

Convictions, Communism, and the Cold War: The Sanctuary Movement in the 1980s

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The idea that the United States is a sanctuary for refugees and immigrants is a national myth that is often contradicted. Throughout its history, the US has routinely denied protection to those fleeing violence and threat of death, especially when doing so served political interests. This lack of humanity was present in the 1980s when the US systematically denied asylum to Central American refugees, many of whom were fleeing violence exacerbated by US intervention. In response, religious leaders and activists formed the Sanctuary Movement, a nationwide movement and network of churches to assist, house, and protect undocumented refugees that were in danger of deportation by the Immigration and Naturalization Service (INS).¹ In turn, the US government refused to recognize the ongoing humanitarian crisis, and instead criminalized the movement in order to suppress opposition to its interventionist policies in Central America. The US government's prosecution of Sanctuary Movement workers was politically motivated and violated US law as evidenced by the conditions in Central America that were partially the result of the US government's interventionist policy in the region, the Refugee Act of 1980 and INS's repeated violations of it, the motivations of INS and the Sanctuary Movement, the government's mishandling of the case, a biased ruling judge, and the impact and aftermath of the trial.

By the early 1980s conditions in much of Central America, especially El Salvador, Guatemala, Honduras, and Nicaragua, were extremely violent, partially due to the involvement of the US government. This period of Cold War era violence in El Salvador began in the 1970s and escalated in 1979 when General Carlos Humberto Romero was overthrown by a civilian-military government.² Levels of violence continued to escalate when on March 24, 1980, one of El Salvador's most outspoken critics of the government's violence and defenders of peace, Archbishop Oscar Arnulfo Romero, was assassinated while giving mass and the country entered an all-out civil war.³ While the hierarchy of El Salvador's Catholic church remained ultraconservative and aligned with US forces; members of the clergy who were progressive and associated with liberation theology became targets for violence.⁴ Other targets included academics, students, union workers, journalists, human rights groups affiliates, and medical personnel.⁵ The turmoil inhibited the poorest sections of society from obtaining subsistence,

¹ Norma Stoltz Chinchilla, Norma Hamilton, and James Loucky, "The Sanctuary Movement and Central American Activism in Los Angeles," *Latin American Perspectives* 36 (2009): 102; "Sanctuary: Churches' Way to Protect." *US News & World Report*. September 1984. *Sanctuary Movement Trial Papers*, MS 362, Box 3, Folder 24, University of Arizona Libraries, Special Collections, Tucson, Arizona (hereafter cited as "Sanctuary: Churches' Way to Protect" *US News & World Report*).

² Amnesty International, "El Salvador Packet," March 1981, *Sanctuary Movement Trial Papers*, MS 362, Box 3, Folder 1, University of Arizona Libraries, Special Collections, Tucson, Arizona (hereafter cited as Amnesty International, "El Salvador Packet").

³ Edwin Guthman, "Underground Railroad, 1980s Style: *Sanctuary: A Story of American Conscience and the Law in Collision*," *The New York Times*, September 25, 1988; Amnesty International, "El Salvador Packet."

⁴ Chris Norton. "Salvador Catholic Church Divided Over Role it Should Play in War," *The Christian Science Monitor*, Dec 5, 1985.

⁵ Amnesty International, "El Salvador Packet," 142-146; Amnesty International, "Prepared Statement of Amnesty International before the Subcommittee on Western Affairs and the Subcommittee on Human Rights and International Organizations, Committee on Foreign Affairs, US House of Representatives," July 1983, *Sanctuary*

leading to even greater poverty and a growing threat of starvation.⁶ By 1981 two-thirds of El Salvador was an active war zone and by 1987 sixty-thousand civilians had been killed, largely at the hands of various military forces.⁷ Paramilitary forces in El Salvador consistently engaged in mass torture, kidnappings, disappearances, and public executions of non-combatant civilians, including young children.⁸ By 1986, nearly one million Salvadoran people had been displaced and conditions in neighboring countries forced the majority of those fleeing violence further north.⁹

The United States' Cold War era military involvement and assistance to Central America began with President Jimmy Carter's administration and escalated with the election of Ronald Reagan in 1980. The revolutionary movements that were successful in Nicaragua and growing in Guatemala and El Salvador were understood in a late Cold War context as severe threats to the US instigated by the Soviet Union.¹⁰ In the summer of 1980 President Carter began sending military hardware and advisors to El Salvador.¹¹ When President Reagan assumed power in 1981, his administration first stated it intended to protect human rights in El Salvador, but then quickly announced its intentions to significantly increase military assistance.¹² Despite repeated reports by Amnesty International that military aid would result in further human rights violations the Reagan administration funneled funds and military equipment to contra forces and launched a massive disinformation campaign to spread chaos throughout the region.¹³ In 1984 CBS captured footage of US planes bombing villages in El Salvador, which government officials denied.¹⁴ The Reagan administration funded "a gross and consistent pattern of human rights violations" in Central America and then refused to classify those who fled from the violence to the US as refugees and instead deported them back into the war zone.¹⁵ It is also notable that there is consistent evidence that deportees were targeted by Central American death squads, who killed hundreds upon their re-entry into their countries.¹⁶ At least two percent of the deportees

Movement Trial Papers, MS 362, Box 3, Folder 1, University of Arizona Libraries, Special Collections, Tucson, Arizona (hereafter cited as Amnesty International, "Prepared Statement").

⁶ Sarah Stooker. "Letter from Nicaragua." *Harvard MagArizonaine. Sanctuary Movement Trial Papers*, MS 362, Box 30, Folder 3, University of Arizona Libraries, Special Collections, Tucson, Arizona.

⁷ Ann Crittenden. *Sanctuary: A Story of American Conscience and the Law in Collision*. Weidenfeld & Nicolson, 1988, 17; National Sanctuary Mailing List. May 1984. *Sanctuary Movement Trial Papers*, MS 362, Box 33, Folder 5, University of Arizona Libraries, Special Collections, Tucson, Arizona (hereafter cited as National Sanctuary Mailing List, 1984).

⁸ Amnesty International, "El Salvador Packet" 139-141; Karen Parker. "Geneva Protections for Salvadoran Refugees." *Immigration Newsletter*. May-June 1984. *Sanctuary Movement Trial Papers*, MS 362, Box 33, Folder 5, University of Arizona Libraries, Special Collections, Tucson, Arizona (hereafter cited as Parker "Geneva Protections for Salvadoran Refugees").

⁹ Arturo Rivera y Damas Rivera. "El Salvador's Refugees." *The Catholic Messenger*. January 1986. *Sanctuary Movement Trial Papers*, MS 362, Box 33, Folder 11, University of Arizona Libraries, Special Collections, Tucson, Arizona. (hereafter cited as Rivera "El Salvador Refugees"); National Sanctuary Mailing List, 1984.

¹⁰ Norma Stoltz Chinchilla, Norma Hamilton, & James Loucky. "The Sanctuary Movement and Central American Activism in Los Angeles." *Latin American Perspectives* 36 (2009): 102.

¹¹ Miriam Davidson, *Convictions of the Heart: Jim Corbett and the Sanctuary Movement* (Tucson, AZ: University of Arizona Press, 1988), 18.

¹² Amnesty International, "El Salvador Packet" 139-141.

¹³ Amnesty International, "El Salvador packet" 142; National Sanctuary Mailing List, 1984.

¹⁴ National Sanctuary Mailing List, 1984.

¹⁵ Amnesty International, "Prepared Statement"; Davidson, *Convictions of the Heart*, 18.

¹⁶ "US Government vs. Sanctuary: The Refugee's Unheard Lament." Ecumenical Communications Network. *Sanctuary Movement Trial Papers*, MS 362, Box 33, Folder 11, University of Arizona Libraries, Special

denied asylum and sent back to Central America were documented to have been killed by military forces, but it is likely that the actual numbers were much higher.¹⁷

The conflicts in Central America led to the “largest displacement of peoples in the western hemisphere since the Indian wars.”¹⁸ Between 1980 and 1983 alone, 1.5 million people were displaced in Central America and between 500,000 and 750,000 entered the United States.¹⁹ These numbers included between 400,000 and 500,00 people from El Salvador, which was a tenth of the country’s population.²⁰ Despite these massive migratory movements, the US government denied the crisis and the media ignored it, until public dissent forced acknowledgement.²¹

Those fleeing Central America in the 1980s qualified for asylum under the Refugee Act of 1980.²² This act represented a theoretical ideological shift in immigration policy towards humanitarian based goals.²³ Before this act refugees were defined by US law “exclusively as one fleeing a ‘communist or communist-dominated country.’”²⁴ With the Refugee Act of 1980, the US incorporated the language of Article 33 of the United Nations Protocol, which offered a non-discriminatory, non-ideological definition of refugees as those fleeing a reasonable threat of persecution.²⁵ Under this act refugees were theoretically given the ability to apply for asylum at the US border or within the country.²⁶

The US government, specifically INS, disregarded the Refugee Act of 1980 when dealing with Central American refugees. Even though the Act no longer necessitated refugees to be from communist countries, ninety percent of admitted refugees continued to be from communist countries.²⁷ In 1989 asylum approval rates from seekers from the Soviet Union were 72.6%, while they were 2% for El Salvadorans and 1.3% for Guatemalans.²⁸ From 1981 to 1984 INS approved a mere 76 applications for asylum and rejected 1,221, with over 24,000 applications still pending in 1984.²⁹ In 1985, the number of immigrants crossing the border arrested by INS doubled in comparison to the previous year.³⁰

Collections, Tucson, Arizona (hereafter cited as “US Government vs Sanctuary” Ecumenical Communications Network).

¹⁷ David Seidenberg. “Sanctuary is a Jewish Issue.” *The Jewish Advocate*. March 1986. *Sanctuary Movement Trial Papers*, MS 362, Box 33, Folder 11, University of Arizona Libraries, Special Collections, Tucson, Arizona (hereafter cited as Seidenberg “Sanctuary is a Jewish Issue”).

¹⁸ Nick Allen, “New Book Details Underground Railroad, Sanctuary Movement Continues to Smuggle Aliens into the US,” news release, *Sanctuary Movement Trial Papers*, MS 362, Box 33, Folder 4, University of Arizona Libraries, Special Collections, Tucson, AZ (hereafter cited as Allen, “New Book Details Underground Railroad”).

¹⁹ Allen, “New Book Details Underground Railroad.”

²⁰ Allen, “New Book Details Underground Railroad.”

²¹ Allen, “New Book Details Underground Railroad.”

²² Parker “Geneva Protections for Salvadoran Refugees”

²³ Deborah Anker, “US Immigration and Asylum Policy: A Brief Historical Perspective,” *In Defense of the Alien* 13 (1990): 80.

²⁴ Anker, “US Immigration and Asylum Policy,” 78.

²⁵ Patty Blum, “An Overview of the Refugee Act of 1980,” *Sanctuary Movement Trial Papers*, MS 362, Box 2, Folder 4, University of Arizona Libraries, Special Collections, Tucson, Arizona (hereafter cited as Blum, “Overview of the Refugee Act”).

²⁶ Blum, “Overview of the Refugee Act.”

²⁷ Anker, “US Immigration and Asylum Policy,” 80.

²⁸ Anker, “US Immigration and Asylum Policy,” 80.

²⁹ Valley Religious Task Force on Central America, “Endorsing the Right to Show Love,” *Sanctuary Movement Trial Papers*, MS 362, Box 3, Folder 41, University of Arizona Libraries, Special Collections, Tucson, AZ.

³⁰ “US Government vs Sanctuary” Ecumenical Communications Network.

INS and other government agencies regarded Central American refugees as economic migrants.³¹ Peter Larradee, Director of INS demonstrated the agency's callousness and racist attitudes regarding Central American refugees, who he characterized as "peasants who are coming to the United States for a welfare card and a Cadillac."³² After the 1980 Act, INS adopted new deterrent policies to discourage refugees from entering the United States or applying for asylum including detaining asylum seekers in INS detention centers, such as one such facility in El Centro, California.³³ Conditions at El Centro were terrible, as detainees were housed in direct sun without shade or cooling and beaten by guards.³⁴ In these detention centers, refugees were systematically denied information about their rights, legal counsel, prevented from filing for asylum, and often involuntarily repatriated back to Central America, despite the fact that they expressed reasonable fears of being killed if they returned to their countries.³⁵ After his visit to the US, Archbishop of San Salvador, El Salvador, Arturo Rivera y Damas described the situation by stating that "the authorities and members of the government of the United States have closed their hearts against the suffering of my people, unprotected in a foreign land."³⁶ It was from these conditions that the Sanctuary Movement grew.

Personal experiences informed various religious individuals about the situation in Central America and the treatment of those seeking asylum in the US and motivated them to act. Jim Corbett, a Quaker who was previously unaware of the politics of Central America became involved in refugee work after he was told about a Salvadoran hitchhiker who had been arrested by the Border Patrol and "tried to post bond for the man but was given the run-around by immigration service officials."³⁷ John Fife, the pastor of Tucson's Southside Presbyterian Church, was motivated to assist Central American refugees when he learned of twenty seven middle-class Salvadoran people found in the middle of the Organ Pipe Cactus National Monument.³⁸ They gained national attention when they tried to cross the US-Mexico border in this area in July and thirteen of them died of dehydration.³⁹ When they were found, Border Patrol arrested those who survived to await deportation.⁴⁰ Darlene Nicgorski, a Catholic nun, found motivation to become involved in the Sanctuary Movement after she had witnessed atrocities firsthand in Guatemala as part of her missionary work there.⁴¹ All of these individuals became aware of the plight of Central American refugees due to their physical proximity to them and felt called upon as part of their religious beliefs to help them.

Nationally, Sanctuary Movement workers felt compelled to assist Central Americans out of a moral imperative based on their religious beliefs.⁴² They connected the contemporary

³¹ Parker "Geneva Protections for Salvadoran Refugees."

³² Parker "Geneva Protections for Salvadoran Refugees."

³³ Anker, "US Immigration and Asylum Policy," 80.

³⁴ Tucson Ecumenical Council, "Conversations with Refugees From El Salvador," February 1982, Tucson Arizona, *Sanctuary Movement Trial Papers*, MS 362, Box 30, Folder 24, University of Arizona Libraries, Special Collections, Tucson, Arizona.

³⁵ Guthman, "Underground Railroad, 1980s Style," 1; Anker, "US Immigration and Asylum Policy," 80; Parker "Geneva Protections for Salvadoran Refugees"

³⁶ Rivera "El Salvador Refugees."

³⁷ Guthman, "Underground Railroad, 1980s Style," 1; Davidson 16.

³⁸ Crittenden, *Sanctuary*, 3-6.

³⁹ Crittenden, *Sanctuary*, 3-6.

⁴⁰ Crittenden, *Sanctuary*, 3-6.

⁴¹ Michael L. Altman, "The Arizona Sanctuary Case." *Litigation* 16, no. 4 (1990): 24

⁴² "US Government vs Sanctuary" Ecumenical Communications Network.

Sanctuary Movement to the church's history of providing sanctuary for the oppressed.⁴³ They pointed to multiple Bible quotes, including Leviticus 19:33, "when a stranger sojourns with you in the land you shall not do him wrong"; Deuteronomy 24:17-19, "He loves the sojourner, giving him food and clothing. Love the sojourner, for you were sojourners in the land of Egypt"; Mathew 24:35-36, "For I was hungry and you gave me food, I was thirsty and you gave me drink, I was a stranger and you welcomed me, naked and you clothed me. I was ill and you comforted me, in prison and you came to visit me"; and Deuteronomy 24:17, "you shall not pervert the justice done to the sojourner."⁴⁴ Sanctuary Movement workers were reminded of the Holocaust and the US's failure to grant Jewish people asylum.⁴⁵ This encouraged Jewish people and synagogues to become active in the movement as well.⁴⁶ Sanctuary Movement workers were determined not to repeat the mistakes of the past.

Politically, the Sanctuary Movement was an anti-intervention movement. Sanctuary Movement workers were legitimately concerned that the US was preparing for an all-out war in Central America.⁴⁷ With the Vietnam War in recent memory, the Sanctuary Movement workers did not trust that their elected officials would prevent a full invasion or accurately inform the public about the US's activity in the region.⁴⁸ Movement workers instead felt it was their responsibility to voice their dissent and raise public consciousness.⁴⁹ One pastor in Washington, D.C. stated: "I want the public to fully think through our policies in Central America."⁵⁰ Through nationally distributed mailing lists, Sanctuary Movement workers gained detailed knowledge of the situation in Central America and the US's role.⁵¹ Furthermore, Sanctuary Movement workers felt they had a moral responsibility to assist refugees because their government contributed to the strife that forced them to flee.⁵² They utilized press coverage and sent letters to government officials en masse in order to fight against the US's involvement in Central America.⁵³

The Sanctuary Movement functioned out of necessity as the US government failed to follow domestic and international laws surrounding asylum and refugees. Critically, Sanctuary Movement workers screened refugees in order to establish their "well-founded fear of persecution" under the Refugee Act of 1980 in order to ensure that they assisted political refugees and not economic migrants.⁵⁴ Corbett felt it necessary to establish a network outside of the US government after the INS in Tucson no longer allowed undocumented people to apply for

⁴³ "Sanctuary: Churches' Way to Protect" *US News & World Report*.

⁴⁴ "US Government vs Sanctuary" Ecumenical Communications Network.

⁴⁵ Seidenberg "Sanctuary is a Jewish Issue."

⁴⁶ Carole Del Signore. "Sanctuary Movement Supported: Reform Congregations Equate Refugees with Jews Unders Nazis." November 1985. *The Washington Post*.

⁴⁷ National Sanctuary Mailing List, 1984.

⁴⁸ National Sanctuary Mailing List, 1984.

⁴⁹ National Sanctuary Mailing List, 1984.

⁵⁰ "Sanctuary: Churches' Way to Protect" *US News & World Report*

⁵¹ Witness for Peace Newsbrief. November 1984. *Sanctuary Movement Trial Papers*, MS 362, Box 3, Folder 41, University of Arizona Libraries, Special Collections, Tucson, Arizona.

⁵² Wayne King. "Activists Vow to Continue Aiding People Fleeing Central America." *The New York Times*. January 1985. *Sanctuary Movement Trial Papers*, MS 362, Box 33, Folder 11, University of Arizona Libraries, Special Collections, Tucson, Arizona.

⁵³ Adelante: Presbyterian Sanctuary Newsletter. Vol. II. Spring 1987. *Sanctuary Movement Trial Papers*, MS 362, Box 30, Folder 1, University of Arizona Libraries, Special Collections, Tucson, Arizona.

⁵⁴ "Pre-Sanctuary Counseling Guidelines," *Sanctuary Movement Trial Papers*, MS 362, Box 3, Folder 25, University of Arizona Libraries, Special Collections, Tucson, Arizona; Jim Rayburn. "John Fife." *Sanctuary Movement Trial Papers*, MS 362, Box 3, Folder 39, University of Arizona Libraries, Special Collections, Tucson, Arizona (hereafter cited as Rayburn "John Fife").

asylum without being arrested.⁵⁵ Recorded testimonies of Central American refugees make explicitly clear and justify their fears of persecution and death.⁵⁶

After being threatened by INS, Sanctuary workers in Tucson decided to go public.⁵⁷ On March 24, 1982, Corbett, Fife, and other activists held a press conference where they declared Southside Presbyterian Church a sanctuary for Central American refugees.⁵⁸ In an attempt to increase public awareness of the violence in Central America and the US government's treatment of Central American refugees, Fife read a letter he had already sent to the Attorney General, the US Attorney for Arizona, and the head of Border Patrol in Tucson wherein he declared that Southside Presbyterian would continue to provide sanctuary to Central American refugees until the unlawful deportations stopped.⁵⁹ Jim Corbett explained the decision, "We decided to go public because we'd all become aware that a full scale holocaust was going on in Central America. By keeping the operation clandestine, we were doing exactly what the government wanted us to do – keeping it hidden, keeping the issue out of public view."⁶⁰ In the months following the declaration news coverage of the movement greatly increased.⁶¹ INS was aware of the public declaration and sent undercover agents to the press conference and the prayer service that followed.⁶²

INS followed the Sanctuary Movement at least from its public declaration. INS chief investigator Jim Rayburn created multiple memorandums outlining and updating the agency and government about what he called the "El Salvadorian [*sic*] Underground Railroad."⁶³ In these memos Rayburn made his extensive knowledge of the movement very clear, as well as his negative opinions regarding it. He provided timelines of media coverage and movement action, as well as descriptions of public Sanctuary events that he attended.⁶⁴ He also described the various members by full name and their role and complained of positive press coverage afforded to leaders like John Fife by various media outlets.⁶⁵

Rayburn launched the undercover infiltration of the Sanctuary Movement, Operation Sojourner, on March 19, 1984.⁶⁶ The main undercover agent was Jesus Cruz. Cruz began working for the US government when he faced charges for alien smuggling after working as a "coyote."⁶⁷ He admitted that he illegally transported undocumented Mexican farm workers from

⁵⁵ Davidson, *Convictions of the Heart*, 46.

⁵⁶ Conversations with Refugees from El Salvador.

⁵⁷ Chinchilla, Hamilton, Loucky 105.

⁵⁸ Chinchilla, Hamilton, Loucky 105.

⁵⁹ Davidson, *Convictions of the Heart*, 69.

⁶⁰ Beverly Medlyn. "'Underground Railroad' Still Runs in the Open." *The Arizona Daily Star*. December 1982. *Sanctuary Movement Trial Papers*, MS 362, Box 3, Folder 39, University of Arizona Libraries, Special Collections, Tucson, Arizona (hereafter cited as Medlyn "'Underground Railroad' Still Runs in the Open").

⁶¹ Medlyn "'Underground Railroad' Still Runs in the Open"

⁶² Davidson, *Convictions of the Heart*, 69.

⁶³ Jim Rayburn, "El Salvadoran Underground Railroad." June 1983. *Sanctuary Movement Trial Papers*, MS 362, Box 3, Folder 39, University of Arizona Libraries, Special Collections, Tucson, Arizona (hereafter cited as Rayburn "El Salvadoran Underground Railroad" June 1983).

⁶⁴ Jim Rayburn. "El Salvadoran Underground Railroad." August 1982. *Sanctuary Movement Trial Papers*, MS 362, Box 3, Folder 39, University of Arizona Libraries, Special Collections, Tucson, Arizona (hereafter cited as Rayburn "El Salvadoran Underground Railroad" August 1982); Rayburn "El Salvadoran Underground Railroad" June 1983.

⁶⁵ Rayburn "John Fife"

⁶⁶ Crittenden, *Sanctuary*, 132.

⁶⁷ "US Government vs Sanctuary" Ecumenical Communications Network.

Arizona to Florida from 1978 to 1980 and was paid \$5,500 to \$6,000 for each transportation.⁶⁸ As part of their operation, INS paid Jesus Cruz and others to wear hidden recording devices and infiltrate the Sanctuary Movement. For eight months, Jesus Cruz feigned solidarity with movement members, church workers, and refugees.⁶⁹ During his undercover work Cruz “attended and taped Bible study meetings, visited refugees, assisted with refugee transporting, and provided constant information to the government.”⁷⁰ The refugees that Cruz transported while undercover described the violence and threats of persecution that motivated them to leave their countries and travel north.⁷¹ While the Sanctuary Movement workers said their meetings were religious, the government labeled them political, and as such Operation Sojourner entered the “no-man’s land between church and state.”⁷²

It is worth interrogating the INS’s motivations for infiltrating Sanctuary Movement churches. INS did not begin Operation Sojourner until two years after the public declaration. During these two years, various government officials repeatedly stated that the US government would not go after movement workers. In 1982, William Johnson, head of INS in Tucson stated when asked about the movement: “First, investigations like that take a long time. Second, you have to go hunting where the ducks are. Since we have such a limited staff, we try to concentrate investigative efforts where they do the most good.”⁷³ Assistant Secretary of State, Elliott Abrams, stated when asked about the movement: “No one wants to create martyrs. We are not going to look for people, but we are trying to persuade Americans not to engage in gratuitous law breaking.”⁷⁴ Leon Ring, chief of Border Patrol in Tucson, stated, “This underground railroad – or the various church groups – wanted publicity. They were baiting us to overreact. Therefore, we have deliberately been very lowkey. Certain arrests could have taken place if we wanted to, but we felt that the government would end up looking ridiculous, especially as far as going into church property – anything where the ethics involved would be questioned.”⁷⁵ These statements raise questions as to why the INS would then infiltrate the movement a few years later.

Some, including Sanctuary Movement journalist and writer Ann Crittenden, have argued the INS decided to prosecute because it was embarrassed over the media coverage of the workers publicly breaking the law.⁷⁶ Right-wing newspapers criticized the government’s lack of action against the movement and encouraged readers to reprint and share their articles calling for prosecution of movement workers who they labeled Soviet spies and communists.⁷⁷ Those opposed to the movement repeatedly questioned why movement workers were able to “publicly flout the law without reprisal” and act with impunity.⁷⁸ The repeated mentions and complaints of

⁶⁸ “Smuggler Tells How He Led INS to Refugees.” *Milwaukee Journal*. December 1985. *Sanctuary Movement Trial Papers*, MS 362, Box 33, Folder 11, University of Arizona Libraries, Special Collections, Tucson, Arizona (hereafter cited as “Smuggler Tells How he Led INS to Refugees”).

⁶⁹ Crittenden, *Sanctuary*, 190; Rayburn “John Fife”

⁷⁰ “US Government vs Sanctuary” Ecumenical Communications Network.

⁷¹ Rayburn “John Fife”

⁷² Crittenden, *Sanctuary*, 190-191.

⁷³ Medlyn “‘Underground Railroad’ Still Runs in the Open”

⁷⁴ “Sanctuary: Churches’ Way to Protect” *US News & World Report*.

⁷⁵ Medlyn “‘Underground Railroad’ Still Runs in the Open”

⁷⁶ Allen, “New Book Details Underground Railroad.”

⁷⁷ Merle Naylor, “Lefist Clerics Help Illegals,” *The Spotlight*, 1983, *Sanctuary Movement Papers*, MS 362, Box 31, Folder 7 University of Arizona Libraries, Special Collections, Tucson, Arizona.

⁷⁸ Medlyn “‘Underground Railroad’ Still Runs in the Open”

the media's coverage of the movement in Rayburn's own notes and correspondence support the argument that Operation Sojourner was initiated out of embarrassment.⁷⁹

On January 14, 1985, sixteen Sanctuary Movement workers, including Corbett, Fife, and Nicgorski, and a total of six clergy members were indicted on seventy-one counts involving the harboring, transporting, and aiding and abetting the entry of "illegal aliens" into the United States.⁸⁰ The indictments directly stemmed from Operation Sojourner and served as the first time that movement workers learned for certain that their movement was infiltrated.⁸¹ In response to the revelation John Fife stated, "We know it goes on in Russia all the time, but we thought the Constitution prohibited informants being placed inside the church and ministry."⁸² In reaction to the indictments, one New York Sanctuary Movement member stated, "These actions are a reflection of the Administration's unwillingness to acknowledge and address the human tragedies of the bloodshed in Central America, which is compounded by the US involvement there."⁸³ If convicted the penalties included prison time ranging from six months to five years and fines up to two thousand dollars for each charge.⁸⁴

The trial that followed can only be understood as a politically motivated show trial. The prosecution's main argument was that the Central American people aided by the Sanctuary Movement were "illegal aliens," not political refugees.⁸⁵ Prosecutor Don Reno argued that the Salvadorans and Guatemalans assisted by the Sanctuary Movement were fleeing harsh economic and social conditions, not personal persecution and were in the US illegally.⁸⁶ Reno also repeatedly questioned the motives of movement workers and their dedication to religious ideals.⁸⁷ Publicly, the prosecutor Don Reno "downplayed the proceeding, calling it a 'simple alien smuggling case.'"⁸⁸ INS regional commissioner Harold Ezel followed suit by stating, "we are treating them just as we would any other smuggling operation."⁸⁹

⁷⁹ Rayburn "El Salvadoran Underground Railroad" August 1982; Rayburn "El Salvadoran Underground Railroad" June 1983.

⁸⁰ Michael L. Altman, "The Arizona Sanctuary Case," in *Litigation* 16, no. 4 (1990): 23; "6 Clerics Indicted for Smuggling Aliens in Underground Railroad." *New York Post. Sanctuary Movement Trial Papers*, MS 362, Box 33, Folder 11, University of Arizona Libraries, Special Collections, Tucson, Arizona (hereafter cited as "6 Clerics Indicted" *New York Post*); "Clerics, Nuns Indicted in Alien Smuggling Ring." January 1985. *Sanctuary Movement Trial Papers*, MS 362, Box 33, Folder 11, University of Arizona Libraries, Special Collections, Tucson, Arizona (hereafter cited as "Clerics, Nuns Indicted" 1985).

⁸¹ "6 Clerics Indicted," *New York Post*, January 1985, *Sanctuary Movement Trial Papers*, MS 362, Box 33, Folder 11, University of Arizona Libraries, Special Collections, Tucson, AZ; "16 Indicted by US in Bid to End Church Smuggling of Latin Aliens," *The New York Times*, January 1985, *Sanctuary Movement Trial Papers*, MS 362, Box 33, Folder 11, University of Arizona Libraries, Special Collections, Tucson, AZ (hereafter cited as "16 Indicted by US").

⁸² "Clerics, Nuns Indicted," 1985.

⁸³ "Clerics, Nuns Indicted," 1985.

⁸⁴ "Clerics, Nuns Indicted," 1985.

⁸⁵ "Religious Charged with Conspiracy to Smuggling Aliens," January 1985, *Sanctuary Movement Trial Papers*, MS 362, Box 33, Folder 11, University of Arizona Libraries, Special Collections, Tucson, AZ.

⁸⁶ "Sanctuary Trial Witness Says He Is Political Refugee From El Salvador." *The San Diego*. January 1986. *Sanctuary Movement Trial Papers*, MS 362, Box 33, Folder 11, University of Arizona Libraries, Special Collections, Tucson, Arizona (hereafter cited as "Sanctuary Trial Witness" January 1986).

⁸⁷ Susan Albright & Micheal Pulitzer, "Sanctuary: Probationary Sentences Are Welcome Relief." *The Arizona Daily Star*. July 1986. Government-United States- Law and Legislation- Sanctuary Movement- 1980s. Ephemera File. Arizona Historical Society Library and Archives, Tucson, Arizona (hereafter cited as Albright & Pulitzer "Sanctuary: Probationary Sentences").

⁸⁸ Altman, "The Arizona Sanctuary Case," 23.

⁸⁹ "Clerics, Nuns Indicted," 1985.

The Sanctuary workers' defense relied on several arguments. Most importantly, the defense attempted to argue that the Sanctuary workers were not guilty of harboring or abetting "illegal aliens" because the people they helped were political refugees.⁹⁰ Because they were refugees, these Central American people were not in the US illegally and were entitled to asylum.⁹¹ The defense also attempted to argue that the prosecution engaged in selective prosecution by pressing charges against the indicted movement workers. The Tucson Sanctuary Movement was responsible for assisting a very small number of Central American refugees and comparatively, INS had never prosecuted the Arizona growers that blatantly harbored hundreds of undocumented immigrants every year.⁹² The defense also attempted to argue that the federal government was in violation of US and international law in its treatment of Central American refugees because they qualified for asylum, but were denied and that under the Reagan Administration their actions were "necessary and legal."⁹³ The defense argued that their actions which included attending meetings, criticizing the government, and holding religious services, were all protected under the First Amendment and that the prosecution had redefined religion and political opinion in order to avoid explicit violation of the First Amendment.⁹⁴

During the pretrial hearings, the presiding Federal District Judge Earl Carroll severely limited the issues that could be presented to the jury during the trial and effectively stripped the defense of all their arguments.⁹⁵ In response to the government's *in limine* motion, the Court ruled that the defense could not present any arguments that relied on necessity, motivation, the Refugee Act of 1980, international law, or good faith actions.⁹⁶ This meant that the defense could not argue that their actions were necessary to save the lives of refugees, that they were motivated by their religious beliefs to provide sanctuary, that the refugees were in the US legally under the 1980 Refugee Act because of a well-founded fear of persecution, that movement workers were acting under the belief that they were not breaking the law, or that the refugees were in the US legally under international law.⁹⁷ Judge Carroll also barred any mentions of: refugees or asylees, military aid to Central America, personal stories from Central Americans, the number of asylum applicants granted or denied, asylum policy, the impact of a guilty verdict, and amnesty or extended voluntary departure.⁹⁸ He justified this ruling by stating that the Sanctuary Movement trial was "not a forum on conditions in Central America."⁹⁹ The trial was a blatant attempt to stifle dissent of the US's involvement in Central America and establish a narrative that Sanctuary Movement workers were smugglers of "illegal aliens."

⁹⁰ Parker "Geneva Protections for Salvadoran Refugees."

⁹¹ Parker "Geneva Protections for Salvadoran Refugees."

⁹² "Archdiocese: Violence Cited at Tucson Trial," *The Catholic Voice*, January 1986, *Sanctuary Movement Trial Papers*, MS 362, Box 33, Folder 11, University of Arizona Libraries, Special Collections, Tucson, AZ (hereafter cited as "Archdiocese: Violence Cited"); "US Government vs. Sanctuary," *Ecumenical Communications Network*, *Sanctuary Movement Trial Papers*, MS 362, Box 33, Folder 11, University of Arizona Libraries, Special Collections, Tucson, AZ.

⁹³ "US Government vs Sanctuary," Ecumenical Communications Network.

⁹⁴ Arizona Sanctuary, "Defense Wraps Up."

⁹⁵ "Defense Summary of Pretrial Hearings Against Sanctuary Workers," Phoenix Sanctuary Committee. *Sanctuary Movement Trial Papers*, MS 362, Box 33, Folder 4, University of Arizona Libraries, Special Collections, Tucson, Arizona (hereafter cited as "Defense Summary of Pretrial" Phoenix Sanctuary Committee).

⁹⁶ "Defense Summary of Pretrial," Phoenix Sanctuary Committee.

⁹⁷ "Defense Summary of Pretrial," Phoenix Sanctuary Committee.

⁹⁸ Crittenden, *Sanctuary*, 219-220.

⁹⁹ "Sanctuary Trial Witness," January 1986.

In practice the limitations imposed by Judge Carroll created unique issues and a highly combative atmosphere. The trial was very contentious with the defense filing multiple motions for dismissal and for a change of judge and multiple threats from the judge to cite the defense attorneys for contempt.¹⁰⁰ Most frustratingly, the defense was not allowed an opportunity to present the whole context to the jury. Over the course of the trial, defense attorneys repeatedly clashed with the judge and were able to give jurors only occasional glimpses into the violence that motivated Central Americans to flee. The defense was able to present the jury with the violence that Sister Darlene Nicgorski experienced in Guatemala where the pastor of her church group was assassinated.¹⁰¹ Jesus Cruz also admitted on the stand that persecution was a frequent topic in the meetings he infiltrated and he heard references to the “500-pound bombs being dropped in non-military areas of the Central American nation’s countryside and heard mention of military use of white phosphorus on civilians.”¹⁰²

The defense fought against the limitations on their arguments and witness testimonies. The first Central American refugee to testify, a forty-six-year-old Salvadoran man using the name Alejandro Rodriguez, stated that he was a political refugee and was able to make a few, incomplete references to the violence he experienced in El Salvador. When the defense asked him why he did not return to El Salvador, he testified, “because I could be killed.”¹⁰³ Under cross examination about his union activities in El Salvador he stated “for that reason I had been jailed and tortured.”¹⁰⁴ Prosecutor Don Reno objected multiple times to Rodriguez’s comments and asked many of them to be stricken from the record.¹⁰⁵ The Judge did not allow Rodriguez to testify about the torture he experienced.¹⁰⁶ When Rodriguez’s wife stated that they left El Salvador because “we had no choice, we were in great danger” Judge Carroll had it stricken from the record.¹⁰⁷ Defense attorney Micheal Altman said to Judge Carroll in regards to Rodriguez: “If he was tortured, if he was psychologically abused, if he was imprisoned, the jury is entitled to hear about it.”¹⁰⁸ The prosecutor responded by stating that Rodriguez’s testimony about his experiences in El Salvador would “prejudice and confuse the jury.”¹⁰⁹ Judge Carroll sided with the prosecution.¹¹⁰

One of the biggest issues within the trial was the legality surrounding the state’s infiltration of churches and recordings of religious services and meetings.¹¹¹ The Sanctuary trial was the first time that the issue of government infiltration of churches came before a Federal Court.¹¹² The defense argued that the government’s infiltration of the church violated their free exercise of religion granted to them under the First Amendment.¹¹³ The Judge disagreed and stated that the infiltration “was not an acceptable practice, but it was not outrageous” and was

¹⁰⁰ “US Government vs Sanctuary” Ecumenical Communications Network

¹⁰¹ “Sr. Darlene Feels ‘Powerlessness’; Trial Continues,” *The Catholic Voice*, December 1985, *Sanctuary Movement Trial Papers*, MS 362, Box 33, Folder 11, University of Arizona Libraries, Special Collections, Tucson, Arizona.

¹⁰² “Archdiocese: Violence Cited” *Catholic Voice*.

¹⁰³ “Sanctuary Trial Witness,” January 1986.

¹⁰⁴ “Sanctuary Trial Witness,” January 1986.

¹⁰⁵ “Sanctuary Trial Witness,” January 1986.

¹⁰⁶ “Sanctuary Trial Witness,” January 1986.

¹⁰⁷ “Sanctuary Trial Witness,” January 1986.

¹⁰⁸ “Sanctuary Trial Witness,” January 1986.

¹⁰⁹ “Sanctuary Trial Witness,” January 1986.

¹¹⁰ “Sanctuary Trial Witness,” January 1986.

¹¹¹ “Defense Summary of Pretrial,” Phoenix Sanctuary Committee.

¹¹² “Defense Summary of Pretrial,” Phoenix Sanctuary Committee.

¹¹³ “Defense Summary of Pretrial,” Phoenix Sanctuary Committee.

legal.¹¹⁴ This alarmed religious leaders throughout the US, especially due to the government's mishandling of the undercover operation.¹¹⁵

Judge Carroll held deep-seated biases against the defense that he made evident throughout the trial. He agreed with the prosecution that the case was "just another alien smuggling case in its simplest form."¹¹⁶ Judge Carroll refused to recuse himself after it was revealed he "was a stockholder with a direct interest in the stability of El Salvador" and after he made multiple racist remarks, including: "people from Latin America perhaps have a difficulty in just answering the question yes or no, by the nature of their personal attitudes."¹¹⁷ He also ignored the government's clear and consistent mishandling of the case. Jim Rayburn failed to turn over evidence to the defense, and INS destroyed evidence, failed to make good faith efforts to locate witnesses, and mishandled Operation Sojourner as they repeatedly violated their own guidelines.¹¹⁸ Judge Carroll did not think these issues should require dismissal and did nothing to rectify the issues they created for the defense, except to note the governments' mishandling in his ruling.¹¹⁹ More egregiously, the defense revealed that INS's main informant, Jesus Cruz was involved with illegal arms trafficking across the US-Mexico border during his involvement in Operation Sojourner, but the judge ruled that this information was not relevant to the case and did not allow the jury to hear it.¹²⁰ When the prosecution disclosed that Cruz contradicted himself on the stand, it became clear that he had "willfully committed perjury."¹²¹ Whilst on the stand Jesus Cruz disclosed that he also lied to INS about his US citizenship in order to obtain \$18,000 compensation from the INS for his undercover work.¹²² However, Judge Carroll "ruled that the revelation was not important enough to warrant dismissing the indictments" and instead merely rebuked Rayburn for knowingly allowing Cruz to perjure himself.¹²³

On May 1, 1986, after a 6-month long trial, the jury came back with a verdict. Of the eleven Sanctuary Movement workers that were included on the final indictments, eight were convicted on eighteen counts, and three were acquitted.¹²⁴ In an unexpected turn, none of the convicted movement workers were given any fines or jail time, and most were given five years of probation.¹²⁵ This came as a welcomed relief to the convicted because the crimes they were

¹¹⁴ "Defense Summary of Pretrial," Phoenix Sanctuary Committee.

¹¹⁵ "Defense Summary of Pretrial," Phoenix Sanctuary Committee.

¹¹⁶ Jim Jones. "Pastor Awaits Verdict: Church Watches Sanctuary Case." *Ft. Worth Star Telegram*. April 1986. *Sanctuary Movement Trial Papers*, MS 362, Box 3, Folder 24, University of Arizona Libraries, Special Collections, Tucson, Arizona Tucson, Arizona.

¹¹⁷ Crittenden, *Sanctuary*, 242, 278-279; "Sanctuary Trial Witness" January 1986.

¹¹⁸ Crittenden, *Sanctuary*, 233, 282-283; "Sanctuary Trial Continues." *Catholic Missourian*. December 1985. *Sanctuary Movement Trial Papers*, MS 362, Box 33, Folder 11, University of Arizona Libraries, Special Collections, Tucson, Arizona (hereafter cited as "Sanctuary Trial Continues" *Catholic Missourian*).

¹¹⁹ Crittenden, *Sanctuary*, 229.

¹²⁰ Altman, "The Arizona Sanctuary Case," 54; "US Government vs Sanctuary" Ecumenical Communications Network.

¹²¹ Crittenden, *Sanctuary*, 281; "Sanctuary Trial to Continue." *The Milwaukee Journal*. January 1986. *Sanctuary Movement Trial Papers*, MS 362, Box 33, Folder 11, University of Arizona Libraries, Special Collections, Tucson, Arizona (hereafter cited as "Sanctuary Trial to Continue" *Milwaukee Journal*); "Dismissal of Sanctuary Case Refused." December 1985. *Sanctuary Movement Trial Papers*, MS 362, Box 33, Folder 11, University of Arizona Libraries, Special Collections, Tucson, Arizona.

¹²² "Sanctuary Trial Continues," *Catholic Missourian*.

¹²³ "Sanctuary Trial to Continue," *Milwaukee Journal*.

¹²⁴ Crittenden, *Sanctuary*, 323.

¹²⁵ Albright & Pulitzer "Sanctuary: Probationary Sentences."

charged with could have resulted in up to twenty-five years in jail and fines up to \$18,000.¹²⁶ Judge Carroll, perhaps motivated by the plethora of letters he received asking him for leniency when sentencing the Sanctuary workers or his own guilty conscience, mentioned the defendants' good deeds during sentencing and criticized INS procedures.¹²⁷

In the end, one wonders why the US government decided to prosecute the Sanctuary Movement workers in the first place. The case cost the government over a million dollars and the impact of it did not seem to benefit the US government in any substantial way.¹²⁸ By INS's own admission the Sanctuary Movement only ever facilitated a small number of the illegal border crossings that occurred each year and from Operation Sojourner INS was only able to obtain information on eight families assisted by the movement.¹²⁹ After the trial, prosecutor Don Reno admitted that the prosecution was only meant to set a precedent that the actions of the movement workers were illegal.¹³⁰ The aftermath of the case proved that although the US government was able to secure convictions against the Sanctuary Movement workers, they were unable to achieve their broader goals.

The Sanctuary Movement trial and subsequent convictions did not dismantle the movement and instead only bolstered it. The trial sparked new levels of press coverage leading to the Sanctuary Movement becoming one of the top religious news stories in 1985 next to South African apartheid.¹³¹ The convicted Sanctuary Movement workers did not abandon the movement following the trial and instead recommitted themselves to the cause.¹³² Public support of the movement workers and their cause continued to grow exponentially as they quickly became leftist folk heroes and garnered support from Hollywood actors and Amnesty International alike.¹³³ The movement itself grew as well as the number of Sanctuary Movement congregations skyrocketed from 160 during the time of the indictments to 500 by 1990.¹³⁴ Across the country, churches continued to house refugees and help them navigate the court system. In 1987, the Catholic Church and other volunteer agencies helped screen and provide

¹²⁶ Albright & Pulitzer, "Sanctuary: Probationary Sentences."

¹²⁷ Daniel Browning. "Judge Criticizes INS, Sanctuary Movement After Giving Probation to Last 3 Defendants." *The Arizona Daily Star*. July 1986. Government-United States- Law and Legislation- Sanctuary Movement- 1980s. Ephemera File. Arizona Historical Society Library and Archives, Tucson, Arizona (cited hereafter as Browning "Judge Criticizes INS").

¹²⁸ Daniel Browning. "Sanctuary Case Cost About \$2.26 Million Dollars." *The Arizona Daily Star*. June 1986. Government-United States- Law and Legislation- Sanctuary Movement- 1980s. Ephemera File. Arizona Historical Society Library and Archives, Tucson, Arizona.

¹²⁹ Arizona Sanctuary Defense Fund. "Defense Wraps Up Closing Arguments in Sanctuary Trial." April 1986. *Sanctuary Movement Trial Papers*, MS 362, Box 33, Folder 11, University of Arizona Libraries, Special Collections, Tucson, Arizona (hereafter cited as Arizona Sanctuary "Defense Wraps Up").

¹³⁰ Crittenden, *Sanctuary*, 325.

¹³¹ Los Angeles Times service. "Sanctuary, Apartheid Ranked As Top Stories." *Milwaukee Journal*. January 1986. *Sanctuary Movement Trial Papers*, MS 362, Box 33, Folder 11, University of Arizona Libraries, Special Collections, Tucson, Arizona.

¹³² NC News Service. "Migration Week Marked with Vow of Aid." *The Chicago Catholic*. January 1986. *Sanctuary Movement Trial Papers*, MS 362, Box 33, Folder 11, University of Arizona Libraries, Special Collections, Tucson, Arizona; Wayne King. "Activists Vow to Continue Aiding People Fleeing Central America." *The New York Times*. January 1985. *Sanctuary Movement Trial Papers*, MS 362, Box 33, Folder 11, University of Arizona Libraries, Special Collections, Tucson, Arizona.

¹³³ Crittenden, *Sanctuary*, 286, 298.

¹³⁴ Altman, "The Arizona Sanctuary Case," 54.

counseling for an estimated eighty-five percent of refugees.¹³⁵ In Tucson, the Sanctuary Movement continued for decades after the trial with Southside Presbyterian and Reverend John Fife continuing to advocate for refugees throughout the 1990s and 2000s.¹³⁶

The Sanctuary Movement trial was not merely an “alien smuggling case”; it was a politically motivated effort to stifle dissent against the US Cold War involvement in Central America.¹³⁷ The US government violated international and domestic laws in their treatment of Central American refugees and prosecution of Sanctuary Movement workers, including but not limited to the Refugee Act of 1980 and the First Amendment of the Constitution. Though the Sanctuary Movement workers were convicted, their courage, determination, and the movement itself endured, leaving a lasting legacy in the battle for the rights of asylum seekers and those committed to protecting them.

¹³⁵ Carmen Duarte, “Church Steers the Way for Amnesty-Seekers.” *The Arizona Daily Star* May 1987. Government-United States- Law and Legislation- Sanctuary Movement- 1980s. Ephemera File. Arizona Historical Society Library and Archives, Tucson, Arizona.

¹³⁶ Daniel Gonzalez, “Phoenix Churches May Revive Sanctuary.” *Tucson Citizen*. April 2007. Government-United States- Law and Legislation- Sanctuary Movement- 1980s. Ephemera File. Arizona Historical Society Library and Archives, Tucson, Arizona; Tom Turner, “Sanctuary Evolves While Continuing Its Fight to Aid Refugees.” *The Arizona Daily Star*. September 1993. Government-United States- Law and Legislation- Sanctuary Movement- 1980s. Ephemera File. Arizona Historical Society Library and Archives, Tucson, Arizona.

¹³⁷ Altman, “The Arizona Sanctuary Case,” 23.