
Book Reviews

Miriam Davidson
*Convictions of the Heart:
Jim Corbett and the
Sanctuary Movement*
Tucson: The University of
Arizona Press, 1988

Reviewed by Charles Stastny

The name of Jim Corbett has become practically synonymous with the American Sanctuary movement of the 1980s. A Quaker humanist and Arizona goatherd with a graduate degree in philosophy from Harvard, Corbett was a founder of this movement to provide haven for refugees denied asylum by the U.S. government. Together with Presbyterian minister John Fife — whose south Tucson barrio church was the first to declare itself a "sanctuary" (March 1982) — Corbett started a network of religious sanctuary institution that eventually reached from the Mexican to the Canadian border. As the struggle over United States refugee and foreign policy in Central America developed during the Reagan years, Corbett remained a dominant figure both as activist and philosopher. When the U.S. government decided to attempt to crush the movement, Jim Corbett became one of eleven defendants tried on the charge of "alien smuggling" in the seven-months-long (1985-86) Tucson trial. The Arizona jury convicted eight of the defendants while acquitting Corbett and two others.

The present book, written by a journalist who is herself a Quaker, provides a lively narrative of the events leading up to the Tucson trial and of the trial itself — within the context of the internal and external struggles of the evolving sanctuary movement. The most important internal issue involved the differences in philosophy and approach between the Chicago Religious task Force on Central America (CRTFCA) and a similar task force of the Tucson Ecumenical Council (TEC), the latter coming to be dominated by the philosophical perspectives of Jim Corbett. As Davidson points out, the factional conflict had its roots in the differing

origins of the two groups of activists. The Arizona people, frustrated in their efforts to effect changes in the treatment of refugees through established administrative and legal channels, had created the initial stations of the "underground railroad". Their immediate aim was to provide the asylum that the government was refusing to grant for those who arrived on their doorstep. The Chicago centre, on the other hand, was formed in the early 1980s with the explicit objective of challenging U.S. foreign policy. Only later, hesitantly, did it find itself (at Corbett's request) playing a leading role in "running a refugee-relay network" on a nation-wide scale. The TEC people favoured an essentially apolitical humanitarian approach, whereas the CRTFCA wanted to emphasize "public sanctuary" — sanctuary for the minority of "politicals" among the asylum-seekers willing to go public. Davidson quotes from the January 1985 *Basta* (the CRTFCA's journal): "We see little benefit in a sanctuary movement that is a mile wide and an inch deep."

The main external issue concerned the interplay between the sanctuary movement and the American government. Two months prior to the public declaration of sanctuary by Rev. Fife's Tucson church, Corbett addressed a National Council of Churches conference as follows: "With people in our midst being hunted down and shipped back, ... the fate of the undocumented refugees depends on the religious community's participation and leadership in helping them avoid capture." He then urged that, given the experiences of this century, "the right to aid fugitives from government-sponsored terror" must be "upheld in action by churches — regardless of the cost in terms of imprisoned clergy."

For Corbett, sanctuary was not civil disobedience, as the Chicago task force would have it, but rather "civil initiative" — on the practical level, a means of opposing a government that was violating its own law as well as international law. At the heart of his political (and theological) philosophy of "covenant as sanctuary" was his insistence that the decision to enter into "protective community with the poor and persecuted" must include the aim of "holding the state accountable for its violations of human rights". In his

view, since refugees cannot be "illegal aliens" and since refugee rights are spelled out in international law (Nuremberg Principles and Geneva Conventions), the civil initiative he is advocating becomes an affirmative duty of "good citizenship".

The Reagan administration evidently became increasingly dismayed at the growth of the sanctuary movement, particularly within mainline churches. At the end of 1983, the State Department's principal spokesman on Central America virtually admitted the government was "losing the battle for the high moral ground ... when a lot of church groups are opposing us and saying we don't have it." Meantime, there were apparently divided counsels and much hesitation at the top levels on how to respond so as not to "create more martyrs". But by 1984, as Davidson describes in detail, the ground for a crackdown was being prepared through an investigation marked by surveillance and infiltration.

Then comes the centerpiece of this book — the trial itself, which Davidson covered for the *Christian Science Monitor*. Corbett, along with his co-defendants, was profoundly disappointed that the presiding judge, Earl Carroll, ordered the exclusion from jury consideration of all of the substantive issues, including international law, the situation in Central America, and U.S. asylum policy. The sanctuary workers were prosecuted as "alien smugglers", whose motives presumably were no different than those of *coyotes*. The author describes the frustration on the sanctuary defence side as all of its motions were summarily rejected — except for the claim that this was a case of "selective prosecution" by the government; this last seemed to trouble Judge Carroll, who heard arguments on the issue (with jury excluded) and waited until after the final verdicts to rule against the defence motion. Only in their opening statements did the sixteen defence attorneys — while drawing admonishments and warnings of contempt citations from Judge Carroll — manage to allude to the defendants' motives in sheltering refugees in churches and homes.

The star of the prosecution's five-month presentation of evidence was a Mexican *coyote*, with a history of smuggling farm workers, who had been recruit-

ed to infiltrate the movement. Virtually no evidence was presented against Corbett — (the witness who presumably was to be used against him had disappeared) — which Davidson believes may account for his acquittal. After the prosecution concluded its case, the defence rested without calling a single witness, expecting that the Mexican informer's lack of credibility would turn the jury against him and the prosecution. However, Judge Carroll's narrowly restrictive instructions to the jury virtually assured some convictions. (According to Davidson, Corbett expressed astonishment that "decent people" could convict *any* of his fellow defendants.) At the same time, Davidson cites subsequent statements of jurors that reveal considerable reluctance to equate these defendants with *coyotes*. And, when handed out sentences two months later (July 1986), Judge Carroll himself, in suspending prison terms, seemed also to give some credence to the defendants' motives. Judicial appeal of these convictions is still pending in the U.S. Federal Courts.

Corbett's closest associate in the "refugee work", Reverend John Fife, was given five years probation by Judge Carroll. He had been convicted on charges that carried possible sentences of ten years imprisonment and US \$10,000 in fines. Far from abjuring "refugee work", a few months later he led a delegation (that included another of the convicted sanctuary workers) to Holland to meet with European church representatives "interested in expanding the sanctuary concept to their countries". The government's "victory" at Tucson may well prove to have been a pyrrhic one: the sanctuary movement has by no means disappeared and is likely to survive so long as a wide gap between state and non-state concepts of "refugee" and right of asylum persists.

Further, this experience of a direct clash in the judicial arena between state and church reveals several elements that may be pertinent to the Canada of Bill C-84. The provisions of the criminal codes of the two North American countries are now quite closely aligned in this area. In his article on "Canadian Sanctuary" (*Refuge*, December 1988), David Matas has explored the legal dimensions of a conjectured defence of Canadian sanctuary workers. Setting aside the differences of the Canadian and U.S. political and legal systems, the scope for discretionary exercise of state authority looms large on both sides of the border in relation to factors such as the decision of whether or not to

prosecute, the choice of investigatory methods, and the drawing of a line between those with venal and those with altruistic motives, (which the authors of the Canadian statute have "promised" to take into consideration). If the polarization between government and non-government (particularly religious) organization continues, Canada also could face a "Tucson trial" in the 1990s. The experiences of the American sanctuary movement described in this book may have particular relevance to Canadians concerned with refugee affairs.

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Supang Chantayanich and E. Bruce Reynolds, editors
Indochinese Refugees: Asylum and Resettlement Bangkok: Institute of Asian Studies, Chulalongkorn University, 1988

Reviewed by
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This edited monograph consists of a collection of papers originally presented in Thailand in May of 1987 at an "International Workshop On Indochinese Refugees: Causes, Resettlement Processes and a Proposed Solution". Supported by a wealth of statistical data, the articles address refugee policy, processing, services, settlement and resettlement programmes. The book is divided into three parts: 1) Refugee in Southeast Asia; 2) Refugee in Asia and the Pacific; and 3) Refugee in the Western World. One may picture from this structure three concentric rings or waves of activity, outbound from the core: the closest border countries; secondary range countries in Asia, Malaysia, Australasia, and tertiary range Western countries in Europe and North America.

Supang Chantavanich's introduction provides three very helpful illustrations: the outflow routes of displaced

Indochinese refugees; a world map indicating resettlement countries and numbers resettled in each country; and a map of Thailand with Indochinese refugee "Service Sites" and an inset map of the Indochinese States. Chantavanich then outlines the history of conflict, the socio-political phenomenon of the mass exodus of people from the Indochinese States in the past decade, agreements between Thailand and International agencies, security issues for this country of first asylum, camp settlements, service provision programmes, and the co-operative agreements both with the international community of voluntary agencies as well as with other states, not all of whom are signatories to the Geneva Convention on refugees. According to the Pongsapit and Chongwatana UNHCR source statistics, between 1975 and 1986, the number of refugees and displaced persons arriving in Thailand increased from 76,338 to 665,955. They fled from Vietnam, Kampuchea, and Laos (Lowland and Hilltribe populations). Devastation caused by military forces and appropriation of land by new regimes, the levy of new taxes and military conscription (in Laos) and forced expulsion (in Kampuchea) were causal "push" factors of flight. The authors also consider the expansion of processing programmes established by resettlement countries as a "pull" factor contributing to the exodus amongst Laotians; they argue that this has been the "primary motivation for migration".

Two major effects in the global crisis of forced migration and population displacement today, of which the Indochinese refugees and displaced persons form one part, are: 1) the development of management and determination policies by bordering states as well as those countries at greater distances from the area of conflict; and 2) the development of a service programme infrastructure and aid industry within countries of first asylum in Indonesia, (Pongsapit and Chongwatana) and the Philippines (Desbarats), in addition to Thailand. In Part II, further afield in Asia and the Pacific, articles focus on the Indochinese refugee situation in China (Zhu Rong), Japan (Chantavanich) Hong Kong (Davis), Australia (Viviani) and New Zealand (Lyon). In the Western World, other authors relate the themes to the United States, Canada, France, Britain, the Federal Republic of Germany, and Switzerland.