The Contested Meaning of Sanctuary in a Trumpist Context

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WPSA, San Francisco, 2018

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As President Trump took office in 2016, issued travel bans, suspended DACA (Deferred Action for Childhood Arrivals), and rescinded TPS status (temporary protected status) for significant numbers of people in 2017 and 2018, the call for sanctuary went from the fringes of the grassroots to becoming a subject of mainstream discussion.[[1]](#endnote-1) However, the term sanctuary means quite a lot of different things with little recognition of this fact. “We are all set, we are a sanctuary city” one of my friends argues, a highly respected political theorist, in response to the first travel ban Trump issued. This sort of statement has been frequently repeated since Trump’s election. The failure to define sanctuary and to understand how the term is used to define two related, but very different, forms of political resistance can be dangerous. When the term is used broadly, certain classes of resident foreigners can think they are protected from ICE (Immigration and Customs Enforcement) raids or arbitrary detention because they are in a sanctuary city or sanctuary county. They may also think that enrolling their children in school or seeking medical help is safe. Nonetheless, this is not true: only church-based sanctuary can protect an individual or family and this protection relies on the de facto understanding that immigration police will not enter a religious institution.[[2]](#endnote-2)

The fuzziness of the term sanctuary also covers up an important fact about immigration policing: nearly all matters of immigration are considered “civil” and operate extra-constitutionally, per the establishment of the plenary power doctrine. For most of the twentieth century, this doctrine defined federal immigration authority but states were bound to uphold the Constitution—that is, they could not exceed or challenge federal authority.[[3]](#endnote-3) In 1996, immigration powers were devolved to the states in two areas: anti-terror and welfare. This meant, as Monica Varsanyi has argued, that the legal non-personhood of immigrants at the federal level is now true at the state level in these two policy areas. For this reason, it is only “partial” devolution but its ramifications are significant in that immigrants are even more rightless today. In order to accurately understand sanctuary practices today, knowledge of the extra-constitutional nature of immigration policy and enforcement is necessary. This is particularly important as anti-terror policing and immigration enforcement have merged, immigration policy is increasingly criminalizing, and as the plenary power doctrine has been expanded with partial devolution to (again) create greater rightlessness.

In this paper, I explore the differences between a sanctuary city (or county, e.g.) and church-based sanctuary. Drawing on Sheldon Wolin’s notion of the political and James Scott’s work on resistance,[[4]](#endnote-4) I argue that a sanctuary city is not especially political and nor is it a significant form of resistance to unjust immigration policies and practices. In contrast, church-based sanctuary is deeply political and interesting as a form of resistance because, while we often think of protest as directed at policy reform, it entails challenging the power of the “warfare” state (i.e. sovereign power) and does not aim at policy reform per se (i.e. the “welfare state”). Just as significant, those who seek sanctuary are not second-class citizens who could earn their citizenship through merit-based requirements, as the rhetoric of “earned citizenship” indicates. Rather, they are cast as criminalized foreigners who have reached the end of their time in the United States. They have received a notice of impending detention and removal—at this legal stage, they are arguably “oppressed” and yet still act to resist in this asymmetrical context.[[5]](#endnote-5)

~*sanctuary cities and plenary power*

Historically, sanctuary has often been guaranteed by a sacred space, even as the individual being protected was not sacred. In medieval England and France, for example, those seeking sanctuary were most often a suspected criminal or a persecuted individual seeking protection in another polity. In both cases, the geographical space was conceived of as a refuge, a place in which normal law was temporarily suspended or challenged. The individual seeking sanctuary or asylum was required to resolve their situation in some way. In the case of the suspected criminal, s/he would meet with an official, confess, and give up any property to the church. S/he was then sent into exile.[[6]](#endnote-6) While church-based sanctuary in the contemporary United States does not always resolve the situation of the person seeking protection, nor does it guarantee escaping the law, this form of sanctuary is much closer to the medieval practice of sanctuary than a sanctuary city is.

Church-based sanctuary can entail a radical response to undemocratic assertions of sovereign power over individuals on U.S. soil while a sanctuary city is not sanctuary in this sense. Sanctuary cities are important but would more accurately be described as “constitutional cities.” The distinction is not merely definitional but exposes a deeper cleavage between the two sets of practices: a relatively apolitical claim of sanctuary with attendant forms of divided powers (a sanctuary city) and one that is deeply political, rooted in the affected community, and which seeks to challenge destructive forms of sovereign power (church-based sanctuary).

A sanctuary city merely effects a separation of powers between ICE (Immigration and Customs Enforcement) and state and local police personnel (and secondarily, between ICE and city and state administrators).[[7]](#endnote-7) While state and local authorities uphold the Constitution, ICE acts extra-constitutionally and thus, maintaining this separation merely preserves constitutional rights and guarantees. This division of powers is also vital for cities’ safety. Without sanctuary guarantees, foreigners are often hesitant to report being the victims of crime. For example, in Los Angeles, reports by Latinx who were sexually assaulted “dropped 25 percent in 2017 through March 18 [of 2017], compared with the same period last year. Reports of domestic violence fell by 10 percent” at the beginning of 2017.[[8]](#endnote-8) Immigrants have also been afraid to seek medical help or to get food aid because of the atmosphere of xenophobia coming from all political directions. Maintaining the separation of powers between constitutional (police, city administrators) and extra-constitutional (federal immigration authorities) spheres is thus important from a legal standpoint and from a perspective of human needs.

Current sanctuary city practices conform to constitutional provisions and rights—they maintain a separation between ICE (Immigration and Customs Enforcement—the federal institution that largely “polices” immigrants) and the police and local authorities. For example, if an undocumented immigrant called the police because of a theft, the police should not turn the immigrant in to ICE because of the call. Or if an individual enrolls in a public school or college, the administrator should not report the individual’s undocumented status to ICE. This separation is crucial given the different roles of the police and ICE. As indicated above, to blur these two areas of policing would diminish the positive aspects of community policing and would undermine almost a century of this separation of power. While the police cannot be idealized, the criminal justice system is supposed to be rooted in equality before the law and the enforcement of a suspect’s rights. Importantly, criminal suspects have a range of rights and protections.

In contrast, matters of immigration and detention, are “civil” and cannot constitute punishment. However, the term “civil” means that the system is largely discretionary and almost entirely outside of constitutional standards.[[9]](#endnote-9) This also means that detention and deportation are not punishment (and therefore, criminal protections do not apply); and that ICE (and the INS before it) do not have to maintain the same records or have the same level of transparency as the police or other public officials.[[10]](#endnote-10) This includes the refusal to release the names of who is in detention and even refusing to produce records about detainees’ deaths (including their names).[[11]](#endnote-11) In support of the INS’s extra-constitutional powers, Supreme Court Justice John Paul Stevens declared that “’in the exercise of its broad power over naturalization and immigration, Congress regularly makes rules that would be unacceptable if applied to citizens.’” (*Mathews v Diaz* 1976, 1891) The root of this distinction is in the Chinese Exclusion cases when the plenary power doctrine was formulated and the Supreme Court distinguished between immigration as foreign policy and policing and prison as entirely separate.[[12]](#endnote-12) Very simply, at the federal level foreigners are treated as if they are on foreign soil—immigration powers are a matter of sovereignty, they are not bound by precedent and at the enforcement level are largely discretionary.

A dramatic example of the difference between the two is that the police are not supposed to racially profile criminal suspects but ICE has been allowed to do this.[[13]](#endnote-13) This explains why individuals from Central America have been disproportionately targeted in anti-terror enforcement efforts, from policing to detention. Indeed, the appearance of being foreign is enough to trigger immigration enforcement, which is why American citizens wind up in detention centers and often spend years trying to get out.[[14]](#endnote-14) One could argue that they are guilty until proved innocent, but this would assume a sort of linearity that does not characterize this sphere of the law. Furthermore, to the degree that the immigration system has increasingly criminalized immigrants, this merger has not given foreigners criminal rights—that is, it has subjected immigrants to sanctions and detention conditions that are either prison-like or which are actually in jails and prisons but without the rights to equal protection, habeas corpus, protection from cruel and unusual punishment, or the right to counsel.[[15]](#endnote-15) An important body of literature on “crimmigration” has recognized how the two systems have merged since at least the 1990s, focusing on differential standards of criminality for immigrants as compared to citizens, which makes some offenses “felonies” or “aggravated felonies” when they would not be classified as such in the criminal context.[[16]](#endnote-16) I believe that sanctuary cities are a crucial challenge to this trend.[[17]](#endnote-17) They effect the decades-long separation of powers that characterized immigrant personhood from the Chinese Exclusion cases through the 1990s, thus preserving the rule of law at the state level.

Today, in non-sanctuary cities, police often still decline cooperating fully with federal level authorities on immigration and in sanctuary cities, police are not supposed to cooperate with them. To combat these moves, ICE has attempted to pressure police to issue detainers: “an ICE detainer is a written request that a local jail or other law enforcement agency detain an individual for an additional 48 hours (excluding weekends and holidays) after his or her release date in order to provide ICE agents extra time to decide whether to take the individual into federal custody for removal purposes.”[[18]](#endnote-18) Because this violates due process and “in many cases…probable cause,” detainers undermine the rule of law—as the *New York Times* has pointed out in an editorial condemning detainers: “detainers are unconstitutional; a person can’t be held without charge just for ICE’s convenience.” In fact, “turning the local police and sheriff’s deputies into de facto ICE agents heightens fear and distrust in immigrant communities, which makes fighting crime harder.”[[19]](#endnote-19) In keeping with this reasoning, the Massachusetts Supreme Court ruled on July 24, 2017, that immigration detainers are unconstitutional.[[20]](#endnote-20) Accordingly, sanctuary cities maintain these areas of policing as separate because they recognize the contradictory nature of merging these two spheres. But, importantly, sanctuary cities are not really sanctuary in any sense—they merely maintain the rule of law in the broader context of legal lawlessness that characterizes the immigration system. Even in sanctuary cities, ICE can unofficially raid an apartment building, harass workers, or repeatedly visit a workplace—as Luis FB Plascencia has argued, the border was and is in multiple, shifting sites.[[21]](#endnote-21) Disturbingly, to the degree that the criminal justice and immigration systems have merged, both systems move farther away from basic rights such as due process and equal protection, not to mention protections against cruel and unusual punishment.

The move to call a campus “sanctuary” is related, but different. For example, after Trump was elected in November of 2016, several colleges and universities declared that they were “sanctuary campuses.” Campuses that have declared themselves sanctuaries have broadened the definition a bit to include safe spaces for the numerous other groups that feel threatened by a Trump presidency. While a sanctuary campus, in contrast to a sanctuary city or county, seems to offer the possibility of physical sanctuary for intersecting vulnerabilities unprotected or exacerbated by the current administration, it does not actively shelter immigrants in danger of detention and deportation. [[22]](#endnote-22) Nor does it provide guidelines on working with ICE, for example, or how to handle “grassroots” misogyny, racism, and violence (as occurred in Virginia as well as my campus when Milo Yannopoulis spoke on his “Faggot Tour”[[23]](#endnote-23)). This is not to say that campuses should give up on this effort, but they would be wise to further research the matter rather than convincing students and campus workers that they are safe from white supremacists (clearly, they are not) or that undocumented workers and students are actually protected in any way on campus. Sanctuary cities and campuses, as they are currently configured, are not “sanctuary.”[[24]](#endnote-24)

~*church-based sanctuary*

Offering sanctuary in a church is related to but very different from these efforts; it is more radical than sanctuary cities and I believe that it should continue to be a key feature of pro-immigrant grassroots activity and aims. Church-based sanctuary does not seek a separation of powers but rather challenges the power of the federal government in their efforts to criminalize foreigners based on their status, thus altering the contours of sovereignty. Church-based sanctuary more literally creates a sanctuary space that resists current laws and “interrupts” unfree power dynamics.[[25]](#endnote-25) A similar type of interruption occurred when lawyers went to major airports on the weekend of the first travel ban to ensure that TSA officers didn’t act arbitrarily. Although the term “interrupt” is used in the context of interrupting urban crime and gang activity, I am introducing a counter-narrative that suggests that sanctuary “interrupts” the unfree and undemocratic aspects of immigration policy, particularly in a Trumpist context. That is, these seemingly more “legitimate” and formal political dynamics of federal immigration police are now eerily like gang behavior in some respects because they are based in secrecy, randomness, arbitrariness in terms of its targets, and coercion.

The more literal offer of sanctuary in church-based sanctuary is both legal and yet extra-legal—it opens up a concrete space for resistance against sovereign power. Arguably it fights legal and yet extra-constitutional power with quasi-legal but democratic power. This iteration of sanctuary is in keeping with more ancient notions of sanctuary as a sacred place that should not be violated by temporal powers and as a haven from misjudgment and abuse.[[26]](#endnote-26) While sanctuaries perhaps once conferred sacred status on those who entered these spaces, today it is the institution that is sacred and which thus far, has not been violated by ICE while the individual is only safe insofar as s/he doesn’t step outside of the church structure. The individual is therefore not sacred. For example, ICE nabbed a Chicago-area priest when he stepped out of his church into the parking lot. The individual certainly has a haven while protected in the religious structure but has no “sacred” qualities apart from this material structure. In a Trumpist environment, the offer of church-based sanctuary can be viewed as merely reactive and therefore, cooperative with the very powers that exploit and politically oppress foreigners.[[27]](#endnote-27) However, drawing upon the work of James Scott and Rhacel Parreñas Salazár (among others), I argue below that these efforts are radical, democratically just, and absolutely necessary in Trumpist America. But first, I examine the contemporary origins of church-based sanctuary in order to contextualize today’s challenges to the deployment of unjust sovereign power on domestic soil.

*~the sanctuary movement: then and now*

The contemporary U.S. sanctuary movement began in the 1980s as refugee flows began heading north from Central America. Very simply, individuals fleeing government repression headed to the United States to seek refuge but were not recognized as genuine applicants for at least two broad reasons. First, these refugees were often fleeing governments and military groups installed by and trained by the U.S. government. By recognizing them as individuals with a well-founded fear of persecution, the United States would be admitting that American foreign policy in this region was deleterious at best and illegitimate and destructive at worst. A second reason was that individuals who were persecuted for their political beliefs and activities or journalism were viewed as culpable of their victimization. This second reason goes to the heart of struggles over the interpretation of a refugee today: the U.S. refugee system seems to want individuals uninvolved with politics and with no criminal record—pure victims—as refugee applicants.[[28]](#endnote-28) At the same time, the system until recently has not acknowledged a well-founded fear except when the person has been directly and systematically repressed or harmed by a formal political actor.[[29]](#endnote-29) Anyone who was simply afraid for their lives and fled did not meet these criteria. These two related reasons for rejecting these individuals as refugees are contradictory and as this contradiction becomes heightened under Trump, the refugee system essentially breaks down.[[30]](#endnote-30) Even the most innocent victim of genocide in Syria, for example, is somehow also culpable of his or her own government repression.[[31]](#endnote-31) At the same time, someone who fits the definition of political persecution more closely appears to be complicit with his or her own governmental repression or to blame for dissenting in a dangerous context.[[32]](#endnote-32)

In the 1980s, the Reagan administration had intervened significantly in the political dynamics of Nicaragua, El Salvador, and Guatemala.[[33]](#endnote-33) While each situation was different, the key commonality is that when socialist governments were voted in, the administration moved to put conservatives in control. As each refugee path was created between the country of origin and this country, their arrival was not welcomed. An underground railroad was established by which homes and churches helped individuals and families to travel to localities where they could disappear. The religious component of the network was important in that advocates and providers believed that refugee policy violated the notion that we are all equal and criminalized individuals who were in fact victims. While this sanctuary was secret, in comparison to church sanctuary cases today, advocates and faith leaders actively fought for the regularization of these individuals’ status. The network was thus unified, if not homogeneous and the political platform was also relatively united.[[34]](#endnote-34)

Today that is not the case: while there are sanctuary networks that provide information and support to one another, there is much less coordinated action on the ground.[[35]](#endnote-35) This is partly because there is no pathway north, for example.[[36]](#endnote-36) It is also, in my experience, because the background of people seeking sanctuary has changed—most people who seek sanctuary today have received an order of deportation and face immediate detention. They seek sanctuary between the time they receive the letter and before they are actually confined. Unlike broad groups seeking acknowledgement of repressive government policy and military actors in sending countries in the 1980s, each individual today has a distinct story that is focused on his/her particular legal situation and ties to the United States. As a result, some activists who participated in the 1980s sanctuary underground are no longer willing to help with sanctuary cases today. For example, one prominent Chicago activist who I tried to recruit on a recent case argued that individuals who seek sanctuary have largely created their own problems.[[37]](#endnote-37) This refusal seems to be based on the idea that long-term resident foreigners are being treated justly in comparison to the past and that refugee claimants are being screened and treated properly. However, most evidence about who is deported—particularly since the Morton Memo is no longer in effect—is that numerous individuals were fully complying with the law and were nevertheless harassed, detained, and/or reported. There is no broader context for their deportation except for the laws themselves.

However, despite the more radical orientation of literal offers of sanctuary, authors and participants in the 1980s sanctuary movement have argued (notably, Susan Bibler Coutin), that this movement and the people it helped—Central American refugees who will never be recognized as such—had important divisions, too.[[38]](#endnote-38) Like today, the movement of the 1980s was also criticized for the tendency to publicize certain cases over others. “Sympathetic” cases were often used to raise money and support for this cause. The sympathetic cases were and are often apolitical and focused on the innocence and purity of these victims of the system. While this innocence actually undermines the purpose and nature of the definition of a well-founded fear, activists have understood that the general public has already criminalized immigrants in their minds and therefore must make emotional appeals, often using women and children with no political affiliations who were randomly targeted for violence. In contrast, journalists and politicians who resisted right-wing death squads and conservative governments were viewed as somehow “choosing” their persecution. Accordingly, this movement often highlighted the details of apolitical cases over and above the cases of exiled journalists and political figures who resisted oppression in their home countries. As Coutin and Perla argue, “The ‘refugee’ frame therefore largely presented Central Americans to sanctuary workers and to the broader US public as ‘innocent victims’ in need of support and as representatives of the poor and the oppressed, on whose behalf religious communities were compelled to advocate.”[[39]](#endnote-39) Drawing on the contradictory logic of the refugee system, debates revolved around the relative “innocence” of individuals and groups whose cases were upheld as an example of the injustice of not designating as a refugee people or groups clearly fleeing persecution. Coutin and Hector Perla rightly point out that this preference for apolitical figures to symbolize this movement depoliticizes the very issues causing refugee flows in the first place.[[40]](#endnote-40) I would add that this exposes the degree to which the category of refugee is by no means universal or inclusive in the way that it is conventionally treated in academic research.[[41]](#endnote-41)

While dynamics of refugee flight from Central America today are different—politics has moved from formal and elite level crises and collapses to greyer connections between civil society drug lords and state and local authorities—the key similarity is that the American public wants a contradictory figure: one who has a well-founded fear of persecution (which is necessarily political) and yet who is “apolitical.” Connected to this issue, another one that Coutin and Perla identify is how the dynamics of sanctuary position the sanctuary giver as a rescuer of the global north, who acts as the political agent, while the refugee is positioned as passive and (again) innocent. Interestingly, given these dynamics, the government would often accuse sanctuary givers of acting politically and not for humanitarian reasons, as if the two spheres could and should be split.[[42]](#endnote-42)

In contrast to the past, quite a lot of the faith leaders offering sanctuary are Latinx and there is more Latinx participation in this movement, the broader similarity between the movement of the ‘80s and the current one is again the contradictory expectation that the refugee system is simultaneously “political” (with incredible burdens on the petitioner to prove that their flight was “on account of” political reasons) and yet “humanitarian,” which is somehow not political.[[43]](#endnote-43) This double bind is proof of the hierarchical binaries that often structure our political assumptions regarding refugees and the stateless—refugees file their petitions based on a well-founded fear of persecution and yet the public, some sanctuary providers and the government also seem to want them to be innocent and apolitical in the purest senses. More broadly, this also signifies a problematic split between humanitarianism or human rights and political agency and action.

Despite the drawbacks of the 1980s, sanctuary was often very effective in the short-term, to aid people fleeing war and political repression, and in the long-run, to effect long-term policy change towards Central Americans during this era. A key debate of the 1980s was if providing sanctuary for “illegitimate” refugees was sufficient or if the movement should seek legislative reform and/or adjustment of this group’s status. In the end, activists did both but they could not stop policymakers from stalling for years.[[44]](#endnote-44) When they finally regularized individuals’ status, it was over a decade later and in many ways, it may have been too little, too late.[[45]](#endnote-45) People were able to flee to Canada or to remain in the United States “illegally” until their status was eventually adjusted first in 1989, when the government finally agreed to allow them Temporary Protected Status and again in 1991, when approximately 300,000 Salvadorans and Guatemalans were allowed to (re)apply for asylum.[[46]](#endnote-46) Unfortunately, the 1996 Anti-Terror and Effective Death Penalty Act scaled back these successes and paved the way for a harsher set of immigration and refugee policies today.

In sum, the sanctuary of the past was more united in terms of shuttling immigrant families from the border to cities farther north. The network was based in secrecy but also in open political advocacy for changes in U.S. military and political intervention in these governments as well as the regularization of the status of these individuals. The federal government respected religious institutions and would not enter them, even when they learned of immigrants in sanctuary. They did arrest several leaders (16) of this movement as accessories to a crime, but the charges did not stick.[[47]](#endnote-47)

Today, the offer of sanctuary today is not as secretive but there is no railroad—the immigrant seeking sanctuary lives in the church and then declares that s/he is residing there to rectify his or her legal case. The church then gathers activists and the media to openly publicize the offer of sanctuary but also as a tactic to shame ICE. They are relying on the history of the INS and ICE respecting the interior of religious buildings as sacred, but this is merely an enforcement norm—no law prohibits ICE from entering the institution.[[48]](#endnote-48) Lawyers and activists work together to help on each case and they share information about what constitutes an offer of sanctuary and what can violate the law. For example, someone in sanctuary cannot sweep or clean the church because ICE can interpret this as work in exchange for shelter. While sanctuary in a church is a more open challenge to federal power in immigration matters than in the past, it often works.[[49]](#endnote-49) And it is the fact that it works, even despite the quasi-legality of this system,[[50]](#endnote-50) that importantly instantiates how sovereign power—the power of the government to declare war, to form treaties, and to establish borders—is also open to challenge and re-constitution.

~*sanctuary today*

For all of these reasons, I believe that a sanctuary city is really not “sanctuary” in any respect—it merely enforces a separation of powers. The history and political dynamics of legal personhood, combined with the strength of plenary power and prerogative power, challenge this legally-oriented belief that mere division of powers is enough. Sanctuary cities are better than nothing but they can perpetuate the secrecy and stigma of the immigration system. While offering church-based sanctuary to an undocumented individual who fears detention and removal can be interpreted as reactive, I do not believe it is. There is a process of hiding in that the individual enters a church and cannot exit. Thus, as discussed above, while the space is sacred and has not been violated by ICE, the person who receives this form of asylum is only “sacred” if s/he remains in this self-chosen confinement. At the same time, human chains of faith practitioners, immigrant advocates and protestors and the media loudly maintain a physical presence around the church. They openly declare sanctuary in order to shame ICE, often through telling the background story of the individual(s) residing in the church and to physically ensure they don’t cross the threshold of the religious structure. They issue press releases and reports about the individual(s) in sanctuary to provide a fuller account of his/her long-term ties to the United States. Hannah Arendt famously observed that when an individual has lost the protection of his/her country of origin and is not legally recognized in a host state, that they are stateless. That is, they are not even given the “right to rights” and the stripping of this legal personality essentially leads to dehumanization. To the degree that a similar dynamic is in play in the contemporary United States, these tactics by sanctuary supporters then “humanize” in the context of legal dehumanization. In doing so, they directly oppose forces that make foreign non-persons invisible. The combination of protest and media attention demonstrates resistance to state power and the illumination of unjust circumstances in a context of state secrecy and non-transparency. The need for church-based sanctuary can also be viewed as a sign that normal appeals and institutional approaches are ineffective or non-existent. The human chain around the church is a signal of a breakdown in democratic politics in which protest is the *only* answer.

One example of a sanctuary case that I helped to support (in a very minor way in comparison to others) in the Fall of 2014 involved a woman named Beatriz, who had filed for a U-Visa because she was the victim of sexual assault and had cooperated with police, per U-Visa stipulations.[[51]](#endnote-51) She was confident that she would be able to remain in the United States with her two very young U.S. citizen children. However, the police failed to affirm that she was cooperative with their investigation and she was sent a notice of deportation. Rather than abiding by the notice of removal, she was offered sanctuary by Father José Landaverde at Our Lady of Guadalupe Mission in Chicago. When she accepted the offer of sanctuary, she and her children moved into the church and could not leave. Individuals and groups held press conferences, talks, and masses for Beatriz and her family while also giving her food and diapers, since she was ineligible to work (as mentioned above, even sweeping the floor can be viewed as “work” in exchange for housing and food). The human chain of faith leaders, press and community members helped ensure vigilance regarding her well-being and legal status. But it also served to educate the public about what type of individuals and circumstances are framed as “illegal” in the immigration context. Most interestingly, with more protest and media coverage, the police finally affirmed that she had been cooperative in her investigation and she was granted a stay of removal.[[52]](#endnote-52) What this case shows is that sanctuary is a form of active and effective resistance to undemocratic sovereign powers.[[53]](#endnote-53) While other cases are not always as successful, I would argue that this is because of the asymmetry of power between the grassroots and government and not because the sanctuary movement is using the wrong tactics or is morally wrong. Nevertheless, as discussed above, most organizers want “sympathetic” cases in the headlines rather than individuals with past D.U.I.s or minor criminal activity who face deportation and take sanctuary in a church.[[54]](#endnote-54)

Because the sanctuary movement has experienced a resurgence in the past few years and especially after Trump’s election, the meaning of sanctuary has expanded to include the numerous groups who feel threatened and harassed today. For example, the Chicago Religious Leadership Network is in conversation with leaders from Black Lives Matter to present a united front in debates about excessive police force, the use of detainers, and in broadening sanctuary spaces beyond the immigration context.[[55]](#endnote-55) While this could lead to a merely reactive resistance movement, it could also revive older meanings of sanctuary as a method to interrupt the lethal power of the sovereign state and to challenge indefinite confinement and static conceptions of personhood. In particular, the push to include other groups who are victims of police brutality and profiling—particularly groups advocating for racial minorities—is an important one.[[56]](#endnote-56) Rather than engaging in forms of competitive victimization, groups who create sanctuary spaces would have to recognize commonalities and intersecting forms of vulnerability and power. Intersectionality would not merely be an academic buzzword that really means “race” but would require more complex understandings of political belonging and how public space is configured. Sanctuary would have to be meaningful for criminalized racial minorities, challenging de facto forms of segregation and unequal schools. Importantly, sanctuary spaces are a hybrid of “legal” and “illegal,” challenging sovereign authority while also reviving democracy.

The key issue is not to recapture the sacred in sanctuary nor to rehumanize the human but to stop making rights and political agency contingent on “merit.” This faulty notion of merit is evident in calls for “earned citizenship,” which may seem logical on the surface, but which in reality denies any prior contributions to U.S. society.[[57]](#endnote-57) Earned citizenship holds that an immigrant has broken the law and thus must make amends to this country through paying back taxes, community or military service, and paying legal fees and fines. This policy prescription was first introduced in the major proposals for comprehensive immigration reform in the 2006—2007 era and was reintroduced by President Obama in his second term. Earned citizenship holds that immigrants must “get right with the law,” as Obama stated repeatedly during his second term. Earned citizenship is defined against the figure of the “illegal alien,” a parasitical figure who has only served as a drain on this society and has failed to fill out the proper paperwork for legal status out of laziness and indolence. The binary between citizenship that is earned in contradistinction to the parasitical and inherently “illegal” foreigner importantly criminalizes immigrants’ presence and effaces the numerous contributions and sacrifices of their labor and time that they have already made, not to mention already contributing to local sales tax and the social security system. The term “earned citizenship” also sets up a formally empty and seemingly neutral dichotomy between citizenship (as merited, earned, and actively cultivated) and foreignness (as criminal, parasitical, and passive) that in reality cannot be sustained. Each term has been taken to be neutral and conceptually isolated from other, when in reality, blurring paradigms and statuses challenge any linear notion of political inclusion.

Just as importantly, because the hierarchical binaries separating citizen and undocumented foreigner are static, they effectively kill the political as Sheldon Wolin conceived of it. If the political involves the demos interacting in meaningful ways—debating, compromising, and sometimes acting in concert—times of depoliticization are often individualized, materialistic, and characterized by a “culture of control” (in David Garland’s words[[58]](#endnote-58)). For these reasons, the danger of Trumpism is not ideological per se but entails the possibility of the destruction of the political itself and mistaking biopolitical notions of status or inclusion as valid. Wolin’s analysis of the Roman Empire warns of a similar shift: from the politics of public action and communicative reflection to an increasingly centralized set of apolitical powers that abstracted from human reality.[[59]](#endnote-59) This set of abstractions led to the death of politics, according to Wolin, and the inability to see the difference between the personal and the political. In contrast, the Greek city-states fostered a notion of the political as meaning something beyond individual perception or action. The political “served needs that no other association could; it was reflective of a part of the individual’s life that he lived in common with other men; it was a whole compounded of measurable contributions made by its members, and hence its quality was no better or worse than that of its citizens.”[[60]](#endnote-60) An association was political because it “dealt with subjects of common concern, and because all of the members were implicated in a common life.”[[61]](#endnote-61) If the broader problem today—that is a broader issue than matters of immigration—is the destruction of the political, then radical forms of sanctuary are important to enact the political as a democratic and solidaristic activity in the face of individualizing and hierarchizing modes of (de)politicization evident in a Trumpist era.[[62]](#endnote-62) Today, I suggest, “resistance” may simply mean enacting the political. This can entail broad forms of mass resistance but today will also often mean a mix of smaller pockets of resistance or the hidden transcripts of individuals who absolutely must protest at minute levels in order to ensure their survival. To do otherwise, as James Scott has argued, is “suicide.”

*conclusions*

James Scott has famously critiqued political scientists for wanting to study large-scale revolutions and broad peasant movements in developing countries but ignoring what Foucault would call instances of “micro-resistance” during which, as Scott puts it, oppressed individuals develop “hidden transcripts” to mock authority, to take back what is theirs, and to chip away at seemingly impermeable structures.[[63]](#endnote-63) In *Servants of Globalization*, Rhacel Parreñas Salazár has written about this sort of resistance in the context of exploited domestic workers working in developed countries but who experience deep labor exploitation and who furthermore, are often significantly constrained from entering the public sphere.[[64]](#endnote-64) This is often because their employers bar them from leaving their house but also because of their uncertain legal status. Sanctuary in a church is somewhere in between the hidden transcripts of nearly invisible domestic workers and mass resistance: it is highly individual in comparison to the 1980s movement and certainly less unified on the policy and advocacy front. It also requires a certain degree of secrecy and hiding before the individual publicly announces s/he is in sanctuary from the safety of the church. But what these immigrants have in common with Scott’s peasants and Salazár’s trapped domestic workers is the power structure they face, which is relatively absolute in its authority with little judicial review, few enforceable rights, and little recognition of legal existence in any positive sense.

If we think about what it means to test freedom of assembly or to challenge the inadequate application of due process, what all of these groups face is a type of power that does not guarantee democratic equality at all for these particular subjects, much less guarantee normally taken-for-granted freedoms. Sanctuary does not and cannot aim at mere reform or conventional policy prescriptions because the authority justifying and guiding matters of immigration is wholly different. Sanctuary in churches exposes this significant difference and how misguided notions of “earned citizenship” are in a context of deep labor exploitation, lack of legal rights and acknowledgement, and deeply unfair types of “punishment” that are not acknowledged as punishment in the detention and deportation system. Sanctuary can expose the myth of a stepladder to citizenship based on merit and virtuous activity. The fact that sanctuary works—as with Beatriz’s case—is evidence that even this type of power that is often conceived of as total and binary (life or death) can be challenged and reconstituted. The Trumpist era has been criticized as tyrannical and fascist, but the truth about the immigration system is that it has been rotten to the core since the Chinese Exclusion Cases. It has just taken an extreme leader to help implement and expose the worst-case scenario of an extra-constitutional police force arbitrarily picking up anyone who looks or is foreign. By the same token, the sanctuary offered by churches today meets this challenge and exposes a power structure that cannot be reformed but which must be dismantled entirely. This movement is certainly weaker than the state and run by very poor churches and even poorer activists and immigrants, but I hope that papers like this increase support for this form of sanctuary—sanctuary cities are not enough.

1. On the suspension of Temporary Protected Status for certain groups, e.g., see Carrie Kahn, “All Things Considered,” National Public Radio website, <https://www.npr.org/2017/11/07/562619788/trump-administration-announces-the-end-to-protected-status-for-nicaraguans>; Nick Miroff, “What is TPS, and What Will Happen to the 200,000 Salvadorans Whose Status is Revoked?” *Washington Post*, Janaury 9, 2018, <https://www.washingtonpost.com/news/worldviews/wp/2018/01/09/what-is-tps-and-what-will-happen-to-the-200000-salvadorans-whose-status-is-revoked/?utm_term=.27d40c07f40b>; and Miriam Jordan, “Trump Administration Ends Temporary Protection for Haitians,” *New York Times*, November 20, 2017, https://www.nytimes.com/2017/11/20/us/haitians-temporary-status.html. [↑](#endnote-ref-1)
2. As the information sheet for sanctuary (distributed by Groundswell, which is like a Move on dot org for religious leaders) explains: “there’s no official legislation that keeps law enforcement from entering a church to arrest someone outside of a 2011 ICE memo that advises officials to avoid detaining immigrants in ‘sensitive areas’ like schools hospitals, and churches.” Esther Meroño of Groundswell, “Sanctuary 101: How Churches and Synagogues are Stopping Deportations,” http://groundswell-mvmt.org/sanctuary-101-how-churches-and-synagogues-are-stopping-deportations/. [↑](#endnote-ref-2)
3. See Monica Varsanyi, “Rescaling the ‘Alien,’ Rescaling Personhood: Neoliberalism, Immigration and the State,” *Annals of the Association of American Geographers* 98, no. 4 (2008): 877—896. [↑](#endnote-ref-3)
4. See, for example, Sheldon Wolin, *Politics and Vision* expanded edition (Princeton: Princeton University Press, 2004); James Scott, *Weapons of the Weak: Everyday Forms of Peasant Resistance* (New Haven: Yale University Press, 1987). [↑](#endnote-ref-4)
5. Like Scott’s peasants in *Weapons of the Weak*, they are not accounted for in formal law; unlike the peasants of Sedaka, undocumented immigrants are significantly more privileged, even if poor by U.S. standards. [↑](#endnote-ref-5)
6. For a fuller historical account of global north practices, see Karl Shoemaker, *Sanctuary and Crime in the Middle Ages, 400—1500* (New York: Fordham University Press, 2011). [↑](#endnote-ref-6)
7. Note: I say secondarily because the key issue between federal and local authorities is detainers, the request by ICE of state and local police authorities to hold individuals in jails who have been released. This is unconstitutional and puts police in a difficult position. [↑](#endnote-ref-7)
8. Editorial, “President Trump’s Reckless Shame Game,” *New York Times*, March 22, 2017, <https://www.nytimes.com/2017/03/22/opinion/president-trumps-reckless-shame-game.html?_r=1>. See also: Miriam Ticktin, “The Sanctuary Movement and Women’s Rights: Sister Struggles,” *Truthout*, April 29, 2017, http://www.truth-out.org/opinion/item/40416-the-sanctuary-movement-and-women-s-rights-sister-struggles. [↑](#endnote-ref-8)
9. On the separation of the criminal and civil systems (but also the increasing convergence of the two systems, despite this), see: Juliet P. Stumpf, “The Crimmigration Crisis: Immigrants, Crime and Sovereign Power,” *American University Law Review* 56 (2006): 367—418. [↑](#endnote-ref-9)
10. On these distinctions, see: Kevin R. Johnson, “Race and Immigration Law and Enforcement: A response to Is There a Plenary Power Doctrine?,” *Georgetown Immigration Law Review* 14 no. 2 (2000): 289—305; Daniel Kanstroom, *Deportation Nation* (Cambridge: Harvard University Press, 2007); and Monica Varsanyi, “Rescaling the ‘Alien,’ Rescaling Personhood: Neoliberalism, Immigration and the State,” http://ccis.ucsd.edu/wp-content/uploads/2009/07/WP-173.pdf. [↑](#endnote-ref-10)
11. Grant Martinez, “Indefinite Detention of Immigrant Information: Federal and State overreaching in the Interpretation of 8 C.F.R. §236.6, *The Yale Law Journal* 120, no. 3 (December 2010): 667—677. [↑](#endnote-ref-11)
12. On this doctrine, see: Kanstroom, *Deportation Nation*. The relevant cases are: *Chae Chan Ping v US* (1889); *Fong Yue Ting v US* (1893); *Wong Wing* *v US* (1896). [↑](#endnote-ref-12)
13. Kevin Johnson discusses this in “Race and Immigration Law and Enforcement: A response to Is There a Plenary Power Doctrine?; see 294—the Supreme Court has stated that “’the likelihood that any given person of Mexican ancestry is an alien is high enough to make Mexican appearance a relevant factor’ in making an immigration stop” (he is citing *United States v Brignoni-Ponce*, 422 US 873, 886—87, 1975). [↑](#endnote-ref-13)
14. Most of my information on detaining American citizens comes from Jacqueline Stevens, Northwestern University, who has created a program to help these individuals and Mary Meg McCarthy of Chicago’s National Immigration Justice Center (NIJC) who is also an important figure in helping to free these individuals. The average rate of detention of American citizens is estimated to be 2% per year and the length of time it takes to get them out is about three years (this second fact is more anecdotal and is derived from conversations with both women). [↑](#endnote-ref-14)
15. See Kanstroom, *Deportation Nation*. [↑](#endnote-ref-15)
16. See Juliet P. Stumpf, “The Crimmigration Crisis: Immigrants, Crime and Sovereign Power,” *American University Law Review* 56 (2006): 367—418. (Link to this through SSRN: https://papers.ssrn.com/sol3/papers.cfm?abstract\_id=935547); Matthew Coleman and Austin Kocher, “Detention, Deportation, Devolution and Immigrant Incapacitation in the US, Post 9/11,” *The Geographical Journal* 177 no. 3 (September 2011): 228—237. César Cuauhtémoc García Hernández, “Immigration Detention as Punishment,” *UCLA Law Review* 61, no. 5 (2014): 1346—1414.; U Denver Legal Studies Research Paper NO. 13-41, August 22, 2013, http://papers.ssrn.com/sol3/papers.cfm?abstract\_id=2321219. [↑](#endnote-ref-16)
17. See Christopher N. Lasch, et al., “Understanding ‘Sanctuary Cities,’” *Boston College Law Review* 58 (2018, forthcoming): 2—63. [↑](#endnote-ref-17)
18. “Immigration Detainers,” ACLU website, https://www.aclu.org/issues/immigrants-rights/ice-and-border-patrol-abuses/immigration-detainers. See: “Lost in The Immigration Frenzy,” (editorial) *New York Times*, July 13, 2015, http://mobile.nytimes.com/2015/07/13/opinion/lost-in-the-immigration-frenzy.html?referrer&\_r=1. See also Christopher N. Lasch, et al., “Understanding ‘Sanctuary Cities,’” *Boston College Law Review* 58 (2018, forthcoming): 2—63. [↑](#endnote-ref-18)
19. “Lost in The Immigration Frenzy,” (editorial) *New York Times*, July 13, 2015. [↑](#endnote-ref-19)
20. Steve LeBlanc, “Massachusetts Immigration Ruling Debated,” *US News*, July 29, 2017, https://www.usnews.com/news/best-states/massachusetts/articles/2017-07-29/massachusetts-immigration-ruling-debated. [↑](#endnote-ref-20)
21. Luis FB Plascencia, “Where is the Border?” in ed.s Josiah Heyman and Carlos G Vélez-Ibáñez, *The U.S.-Mexico Transborder Region* (Tucson: University of Arizona Press, 2017). [↑](#endnote-ref-21)
22. Interestingly, Harvard University students called for both forms of sanctuary after Trump was elected: protection of undocumented immigrants on campus but also the use of a church at Harvard to more provide a more meaningful form of sanctuary. See Susan Svrluga, Nick Anderson, “Ivy League Students, Professors, Alumni Ask Schools to be Sanctuaries for Undocumented Immigrants,” *Washington Post*, November 15, 2016,

    https://www.washingtonpost.com/news/grade-point/wp/2016/11/15/ivy-league-students-professors-alumni-ask-schools-to-be-sanctuaries-for-undocumented-immigrants/. I also attempted to get support for the second type of sanctuary at my university—see Kathleen R. Arnold/my petition at DePaul University (circulated from roughly December 2016—June 2017): https://docs.google.com/forms/d/e/1FAIpQLSfxSstc3HrJqk4S2A9omNQMfx6ZdB34xrDBLGAeDzAPnOpaoA/viewform?c=0&w=1. [↑](#endnote-ref-22)
23. In brief, DePaul allowed Milo Yannoupoulis to speak and to bus in white supremacists, who reportedly filled over half the auditorium. The campus police were not prepared for the brawl that broke out and campus administrator did not know what to do when three female professors of color were subsequently threatened numerous times a day for months. Two of the targeted professors have left (although they may have already planned to do so) and the president resigned. [↑](#endnote-ref-23)
24. For an interesting critique of sanctuary cities as conflicted and contradictory, see Keally McBride, “Sanctuary San Francisco: Recent developments in Local Sovereignty and Spatial Politics,” *Theory & Event* 12, no. 4 (2009): electronic. Jen Bagelman similarly critiques the UK and Scottish sanctuary movement, but the comparison stops there—the two movements are more dissimilar than not. Jen Bagelman, “Sanctuary: A Politics of Ease? Alternatives: Global, Local, Political,” *Alternatives: Global, Local, Political* 38, no. 1: 49—62. [↑](#endnote-ref-24)
25. See, for example, this website about gang interrupters: http://cureviolence.org/resources/the-interrupters/. [↑](#endnote-ref-25)
26. On this history, see Bagelman, “Sanctuary: A Politics of Ease? Alternatives: Global, Local, Political”; Harold Bauder, “Sanctuary Cities: Policies and Practices in International Perspective,” *International Migration* 55, no. 2 (2017): 174—187. [↑](#endnote-ref-26)
27. For a more critical view of sanctuary, see Tina Vasquez, “’Crimmigration’ and the Need for Actual Sanctuary Cities,” *Rewire* website, May 9, 2017, <https://rewire.news/article/2017/05/09/crimmigation-needed-reform-sanctuary-cities/>. See also Bagelman’s work about the idealistic discourse surrounding the Glasgow sanctuary movement. This optimism—that sanctuary can actually offer relief or hope—is not mirrored in the U.S. sanctuary movement (at least at the church-level). [↑](#endnote-ref-27)
28. This mirrors broader trends of depoliticization in the humanitarian context—see: Samuel Moyn, *The Last Utopia: Human Rights in History* (Cambridge: Belknap/Harvard University Press, 2010); Ilana Feldman, “Difficult Distinctions: Refugee Law, Humanitarian Practice, and Political Identification in Gaza,” *Cultural Anthropology* 22.1 (Feb 2007): 129—169. The definitional issues that lead to very real denials of political support also help us to be more suspicious of claims that immigrants and refugees are two distinct and unrelated groups. [↑](#endnote-ref-28)
29. This has changed with the slow acknowledgment of gender-based harms as a human rights abuse in the first part of this century (see *Matter of RA*, *Matter of LR*, and *Matter of Kasinga*). [↑](#endnote-ref-29)
30. On the beginning of this breakdown in the post-9/11 era, see Andrew I. Schoenholtz, “Refugee Protection in the United States Post-September 11,” *Columbia Human Rights Law Review* 36, no. 2 (2005): 323—364. [↑](#endnote-ref-30)
31. Feldman’s analysis of 1940s Gaza Strip predicts this—tighter borders create more internally displaced peoples (IDPs) who are only weakly protected (through safe havens and humanitarian corridors) and not recognized as “real” refugees. See also Samantha Power, “Raising the Cost of Genocide,” *Dissent* 49.2 (Spring 2002): 85—95; Samantha Power, “Stopping Genocide and Securing ‘Justice’: Learning by Doing,” *Social Research* 69, no. 4 International Justice, War Crimes, and Terrorism: the U.S. Record (Winter 2002): 1093—1107. [↑](#endnote-ref-31)
32. On the contradictory demands implicit in U.S. refugee policy and more broadly, see: Bibler and Coutin (US: Hector Perla, Susan Bibler Coutin, “Legacies and origins of the 1980s US-Central American Sanctuary Movement,” *Refuge* 26, no. 1 (Spring 2009): 7—19); Feldman (UN): Feldman, “Difficult Distinctions: Refugee Law, Humanitarian Practice, and Political Identification in Gaza.” Several important gender-based cases from Iran, focused on refusal to wear the veil, are evidence of this contradiction as immigration judges argued that these women brought on their own persecution by not wearing the veil. [↑](#endnote-ref-32)
33. On this history, see the conservative but informative Lawrence J. McAndrews, *Refuge in the Lord: Catholics, Presidents, and the Political of Immigration, 1981—2013* (Washington, D.C.: Catholic University of America Press, 2015). [↑](#endnote-ref-33)
34. To be clear, it was unified in that it sheltered individuals fleeing violence in their home countries; it was an underground railroad that transported individuals to other states outside of the Southwest; and it sought regularization for all affected individuals. There were divisions in the Catholic Churches aiding this underground, some divisions amongst providers, and direct opposition by the government. [↑](#endnote-ref-34)
35. There is a national level sanctuary network that trades advice, sends updates, and writes petitions and speeches, but there is no railroad or broader unity. [↑](#endnote-ref-35)
36. Although see Jake Halpern, “A New Underground Railroad,” *The New Yorker*, March 13, 2017, 32—40. I should note that the title is entirely misleading—there is no underground railroad at all. Halpern investigated the Vive shelter in Buffalo, New York, which openly helped refugee applicants to apply for refugee status in Canada or which allowed other individuals to stay until they often surreptitiously slipped over the border and then applied for asylum. In either case, there is no railroad and no underground. [↑](#endnote-ref-36)
37. In this particular case, he was wrong—the woman in sanctuary had an excellent case as I recount below and sanctuary ended up interrupting her deportation process and forcing the police to rectify mistakes they had made in her U-Visa. She is now legally authorized to stay in the United States. [↑](#endnote-ref-37)
38. See the excellent analysis by Perla and Coutin, “Legacies and origins of the 1980s US-Central American Sanctuary Movement.” These authors were participants in the sanctuary network. In contrast see the excellent but anti-sanctuary (and generally conservative) account in McAndrews, *Refuge in the Lord: Catholics, Presidents, and the Political of Immigration, 1981—2013*. [↑](#endnote-ref-38)
39. Hector Perla, Susan Bibler Coutin, “Legacies and Origins of the 1980s US-Central American Sanctuary Movement.” [↑](#endnote-ref-39)
40. More broadly, see an excellent critique of the category of refugee that surprisingly dates back to the World War II era, challenging in part Moyn’s account of this history as only beginning in the 1970s: Feldman, “Difficult Distinctions: Refugee Law, Humanitarian Practice, and Political Identification in Gaza”; Samuel Moyn, *The Last Utopia: Human Rights in History* (Cambridge: Harvard University Press, 2010). [↑](#endnote-ref-40)
41. On this claim, see Feldman; see also Kathleen Arnold, *Arendt, Agamben and the Issue of Hyper-Legality: In Between the Prisoner-Stateless Nexus*, Routledge, forthcoming in 2018. [↑](#endnote-ref-41)
42. Perla and Coutin, “Legacies and Origins of the 1980s US-Central American Sanctuary Movement,” 13. [↑](#endnote-ref-42)
43. See Schoenholtz, e.g. [↑](#endnote-ref-43)
44. Under Reagan, there were several “burglaries” of sanctuary personnel offices and 16 sanctuary providers were charged with “harboring” foreigners in 1984. See McAndrews, 41—43. [↑](#endnote-ref-44)
45. See McAndrews’ account of this lengthy and frustrating struggle. [↑](#endnote-ref-45)
46. Perla and Coutin, “Legacies and Origins of the 1980s US-Central American Sanctuary Movement,” 14. On the successes and failures of the sanctuary movement, see also McAndrews, *Refuge in the Lord: Catholics, Presidents, and the Political of Immigration, 1981—2013*. [↑](#endnote-ref-46)
47. Bibler and Coutin, 13: In 1985, 11 sanctuary activists were indicted on charges of conspiracy and alien-smuggling in *American Baptist Churches v Thornburgh*. [↑](#endnote-ref-47)
48. What is worrisome is that if sensitive areas are: schools, hospitals and churches, ICE has begun entering hospitals and detaining and deporting people on the spot (in the Trump era). [↑](#endnote-ref-48)
49. See Esther Meroño of Groundswell, “Sanctuary 101: How Churches and Synagogues are Stopping Deportations,” http://groundswell-mvmt.org/sanctuary-101-how-churches-and-synagogues-are-stopping-deportations/. [↑](#endnote-ref-49)
50. See Meroño. [↑](#endnote-ref-50)
51. On her story, see Michelle Reyf, “A Win for Beatriz and Her Family,” Groundswell website, November 6, 2014, http://www.groundswell-mvmt.org/a-win-for-beatriz-and-her-family/. [↑](#endnote-ref-51)
52. For example, see the on-line petition that describes her case. The petition was hosted by Groundswell and created by Fr. Landaverde: https://action.groundswell-mvmt.org/petitions/tell-the-obama-administration-stop-beatriz-from-being-deported. [↑](#endnote-ref-52)
53. Granted that a stay of removal is not equivalent to full legal status—discretionary statuses are used widely but only provide a precarious legal status with no rights. [↑](#endnote-ref-53)
54. Aiding and publicizing “sympathetic” cases is part of Alinsky-style organizing and this method has proved to be successful. A notable exception to this tactic is OCAD (Organized Communities Against Deportation), operating in Chicago, who believe that every case should be treated equally. I see the merits of both approaches but believe that OCAD’s is more democratic and more political, even if it may also be harder to sell. [↑](#endnote-ref-54)
55. My source is CRLN’s Immigration Organizer, Cinthya Rodriguez, who has sent me email briefings on these issues before I have made media appearances on PBS and NPR in 2016 and 2017. [↑](#endnote-ref-55)
56. For example, CRLN’s current Immigration Organizer is hoping to “Expand Sanctuary” and to work with groups across Chicago to unify sanctuary efforts in the context of the expansion of policing activities in this city. See, for example, their document on expanding sanctuary: https://mijente.net/2017/02/16/sanctuary-policies/. [↑](#endnote-ref-56)
57. See, for example: David DeCosse, “Can Citizenship Be Earned?” *America* 199, no. 11 (October 13, 2008). [↑](#endnote-ref-57)
58. David Garland, *Culture of Control*, (Chicago: University of Chicago, 2001). [↑](#endnote-ref-58)
59. Sheldon Wolin, *Politics and Vision* expanded edition (Princeton: Princeton University Press, 2004). [↑](#endnote-ref-59)
60. Sheldon Wolin, *Politics and Vision* expanded edition (Princeton: Princeton University Press, 2004), 64. [↑](#endnote-ref-60)
61. Wolin, *Politics and Vision*, 64. See also Hannah Arendt, “Civil Disobedience,” ch. 2, in *Crises of the Republic: Lying in Politics…*(New York: Harvest Books, 1972). [↑](#endnote-ref-61)
62. As Roger Berkowitz argues about Trump that he “hates…politics, the collective striving after common ideals of democracy and justice.” Roger Berkowitz, http://www.hannaharendtcenter.org/tag/citizenship/. [↑](#endnote-ref-62)
63. Scott, *Weapons of the Weak*. [↑](#endnote-ref-63)
64. Rhacel Parreñas Salazár, *Servants of Globalization* (Palo Alto: Stanford University Press, 2015). [↑](#endnote-ref-64)