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## Sanctuary: The New Underground Railroad

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SANCTUARY: THE NEW UNDERGROUND RAILROAD. By Renny Golden and Michael McConnell. New York: Orbis Books. 1986. Pp. x, 214. \$7.95.

I sit organizing my thoughts and I try to come up with new words to express something that is old. I can't. The old words are that I am a lover of life. What motivates me to help people and to work for justice is my belief in a God of life and love. I have seen. I have heard. I don't need five hundred thousand more refugees to convince me that we act illegally when we deport refugees. I don't need fifty thousand more deaths to convince me that there is a war in El Salvador. I don't need a bolt of lightning to tell me that I am to love the oppressed by defending them, liberating them. And I am to love the oppressors by charging them. [p. 73]

Renny Golden and Michael McConnell share this vision of a close relationship between political strife and religious action. In *Sanctuary: The New Underground Railroad* they provide a fascinating look at the motivations of the sanctuary movement.<sup>1</sup> The book is troubling because it presents testimonials that inevitably appeal to humanitarian impulses, and then issues a call to action based on very radical ideas that are, at times, difficult to accept. The authors' philosophy does nothing to assuage the book's troubling nature; they present a mixture of politics and religion that may at times seem incongruous to the reader, but that is occurring more and more frequently in Latin America.

The sanctuary movement has received a great deal of public atten-

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1. The movement began in 1981 with the support of a few churches in the American Southwest. Since then it has grown to claim three thousand congregations, according to the authors. See p. 53. Several cities have proclaimed Sanctuary, although it is unclear what the legal status of such a claim may be. See, e.g., Comment, *Ecumenical, Municipal, and Legal Challenges to United States Refugee Policy*, 21 HARV. C.R.-C.L. L. REV. 493, 581-98 (1986) [hereinafter Comment, *Challenges to Refugee Policy*].

The movement proclaims its mission to be the protection of nationals of El Salvador and Guatemala who are illegally within the United States, or who are smuggled into the United States by the movement. One of its goals is to change United States policy in Latin America, using its activities to draw attention to occurrences in that area.

The movement is composed in large part of religious leaders and lay people with some involvement in a sponsoring religious institution. It operates by declaring "sanctuary" under the auspices of a religious institution, although not necessarily within that institution's building. Reference is usually made to the biblical concept of sanctuary, which protected those who found refuge in a church or specified religious place. For an analysis of the roots of the sanctuary concept see, Carro, *Sanctuary: The Resurgence of an Age-Old Right or a Dangerous Misinterpretation of an Abandoned Ancient Privilege?*, 54 U. CIN. L. REV. 747 (1986). Carro concludes that the sanctuary movement bears little resemblance to traditional sanctuary. The authors, given their practical orientation, appear less concerned with the precise definition of sanctuary than with the achievement of their goals (see the discussion of their method at note 6 *infra*). In this book notice, the movement simply will be referred to as "Sanctuary," and the action or idea will be labeled "sanctuary."

tion lately.<sup>2</sup> As described by the authors, it is a movement of religiously motivated people who are working to give shelter to refugees fleeing political persecution, shelter that the United States government — in violation of immigration laws and international obligations<sup>3</sup> — will not extend. The movement's supporters also protest what they feel is an illegal war by the United States government against popular movements of liberation and structural reform in Central America (pp. 149-54). Critics claim Sanctuary's supporters are instead politically motivated people who are helping illegal aliens who seek to better their economic situation in the United States to avoid the strict application of this country's immigration laws (pp. 88-89). These critics feel Sanctuary is only using the aliens to protest the United States government's legitimate attempt to protect Central America and the United States from Soviet/Communist infiltration.<sup>4</sup>

The authors are explicitly biased in favor of the movement,<sup>5</sup> of course, but even for the reader who disagrees, this book should prove to be worthwhile reading. The book informs three debates of current interest. First, it illustrates the background of Sanctuary's claim to a constitutional right to continue to protect aliens, and its members' right to be free from criminal prosecution. Both of these issues are being argued in the courts.<sup>6</sup> Second, it questions the adequacy of our present refugee policy in the immigration area in general, and of its implementation with respect to Central Americans in particular. Finally, it addresses the broader debate about the correct role for the

2. See, e.g., Blodgett, *Alien Search: Churches Allege United States Spying*, A.B.A. J., Apr. 1, 1986, at 31; Comment, *Challenges to Refugee Policy*, *supra* note 1; Ostling, *A Defeat for Sanctuary: Church Activists are Convicted of Smuggling Illegal Aliens*, TIME, May 12, 1986 at 82; Pacelle, *Sanctuary Juror's Dilemma: Law or Justice?*, AM. LAW., Sept. 1986 at 95; Zall, *Asylum and Sanctuary: The American Dilemma*, A.B.A. J., Aug. 1, 1986, at 66.

3. The 1980 Refugee Act, Pub. L. No. 96-212, 94 Stat. 102 (codified at scattered sections of 8 and 22 U.S.C.), was intended in part to codify the requirements of the U.N. Convention relating to the Status of Refugees, July 28, 1951, 189 U.N.T.S. 137, and the Protocol relating to the Status of Refugees, Jan. 31, 1967, 19 U.S.T. 6223, T.I.A.S. No. 6577, 606 U.N.T.S. 267, to which the United States is party. The main claim made by the sanctuary movement, according to the authors, is that the United States government, by returning refugees to El Salvador and Guatemala, is violating the "non-refoulement" (i.e., no return of refugees to a land where they may be persecuted) provisions of Article 33 of the Geneva Convention, as reflected in the 1980 Refugee Act. See Immigration and Nationality Act, § 243(h), 8 U.S.C. § 1253(h) (1982).

4. See, e.g., Carro, *supra* note 1, at 777 ("The current sanctuary movement . . . was not created out of necessity for deferred judgment and mercy. Instead, the current movement is a political movement launched with the primary goal of effectuating a change in United States foreign policy in Central America.").

5. Another recent book on the subject, I. BAU, THIS GROUND IS HOLY: CHURCH SANCTUARY AND CENTRAL AMERICAN REFUGEES (1985), shares that viewpoint as well.

6. See *United States v. Merkt*, 794 F.2d 950 (5th Cir. 1986) (Stacy Lynn Merkt and John Elder, co-defendants); *United States v. Merkt*, 764 F.2d 266 (5th Cir. 1985) (Merkt only defendant). Recently the government prosecuted a larger group, obtaining several convictions, in *United States v. Socoro Pardo de Aguilar*, No. CR-85-008-PHX-EHC (D. Ariz. 1985), discussed in N.Y. Times, May 2, 1986, at A1, col. 1. Government action with respect to Sanctuary is described in chapter 3. See also, Comment, *Challenges to Refugee Policy*, *supra* note 1, at 553-60 (detailing the litigation initiated by either the government or Sanctuary on these issues).

United States in Central America. The book presents a very *praxis*-oriented<sup>7</sup> approach to these problems, and explains some of the theoretical underpinnings of the sanctuary movement.

The authors' academic qualifications<sup>8</sup> are less significant than their personal involvement with the poor of Central America. They are both members of the Chicago Religious Task Force on Central America, an organization that has played an important part in the national organization of Sanctuary. Both of them have been "conductors"<sup>9</sup> for the movement. In fact, one of the chapters presents the story of Renny Golden's first trip through Mexico with a group of refugees, and her consequent encounter with Mexican authorities (pp. 98-111). Illegal action of this sort is easily criticized by an outsider. Reading the book, however, the motivations for actions such as these become very clear — whether one accepts them as persuasive or not.

The authors forcefully present Sanctuary's *raison d'être* at the beginning of each chapter. There, Guatemalans and El Salvadorans tell their tales of violence and terror in very simple English, with little embellishment. These narratives form a very effective backdrop for, and counterpoint to, the more controversial assertions made by the authors themselves. For example, in Chapter One, Pedro and Sylvia paint a stark picture of El Salvador. Pedro's work for the Salvadoran Human Rights Commission consisted of photographing bodies found in the streets. He describes the tortured bodies and unimaginable atrocities he witnessed. His and Sylvia's decision to leave came after the disappearance and murder of other members of the Commission, and after the military began searching for each of them. They eventually entered the United States illegally with the assistance of Sanctuary.

From the authors' point of view, Pedro and Sylvia illustrate not only Sanctuary's protective purpose, but its prophetic role as well. They are not simply hiding in the United States; their stated purpose is to tell their story to anyone who will listen. Their plea is for an end to American military assistance to the government of El Salvador: "Every bullet that travels from the United States ends up in a dead peasant. We don't need that kind of aid. North Americans think they are fighting Communists. They are being lied to by their government.

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7. The authors take *praxis*, or concrete experience, as the starting point for their philosophy, rather than beginning with a theory, and subsequently applying it to life situations. The authors explain their methodology at page 4 (emphasis in original): "Like the theologians of Latin America, we begin with the concrete reality facing the people. It is *that* truth that calls us to action."

8. Renny Golden is a published poet, has taught at the Harvard Divinity School's Women's Religious Studies Program, and is now a professor at Northeastern Illinois University. Michael McConnell is an ordained minister for the United Church of Christ who has also published several articles on the subject of Sanctuary.

9. "Conductors" are those who guide or transport refugees under the auspices of Sanctuary.

I believe there is still time for the people to uncover the truth" (p. 11). The authors quote other refugees who show the same willingness to speak out:

"I have not come to your country to sit on my hands," said a Guatemalan refugee in sanctuary in Dayton, Ohio. "My criticism of the sanctuary organizers is that they have not given enough direction to the local church communities, have not challenged those communities to organize more opportunities for us refugees to speak. I want to speak more and more." [p. 169]

Golden and McConnell believe this desire to communicate is essential to the movement's task: "Sanctuary is not merely a safe place to hide in but a prophetic platform to speak out from" (p. 15). The authors, moreover, find no inconsistency between Sanctuary's intensely political goals and its religious roots. They make a claim instead for the "essential unity of spiritual renewal and political protest. . . . [T]he essential dichotomy facing the church [is] not spirituality vs. politics, but life vs. death" (p. 28). They say the biblical call for compassion and justice that moves them must be acted out in a political world, so that politicization is not inconsistent with, but a necessary characteristic of, religious action.

This vision of religiously based political action is not new. Latin American Liberation Theology has been preaching a gospel of social involvement and structural reform of society for about twenty years.<sup>10</sup> The authors cite Pope John Paul II himself for the intimate link between Christianity and structural reform:

We see the growing gap between the rich and the poor as a scandal and a contradiction to Christian existence. The luxury of a few becomes an insult to the wretched poverty of the masses. This is contrary to the plan of the Creator. . . . In this anxiety and sorrow the church sees a situation of social sinfulness, all the more serious because it exists in countries that call themselves Catholic and are capable of changing the situation. [p. 144]<sup>11</sup>

The authors' perception of a need for the structural change of society stems from their recognition of two kinds of violence. The most visible is the repressive violence perpetrated by some governments in Central America. The other kind of violence, they say, is worse than the first, and is, at least in part, the cause of it (p. 141). It is the violence imposed by an unjust social system: parents burying infants and children burying young parents — all unnecessary victims of poverty, malnutrition, and disease. It is the violence of perpetual hunger, landlessness, and hopelessness — all of which contribute to the dis-

10. For a brief and fairly comprehensive overview of Liberation Theology, see J. MIGUEZ BONINO, *DOING THEOLOGY IN A REVOLUTIONARY SITUATION* (1975).

11. It should be noted, however, that the Catholic Church as an institution does not support Liberation Theology, although Latin American priests were instrumental in giving it birth, and many of these priests still form the backbone of the movement.

placement of people and the so-called refugee problem. This vision of injustice, they argue, demands a Christian (or at least religious) response. The authors, joining with the recent Latin American theological tradition, sound a call for total personal involvement with the poor, and radical social reform.

Chapter Five sets out some of the theology behind this call by explaining the authors' idea of religious conversion (pp. 154-57). Golden and McConnell claim that Western theological tradition has often understood conversion as a purely personal event, marking almost exclusively an increase in personal piety, and even prompting a certain withdrawal from society (p. 156). They advocate a different ideal: "The sinner is called to conversion and in the United States that means changing sides and joining with the poor in their struggle for life" (p. 155). "[Conversion] calls for a complete turning over of the self and the world — that is, revolution" (p. 157).

The authors claim that this kind of conversion is especially necessary for citizens of the United States, since they believe this country has had a heavy hand in the creation of the oppressive conditions in Central America (pp. 147-54). The authors argue that the United States should bear part of the cost of the dislocation of refugees for two reasons. First, United States foreign policy and self-interested activity contribute to the violent situation, causing refugees to flee Guatemala and El Salvador. Secondly, the authors believe that Americans have a moral responsibility to protect the "strangers in our midst" — a responsibility embodied in our laws preventing the return of refugees.<sup>12</sup> Sanctuary can therefore be used by "converted" Americans as a platform from which to attack what the authors view as one of the roots of the refugee problem — American foreign policy — as well as to remedy some of its immediate effects. In this sense, it is a vehicle for religious action.

The authors conclude, after examining conflicting reports, that people returned to El Salvador and Guatemala are indeed placed in great danger. They also marshal a substantial amount of evidence to demonstrate that the immigration laws are being used as an instrument of foreign policy (pp. 41-46). They suggest that the Immigration and Naturalization Service is denying asylum to people from those two countries in order to save from embarrassment governments that are considered friendly and important allies to the United States in Central America.<sup>13</sup> Golden and McConnell claim convincingly not

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12. See note 3 *supra*.

13. It is significant that in *Orantes-Hernandez v. Smith*, 541 F.Supp. 351, 354 (C.D. Cal. 1982), the court said "they [Central American illegal aliens] have been met with a summary removal process, usually carried out by the INS with little or no regard for the procedural or substantive rights of aliens under United States immigration law." The factual findings of that court attest to the veracity of some of Golden and McConnell's assertions. See also Note, *Extended Voluntary Departure: Limiting the Attorney General's Discretion in Immigration Matters*,

only that this is happening, but also that it is contrary to American immigration law.

The book is not without faults, stylistically and substantively. A particularly jarring note is introduced in chapter 5 when a Guatemalan ex-Sergeant tells of his exploits with the security forces. He seems to take perverse pride in recounting atrocities. "We killed the most of any," he brags (p. 126). Besides the serious questions about his ability to qualify for asylum, given his own involvement in torture and mass killings,<sup>14</sup> his recital appears to lack much of the credibility and sincerity the others reflect. Also, the complete rejection of any government-sponsored refugee relocation or assistance program and the somewhat paranoid description of United States government action against Sanctuary (Chapter Three) seem at least partially unwarranted. The stylistic problems are minor, although the quality of the translations of Spanish quotations is surprisingly poor.

Despite these problems, the authors must be commended for their honest self-examination. Golden and McConnell address differences of opinion within the movement regarding the necessary extent of political involvement (pp. 165-79). They recount Sanctuary's internal struggles with racism, sexism, and similar problems. They talk of the problems between the churches and the people being sheltered. More importantly, they address some of the difficulties the refugees have encountered within Sanctuary itself, such as patronizing attitudes and the lack of a voice. For persons interested in the inner workings of Sanctuary these portions of the book (in Chapter Two) are invaluable.

*Sanctuary: The New Underground Railroad* is not conclusive in itself. One of its basic premises is that popular movements of liberation could create a just, or at least a more just, society in Central America. Those who dismiss that belief as sheer naïveté will, in all likelihood, remain unconvinced after reading the book. But they will probably have a better understanding of the opposite viewpoint. The authors will, at the very least, succeed in introducing some uneasiness into an uncommitted reader's acceptance of the official version of American activities and interests in that troubled region. And for those sympathetic with the authors' convictions, the book will serve as inspiration and encouragement, as well as a challenge to further action.

— Daniel M. Brinks

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85 MICH. L. REV. 152 (1986); Note, *Salvadoran Illegal Aliens: A Struggle to Obtain Refuge in the United States*, 47 U. PITT. L. REV. 295 (1985).

14. Section 243(h)(2)(A) of the Immigration and Nationality Act excludes from eligibility for asylum those who have "ordered, incited, assisted, or otherwise participated in the persecution of any person on account of race, religion, nationality, membership in a particular social group, or political opinion." 8 U.S.C. § 1253(h)(2)(A) (1982).