasons as millions of other illegals: to take jobs.

The Census Bureau estimates that the population of the third world will grow by about two billion in this quarter-century. That is nearly ten times the population of the United States. There are already massive unemployment and food shortages, with the prospect that the unemployment will get worse. Desperation is likely to spawn violence, some of the violence will be against governments friendly to the U.S., and they are likely to respond in kind. How many people do Sanctuary advocates believe the United States should be prepared to take? Have they really considered the implications of this idea, which started as a limited political protest about U.S. policy toward one small Central American country?

These are hard questions, but necessary ones. S. 377 simply evades them.

#### CONCLUSION

S. 377, like prior administrative grants of "extended voluntary departure," is ill-conceived and discriminatory. It provides for the admission of immigrants to the United States outside of normal per-country ceilings that were enacted to prevent nation-specific discrimination in U.S. immigration law. There is no precedent for a legislatively enacted amnesty of the magnitude found in S. 377, and to set such a precedent at this time of mass population explosion, world hunger and civil unrest would expose us to the potential loss of any effective control of our border.