

LEADERS OF ALIEN SANCTUARY DRIVE SAY INDICTMENTS POSE CHURCH-STATE ISSUE

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Body

The Government says that when it began a 10- month undercover operation this month that resulted in the indictment of 16 church workers on 71 counts of transporting and harboring illegal aliens it was nothing more than routine law enforcement.

But those indicted, with support from major religious denominations, insist rather that what is at issue is nothing less than an unprecedented legal and moral confrontation between church and state.

It is the United States, they say, not the pastors, priests, nuns and lay workers that should be on trial for crimes against the law and against humanity.

The Government is charging smuggling and harboring illegal aliens fleeing third world poverty. The sanctuary movement says it is assisting political refugees who are in this country legally or would be if the United States abided by its laws defining refugee status and by international agreements to which it subscribes.

Indictment of 16 church workers on 71 counts of transporting and harboring illegal aliens is portrayed by those indicted, and their supporters, as unprecedented legal and moral confrontation between church and state in United States; sanctuary movement claims it is assisting people who would be considered political refugees if United States abided by its laws defining refugee status and by international agreements to which it subscribes; photos (M)Infiltration of Churches

The issue erupted dramatically two weeks ago with the announcement by the Government that two undercover agents of the Immigration and Naturalization Service, aided by two informers, had infiltrated meetings in Tucson, Ariz., churches and tape-recorded details of "an underground railroad" that had smuggled Central Americans into this country and shielded them from arrest in their churches, homes and "safe houses" for more than three years.

Since March 1982, when the Tucson Southside Presbyterian Church, joined by six churches in the Bay Area of California, announced it was taking part in the "ancient rite of sanctuary," more and more churches, now about 200, have publicly defied Federal immigration authority.

In addition, an unknown number of churches and other groups with religious affiliation, possibly another 150 to 200, are assisting the movement secretly.

In Tucson, where 14 churches of various denominations have signed a "covenant of sanctuary," leaders of the movement say that as many as 200 church workers, chiefly women and elderly retired people, have shuttled Central Americans from the border "half-way houses" to church sanctuaries like Southside Presbyterian. Its pastor, the Rev. John M. Fife, is among those indicted.

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Asserting 'the Church's Right'

On both sides of the Mexican border, sanctuary activists, including ordained people, plan and carry out schemes that include disguises, bogus documents and long, clandestine treks across deserts. They will continue to do it, they say, out of religious conviction.

After his indictment two weeks ago, Mr. Fife said, "We will continue to assert the church's right to administer sanctuary to helpless people whose lives hang in the balance every day."

The governing bodies or leading councils of several denominations, including the American Baptist Churches, the American Lutheran Church, the Disciples of Christ, the Presbyterian Church (U.S.A.), the United Church of Christ and the United Methodist Church, have affirmed their support of the sanctuary movement, as has the American Friends Service Committee.

Leaders of the movement justify their defiance of the Federal Government, defiance that could mean five years in prison for every undocumented Central American they transport or harbor, on religious, humanitarian and legal grounds.

"I do see it as church versus state, but in a very much different way than we normally see church versus state," said Stephen Cooper, the lawyer for two church workers facing trial in Texas next week on charges of conspiring to bring Central Americans into the country.

"I can't remember any time in the past when the Government has tried to invade the churches, tried to tell the churches they can't do things that have always been recognized as within the province of the churches, and tried to turn church people into criminals for nonviolent behavior," he said.

"They are willing to feed these people, they are willing to provide them places to stay, they're willing to assume all responsibility so it's no burden on anybody else. But what they're not willing to do is to leave them to be killed."

'These Are Aliens to Us'

But United States Attorney A. Melvin McDonald said in announcing the indictments that "merely because they wear the garb of the clergy, they have no greater or no lesser rights than anyone else." Assistant United States Attorney Donald M. Reno, Jr., the leading prosecutor in the Arizona cases, dismissed suggestions of political or religious overtones.

"Government people are really not motivated by any personal vendetta against any particular political or religious persuasion," he said. "The Government is virtually blind as far as those factors are concerned. These are aliens to us. This is an alien smuggling conspiracy."

Sanctuary workers say they are seeking to alleviate suffering caused in part by United States policy in Central America.

"In the particular case of El Salvador," said Mr. Cooper, "there is no doubt that the bullets that are going into the heads of the people are provided by the United States, there is no doubt that the helicopters that dropped the bombs on the houses of the people are made by the United States."

Both the Government and those who defy it agree that the governing law is the Refugee Act of 1980. They differ profoundly on its interpretation.

The law defines a refugee legally entitled to stay in this country as someone who is "unwilling or unable to return" to his homeland "because of persecution or a well-founded fear of persecution on account of race, religion, nationality, membership in a particular social group, or political opinion."

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Fear of Persecution Cited

Sanctuary workers **say** that the vast majority of the more than 500,000 Central Americans, chiefly Guatemalans and Salvadorans, who have fled to the United States have at the very least "a well-founded fear" of persecution.

Among those supporting that view is Representative Morris K. Udall, who urged that Salvadorans be granted temporary legal residence.

Saying he was "deeply troubled" by the **indictments** of the **sanctuary** workers, Representative Udall maintained that "the **aliens** in question are refugees, many of them women and children, from a war-torn country."

"Since 1979," he went on, "over 40,000 people have been murdered in El Salvador, many of them by so-called death squads and many by government troops. Thousands more have been swept up into the ongoing war. Entire village have been destroyed. Whole families have been wiped out."

An Appeal on Long Island

On Long Island this week, the principal cleric of the Presbytery of Long Island, representing 58 Presbyterian churches and more than 20,000 members, has called on local parishes and congregants to provide **sanctuary** for Central American people.

There was no immediate response by churches on the Island to the appeal by the Rev. Stark Jones, moderator of the Presbytery and pastor of the Roslyn Presbyterian Church. He and others who support **sanctuary say** that many parishioners feel uncomfortable with the **issue**. But they have expressed confidence that, in time, attitudes will evolve and may **sanctuaries** will be found in homes and houses of worship.

Supporters of the **sanctuary** movement **say** they transport and hide Central Americans in their homes and churches because applying for refugee status is tantamount to being sent back home almost immediately.

In the fiscal year 1984, the Immigration and Naturalization Service processed 13,373 applications for political asylum by Salvadorans. It denied 13,045 applications and granted 328.

Of those denied, **said** Vern Jervis, a spokesman for the immigration service in Washington, about 4,000 were returned to El Salvador. Most of the remainder appealed for a new hearing by the service or in the courts as provided by law.

According to Mr. Jervis, the number of Salvadorans deported has been declining - 8,800 in 1980; 10,500 in 1981; 5,600 in 1982; and 4,800 in 1983.

U.N. Pact Is Pointed Out

Sanctuary supporters maintain that returning any to El Salvador at present is illegal under the United Nations Convention Relating to the Status of Refugees, which forbids forcibly returning a refugee to a country "where his life or freedom would be treated" because of race, religion, or politics.

The immigration service **says** most Central Americans who come into this country come for economic rather than political reasons. Mr. Jervis **said** it was "extremely difficult" to assess applicants for political asylum.

On Jan. 4, in San Francisco, the service decided the case of a 29-year-old Salvadoran who had petitioned for political asylum maintaining that because he had participated in the Salvadoran teachers' union, he had been arrested and tortured with acid, and a brother had been kidnapped, tortured and decapitated.

Amnesty International Looks In

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His petition was supported by doctors for Amnesty International, the London-based organization that campaigns for the rights of political prisoners. The doctors corroborated the Salvadoran's assertion that he had been burned with acid, and the service did not contest the Salvadoran's assertions.

But it ruled as follows: "The applicant has described the suffering which he and other family members had unfortunately endured during the civil strife in El Salvador, suffering which has been similarly experienced by other groups and political factions operation in El Salvador.

"The problems of the applicant and his family members, however, do not stem from persecution but from the civil strife which has torn El Salvador apart over the past five to nine years. The tragedy of El Salvador is that the suffering, the armed kidnapping and other excesses are not confined to one particular group but are endured and perpetrated by all.

"For these reasons, the applicant has failed to establish that he qualifies as a refugee."

Graphic

Photo of the Rev. John M. Fife; Photo of a Guatemalan family that sought sanctuary

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