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SANCTUARY AND THE COLD WAR: THE US VERSUS THE SANCTUARY MOVEMENT IN TEXAS AND ARIZONA 1981-1986

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SANCTUARY AND THE COLD WAR:
THE US GOVERNEMENT VERSUS
THE SANCTUARY MOVEMENT
IN TEXAS AND
ARIZONA
1981-1986

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THE US GOVERNEMENT VERSUS
THE SANCTUARY MOVEMENT
IN TEXAS AND
ARIZONA
1981-1986

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By

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Sanctuary and the Cold War:
The US Government versus
the Sanctuary Movement
in Texas and
Arizona
1981-1986

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In the 1980s, the Reagan Administration launched a campaign against the American Solidarity and sanctuary movements, which were highly critical of US support for right-wing dictatorships in Central America. The US sought to discredit these movements by branding their members criminals. The government used many different tactics, some legitimate and others illegal. None were successful, however, and the government was ultimately forced to leave the movements alone.

This thesis examines three different hotspots in the Reagan Administration's war against these groups. It examines the different tactics employed and analyzes their effectiveness. It also explains why the government was unsuccessful in its prosecution.

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CHAPTER 1

INTRODUCTION

We've lost sight of the fact that when our sister or brother anywhere hurts, we hurt. I see that and I have to respond. I cannot not respond.

If we participate in a demonstration here it's not likely we'll be shot. In El Salvador, it is likely. If we teach people to read, we aren't called subversive and Communist and then disappear. In El Salvador, it is likely. For there is not justice. We've already seen forty thousand deaths there, mostly all civilians killed by government forces. The Reagan Administration continues to support that government—the government that creates the refugees.

I'm no celebrity. I'm not a martyr. And I'm no felon. I'm a woman with a heart and mind. My faith commitment connects me to people and justice.¹

Southside Presbyterian Church in Tucson is not welcoming to inquisitive strangers. In January 1982, Southside's congregation voted to become a sanctuary for Central American refugees fleeing persecution in their home countries.² The US government usually refused to grant these Salvadoran and Guatemalans political asylum and would instead deport them back to their home countries, where they would often face further persecution, torture and execution. Southside Presbyterian led the way in attempting to protect these refugees. I went to Tucson in May of 2017 to meet the people who had founded this movement, as well as to conduct research at the University of Arizona, which has the church's sanctuary papers in its archives. Southside is part of the modern

¹ Robert Tomsho, *The American Sanctuary Movement* (Austin: Texas Monthly Press, 1987). Stacey Merkt's speech at her sentencing hearing. 149

² Ann Crittenden, *Sanctuary: A Story of American Conscience and Law in Collision* (New York: Weidenfeld and Nicolson and Michael Joseph, 1988). 67

sanctuary movement as well, now harboring Mexicans instead of Central Americans and protecting them from deportation by the federal government. I believe that this caused church workers to view me with suspicion. In the 1980s, its sanctuary movement was infiltrated by government informants and undercover immigration agents, resulting in the arrest, trial and convictions of eight sanctuary workers and hundreds of deportations of Salvadoran refugees. Hence, members of the modern sanctuary movement in Tucson are no doubt suspicious of strangers asking questions about their activities.

Several months before, I reached out to Tucson sanctuary workers, notably Reverend John Fife, one of the movement's founders, who is still active with the church. Each time I was told that my message would be passed on to him but I never received a response. I imagined that he was just a busy person and so I determined to go to Tucson and see if I could just visit the church and talk to someone there, perhaps even Fife.

Stepping out of the airport in May, the heat was palpable. I felt the moisture leaving my body immediately. I could well imagine the hardships that Salvadorans and Guatemalans must have gone through to make the trek up through the Sonoran Desert to seek safety in this dusty Arizona city. It is no wonder that many of them died on the journey. That *this* was the attractive option is also indicative of the brutal conditions that they faced in their home countries.

I arrived on a Sunday, an hour late for the morning service. I called the church and introduced myself, explained that I was researching the sanctuary movement, and asked if I could come by. The Southside employee told me that I would need permission from the pastor, who would contact me. That day I did not hear back from the church and instead went to the University of Arizona to research their archives. While the university has a great deal on the movement, all the documents pertaining to Southside's involvement had recently been sealed by court order. It

was then I realized that Southside Presbyterian was leery of outsiders. Over the next several days I tried in vain to get permission to come by the church, but it is likely they thought I could be a spy. In the new Trump era of mass deportations, a sanctuary church was probably justified in being suspicious. I left without many of the answers that I sought. I did, however, gain an appreciation for what it must have been like in the early 1980s, in the final years of the Cold War, when the federal government viewed the sanctuary movement as pro-Soviet and launched an all-out campaign to disrupt and discredit it.

The federal government's campaign against Southside Presbyterian was just one battle in its broader war against the Solidarity Movement, a loose coalition of Americans who opposed US interference in Central America. Eventually the Solidarity Movement would be dominated by the sanctuary movement, which gained a large following and ample national press. Viewing it as a threat to national security, the federal government tried to crack down on the movement. Policymakers in the United States believed the Soviet Union was actively involved in overthrowing the pro-US governments in Central America. An attack against Central America was an attack on US security. The United States waged the Cold War at home as well. This could be best understood as the battle for the "hearts and minds" of Americans. The American sanctuary movement was highly critical of US foreign policy in Central America, and brought to light the atrocities committed by the United States' allies in the region against their own people. This exposure had the potential to turn public opinion at home against the policies of the government. The government responded to this threat with force, on the Texas border and elsewhere, relying on a wide range of tactics to undermine and discredit its foe. Some methods were more effective than others, but the government was not very successful in swaying public opinion to its side and winning this facet of the Cold War propaganda war in the USA. The more that the federal

government cracked down, the more exposure the movement received, which made Americans begin to ask themselves what the US government was really doing in Central America.

1.2 Background

To understand the federal government's overzealous attack on the sanctuary movement, it is important to understand the United States' relationship with El Salvador and Central America in general during the Cold War. The United States has had a long history of intervention in Central America and the Caribbean. As early as 1823, the Monroe Doctrine declared that outside interference by European powers henceforth would not be tolerated in the Western Hemisphere. The United States considered Latin America to be in its sphere of influence.³ Central America became a vital interest for the US upon the completion of the Panama Canal in 1914. Control over the canal gave the US the ability to cheaply move goods and people from one side of the nation to the other, as well as project Naval power more quickly anywhere in the world.

During the early part of the 20th Century, the US relied on direct intervention in Central America to maintain control. From 1900 to 1930, the US invaded Central American countries at least thirty-four times, but this was an inefficient strategy.⁴ As historian David Schmitz notes, "Military interventions failed to provide a long-term solution and further exacerbated the problems of instability."⁵ Interventions also sparked anti-American sentiment in Central American nations,

³ "Our Documents - Transcript of Monroe Doctrine (1823)," accessed November 15, 2016, <https://www.ourdocuments.gov/doc.php?doc=23&page=transcript>.

⁴ Greg Grandin, *Empire's Workshop: Latin America, the United States, and the Rise of New Imperialism* (New York: Metropolitan Books, 2006). 20

⁵ David F. Schmitz, *Thank God They're On Our Side: The United States and Right Wing Dictatorships, 1921-1965* (Chapel Hill: University of North Carolina Press, 1999). 47

which damaged the United States' status as leader of the western hemisphere.⁶ This would begin to change in the 1930s.

In 1932, during the height of the Great Depression, Franklin Roosevelt was elected president. Roosevelt pragmatically steered a new course for US-Latin American relations. The new "Good Neighbor Policy" was best summed up by Secretary of State, Cordell Hull, who at the Montevideo Conference in September 1933, declared to a gathering of Latin American officials that "no government need fear any intervention on the part of the United States under the Roosevelt administration."⁷ The US would instead influence Latin American countries through investment and reciprocal trade agreements. This resulted in improved relations between the US and its southern neighbors, which bore fruit during World War II, when the US counted on Latin American support in its war effort.⁸

In 1945, World War II ended and the Cold War, which pitted the US and its allies against the Soviet Union, began. Due to these new circumstances, the United States, under newly elected President Eisenhower, abandoned the Good Neighbor Policy and instead supported dictatorships in the region. This was first seen in 1952 in Guatemala, when the United States orchestrated a coup that replaced Jacobo Arbenz, the duly elected president with a military dictatorship led by Colonel Castillo Armas.⁹ Policymakers believed that friendly dictatorships were the most effective bastions against the rise of communism. Central America had great strategic value for the US. In

⁶ Ibid.

⁷ George C. Herring, *From Colony to Superpower: US Foreign Relations since 1776*, The Oxford History of the United States (Oxford: Oxford University Press, 2008). 499

⁸ Herring. 556

⁹ Nick Cullather, *Secret History: The C.I.A.'s Classified Account of Its Operations in Guatemala, 1952-1954* (Stanford: Stanford University Press, 1999).

the event of war with the Soviet Union, NATO strategy depended on access to the Panama Canal. The Canal would be essential for getting supplies and soldiers and US warships quickly from the West coast to Europe.¹⁰ Furthermore, the Caribbean Sea lanes were vital for shipping. The country got many of its strategic raw materials (such as manganese, cobalt, and aluminum) from abroad; raw materials that were necessary not only for manufacturing but also for making war. A Soviet presence in or near the Caribbean could essentially shut down these shipping lanes.¹¹

In 1959, Fidel Castro's takeover of Cuba intensified US fears over communism spreading in the region. The 1979 fall of Nicaraguan right-wing dictator Anastasio Somoza to the leftist Sandinistas exacerbated these concerns. US foreign policy experts believed the Soviet Union was responsible for Nicaragua's revolution. A pro-Soviet government there could be very damaging for the US in the event of war with the USSR. Soviet troops stationed in Nicaragua could make it difficult for the US to access the Panama Canal. To eliminate the threat, Reagan authorized training and logistical support for the Nicaraguan rebels known as *contras*, who engaged in bloody guerrilla warfare in the countryside in the hopes of destabilizing the Sandinista government.¹² In doing so Reagan inadvertently planted the seeds that would almost destroy his presidency and eventually torpedoed his Central American policy.¹³

At the same time, the US moved to ensure that no other Central American nation "fell" to communism. The US increased military and financial aid to autocratic right-wing regimes in Guatemala, El Salvador and Honduras. El Salvador and Guatemala had active anti-government

¹⁰ Ashley J. Tellis, "The Geopolitical Stakes in Central American Crisis," in *Central America and the Reagan Doctrine* (Boston: University Press of America, 1987). 37

¹¹ Tellis. 45

¹² Peter Kornbluh, "The Covert War," in *Reagan Versus the Sandinistas: The Undeclared War on Nicaragua*, ed. Thomas Walker (Boulder: Westview Press, 1987). 21-27

¹³ Herring, *From Colony to Superpower: US Foreign Relations since 1776*. 891

insurgencies. The governments of those nations, and the US, claimed that the insurgencies were backed by Nicaragua, Cuba, and the Soviet Union. These claims became justification for the US support of these repressive governments, which grew increasingly violent in the 1980s. The militaries in Guatemala and El Salvador and their allied civilian “death squads” killed tens of thousands of people and tortured many more. Although the rebel forces in both countries committed acts of violence as well, the overwhelming amount of the bloodshed came at the hands of pro-government forces. The violence displaced millions. Many made their way to refugee camps in Mexico. Still others, including up to a million Salvadorans, fled to the United States.¹⁴

El Salvador had a difficult 20th century. Like most Central American nations, it was controlled by an oligarchy of economic elites. In El Salvador’s case fourteen families owned most of the land and controlled the banks. Commencing in the late nineteenth century, the government began expropriating land from peasants to support the new coffee-based economy.¹⁵ This policy dramatically worsened the situation for peasants, most of whom were impoverished Indians. By the 1930s many peasants had organized under the Salvadoran Communist Party, also known as the PCS.¹⁶ In 1932, in response to continued repression and the seizure of power by the notorious general Maximiliano Hernández Martínez, the PCS called for a peasant rebellion. Tens of thousands of peasants marched on the cities. Massively outgunned, the rebels were defeated and 4,000 killed by the military.¹⁷ To punish the peasants, President Martínez then ordered the

¹⁴ Susan B Coutin, *Nations of Immigrants: Shifting Boundaries of Citizenship in El Salvador and the United States* (Ithaca: Cornell University Press, 2007). 79

¹⁵ Paul H Hoeffel, “The Eclipse of the Oligarchs,” *The New York Times*, September 6, 1981, sec. Magazine, www.nytimes.com/1981/09/06/magazine/the-eclipse-of-the-oligarchs.html.

¹⁶ Marvin Gettleman et al., eds., *El Salvador: Central America in the New Cold War* (New York: Grove Press, 1981). 59

¹⁷ Gettleman et al. 60

Matanza, a slaughter that would take the lives of 30,000 Indian farmers.¹⁸ Thus ended any meaningful attempts toward democracy in El Salvador for the next thirty years.

In the 1940s El Salvador began a process of modernization. With modernization came a burgeoning middle class, who, by the 1960's began to push for democratization.¹⁹ The next decade saw the rise of opposition parties and cycles of political reform counterbalanced with state oppression. Every time El Salvador began to move toward democracy, the conservative elites and their military allies struck back and pushed the nation toward totalitarianism. As the opposition parties became more demanding and influential, the conservatives became more violent. Right-wing death squads roamed the cities and countryside, eliminating opposition figures. Faced with this violent onslaught, many on the left abandoned democracy as an agent of change in El Salvador and formed guerrilla movements. This was the beginning of the civil war that would devastate the nation in the 1980s.²⁰ In 1980 the Frente Farabundo Martí de Liberación Nacional (FMLN) was founded when the five primary revolutionary groups formed a united front against the government. In January of 1981 the FMLN launched its “final offensive” against the government. The attack failed and the rebels were forced to go back to their familiar guerilla tactics in the countryside.²¹ To counter the rural insurgency, the military began a campaign to “drain the sea”—that is, to destroy the guerillas by massacring any peasants who supported the rebels. This tactic generally meant killing and torturing any peasants who lived in the regions where guerillas operated. It also led to a refugee crisis as over a million Salvadorans fled their homes to escape the violence. By

¹⁸ Erik Kristofer Ching, *Authoritarian El Salvador: Politics and the Origins of the Military Regimes, 1880-1940* (Notre Dame, Indiana: University of Notre Dame Press, 2014). 257

¹⁹ Gettleman et al., *El Salvador: Central America in the New Cold War*. 77

²⁰ Gettleman et al. 77-79

²¹ Gettleman et al. 119

1984 there were 468,000 Salvadorans displaced within El Salvador, while another 244,000 arrived in Mexico and 500,000 in the United States. By 1992 there were one million Salvadoran refugees in the US.²² Most of them came without authorization, and the US government refused to acknowledge that it had any responsibility to shelter them. The political implications were too great.

1.3 The Policy War at Home

In 1980, the US Congress passed the Refugee Act, legislation by which the US lived up to international obligations concerning refugees. In 1951 the UN had established the *1951 Convention Relating to the Status of Refugees*. One of its most important components was that war refugees could not be returned to their country if they were likely to face persecution at home, a principle known as *nonrefoulement*.²³ The *1980 US Refugee Act* brought the US into compliance with international law and also importantly defined the term refugee as someone persecuted on account of “race, religion, nationality, membership in a particular social group or political opinion.”²⁴ This new legislation seemed to open the door for Salvadoran and Guatemalan war refugees who suffered tremendous violence at home. The death toll for the Salvadoran Civil War was at least 70,000, while around 100,000 Guatemalans, mostly Mayan peasants, lost their lives between 1981 and 1983.²⁵ Furthermore, many Salvadorans and Guatemalans were on their

²² Coutin, *Nations of Immigrants: Shifting Boundaries of Citizenship in El Salvador and the United States*. 79

²³ United Nations, *1951 Convention Relating to the Status of Refugees*, 1951, sec. 33. This clause stated that “Contracting State shall expel or return (“refouler”) a refugee in any manner whatsoever to the frontiers of territories where his life or freedom would be threatened on account of his race, religion, nationality, membership of a particular social group or political opinion.”

²⁴ “Refugee Act of 1980,” National Archives Foundation, accessed November 10, 2016, <https://www.archivesfoundation.org/documents/refugee-act-1980/>.

²⁵ Hal Brands, *Latin America’s Cold War* (Cambridge, Mass: Harvard University Press, 2010). 190

governments' "kill lists" and would be murdered if they stayed. Despite these horrific conditions only a tiny fraction of Salvadorans and Guatemalans were granted refugee status. In 1984, only 2.45% of Salvadorans and .39% of Guatemalans seeking refugee status obtained it.²⁶ This was quite different than Nicaraguans (12.3%), Poles (32.7%), and Afghans (40.9%).²⁷ The reason behind this discrepancy was both logical and cynical.

Salvadorans and Guatemalans were not granted refugee status because they were fleeing countries allied to the United States. Moreover, the US considered these nations bulwarks against Communism. To accept Salvadorans and Guatemalans as war refugees was tantamount to the US admitting that their governments were in the wrong. Nicaragua, Afghanistan and Poland all had governments that the US viewed as pro-Soviet, and so it was politically advantageous to accept refugees fleeing those states as a potent denunciation of their policies. Furthermore, Congress had banned aid to countries with governments that committed atrocities against their own people. The Reagan Administration therefore insisted that Salvadorans and Guatemalans were *economic* refugees.²⁸ The United States had no legal obligation to accept people fleeing for economic reasons.

This decision by the Reagan Administration was controversial. Thus, an active protest movement, spearheaded by religious institutions, began in the 1980s. Among the foes of oppressive regimes in Central America were the politicized clergy within the afflicted countries. In 1968 Liberation Theology had been born at the Latin American Bishop's Conference in Medellín, Colombia. The basic tenets of Liberation Theology affirmed the rights of the poor and

²⁶ Ignatius Bau, *This Ground Is Holy: Church Sanctuary and Central American Refugees* (New York: Paulist Press, 1985). 60

²⁷ Ibid.

²⁸ Susan Gzesh, "Central Americans and Asylum Policy in the Reagan Era," Migration Policy Institute, 2006, www.migrationpolicy.org.

condemned “industrialized nations [that] enriched themselves at the expense of developing countries.”²⁹ This condemnation rapidly expanded to include not just nations exploiting poor countries, but the rich in poor countries exploiting the poor.³⁰ Feeling threatened, the wealthy turned to their military to ruthlessly suppress the movements, or turned a blind eye when private death squads did the dirty work. This led to many atrocities committed against clergy members, including the infamous December 2, 1980 slaying of three American nuns and one laywoman by Salvadoran government forces and the March 24, 1980 assassination of Archbishop Oscar Romero in El Salvador.³¹ Combined with these atrocities, outrage over US policies in Central America and sympathy for the refugees in the United States sparked activism in many Americans, especially for those with liberal religious backgrounds.³²

1.4 Sanctuary

The concept of sanctuary has religious implications; it is first seen in the *Old Testament*, when as a measure against family feuds, the Israelites established entire sanctuary cities, where people accused of crimes were sent to escape retaliation by the aggrieved families.³³ Many centuries later, people accused of crimes in medieval Europe could seek sanctuary in churches—a reflection of the tensions between church and state that developed during the Middle Ages; clergy

²⁹ “Liberation Theology,” *Britannica Academic*, accessed November 10, 2016, <http://academic.eb.com.proxy.libraries.smu.edu/levels/collegiate/article/48123>.

³⁰ Gustavo Gutierrez, *A Theology of Liberation* (Maryknoll, MD: Orbis Books, 1973).

³¹ Elizabeth J. Wood, *Insurgent Collective Action and Civil War in El Salvador* (Cambridge: Cambridge University Press, 2003). Romero was a proponent of Liberation Theology and highly critical of the Salvadoran government.

“5 More Killed in El Salvador,” *Dallas Morning News*, December 4, 1980, NewsBank.

³² I use “Americans” to refer to people from the United States for simplicity.

³³ Hilary Cunningham, *God and Caesar at the Rio Grande: Sanctuary and the Politics of Religion* (Minneapolis: University of Minnesota Press, 1995). 69

asserted that the church stood outside of the realm of corporeal power claimed by the state.³⁴ The modern churches involved in the sanctuary movement used this precedent to justify extralegal activities, arguing that spiritual law trumped civil law. Beginning in the San Francisco Bay area, liberal churches first invoked sanctuary during the Vietnam War, sheltering conscientious objectors. Government agents were generally unwilling to go into churches to make their arrests.³⁵ This same apparatus was utilized again in the 1980s to shelter Central American refugees, although the churches along the US-Mexico border had not participated in the earlier movement.

The historiography of the sanctuary movement of the 1980s is somewhat spare. Most books were written contemporaneously by journalists and activists sympathetic to or even passionate about the movement. This advocacy somewhat compromises their works. They are good, however, for establishing the common narrative and putting a human face on the events. One of the best is Robert Tomsho's *The American Sanctuary Movement* (1987). The primary asset of Tomsho's slim work is his use of personal stories from Central American refugees who sought sanctuary. Tomsho, a journalist, does an excellent job of blending these stories with the overarching narrative to create a sympathetic argument for Americans to support the movement.³⁶

Ann Crittenden's more comprehensive and well-researched *Sanctuary: A Story of American Conscience and Law in Collision* (1988) traces the movement from its origins through the trial in Tucson, which marked the climax of the broader saga. Although Crittenden certainly writes from a pro-sanctuary perspective, she interviewed governmental opponents involved in the

³⁴ Bau, *This Ground Is Holy: Church Sanctuary and Central American Refugees*. 131

³⁵ Cunningham, *God and Caesar at the Rio Grande: Sanctuary and the Politics of Religion*. 93

³⁶ Tomsho, *The American Sanctuary Movement*.

sanctuary trial in Tucson who also vetted her book to ensure its accuracy. What she therefore created is a holistic work, albeit coming from her own obvious point of view.³⁷

Today the sanctuary movement of the 1980s is not a popular topic, although it has recently gained a little more exposure because of the modern sanctuary movement. One reason for its obscurity is that, ultimately, the whole series of events proved to be somewhat inconsequential. While it is true that up to 300 churches in the United States declared themselves as sanctuaries, tens of thousands of churches did not. The movement was only partially successful in swaying public opinion to its cause. Sanctuary was a divisive issue; even Mayor Cooksey of the conspicuously liberal Austin, Texas could not gain the support required to declare that city a sanctuary.³⁸

The movement eventually won the right for many refugees to stay in the United States, but it did not change US foreign policy in Central America, which was the overarching goal.³⁹ The United States did stop supporting dictators in the region and began pushing for human rights, but this was mostly the result of the Reagan Administration sabotaging its own Central American policies through scandal as well a change in international political and strategic dynamics. With the end of the Cold War, communism was no longer a threat. The US government had long supported military dictatorships in the region because they tended to be staunchly anti-communist. With the fall of the Soviet Union, the US government had the luxury of supporting democracy in the region again, which is usually the default goal when it is convenient. This is a story that simply withered away—there was no great finale.

³⁷ Crittenden, *Sanctuary: A Story of American Conscience and Law in Collision*.

³⁸ Peter Cox, "Sanctuary Issue," *Austin American Statesman*, April 14, 1986, sec. A, Austin Historical Society.

³⁹ "Nicaraguan Adjustment and Central American Relief Act" (1997), <https://www.uscis.gov/humanitarian/refugees-asylum/asylum/nacara-203-nicaraguan-adjustment-and-central-american-relief-act>.

Chapter One examines the events at the founding site of the sanctuary movement: Tucson, Arizona. The movement began there in 1981 when a retired rancher named Jim Corbett began helping Central American refugees evade US immigration forces. Corbett, a Quaker, was horrified by American involvement in the state-sponsored atrocities in Central America and felt that it was his duty as a Christian to help these refugees. Soon after, Corbett's friend, John Fife, a minister at Southside Presbyterian Church, convinced his congregation to declare their church a sanctuary. This began the movement that would spread across the nation. It was in Tucson that the federal government chose to land its most crushing blow: a two-year investigation that used undercover informants and wiretapping and led to the indictment and prosecution of eleven sanctuary workers. Yet, while the government obtained convictions for many of the defendants, it was not an overwhelming victory. The exposure piqued more interest in the movement and caused ever more church congregations to become involved. Part of the hollowness of the victory stems from the government's decision to focus on the legality of harboring illegal aliens. Any sort of discussion of the motives of the sanctuary workers was omitted from the trial. While this may have been necessary for the prosecution to obtain convictions, it meant that the trial was not a referendum on the sanctuary movement itself.

Chapter Two discusses the FBI's investigation into the *Committee in Solidarity with the People of El Salvador* (CISPES), a national grassroots organization dedicated to ending US support for the repressive and violent Salvadoran government. From 1981 through 1983 the FBI had an informant named Frank Varelli who infiltrated the CISPES chapter of Dallas, Texas. The chapter headquarters were located at Holy Cross Catholic Church in South Dallas. Varelli's mission was to uncover evidence that CISPES was supplying arms to Salvadoran guerrillas and plotting terrorism in the US. Although Varelli and FBI agents allegedly broke into the CISPES

headquarters, the investigation yielded no evidence of illegal activity. This, however, did not prevent Varelli from manufacturing false evidence against CISPES, which likely contributed to the US government's zealous attacks on the sanctuary movement.

Chapter Three covers the events surrounding Casa Romero in San Benito, Texas, and the fight in Austin when Mayor Cooksey attempted to name Austin a Sanctuary City. Casa Romero was a waystation for Central American refugees. It was the first place many refugees stayed before moving on to sanctuaries or Central American communities further inside the country. The American sanctuary workers at Casa Romero were the first US citizens to be arrested and prosecuted by the US government, although federal investigations in Tucson and Dallas were already well underway. The prosecutions of the sanctuary workers in San Benito were a preview of the much larger federal intervention that would be seen in Tucson the next year, although the methods that the federal government employed were considerably more benign in the former. I also examine prevailing attitudes inside the US government, and examine how the adherence to Cold War ideology of many officials in law enforcement influenced this new crackdown. The chapter also delves into why the sanctuary workers felt justified in breaking the law and examines whether their seemingly light sentences were yet another form of control by the government. The second part of the chapter examines the events surrounding Austin Mayor Frank Cooksey's attempt to have that city declared a sanctuary for Central American refugees. Despite Austin's reputation as one of the most liberal cities in the US, the mayor faced significant opposition. This was indicative of how divisive the issue of sanctuary was for the country.

The Reagan administration exercised a great deal of power in fighting this propaganda war on the home front of the Cold War. Some of the tools were more effective than others; ironically, it seems that the legitimate weapons in its arsenal were more effective than the illegitimate ones.

The federal government had some limited success using the courts to turn public opinion against sanctuary, but when it resorted to unreliable informants and alleged break-ins, it damaged its own cause. The US government was fighting a battle for public opinion. When it did things that made itself look bad, it aided the other side. It was not enough to discredit the sanctuary movement; the government needed to look good in the process. The government rarely succeeded in winning the propaganda war against the sanctuary movement. The highly publicized trials against sanctuary workers only served to give sanctuary activists a national platform. Furthermore, the Reagan administration's self-inflicted wounds created by the public revelation of the disastrous Iran-Contra affair turned US public opinion against the US policies in Central America, and gave the sanctuary movement added credibility.

CHAPTER 2

TUCSON

On July 4th, 1980, a group of 28 Salvadorans wandered blindly through Pipe Organ National Monument in southern Arizona. Pipe Organ is a desolate place, with no water nor much in the way of any kind of life. The Salvadorans were there because their Mexican *coyotes* told them that passage through the lifeless expanse represented their best chance of entering undetected into the US.⁴⁰ The refugees had each paid the smugglers \$1200. The coyotes told them that they would travel by plane across the Mexico-US border. As it turned out, this was a lie. As so often happens in human trafficking, the smugglers changed the bargain and told the Salvadorans they would have to cross on foot. The coyotes also said it would be a short journey and that they were very close to Los Angeles.

Soon after departure the entire party was lost in the Arizona desert, where ground temperatures swelled to 150 degrees Fahrenheit during the day. The Salvadorans were unprepared for the hostile conditions; the men wore short sleeves and the women wore dresses, when desert survival requires full length clothes to protect the body from the sun. They also brought inadequate water. After a day of wandering the desert, the refugees were in serious trouble. Several of the *coyotes*, along with two Salvadoran men, deserted the party, ostensibly to find help. The balance

⁴⁰ *Coyote* is slang for someone who transports undocumented immigrants across the US-Mexico border for pay. For a firsthand account of the perils that immigrants face crossing the border and dealing with these often dangerous human traffickers see Ted Conover's *Coyotes: A Journey Through the Secret World of America's Illegal Aliens*.

of the party attempted to stay alive by drinking perfume and fighting over urine; they soon began to die.⁴¹

Border patrol agents found the Salvadorans the night of July 4th. In all, 13 of the 26 refugees perished in the desert. The rest were severely dehydrated and required hospitalization. The closest city to Pipe Organ was Tucson, about 140 miles away. The local religious communities sprang into action to help the victims. This was the first experience that many people in Tucson had with the Salvadoran crisis, and it was an eyeopener for many, including Reverend John Fife of the Southside Presbyterian Church. This opening event in Tucson would lead to the founding of the sanctuary movement.⁴²

While the Pipe Organ tragedy put the Salvadoran crisis on the radar for many in Tucson, the sanctuary movement's nascent stage did not occur until almost a year later, in May of 1981, when a retired rancher named Jim Corbett began helping refugees from Central America enter the United States while avoiding Immigration and Naturalization Service (INS) officials.⁴³ In addition to ranching, Corbett was also a librarian and sometime university lecturer of philosophy. His tendency toward political activism made him an undesirable employee, and early onset arthritis ended his ranching career, and he had settled into retired life in Tucson.⁴⁴

Corbett was introduced to the Central American refugee crisis when his friend, Jim Dudley, stopped to pick up a Salvadoran hitchhiker while on his way to Corbett's house. INS agents stopped Dudley and arrested the hitchhiker. Disturbed by the event, Dudley told Corbett about it.

⁴¹ Howard Swindle, "Aliens Paid \$1,200 to Die in Desert," *Dallas Morning News*, July 8, 1980, sec. News, NewsBank.

⁴² Tomsho, *The American Sanctuary Movement*. 23

⁴³ Tomsho. 18

⁴⁴ Crittenden, *Sanctuary: A Story of American Conscience and Law in Collision*. 38

The story also troubled Corbett, who was familiar with the difficult situation that Salvadoran refugees faced in their own country.⁴⁵ Corbett was a converted Quaker; he believed he had an obligation because of his faith to try to help the Salvadoran who had been apprehended. The next day, he called the Tucson INS office and asked where the Salvadoran was being detained. After being rebuffed, Corbett called back, this time pretending to be a local judge with the same name as his. The ploy worked; he learned the Salvadoran was being held 70 miles away in Santa Cruz County Jail in Nogales, Arizona. Corbett went to assist the man, only to discover that INS was going to great lengths to ensure that Salvadoran refugees were not advised of their rights or even given an opportunity to apply for refugee status.⁴⁶ Corbett viewed this as a travesty of justice and decided to help Salvadorans illegally enter the United States. He believed that by disobeying an American law, he was adhering to the higher laws of his religious faith.

Corbett soon realized that to be more effective he needed help and teamed with a Presbyterian minister named John Fife, whose Tucson congregation at Southside Presbyterian voted in June of 1981 to become a sanctuary. The vote meant the church would allow refugees to stay on the premises (or in a member of the congregation's home) and offer whatever protection from the government that it could.⁴⁷ On March 24, 1982, the second anniversary of the assassination of the Archbishop Oscar Romero, the church publicly declared itself a sanctuary.⁴⁸

From there, the movement spread rapidly. The next churches to declare themselves sanctuaries were St. John's Presbyterian and University Lutheran, both in Berkeley California. After

⁴⁵ Tomsho, *The American Sanctuary Movement*. 12

⁴⁶ Tomsho. 13

⁴⁷ Tomsho. 25

⁴⁸ Bau, *This Ground Is Holy: Church Sanctuary and Central American Refugees*. 10

that the movement spread all over the country; by the summer of 1984, over 150 churches had declared themselves sanctuaries.⁴⁹

Corbett began taking trips down to the Mexico-Guatemala border to recruit refugees before they could get apprehended by Mexican and US immigration officials. He first traveled to Guatemala in December of 1981. There he witnessed first-hand the violence perpetrated by the Guatemalan government against its own people. Guatemala was also being inundated by a flood of Salvadorans fleeing their country's civil war. Corbett reported that the bodies of Salvadoran refugees regularly floated down the Suchiate river bordering Guatemala and Mexico.⁵⁰ On the Mexican side of the border, he began making connections with local parish priests to help ferry refugees from southern Mexico to Tucson.⁵¹

Corbett would continue to visit southern Mexico for the next several years to organize refugees' journeys north, but eventually the sanctuary underground railroad was so well established that refugees would be sent north by Mexican churches and other humanitarian agencies to Hermosillo in northwestern Mexico. There they would be contacted by sanctuary workers and guided up to the border. The movement expanded so much that Corbett no longer could ferry all the refugees across the border. Instead the sanctuary movement based in Mexico would handle this phase. One leader of the of the Mexican movement was Father Ramón Quiñones who ran Our Lady of Guadalupe, the largest Catholic church in Nogales, Sonora—the bordertown, sister city of Nogales, Arizona. Quiñones had become concerned about the plight of the Salvadorans detained in Sonora and formed a ministry to provide meals and comfort to the detained

⁴⁹ Bau. 12

⁵⁰ Miriam Davidson, *Convictions of the Heart: Jim Corbett and the Sanctuary Movement* (Tucson: University of Arizona Press, 1988). 63

⁵¹ Davidson.1

refugees.⁵² Quiñones and Corbett were natural allies, and the priest, with the help of new sanctuary worker Phillip Conger, soon began ferrying Central Americans over the border. Either Conger, Corbett, or another volunteer, Peggy Hutchinson, would then drive the refugees up from the border to Tucson.⁵³

2.2 Government Retaliation

By the end of 1982, sanctuary workers had escorted around 350 refugees across the border, a miniscule number compared to the tens of thousands of Guatemalans and Salvadorans who made the trip.⁵⁴ The small-scale operation grabbed national headlines however, which made it a concern for the federal government. On December 12, 1982, Corbett appeared on the weekly news program *60 Minutes*. Journalist and author Ann Crittenden notes in her book *Sanctuary* that the interview “amounted to a powerful critique of American treatment of the Central Americans.”⁵⁵ The segment highlighted the atrocities facing Salvadorans and Guatemalans in their countries and the cynical, disingenuous attitudes of US immigration officials who labeled the refugees “economic migrants.”⁵⁶ Corbett had previously been featured in national publications such as *The Washington Post* and *People Magazine* and was effectively engendering national support for the movement. Moreover, the national publicity made the US government look ineffectual. The movement openly and brazenly defied the federal government; but, as it operated primarily out of churches, immigration officials were leery about the optics of conducting raids against it. Crittenden notes

⁵² Crittenden, *Sanctuary: A Story of American Conscience and Law in Collision*. 133

⁵³ Crittenden. 98

⁵⁴ Crittenden. 100

⁵⁵ Crittenden. 102

⁵⁶ Crittenden. 103

that officials in the INS began to “worry that all the publicity about a spreading underground railroad might damage the service’s image as a law enforcement agency.”⁵⁷ This situation could not stand.

In December of 1983, INS ramped up its investigation into the Tucson branch of the sanctuary movement. The agent assigned to the case, Jim Rayburn, was a tenacious lawman—a “cowboy” with a larger-than-life persona. Rayburn was a military veteran who had been captured by the enemy while serving in Vietnam. He and another American soldier had escaped and trekked back through the jungle to safety. He was fiercely anti-communist and believed that sanctuary workers were Marxists and that Central American refugees were likely communist spies.⁵⁸ Rayburn believed that the most effective way to bring down the movement was to infiltrate it. He gave this job to an informant named Jesus Cruz.

Cruz was a middle-aged former professional *coyote*. He first entered the United States in 1948 from his native Mexico looking for work. He settled in Phoenix, married, and had children about ten years later. In 1978 Cruz became a *coyote*, getting paid up to ten thousand dollars to smuggle Mexicans into Florida. He eventually got caught and switched from outlaw to informant. Cruz started working for Jim Rayburn in 1980.⁵⁹ Between 1982 and 1984 Cruz was an informer for eight different anti-smuggling investigations. His role was to infiltrate human smuggling rings, using his coyote experience to gain employment. He would then try to bring undercover INS agents into the operations. Cruz wore a microphone during his conversations with the principle suspects and then delivered the tapes to Rayburn or another INS agent involved in the investigation.⁶⁰

⁵⁷ Crittenden. 105

⁵⁸ Crittenden. 109

⁵⁹ Jesus Cruz cross examination. Sanctuary Trial Papers. University of Arizona Special Collections. Box 10 Folder 5

⁶⁰ Crittenden, *Sanctuary: A Story of American Conscience and Law in Collision*. 113

Rayburn first approached Cruz in January of 1983, as a kind of “heads up.” Rayburn wanted Cruz to start thinking about how he would do it and if he would be comfortable informing against church members. Cruz was a Catholic so it was important for Rayburn to ascertain whether spying on Catholic clergy would be tolerable for the informant.⁶¹ Cruz was amenable and began to infiltrate the Tucson sanctuary movement in March of 1984.⁶²

Cruz first ingratiated himself with Father Quiñones, the parish priest and sanctuary activist in Nogales, Sonora. Cruz’s plan was to assist in bringing refugees over the border, and thus be introduced to the Tucson operation. To collect evidence, he would wear a wire during all interactions with sanctuary workers⁶³ By May of 1984, Cruz was fully immersed in the operational side of the movement.⁶⁴

Cruz approached Father Quiñones pretending to be a part-time roofer from Phoenix who was concerned about the plight of Central Americans and who, on prior occasions, had helped them get across the border. The last part of his story was true; he simply neglected to mention that he had done it for pay. Cruz was soon joining Quiñones in visiting refugees detained in the Mexican federal penitentiary in Nogales. Once, Cruz even brought cases of oranges, tangerines, and grapefruits for the prisoners.⁶⁵ By May of 1984, he was procuring funds and false documents to help Central Americans cross the border as well as transporting them to locations across the

⁶¹ James Rayburn deposition. Sanctuary Trial Papers. Box 7 Folder 2

⁶² Ibid

⁶³ Ibid

⁶⁴ Jesus Cruz cross examination. Sanctuary Trial Papers. Box 10 Folder 5

⁶⁵ Tomsho, *The American Sanctuary Movement*. 159

country.⁶⁶ Soon the informant brought in his roommate Solomon Graham, a Mexican national with a criminal record, to be another sanctuary volunteer and government spy.⁶⁷ Although the sanctuary workers did not think Graham seemed an altruistic person, they accepted him because Cruz said he was his nephew and vouched for him. Cruz was very good at getting people to trust him. John Fife said of the situation, “I thought Jesús was on a rehabilitation project with his ne’er-do-well nephew.”⁶⁸

Sanctuary essentially became a full-time job for the two men, although it did not pay well. Both were compensated for their work by the INS during the investigation and following trial, although the amount the two men were paid to be informants is unclear.⁶⁹ It is known that for their work as government witnesses in 1985, Cruz made \$3,291 while Graham made \$2,586.⁷⁰ The two men were doubtless paid more when collecting evidence the year before. The government payments enabled them to be always available to aid in sanctuary work, which ensured their ability to gather extensive evidence of the movement’s illegal activities.

By July 1984, Cruz had brought in two undercover INS agents to assist the movement. These were John Nixon, posing as mechanic John Powers, and Lee Morgan, going by alias Lou LeBeau. Along with Graham and Cruz, the agents transported refugees around the country.⁷¹ In

⁶⁶ Jesus Cruz taped conversation transcript. Sanctuary Trial Papers. Box 7 Folder 4

⁶⁷ Crittenden, *Sanctuary: A Story of American Conscience and Law in Collision*. 110

⁶⁸ Tomsho, *The American Sanctuary Movement*. 162

⁶⁹ Summary of Interview for Jesus Cruz. Sanctuary Trial Papers. Box 10 Folder 6. Cruz refused to divulge in his pre-trial interview how much he had been paid to be an informant in 1984. Although Graham was paid to be a witness, he did not participate in the trial at all and therefore there is no public record as to how much he was paid the year before.

⁷⁰ US Marshal’s Service Memorandum. 11-13-1985. Sanctuary Trial Papers. Box 10 Folder 6

⁷¹ Crittenden, *Sanctuary: A Story of American Conscience and Law in Collision*. 154

addition to gathering evidence about the movement, by driving the Central Americans, the agents knew where they were hiding. They could then be rounded up to testify against their benefactors and deported. If some members of the sanctuary movement had been a little suspicious of Graham, “Powers” and “Lebeau” stretched all credibility. As Ann Crittenden notes, “One thing the sanctuary movement totally lacked was good-looking middle aged American men who drove Trans Ams, acted like macho television cops, and were eager to take days off work to transport refugees around the country.”⁷² Furthermore, it was strange that Cruz, a 58-year-old Mexican roofer, would be friends with such men. Sanctuary leaders began excluding all four men from their planning sessions, but by then, the government already had enough to act.⁷³

The federal government’s campaign crested in Tucson on January 14, 1985 with the seventy-one count indictment against sixteen sanctuary workers. At the same time, sanctuary refugees around the country were apprehended.⁷⁴ Among those indicted were John Fife, Jim Corbett, Father Quiñones, and Phillip Conger. The government also indicted Father Anthony Clark and nuns Darlene Nicgorski, Ana Priester, and Mary Waddell, who were based in Phoenix.⁷⁵ The US Attorney prosecuting the case, Don Reno, focused the indictments more heavily on the members of the sanctuary movement located in Phoenix rather than Tucson, even though Tucson members were more involved with the day-to-day running of the illegal operation. This way the trial could be held in the more conservative Phoenix as opposed to the more liberal Tucson.⁷⁶ The

⁷² Crittenden. 163

⁷³ Crittenden. 169

⁷⁴ Tomsho, *The American Sanctuary Movement*. 150-167

⁷⁵ Crittenden, *Sanctuary: A Story of American Conscience and Law in Collision*. 193

⁷⁶ *Ibid.* The others indicted were María Socorro Aguiliar, Mary K. Espinosa, Katherine Flaherty, Peggy Hutchingson, Wendy LeWin, Nena MacDonald, Bertha Martel-Benavidez, and Cecilia del Carmen Juarez de Emery.

people indicted from Phoenix were primarily clergy and female lay workers who provided material support for the Tucson operation. Reno was more interested in breaking the movement than about catching the guilty. As Reno noted, “A conspiracy doesn’t function without the gofers. This prosecution was really for deterrence; it was not for punishment.”⁷⁷ By prosecuting the “gophers,” Reno was warning others that there were tangible adverse consequences for supporting sanctuary.

The trial began on November 15, 1985, ten months after the indictments. Of the sixteen indicted, eleven were to stand trial. This was not to be the trial that members of the sanctuary movement expected or likely hoped for. The presiding judge, Earl H. Carrol, ruled that the case be presented to the jury as a simple smuggling conspiracy. The defense could not bring up the Refugee Act of 1980 nor the defendants’ belief that the US was violating that law. Any humanitarian concerns were to be ignored. The judge ruled that the defendants’ motives, no matter how noble, were irrelevant to the case and therefore would not be discussed in front of the jury.⁷⁸ Furthermore, Reno realized he could make his case without the hundreds of hours of tape that Jesus Cruz produced through spying. This was seemingly beneficial for the prosecution because it meant that the defense could not use the tapes either to establish noble motives for the defendants’ illegal actions.⁷⁹

The prosecution would instead rely on the testimony of Cruz and Graham, as well as testimony of refugees who were arrested when the indictments were served. In this way, the prosecution could control the narrative. Reno’s strategy however, soon backfired. Over the summer of 1985, the defense learned Graham had transported prostitutes to migrant workers

⁷⁷ Ibid

⁷⁸ Crittenden. 233

⁷⁹ Crittenden. 253

outside of Phoenix and thus was now hopelessly compromised as a witness for the prosecution. He would not participate in the trial.⁸⁰ The prosecution's woes would continue. Jesus Cruz took the stand on November 21, 1985. He testified for a month, laying out all the evidence the prosecution gleaned from the tapes. When the defense cross-examined, they tore apart his credibility by forcing him to admit he had committed perjury in the past. The defense also portrayed Cruz as an unscrupulous, treacherous person who would sell out anyone for money.⁸¹

The prosecution next produced the captured refugees to corroborate Cruz's testimony. This seemed to further damage the prosecution's case as the refugees were almost all sympathetic to the defendants. Furthermore, the witnesses wanted to tell their stories about the misery they experienced in El Salvador. The judge had to regularly strike testimony from the record that painted the sanctuary workers in a positive light.⁸²

When the prosecution rested, the defense elected not to call any witnesses. Defense lawyers accurately believed the judge would not let them present any credible refutation of the charges. Sanctuary workers were guilty of what they were accused. Forbidden to present motive, there was no point in putting any of them on the stand. Additionally, the defense believed Cruz had been exposed as an unreliable witness, and, that the testimony from the Central Americans had further damaged Reno's case. The attorneys also believed that, by excluding any talk of motive, the judge made jury members suspicious that they were being manipulated by the prosecution for nefarious purposes.⁸³ The defense felt confident that they had won the case.

⁸⁰ Davidson, *Convictions of the Heart: Jim Corbett and the Sanctuary Movement*. 114 Although he was apparently still paid for his troubles.

⁸¹ Davidson. 117

⁸² Davidson. 127

⁸³ Davidson. 143

The jury deliberated for nine days. In the end, they came back with guilty verdicts for eight of the eleven defendants, including John Fife and Phillip Conger. The Mexican-national Father Quiñones was also found guilty of conspiracy. Notably, the original architect of the movement, Jim Corbett, was found innocent; the prosecution never could prove his guilt even though he admitted in multiple interviews to alien smuggling. This was due in large part to Cruz's very few interactions with him.⁸⁴

The defendants were found guilty because jury members took their instructions from Judge Carrol seriously, treating the case as a simple matter of human smuggling. Only two members began deliberations in favor of acquittal.⁸⁵ Then, too, there was a leadership problem on the defense. Each of the eleven defendants had an attorney in court and no one lawyer was in charge. This likely contributed to the defense selecting a bad jury. Furthermore, one of the defense attorneys noted that in hindsight, it probably seemed to the jury that they were "ganging up on Reno," who tried the case with only one co-counsel.⁸⁶

Despite the convictions, the outcome was not a victory for the federal government. The trial did wonders for publicizing the sanctuary movement. It became a focus of national attention and generated a great deal of public sympathy for the defendants; after the verdict was decided, Judge Carol received a letter from 47 Democratic members of the US House of Representatives supporting the sanctuary workers.⁸⁷ Sanctuary defendant Phillip Conger noted that the guilty verdict made him and his co-conspirators martyrs, adding, "I'm really not that important, but the

⁸⁴ Crittenden, *Sanctuary: A Story of American Conscience and Law in Collision*. 324

⁸⁵ Davidson, *Convictions of the Heart: Jim Corbett and the Sanctuary Movement*. 152

⁸⁶ Davidson.105

⁸⁷ Davidson. 155

government has, by this trial, made me important. We've been ordained by indictment.”⁸⁸ Churches involved in sanctuary reaffirmed their commitment to the movement despite the risks. Reverend Tim Gollub of Holy Cross in Dallas summed up the feeling of many when he stated, “It scares you. There is a price to pay if you care for people, but our commitment is strong.”⁸⁹ Support swelled for the movement during the trial. The defense spent 1.5 million dollars on the trial, all raised by donations.⁹⁰ Ultimately, Judge Carrol elected to sentence the eight sanctuary members to probation; no defendant saw jail time.⁹¹

This was supposed to be the most powerful blow the US government struck against the sanctuary movement. The trial made national headlines. The Justice Department had an airtight case. Eight of the original sixteen people indicted were convicted. The government believed the trial would discredit the movement and deter individuals and churches from actively supporting sanctuary. It is hard to argue that the government was successful in this. Sanctuary remained a popular cause, especially on the Left. Los Angeles and New Mexico were both became sanctuaries after the trial.⁹² John Fife noted the number of churches involved in sanctuary more than doubled during the trial, which ultimately resulted in more of a win for the movement than for the federal government.⁹³

⁸⁸ David McLemore, “Gains Cited in Sanctuary Trial- Activist Says That Guilty Verdicts Have Made Them ‘Martyrs,’” *Dallas Morning News*, May 3, 1986, Home Final edition, sec. News.

⁸⁹ Helen Parmley, “Churches Committed to Refugees- Dallas Pastors Undeterred by Verdicts in Sanctuary Trial,” *Dallas Morning News*, May 3, 1986, Home Final edition, sec. News.

⁹⁰ McLemore, “Gains Cited in Sanctuary Trial- Activist Says That Guilty Verdicts Have Made Them ‘Martyrs.’”

⁹¹ *The United States v Aguilar et al.*, 871 F.2d 1436 (9th Cir. 1989). Five of those found guilty were later acquitted on appeal.

⁹² Davidson, *Convictions of the Heart: Jim Corbett and the Sanctuary Movement*. 157

⁹³ Howard Witt, “Sanctuary Activists Cite Gains in Trial- Convictions Would Create ‘Martyrs.’ Defendants Say,” *Dallas Morning News*, April 28, 1986, 2 Star edition, sec. News.

Today, Southside Presbyterian is once again engaged in sanctuary activities. The refugees are not fleeing a civil war but they still live in terror of deportation. Southside is much more secretive about its activities than in the 1980s. All the papers relating to its involvement in the 1980s movement and the subsequent trial have been sealed by court order. The immigration issue is perhaps even more contentious today than it was in the 1980s and the government has demonstrated a distinct unfriendliness toward the sanctuary movement. It is likely that this suspicion is well warranted.⁹⁴

⁹⁴ I have made several attempts to contact John Fife, who is still very active in the movement, or other volunteers and have been ignored. I was not even given permission to visit the church unless it was during a service. It seems reasonable that sanctuary workers at Southside were suspicious of my motives. I was a stranger asking for access to people who are presently engaged in an illegal activity that the federal government has vowed to crack down on. I could have easily been a government informant.

CHAPTER 3

A SPY IN DALLAS

On April 8th, 1984, Special Agent Daniel Flanagan of the FBI parked his car in Washington D.C. and went for a walk through the blossoming cherry trees along the Potomac. Flanagan, who worked primarily in Dallas, left his gun, his badge, his briefcase and luggage in the car. When he returned, he found that his car had been broken into. Everything was missing. In his briefcase, Flanagan kept sensitive files relating to an ongoing investigation. The next day he called a man named Frank Varelli in Dallas to impart a warning. Varelli's cover was compromised.⁹⁵

For the previous three years, Varelli, a Salvadoran expatriate, had posed as Gilberto Mendoza, an illegal Salvadoran immigrant who had fled government violence in El Salvador. Varelli's mission was to infiltrate the Dallas office of the Committee in Solidarity with the People of El Salvador, or CISPES. The FBI believed the committee was a terrorist organization whose goal was to supply weapons to Salvadoran rebels fighting pro-US government forces. Varelli, the son of a prominent Salvadoran family, was recruited to find incriminating evidence to use against the group. He joined CISPES and was part of the organization on and off for three years. The call from Flanagan ended his undercover work.⁹⁶ Varelli abruptly disappeared from the CISPES chapter.

This was the version of events that Varelli told the *Dallas Morning News* reporter Christi Harlan when he recounted his story for a 1986 article, "The Informant Left Out in the Cold." This

⁹⁵ Christi Harlan, "THE INFORMANT LEFT OUT IN THE COLD - Operative Bitter over FBI Dealings; Dallas Agent Resigned amid Question," *Dallas Morning News*, April 6, 1986, NewsBank, <http://infoweb.newsbank.com/resources/doc/nb/news/0ED3CE4F869DE597?p>.

⁹⁶ Harlan.

account was inaccurate. Varelli only had a passing association with honesty. He, like many others involved in the FBI investigation, was more interested in crafting a story to fit his needs than recounting the actual events. Varelli's identity was not compromised by the car break-in, if it did indeed happen. The incident could have remained a secret had Varelli himself not decided two years later to come forward, not to indict CISPES, but because he claimed that Flanagan had stolen tens of thousands of dollars from him.⁹⁷ Varelli agreed to the interview with the *Dallas Morning News* hoping to publicize his case, in order help recover the \$66,000 he claimed the FBI owed him.

The FBI investigation of CISPES was a manifestation of the Cold War in Texas. More specifically, it was part of the propaganda war. The FBI claimed it was investigating CISPES because it believed it was a terrorist organization. This was not true. The primary reason the Bureau investigation went on as long as it did was not because CISPES was supplying arms to Salvadoran rebels (which it was not), but, rather, because it was waging its own war to win American public opinion and the FBI wanted to break the chapter. Members of CISPES believed the US was wrong to support violent regimes in Central America, and they were vocal in their disapproval. Moreover, they were "respectable people," including churchgoers, clergy, and professionals. These were exactly the kinds of people who could sway public opinion against the government. Many in the FBI viewed CISPES as a threat to the United States and wanted to destroy it. Unfortunately, the FBI pursued this end using misinformation and poor evidence. Agents were willing to accept unsubstantiated rumors as proof of guilt, which led to a bungling, unsavory espionage campaign, highlighted by alleged break-ins at a church and an aborted attempt to seduce a nun.

This dramatic event in the final chapter of the Cold War began when members of Holy Cross Catholic Church, led by two nuns, Linda Hajek and Patricia Ridgely, as well as local activists

⁹⁷ "FBI REPORTEDLY FAULTS AGENTS ON CISPES CASE," *The Dallas Morning News*, June 1988, NewsBank, <http://infoweb.newsbank.com/resources/doc/nb/news/0ED3CFFA23803D47?p>.

Gene and Elaine Lantz, and Jose Rinaldi founded the CISPES branch in Dallas, Texas in 1980.⁹⁸ Today, Holy Cross sits nestled in a traditionally African-American neighborhood in the South Dallas community of Oak Cliff. Built in 1956, the church has a modern angular cast to and is surrounded by somewhat ramshackle outbuildings. It has none of the grandeur one might associate with Catholic churches in wealthier neighborhoods. The church is plain and unpretentious; a house of worship run by people devoted to helping the struggling community. It remains little-changed in appearance and purpose since it was in the eye of a political storm that seized the interest of the nation and revealed numerous FBI abuses. In 1981, however, it was just another neighborhood church. In 1983, Holy Cross officially joined the sanctuary movement when it offered sanctuary to Salvadoran Lucas Martell Pena and his family.⁹⁹

Already troubled by the repression inflicted on the Salvadoran people by the government, Linda Hajek, Patricia Ridgley, and other members of the Holy Cross community were devastated by the Salvadoran government's assassination of three American nuns, Maura Clarke, Ita Ford, and Dorthy Kazel, and the lay worker, Jean Donovan.¹⁰⁰ One of the nuns at Holy Cross, Sister Celine, knew the murdered nuns, having taught them at Maryknoll College in New York. According to Hajek, they felt like they lost family. Their grief inspired them to bring about change in El Salvador.¹⁰¹ Hajek and the others believed that Salvadorans had the right to "figure out what they want to do in their country without big brother up here calling the shots for them."¹⁰²

⁹⁸ Linda Hajek, Second Linda Hajek Interview, interviewed by author, 10 November, 2016, Austin, Texas, Telephone Interview.

⁹⁹ "Services Set for Lucas Martell Pena," *Dallas Morning News*, August 1, 1991, sec. News, America's News.

¹⁰⁰ Bud Schultz and Ruth Schultz, eds., *The Price of Dissent: Testimonials to Political Repression in America* (London: University of California Press, 2001). 386-388

¹⁰¹ Hajek, Second Linda Hajek Interview.

¹⁰² Schultz and Schultz, *Linda Hajek And Jose Rinaldi-Jovet*. 387

The chapter supported the guerillas in El Salvador because they felt that those groups had the best chance of establishing some meaningful form of democracy there. Hajek explained, however, that for CISPES, support for the rebels did not involve funding violence:

“Support,” for us, meant publicly saying that we believed in their right to do that. We did not have stashes of arms that we were sending down there. We did not send guns, and we did not send money for guns. We sent money for humanitarian aid. And we made sure that it was channeled through organizations that we felt were reliable.¹⁰³

The Dallas CISPES chapter was primarily involved in speaking to local groups about the situation in El Salvador and raising money to help alleviate the humanitarian crisis there. Members also led protests and lobbied elected officials. In 1983, Holy Cross declared itself a sanctuary. The church had the support of the congregation because they equated the sanctuary movement with the Underground Railroad of the Civil War era, when Northerners and Southerners, black and white, broke the law to help escaped African-American slaves reach the northern free states. For Holy Cross’ primarily African-American congregation, participating in a modern “underground railroad” held a great deal of appeal.¹⁰⁴

The church offered protection from deportation to a three-generation Salvadoran family, the Martells.¹⁰⁵ The family had fled El Salvador two years earlier when things grew too dangerous.¹⁰⁶ Two of the sons had been active in a revolutionary movement. The oldest, Ernesto,

¹⁰³ Ibid

¹⁰⁴ Linda Hajek, First Linda Hajek Interview, interviewed by author, 28 October, 2016, Austin, Texas, Telephone Interview.

¹⁰⁵ Schultz and Schultz, *Linda Hajek And Jose Rinaldi-Jovet*. 388

¹⁰⁶ Ernesto Martell, Ernesto Martell Interview, interviewed by author, 2 November, 2016, Dallas, Texas, Recorded Interview.

was an organizer for the 28th of February Popular Leagues.¹⁰⁷ LP-28 was an opposition group formed by students of the Salvadoran National University. The name commemorated a government massacre that occurred on February 28, 1977.¹⁰⁸ The Martells fled El Salvador because Ernesto and his siblings' political activities brought government retribution. Their father, Lucas, and mother, Kathalina, were seized and tortured for one week by the military. The sons and daughter evaded capture and once the parents were released, the whole family escaped from El Salvador, except for the youngest son, Isaisahs, who stayed to fight for the rebels. He was eventually killed.

Once in Mexico, the family stayed in Chiapas for two years, always fearing deportation by Mexican immigration. Undecided as to their next move, they considered Australia but had no way to get there. Ernesto was dead-set against coming to the United States; he well understood the government was antagonistic to his family and all other Salvadoran refugees. One day, however, he encountered Jim Corbett, the founder of the sanctuary movement. Corbett convinced Ernesto that Americans needed to hear his family's story, for few knew the truth about the situation in El Salvador. Martell and his family could tell them what was *really* going on in El Salvador. The Martells agreed to let Corbett find them sanctuary. The family made the trip north, spent a week at Casa Romero, a sanctuary on the US-Mexico border, and then made the trip to Dallas and Holy Cross. Their journey was well publicized; Martell remembers a camera crew filming their border crossing.¹⁰⁹ Once in Dallas, Ernesto and his father, gave many interviews and spoke to community groups and schools. Hajek credits their presence for helping to destroy "those images floating

¹⁰⁷ Ibid.

¹⁰⁸ Tomsho, *The American Sanctuary Movement*. 56

¹⁰⁹ Martell, Ernesto Martell Interview. I found the name of the brother Isaisahs in Tomsho's book *The American Sanctuary Movement*. Tomsho also recounts the family's story, however, he changed their last name to Martínez to protect their identities.

around in people's minds, of the guerrilla guy with this machine gun who's going to mow everybody down, the image that they all wear red berets and are Soviet Communists. It totally destroyed all that junk we were being told by the [Reagan] administration."¹¹⁰

The family lived in a little house on Holy Cross property for three months. They considered immigrating to Canada, which was more accepting of Salvadoran refugees, but in the end decided to stay. Lucas Martell was then eighty-four and had no interest in living somewhere so cold. Granted political asylum in the US very quickly due to the high-profile nature of their case, the family moved into the neighborhood by the church. Ernesto joined CISPES. He eventually gained citizenship; he still lives by Holy Cross and works at the church.¹¹¹

3.2 The Government Gets Involved

Public opinion in the United States was mixed during this period when it came to Ronald Reagan's Central American policy and the concepts of Solidarity and Sanctuary; an attempt by the Mayor of Austin Frank Cooksey to have the city named a sanctuary was supported by many liberals but also met by widespread, conservative denunciation.¹¹² Many Americans viewed the movement favorably and believed it could pressure the US government both to fulfill its obligation to accept refugees and to alter its Central American policy.¹¹³ This faction, however, was not well represented in the government of Reagan's America. Policymakers viewed resistance to Reagan's Central American policies as unpatriotic at best and treasonous at worst.

¹¹⁰ Schultz and Schultz, *Linda Hajek And Jose Rinaldi-Jovet*. P. 389

¹¹¹ Martell, Ernesto Martell Interview.

¹¹² Tom Barry, "Sanctuary Needs Public Voice," *Austin American Statesman*, April 2, 1986, sec. A, Austin Historical Society.

¹¹³ Cox, "Sanctuary Issue."

The Justice Department and FBI launched thousands of investigations against peace activists. Individuals were regularly harassed. One popular FBI technique was to interview a leftist's family members and employers. Individuals were often audited or had their mail opened. The Reagan administration also attacked as pro-Soviet anyone who disagreed with its Central American policies.¹¹⁴

It was into this contentious, suspicious environment that the nuns at Holy Cross had founded their CISPES chapter. The FBI's interest began on April 20, 1981, when the Bureau's Boston office forwarded an article from an April 8, 1981 publication called *The Review of the News* to FBI headquarters in Washington. The article, by John Rees, alleged that CISPES was controlled by Salvadoran rebels and was part of an elaborate anti-American, pro-Soviet plan that had placed "key radical" agents in top posts in the Carter White House and State Department.¹¹⁵ John Rees had close affiliations with the radical rightwing John Birch Society, but the FBI failed to critically examine the source of its new intelligence and instead launched an investigation against CISPES.¹¹⁶

The most influential actor in the FBI investigation was Frank Varelli. Born in El Salvador in 1950 with the name Franklín Agustín Martínez Verela, Varelli was the scion of a powerful family.¹¹⁷ His father, Colonel Franklin Agustin Martinez Varela, was a former Salvadoran Interior

¹¹⁴ Christian Smith, *Resisting Reagan: The US Central American Peace Movement* (Chicago: University of Chicago Press, 1996). 280-288

¹¹⁵ "The FBI and CISPES: Report of the Select Committee on Intelligence United States of America Together with Additional Views" (Washington DC, July 1989), <http://www.intelligence.senate.gov/sites/default/files/publications/10146.pdf>. 20

¹¹⁶ "The FBI and CISPES: Report of the Select Committee on Intelligence United States of America Together with Additional Views." 21

¹¹⁷ Varelli was the subject of at least two in-depth articles, one which featured his picture and a two-part CBS interview yet I have not found a single picture of him.

Minister and National Police Chief.¹¹⁸ Varelli came to the United States in 1971 to attend college and was ordained a Baptist Minister in 1977. He briefly served in the US Army in 1978 as a chaplain, received an honorable discharge for “Erroneous Enlistment,” and returned to El Salvador in 1979. On April 2, 1977, he and his family were attacked at home by leftist guerillas. The family repulsed the attackers, with Varelli playing a major role. Fearing for their safety, however, Varelli and family members immigrated to the United States in May of 1980.¹¹⁹

Varelli moved to Los Angeles and began working with the FBI, providing the agency with lists of suspected Salvadoran subversives. He was never vetted by the FBI and his information rarely proved to be accurate.¹²⁰ Nevertheless, the Bureau considered him a prized asset. Varelli’s most valuable resource was his friendship with an intelligence officer in the Salvadoran National Guard who provided him with lists of suspected subversives which the informant then passed on to the FBI.¹²¹ The lists were composed of Salvadorans targeted by National Guard death squads. According to Varelli—although unsubstantiated by the FBI—any member on that list apprehended by US authorities was automatically deported. Varelli would then call his contact at the National Guard and report the arrival time of the unfortunate victim. The deportee would then be nabbed at the airport and executed. Varelli, in an interview with *Washington Post* reporter Peter Carlson,

¹¹⁸Ironically, Varelli’s nephew had a career as an FBI informant years later which ended in a scandal for the agency as well. For more see Tom Hayden, “Feds Have Been Hiding Evidence From Wiretap Courts in Their War on Gangs,” *The Nation*, August 27, 2010, <https://www.thenation.com/article/feds-have-been-hiding-evidence-wiretap-courts-their-war-gangs/>.

¹¹⁹ “The FBI and CISPES: Report of the Select Committee on Intelligence United States of America Together with Additional Views.” 58-59

¹²⁰ Varelli was convinced that the sanctuary movement was a front for concealing FMLN guerillas and possibly weapons. He wrote an April 1984 report asserting as much. See Senate Intelligence Report p.71 Varelli’s intel was usually considered legitimate and may have contributed to the Justice Department’s crackdown on the Sanctuary Movement in 1984-85.

¹²¹ “The FBI and CISPES: Report of the Select Committee on Intelligence United States of America Together with Additional Views.” 57

stated, "I could tell you that at the time I felt sorry, but I would be lying. I felt that if we got rid of the communists, that would end all the trouble in El Salvador."¹²² Varelli's handler in Dallas was Dan Flanagan, a sixteen-year veteran agent with no former experience in counter-terrorism and serious financial problems. He was a dapper dresser who liked to live well despite his modest governmental salary and substantial child support payments.¹²³ Flanagan would ultimately contribute to the scandal that would rock the FBI over its mismanagement of the CISPES investigation.¹²⁴

Varelli's interest in CISPES began after a trip home to El Salvador, where he read a speech by Salvadoran leftist Ramon Mayorga Quiroz in a local paper which asserted that 180 pro-rebel solidarity groups operated in the United States. Varelli inferred from this speech that these groups had the potential to launch a terrorist attack. He determined that the best way to head off this attack was to join one of these groups to learn the extent of their operations. The informant obtained approval to carry out this plan and joined the Dallas chapter of CISPES.¹²⁵ The FBI was already investigating CISPES for potentially violating the Foreign Agents Registration Act (FARA) that required any individual representing a foreign principle regularly to disclose that they were doing so. Because of the 1981 John Rees article, the FBI suspected that CISPES was a domestic branch

¹²² Peter Carlson, "LIFE IN THE SHADOWS," *The Washington Post*, July 19, 1987, <https://www.washingtonpost.com/archive/lifestyle/magazine/1987/07/19/life-in-the-shadows/c33d7d99-d590-41bf-9bfa-0c426bb41f25/>.

¹²³ Harlan, "THE INFORMANT LEFT OUT IN THE COLD - Operative Bitter over FBI Dealings; Dallas Agent Resigned amid Question."

¹²⁴ "FBI REPORTEDLY FAULTS AGENTS ON CISPES CASE."

¹²⁵ "The FBI and CISPES: Report of the Select Committee on Intelligence United States of America Together with Additional Views." 63

of a guerrilla group in El Salvador known as Frente Democratica Revolucionario (FDR). Varelli was tasked in August of 1981 with uncovering any information that linked CISPES with the FDR

On August 12, 1981, Varelli attended his first CISPES meeting. He infiltrated CISPES under the alias Gilberto Mendoza, a twice deported, undocumented refugee.¹²⁶ On August 20, at a closed meeting, he was instantly embraced by the members and elected head of a “committee responsible for compiling mailing lists and also to provide security” by creating code names for CISPES members.¹²⁷ Mendoza/Varelli was very popular with the Dallas chapter of CISPES because he was Salvadoran.¹²⁸ Most of the members had never been to El Salvador and Varelli provided a sense of reality and connection to the Salvadoran struggle that could not be matched by literature on the subject or secondhand accounts.¹²⁹

Varelli’s official objective in infiltrating CISPES was to uncover evidence of arms or money for weaponry being supplied by the committee to Salvadoran rebels.¹³⁰ Hajek remembers that when he first joined, he asked her for any “information about what the solidarity movement is doing in this country.” She gladly complied and sent him all the CISPES information that she had, which he then passed on to the FBI.¹³¹ Since she thought she had nothing to hide, Hajek was

¹²⁶ Harlan, “THE INFORMANT LEFT OUT IN THE COLD - Operative Bitter over FBI Dealings; Dallas Agent Resigned amid Question.”

¹²⁷ “The FBI and CISPES: Report of the Select Committee on Intelligence United States of America Together with Additional Views.” 64

¹²⁸ Martell remembers Varelli as being overfriendly to most of the CISPES members but not to him. Varelli suspected that Salvadorans in sanctuary were likely to be FMLN guerillas in hiding, which would explain the coldness that the rabidly anti-rebel Varelli had for Martell.

¹²⁹ “The FBI and CISPES: Report of the Select Committee on Intelligence United States of America Together with Additional Views.” 64

¹³⁰ Carlson, “LIFE IN THE SHADOWS.”

¹³¹ Schultz and Schultz, *Linda Hajek And Jose Rinaldi-Jovet*. 390

forthcoming. She notes that among the information she sent to Varelli was a postcard that advertised a spaghetti dinner fundraiser. The organization did not have the money for a copier so Hajek wrote out all the invitations by hand. This was representative of the quality of information that Varelli gathered for the FBI.¹³² This investigation was called off in December of 1981 due to lack of evidence and Varelli disappeared from the chapter.¹³³

He would return two years later when the FBI again focused its attentions on CISPES. Concerned about the potential of Salvadoran rebel-sponsored terrorism in the United States, in March of 1983 the FBI held a summit to discuss strategies to combat the threat. Varelli was invited to speak as he was considered the “most knowledgeable individual in the United States regarding Salvadoran terrorism.”¹³⁴ Shortly after the summit, Dan Flanagan submitted a report to FBI headquarters and ten other field offices, in which he claimed to have evidence that CISPES was a terrorist organization that supplied arms to Salvadoran rebels. The report said that Varelli had observed such activities and Flanagan requested that the Salvadoran be reinserted into the Dallas chapter.¹³⁵

Once ensconced in the chapter, Varelli began passing information to the FBI. He would forward any literature that the committee produced or used to promote its cause. He also forwarded Dallas membership lists for as well as anyone that CISPES corresponded with. Any organization around the country that had connections to the committee was also recorded and passed up to the

¹³² Ibid

¹³³ “The FBI and CISPES: Report of the Select Committee on Intelligence United States of America Together with Additional Views.” 22

¹³⁴ “The FBI and CISPES: Report of the Select Committee on Intelligence United States of America Together with Additional Views.” 25

¹³⁵ “The FBI and CISPES: Report of the Select Committee on Intelligence United States of America Together with Additional Views.” 29

Bureau headquarters. Thanks to Varelli, the FBI started investigations all over the country including the February 1984 surveillance at Florida State members of CISPES and the investigation into the Tucson Committee for Human Rights in Latin America.¹³⁶ ¹³⁷ These were just two of the 178 spinoff investigations that Varelli's undercover work spawned. Even so, he never uncovered any evidence of terrorism plots or weapons smuggling. Years of investigations and countless hours of manpower achieved little more than a broad overview of the various groups in the United States exercising their First Amendment right to oppose Reagan's policies in Central America. The investigations were useful for harassing the people involved in such groups, however.

The alleged burglary of Dan Flanagan's car in April 1984 in Washington, DC, according to Varelli, marked the end of his tenure as an FBI mole, because information about his activities had been stolen from the vehicle.¹³⁸ Yet in fact, the informant had not been involved in the committee since at least November of 1983, when, claiming that he feared for his safety, he stopped attending meetings. Instead he had been compiling "evidence" against CISPES from published material such as *Newsweek*, *Time* and *US News and World Report*, and news letters from right wing organizations.¹³⁹ He also still relied on his Salvadoran National Guard contact for lists of suspected subversives. He would then submit his findings to the FBI as legitimate evidence he had obtained from CISPES. Clearly not too worried for his safety, the Varelli actually went back

¹³⁶ Internal FBI Communication May 29, 1984, Dallas CISPES Records, Benson Latin American Collection, University of Texas Libraries, the University of Texas at Austin.4 Folder 4

¹³⁷ Internal FBI Communication November 9, 1983, Dallas CISPES Records Box 4 Folder 3

¹³⁸ Harlan, "THE INFORMANT LEFT OUT IN THE COLD - Operative Bitter over FBI Dealings; Dallas Agent Resigned amid Question."

¹³⁹ "The FBI and CISPES: Report of the Select Committee on Intelligence United States of America Together with Additional Views." 69

to a committee meeting for the first time in months on May 2, 1984, almost a month after the car break-in. His involvement with CISPES and the FBI ended over a financial dispute. On May 15, while Flanagan was out of town, Varelli lodged a complaint against him with the Dallas office alleging his handler had withheld compensation from him and had also given him classified files. Flanagan admitted as much during a polygraph and resigned. During this investigation, Varelli's unreliability became evident, as he admitted that he had told numerous people about his role as an FBI informant. He also confessed to his involvement in a conspiracy to kill Salvadoran President Napoleon Duarte. Despite these red flags, the informant was reinstated in June 1984, his new handler expressing confidence in him going forward, writing, "Mr. Varelli underwent a traumatic crisis in May, 1984; however, since that time appears to have returned to a stable condition, and the information furnished, even though singular in nature, appears to be reliable."¹⁴⁰ Even after Varelli had been proven unreliable, the FBI still found him to be a valuable resource. His break with the Bureau came two months later. On August 7, the FBI offered him \$2,825 to settle what Flanagan had withheld. The amount was not enough and Varelli resigned three days later.¹⁴¹

In April of 1986, Hajek and her colleagues learned Gilberto Mendoza was FBI informant Frank Varelli. Upset with the agency for lowballing him in its settlement offer, Varelli had hired an attorney and sued the FBI. He claimed, "Flanagan had 'sold' Bureau equipment to him and had withheld money from his pay."¹⁴² The Salvadoran contended the FBI owed him \$66,000. When the FBI refused to pay, the former informant decided to expose the investigation and contacted

¹⁴⁰ "The FBI and CISPES: Report of the Select Committee on Intelligence United States of America Together with Additional Views." 73

¹⁴¹ "The FBI and CISPES: Report of the Select Committee on Intelligence United States of America Together with Additional Views." 72-74

¹⁴² Harlan, "THE INFORMANT LEFT OUT IN THE COLD - Operative Bitter over FBI Dealings; Dallas Agent Resigned amid Question."

Kristi Harlan, a reporter for the *Dallas Morning News*. Members of the CISPES chapter learned about Varelli through Harlan, who contacted them to confirm the details of Varelli's story.¹⁴³ Hajek was shocked. She didn't believe that the Dallas CISPES chapter was a big enough organization to warrant an investigation. She admitted that it had crossed her mind, but had dismissed it as arrogance on her part. She was especially surprised that the plant had been Salvadoran.¹⁴⁴ It did not occur to her that a Salvadoran who spoke so passionately about how the military had hurt members of his family could be a government spy.¹⁴⁵ Whatever his shortcomings, it seems that Varelli had played the part of Gilberto Mendoza well.

3.3 Fallout and Recrimination

The story broke on Sunday, April 16. It was loaded with scandalous and sensational details. According to the story, besides breaking into the CISPES offices and searching Hajek's room, Flanagan also tried to persuade Varelli to seduce Hajek. Because the FBI had not been able to find incriminating evidence on CISPES, the next step was to discredit the nuns through scandal.¹⁴⁶ The informant was supposed to rent an apartment next to Hajek's, invite her over and persuade her to have sexual intercourse with him while agents secretly videotaped the deed.¹⁴⁷ Varelli refused to go along with that plan. Hajek credited his Catholic upbringing for that bit of decency.¹⁴⁸

¹⁴³ Schultz and Schultz, *Linda Hajek And Jose Rinaldi-Jovet*. P.390

¹⁴⁴ Ibid.

¹⁴⁵ Schultz and Schultz. p.391

¹⁴⁶ Harlan, "THE INFORMANT LEFT OUT IN THE COLD - Operative Bitter over FBI Dealings; Dallas Agent Resigned amid Question."

¹⁴⁷ Smith, *Resisting Reagan: The US Central American Peace Movement*. 300

¹⁴⁸ Schultz and Schultz, *Linda Hajek And Jose Rinaldi-Jovet*. P.391

The public reaction to the FBI's operation was overwhelmingly negative, although the national press tended to focus on the incompetence more than the illegality of the Bureau's actions. Colman McCarthy of the *Washington Post* penned a scathing article "The FBI: Brave Battlers Against Nuns," in which he derided the FBI for being "not very bright," and took Bureau head William Sessions to task for not disciplining the agents involved.¹⁴⁹ Larry Hayes of the *Fort Worth Journal-Gazette* wrote an article praising Hajek for all her good work in helping the poor and promoting human rights and accused the FBI agents of not having "a thimbleful full" of brains amongst them for relying on Varelli's evidence instead of just visiting the group and speaking with the members.¹⁵⁰ *The Dallas Morning News* did not publish any editorials on the event; but with the exception of the initial expose, which painted Varelli as a victim of a corrupt FBI handler, it generally continued the narrative that while the FBI had been in the wrong in the CISPES investigations, it had not behaved illegally.¹⁵¹ As for Varelli himself, he initially found popularity with far right organizations. A Dallas doctor and member of the John Birch Society, Paul Elliot rented an apartment for Varelli and his family while the latter wrote a 12-page report titled "Subversion" in which he alleged CISPES was a Soviet-sponsored organization involved in a plot to assassinate Reagan during the 1984 Republican Convention.¹⁵² Varelli and Dr. Elliot fell out, however. Elliot claimed the reason was that the former informant was lazy and refused to get a

¹⁴⁹ Coleman McCarthy, "The FBI: Brave Battlers against Nuns," *The Washington Post*, September 28, 1988. Linda Hajack sent me this press clipping among other documents that she had saved from the FBI investigation.

¹⁵⁰ Larry Hayes, "You Decide: Is This Catholic a Terrorist?" *Fort Worth Journal-Gazette*, September 25, 1988. Another article that Hajek sent me.

¹⁵¹ "FBI REPORTEDLY FAULTS AGENTS ON CISPES CASE."

¹⁵² Paul Weingarten, "FBI Broke Into Group's Office, Informant Tells Subcommittee," *Chicago Tribune*, February 22, 1987, http://articles.chicagotribune.com/1987-02-22/news/8701150026_1_frank-varelli-fbi-el-salvador/2.

job. Varelli contended that it was because his beliefs had changed and he now believed that CISPES was innocent and the FBI was in the wrong.¹⁵³

Varelli did a two-part interview on the *CBS Evening News* on February 10th and 11th, 1987 during which he alleged the FBI had staged break-ins into the Dallas CISPES offices and said, "CISPES is nothing of what the Bureau had said, what the FBI had said. CISPES is a group of religious individuals, men, women, religious people, that want because of religious reasons... to help the Salvadoran people."¹⁵⁴ This interview led to a Senate investigation of the FBI's CISPES activities. The Senate Intelligence Committee concluded that the investigation into CISPES went on far longer than warranted considering the lack of credible evidence. Varelli had never been properly vetted and his intelligence was accepted uncritically. In addition, the FBI was guilty of relying on "ideologically oriented analysis."¹⁵⁵ Furthermore, the FBI investigation suffered from a severe lack of oversight; too many decisions were made at the local level and not enough effort had been made to protect the civil liberties of those being investigated. The Committee found no evidence, however, that the FBI engaged in the illegal gathering of information or other serious offences that Varelli alleged such as ordering the seduction of Hajek and coordinating with the Salvadoran government to kill dissidents.¹⁵⁶

The Senate Intelligence Report paints a picture of a highly politicized FBI in which agents seemed to have the leeway to act as "cowboys" in their investigations. The FBI not only spread

¹⁵³ Carlson, "LIFE IN THE SHADOWS."

¹⁵⁴ "AIM Report - March A, 1987," accessed November 23, 2016, http://www.aim.org/publications/aim_report/1987/03a.html.

¹⁵⁵ "The FBI and CISPES: Report of the Select Committee on Intelligence United States of America Together with Additional Views." 41

¹⁵⁶ "The FBI and CISPES: Report of the Select Committee on Intelligence United States of America Together with Additional Views." 75-77

untruths to the public as a form of harassment and Cold War propagandizing, but the Bureau also seemed cheerfully to fool itself. Agents accepted bad intelligence from internal sources and also tended to view information from right wing publications as legitimate evidence of foul play by anti-government organizations. One such example is a correspondence sent by Mike Boos, a member of the conservative group The Young Americas Foundation, to Edward O'Malley, Assistant Director of Intelligence. Boos claimed that he attended meeting of the CISPES chapter in DC in June, 1984. There, the leadership announced a plan to raise \$17,000 to support building a shoe factory in Tequque, El Salvador, which would make and repair shoes for the 605 residents of the town and outlying areas. In his letter, Boos argued this enterprise was actually part of a conspiracy to provide financial aid to the FMLN. He believed that the shoe factory would manufacture combat boots for the rebels. Boos's evidence was that the FMLN operated in this area, that the factory would be able to produce far more shoes than the townspeople could wear, and that the roads were too impassable for the shoes to be exported to other regions. Therefore, the only "only possible conclusion" was that the factory was part of a plot to support "Soviet supported Marxist terrorists."¹⁵⁷ The FBI seems to have taken Mr. Boos seriously; the letter was forwarded to thirty-three different FBI field offices around the country. The FBI sent Boos a return letter advising him to contact the Washington DC field office if he acquired more information "pertinent to the FBI's investigative responsibilities."¹⁵⁸

This memo was eerily similar to the 1981 John Rees article that sparked the original suspicions about CISPES. Both were created by civilians who adhered to far-right principles. Neither presented actual evidence for their claims, yet the FBI accepted both uncritically and

¹⁵⁷ Mike Boos to Edward O'Malley June 23, 1984, Dallas CISPES Records Box 4 Folder 4

¹⁵⁸ FBI Communication to field offices July 13, 1984, Dallas CISPES Records Box 4 Folder 4

passed them around for general consumption in the field offices. Apparently, many in the FBI held similar beliefs and world views as the civilians who assisted them. Boos's use of the phrase "only possible conclusion" was emblematic of the FBI's entire investigation of the US Salvadoran Solidarity Movement. The agency refused to accept that these groups were not behaving illegally, which indicates the political motivations behind the investigations. The Senate Intelligence Report of 1989 on the FBI's CISPES investigation did not find evidence that the dissemination by the FBI of the Boos letter, or the other reports or material created by conservative groups, was initiated by the White House or by top FBI officials. These were apparently decisions made on the local level. In the case of the Boos report, the decision had been made by the DC Headquarters supervisor. Other reports such as the right-wing Council for Inner American Securities report, "CISPES: A Terrorist Propaganda Network," were disseminated by local field offices.¹⁵⁹

It is difficult to piece together the actual record of the FBI's involvement with CISPES. The Senate Intelligence Report found many of Varelli's assertions unprovable. Flanagan denied Varelli's claim that his death squad list was used to deport Salvadorans. He also refuted that the informant had called Salvadoran authorities about the deportations, contending that Varelli would have had no way of knowing about them.¹⁶⁰ Flanagan is also an equally unreliable source. The FBI and Senate Intelligence Committee affirmed that his behavior was in many ways illegal. The FBI acknowledged that the agent gave Varelli access to documents that he should not have, and falsified expense reports to the Bureau. Varelli's allegations that Flanagan broke into the CISPES headquarters without a warrant, plotted Hajek's seduction, and searched her room for

¹⁵⁹ "The FBI and CISPES: Report of the Select Committee on Intelligence United States of America Together with Additional Views." 46-47

¹⁶⁰ Carlson, "LIFE IN THE SHADOWS."

incriminating evidence went unsubstantiated, although Hajek did remember finding the window broken.¹⁶¹

The Cold War in the 1980s in Texas manifested itself as a battle of ideology. Varelli, although completely unreliable as a source, truly believed that El Salvador and the United States were fighting a war against international communism. This war was being fought for the hearts and minds of Americans and Salvadorans. Anyone who opposed the war was an enemy that must be destroyed. Many in the FBI shared Varelli's beliefs and uncritically accepted his faulty intelligence, as well as evidence from other unreliable sources. Moreover, the FBI often seemed interested in harassing the perceived enemies of America, regardless of whether they had likely broken any laws. The investigation led to a series of reforms at the FBI, including more oversight of local branches for anti-terror investigations and six-month reviews of investigations to ensure that they were useful and valid.¹⁶² Still, outside of Flanagan, no other agents lost his or her job, and none faced prosecution. Individuals in the FBI were shielded by the same secrecy and murkiness with which they conducted the CISPES investigation. Nonetheless, the Holy Cross CISPES investigation proved to be a serious setback for the federal government in its propaganda war against the Solidarity Movement.

¹⁶¹ Schultz and Schultz, *Linda Hajek And Jose Rinaldi-Jovet*. 393

¹⁶² "The FBI and CISPES: Report of the Select Committee on Intelligence United States of America Together with Additional Views." 126

CHAPTER 4

CASA ROMERO AND THE AUSTIN SANCTUARY INITIATIVE

In the pre-dawn hours on February 17, 1984, a car drove a circuitous route from the Texas border to San Antonio. Around 5:00 A.M. Border Patrol agents flagged the car down. Inside, agents found six people: Catholic nun Diane Muhlenkamp, laywoman Stacey Merkt, *Dallas Times-Herald* reporter Jack Fischer, and three undocumented Salvadorans. All six were arrested—the Americans on smuggling charges, and the Salvadorans as witnesses and illegal aliens.¹⁶³¹⁶⁴ This was no ordinary smuggling case, however; Merkt and Muhlenkamp were part of the sanctuary movement, and Fischer rode along for research.¹⁶⁵ Although for the last several years Salvadorans had been flowing over the border by the tens of thousands, these were not the typical “illegal aliens” that had come over the border from Mexico looking for work since the border had been established 150 years before. In this instance, they were fleeing a brutal civil war in their country, one that would eventually claim the lives of 75,000 people. The sanctuary workers were trying to bring them to safety. This roadside stop was part of a much bigger drama being played on the international stage. In this episode of the Cold War in south Texas, the US government used less extreme tactics than in Tucson and Dallas, relying on an increase of immigration enforcement

¹⁶³ Associated Press, “Judge Won’t Drop Smuggling Charges against Reporter, Lay Church Worker,” *Dallas Morning News*, March 3, 1984, sec. A, NewsBank. I use Americans to refer to people from the United States for simplicity.

¹⁶⁴ I use ‘Americans’ here for simplicity.

¹⁶⁵ Tomsho, *The American Sanctuary Movement*. 145

officials and a high volume of traffic stops of suspected sanctuary activists and eschewing unreliable spies and paid informants.¹⁶⁶ The results were decidedly mixed. While several sanctuary workers were arrested and convicted, and many Central American refugees apprehended and deported, the government was unable to dampen the enthusiasm of many left-leaning Americans for the sanctuary movement. Furthermore, many tens of thousands of refugees successfully crossed the border *after* the INS arrested and obtained convictions for the sanctuary activists.

On December 2, 1982 in the town of San Benito, twenty miles north of Brownsville, Texas, a church social worker from Cleveland named Rosemary Smith founded Casa Romero, a halfway house for Central American refugees crossing the Mexico-Texas border. Smith had previously spent sixteen years in El Salvador working with the poor. She served alongside the three nuns who were raped and murdered by the Salvadoran military. She happened to be visiting the United States when the murders occurred. Fearing for her safety, Smith never returned to El Salvador, instead migrating to South Texas to help Central American refugees who had crossed the border from Mexico.¹⁶⁷ Casa Romero was largely funded by the Catholic diocese in Brownsville and the Methodist Conference in McAllen, Texas.¹⁶⁸ The shelter was intended to be a safe place for Central American refugees to come after crossing the border, where they could recuperate before either applying for asylum or moving on to other parts of the state and country.¹⁶⁹ Initially the casa only housed about a dozen refugees at a time, though in less than three years, up to 200 packed the tiny

¹⁶⁶ David McLemore, "New Director Keeps Sanctuary Doors Open," *Dallas Morning News*, April 14, 1985, Home Final edition, sec. News, NewsBank.

¹⁶⁷ Tomsho, *The American Sanctuary Movement*. 120

¹⁶⁸ David McLemore, "Quiet War- Christians, Others Use Guerrilla Tactics to Help Refugees of Central America," *Dallas Morning News*, September 4, 1984, sec. A.

¹⁶⁹ Tomsho, *The American Sanctuary Movement*. 120

four-room cinderblock refuge on any given night.¹⁷⁰ Casa Romero was never meant to be a permanent shelter like the sanctuary in Tucson; but rather a sort of waystation for refugees who had just crossed the border and needed to rest after the ordeal.¹⁷¹ Over time, Casa Romero would provide shelter for 20,000 refugees, chiefly from El Salvador, but also from Guatemala and Nicaragua. Though many were fleeing the repression of the pro-US governments, the casa accepted all. Many anti-Sandinista Nicaraguan refugees and Central Americans fleeing the anti-government guerilla violence in El Salvador and Guatemala passed through as well.¹⁷²

Initially, the federal government's reaction to the activities at Casa Romero was benign. Immigration agents would drop off refugees at the refuge when they did not have room at the Port Isabelle detention center.¹⁷³ Casa Romero served a purpose for the INS. Central American refugees could not be dropped off over the border like undocumented Mexicans. They had to be flown home. This meant that they needed to be held in the States until this could be accomplished. The INS simply did not have the housing resources available to hold the increasing flood of Central Americans. The processing center at Port Isabel, known as *El Corralón*, or the Big Corral, could only hold about 250 refugees, not nearly enough to house the flood of Central Americans. Immigration officials therefore had to house them in hotels, churches and jails all over south Texas. The casa was willing to take on some of the refugees for free, which benefitted the INS. Eventually *El Corralón* would be expanded to house 700 people, thus making Casa Romero more of a thorn

¹⁷⁰ Tomsho. 122

¹⁷¹ Tomsho. 120

¹⁷² Joel Williams, "Casa Romero Takes Root at New Site- Controversy Follows Alien Shelter, but Officials Say It Will Stay Awhile," *Dallas Morning News*, August 22, 1987, sec. B, NewsBank.

¹⁷³ Tomsho, *The American Sanctuary Movement*. 121

in the side of the INS than a benefit.¹⁷⁴ This, however, was not the only reason the US government became hostile toward the casa and the people working there. Policy makers by then had decided that the sanctuary movement weakened popular support for the official government narrative of El Salvador—namely that the government of El Salvador was not committing genocidal acts against its own people, and the Salvadorans streaming north were economic, and *not* war, refugees.

Smith stepped away from running Casa Romero in August of 1983, and was replaced by Jack Elder, a middle school math teacher and political activist. Elder and his wife were joined at Casa Romero in January of 1984 by Stacey Lynne Merkt, a twenty-nine-year-old Christian activist from Colorado.¹⁷⁵ On February 16th, 1984, journalist Jack Fischer traveled to Casa Romero to interview three Salvadoran refugees there. He was writing an article about the Salvadorans' experience back in El Salvador, their reasons for living and the tribulations of their trip north. As Fischer did not speak Spanish, Merkt served as interpreter between him and the refugees. The next day Fischer and Merkt traveled with the refugees, who were being driven to San Antonio by Diane Muhlenkamp. The purpose of the trip was for the Salvadorans to apply for political asylum in the US. There was a closer Immigration office in Harlingen, Texas, but the district director there almost never granted asylum to the Salvadorans and Guatemalans who applied. Furthermore, some refugees who applied for asylum in Harlingen were known to have been arrested on the spot. The sanctuary workers believed that the odds were better if they applied in San Antonio, further from the border, but luck was not with the group and they were apprehended by Border Patrol agents in route.¹⁷⁶

¹⁷⁴ Tomsho. 118

¹⁷⁵ McLemore, "Quiet War- Christians, Others Use Guerrilla Tactics to Help Refugees of Central America."

¹⁷⁶ Tomsho, *The American Sanctuary Movement*. 145

Of the North Americans, only Merkt was charged. She pled not guilty while readily admitting what she did. Merkt had three defenses for her actions, all of which would be used repeatedly by sanctuary workers in future prosecutions. The first was a religious and moral argument that she was “called by God’s laws to shelter the homeless, feed the hungry, and welcome the stranger.”¹⁷⁷ Merkt’s civil defense was that according to her interpretation of the 1980 Refugee Act, her actions were legal. The Salvadoran refugees had a legal right to be in the United States. The United States government was acting illegally by denying the Central Americans refugee status.¹⁷⁸ This argument was unsuccessful from a legal standpoint (no one ever using it escaped conviction) but it did serve to make Merkt and the sanctuary workers tried later sympathetic with portions of the public. Her final argument was that she was taking the Salvadorans to an immigration office and therefore was not breaking the law. This argument would do her little good in her initial trial. The prosecution argued that Merkt had a duty to transport the Salvadoran to the *nearest* immigration office and not one 290 miles away. The jury agreed. She would later win this point, when the 5th US Circuit Court of Appeals ruled that the law did not specify that an alien had to apply for asylum at the closest immigration office.¹⁷⁹

The assault on Casa Romero continued with Director Jack Elder’s arrest on April 13, 1984. Elder was charged with human trafficking for giving Salvadoran refugees at Casa Romero a ride to the Brownsville bus station.¹⁸⁰ The director was found guilty and US District Judge Filemon

¹⁷⁷ Stacey Merkt, Freeman Reports: Stacey Merkt, May 13, 1984, <https://www.youtube.com/watch?v=nTzXYrhqtHo>.

¹⁷⁸ Merkt.

¹⁷⁹ Associated Press, “Appeals Court Overturns Convictions in Alien-Aid Case.,” *Dallas Morning News*, June 19, 1985, Home Final edition, sec. News, NewsBank.

¹⁸⁰ United Press International, “Church Worker Says Conviction Has Strengthened Refugee Cause,” *Dallas Morning News*, May 1984, sec. A.

Vela of Brownsville sentenced him to two years' probation. Elder rejected the sentence because it would have limited his involvement in the sanctuary movement. Vela responded by sentencing Elder to two one-year sentences that he was to serve concurrently.¹⁸¹

Many in the government were sympathetic to the plight of Central Americans fleeing the US-sponsored violence in their countries, even if this was not the position of the Executive Branch. After the convictions of Stacey Merkt and Jack Elder, US Representative Henry B. Gonzalez wrote a letter to Judge Vela, signed by 50 Democratic members of the House of Representatives, pleading for leniency in his sentencing of the sanctuary workers. The letter, dated March 21, 1985, noted the horrible conditions in El Salvador which forced refugees north. Gonzalez wrote that it was the opinion of many in Congress, including the undersigned, that Salvadorans be granted "extended voluntary departure status," and that there be "a moratorium on the deportation of Salvadorans until conditions permit their safe return."¹⁸² The Congressman asserted that this was the official will of the House of Representatives, as per a 1984-85 State Department Authorization, which the President had been signed, in which "the Congress adopted a 'sense of the Congress' resolution recommending that Salvadorans be granted extended voluntary departure." Gonzalez went on to lament that State Department ignored this official position. Elder and Merkt, while breaking the law, were adhering to the spirit of Congress's and ultimately the US Government's official position.¹⁸³ Vela must have taken this letter into account because he reconsidered Elder's sentence and reduced it to 150 days in a halfway house.¹⁸⁴

¹⁸¹ "NEWS," *The Dallas Morning News*, April 9, 1985, Home Final edition, NewsBank.

¹⁸² Letter from Rep. Henry B. Gonzalez to Judge Filemon Vela. Sanctuary Trial Papers. University of Arizona Special Collections. Box 2 Folder 9

¹⁸³ Ibid.

¹⁸⁴ "NEWS."

Merkt was convicted as well and sentenced to ninety days in jail and two years' probation. While her case was still under appeal, she and Elder faced more charges, this time for a November incident in which Elder transported refugees to Casa Romero, and Merkt took them to the bus station.¹⁸⁵ Both were convicted and sentenced to jail time, Merkt for 179 days and Elder for one year. Considering they each faced up to ten years for these charges, on the surface the sentences were light. Both had stipulations to their sentences, however; Merkt was ordered not to speak to reporters and Elder was ordered to move out of Casa Romero.¹⁸⁶ The motivation behind these stipulations was likely political, to silence the sanctuary movement and weaken its operational strength.

While Merkt and Elder's convictions did prevent them from participating in the sanctuary movement, the activities at Casa Romeo increased. With Elder serving prison time, Lorry Thomas, a 41-year-old sanctuary worker from Cincinnati, assumed the role of director. In an April interview in 1985 for the *Dallas Morning News*, Thomas noted that, over the previous year, the number of refugees staying at Casa Romero had more than doubled from 30 a night to 70. Thomas added, "Since the arrests, the number of contributions of money, food and clothing have actually increased. More and more people are now aware of the casa and the work being done here."¹⁸⁷ She also asserted, "The government was so eager to shut us [sanctuary workers] up. Now, the casa is more visible. It is not only a symbol of shelter but it also stands more clearly in condemnation of this government's Central American policy."¹⁸⁸ As in Tucson, the US government's challenge was

¹⁸⁵ Sydney Rubin, "Sanctuary Backer Faces New Charges," *Dallas Morning News*, December 1, 1984, sec. A.

¹⁸⁶ David Sedeno, "Two Sanctuary Workers Sentenced for Alien Aid," *Dallas Morning News*, March 28, 1985, sec. A.

¹⁸⁷ McLemore, "New Director Keeps Sanctuary Doors Open."

¹⁸⁸ *Ibid.*

to prosecute the sanctuary movement without turning the participants into martyrs. It was a difficult task.

Thomas herself would be arrested in May of the same year when authorities discovered a Nicaraguan refugee hiding in her trunk. Thomas had been transporting the man away from the border when they were apprehended at a checkpoint 50 miles south of Corpus Christi.¹⁸⁹ She was sentenced to two years in prison, the harshest sentenced handed out to a sanctuary worker, because she told Judge Ricardo Hinojosa that her moral conscience dictated that she would continue harboring fugitives. Hinojosa gave her 120 days to consider recanting that statement. When she declined to do so, the judge had “no choice” but to sentence her to prison time.¹⁹⁰

The Federal Government was much less extreme in the prosecution of its campaign against the movement in San Benito as compared to law enforcement actions in Dallas and Tucson. There is no evidence that federal agencies deployed spies or engaged in tactics that had questionable legality. The government maintained a sort of innocence about prosecuting the movement in South Texas at all. INS officials often argued that any prosecution of a sanctuary worker was by happenstance. In a September 4, 1984 article in the *Dallas Morning News*, Hal Bolden, the Deputy Director in Harlingen, argued as much, stating, “We’re more concerned with those who smuggle people into the US than we are with the sanctuary movement. Frankly the movement doesn’t fit into our priorities. Any arrests of sanctuary members has been coincidental and not the result of any strategy.”¹⁹¹ He went on to justify the prosecution of sanctuary movement workers by arguing

¹⁸⁹ Associated Press, “Head of Shelter for Refugees in Texas Arrested at Border,” *New York Times*, May 15, 1985, <http://www.nytimes.com/1985/05/15/us/head-of-shelter-for-refugees-in-texas-arrested-at-border.html>.

¹⁹⁰ Associated Press, “Ex-Director of Shelter Sentenced,” *Dallas Morning News*, June 21, 1985, Home Final edition, sec. NEWS, NewsBank.

¹⁹¹ McLemore, “Quiet War- Christians, Others Use Guerrilla Tactics to Help Refugees of Central America.”

that the INS could not ignore illegal activity, even if it was being perpetrated by clergy and also contended that Salvadorans came to the US due to economic reasons and not persecution at home.¹⁹²

This official stance was corroborated by INS spokesman Duke Austin, who in April of 1985 noted, “Last year, we obtained 14,000 indictments against alien smugglers. Of those, 20 were involved in the sanctuary movement. That doesn’t add up to a federal plot against the movement.”¹⁹³ These statements by INS officials were suspect when examined in context with the very intensive plots against the movement in Tucson and Dallas; but in South Texas, the government was able to maintain plausible deniability. This is likely because the INS officials involved were less willing to skirt the law than were Jim Rayburn in Tucson and FBI agent Mike Flannigan.

It is still obvious that a federal plot was at work in South Texas. Casa Romero had many financial supporters, but few people who smuggled refugees north from South Texas. Indeed, for a time Elder, his wife, and Merkt were the only sanctuary workers at the casa. That Merkt, Elder, and Lorry Thomas were all apprehended and charged with alien smuggling indicates that the federal government was very industrious in prosecuting the movement. Furthermore, government officials obviously had a political motivation in their war against the sanctuary movement. Bolden’s comments that the INS viewed the refugees as economic migrants made this clear, as did his assertion that “For several years, the State Department has monitored those returned to El Salvador, and not one single case of violence or persecution of a deportee has been

¹⁹² McLemore.

¹⁹³ McLemore, “New Director Keeps Sanctuary Doors Open.”

substantiated.”¹⁹⁴ In these statements, Bolden was assigning an ideological value to the INS’s actions, as well as denigrating the core values behind the sanctuary movement. One should ask why a law enforcement official needed these justifications. Sanctuary workers were breaking the law, which should have been all the justification the INS needed. There was no reason for him to espouse ideology unless this was something he and others in the agency cared about. These statements affirm that the government’s crackdown on Casa Romero was indeed part of the Cold War at home, even it was fought less sharply than in Dallas and Tucson.

The relatively benign tactics of the INS in South Texas did not ultimately give the government success in discrediting or weakening the sanctuary movement. The Catholic Church in Brownsville, which had been the main supporter of Casa Romero, took over the operation after Lorry Thomas was arrested, switched tactics, and staffed the sanctuary with nuns. This was an attempt to make the casa less confrontational and dampen the enthusiasm of the federal government for prosecuting sanctuary workers; harassing nuns was never an appealing prospect. The strategy was at least partially successful, INS agents appear to have left Casa Romero alone after the change was made. In 1987, however, the church was forced to move Casa Romero to Brownsville after the San Benito city government evicted the sanctuary. Local teenagers and refugees clashed and there was talk of the local citizenry arming themselves against the refugees. City officials felt it was no longer safe to have a sanctuary operating.¹⁹⁵

Many Brownsville citizens did not welcome the move; residents feared that the presence of refugees would increase crime and prevent the yearly migration of the *snow birds*, people from

¹⁹⁴ McLemore, “Quiet War- Christians, Others Use Guerrilla Tactics to Help Refugees of Central America.”

¹⁹⁵ Associated Press, “Cameron County Oks Resolution Against Sanctuary,” *Dallas Morning News*, May 20, 1987, sec. A, NewsBank.

northern states who wintered on the border, an important source of revenue for the city.¹⁹⁶ Cameron County, where Brownsville is located, passed a resolution against sanctuary in an attempt to keep the Catholic Church from relocating the casa to Brownsville, but this was not successful because the city had already approved the move.¹⁹⁷ Next to the sanctuary, an anti-immigrant group built a watch tower to “keep an eye on the place.”¹⁹⁸

Brownsville’s residents were by no means an anomaly in their distrust. The movement was extremely popular in the United States, especially with those on the left, but also engendered a great deal of hostility. The underlying issue, illegal immigration, was likely just as divisive in the 1980s as it is today. The events in Austin, Texas, in 1986 clearly demonstrate this, as well.

4.2 The Austin Sanctuary Fight

In Spring of 1986, Mayor Frank Cooksey submitted a resolution to make Austin a sanctuary city. As the most liberal city in Texas, Austin was the strongest candidate in the state to be a city-wide sanctuary. The proposed resolution would “prevent city employees, including police, from helping federal immigration officers to arrest refugees charged with violating immigration laws.”¹⁹⁹ This resolution sparked a fierce debate, which played out in the editorial sections of newspapers in Austin and Dallas. In a piece for the *Dallas Morning News*, columnist William Murchison derided the idea as typical of the extreme liberalism found in a university city. He

¹⁹⁶ Howard LaFranchi, “Central American Refugees Find Mixed Welcome in South Texas. Economic Anxiety Partly behind Resistance to Big Church Shelter.,” *The Christian Science Monitor*, December 18, 1986, csmonitor.com, <https://www.csmonitor.com/1986/1218/ashelt-f.html>.

¹⁹⁷ Associated Press, “Cameron County Oks Resolution Against Sanctuary.”

¹⁹⁸ Williams, “Casa Romero Takes Root at New Site- Controversy Follows Alien Shelter, but Officials Say It Will Stay Awhile.”

¹⁹⁹ Tom Barry, “Sanctuary Needs Public Voice,” *Austin American Statesman*, April 2, 1986, sec. A, Austin Historical Society.

accused pro-sanctuary Austinites of being “neo-Wallaceites,” a reference to the Alabama governor who defied the federal government in resisting the end of segregation, finding parallels between the willingness of Wallaceites’ and Austinites to defy the federal government.²⁰⁰ Murchison went on to argue there was no proof that Salvadorans or Guatemalans were anything other than economic refugees and that the pro-sanctuary activists were essentially dupes of the communists in Managua and Havana.²⁰¹

On April 9, 1986, the *Austin American-Statesman* ran two opposing editorials about Mayor Cooksey’s proposed sanctuary resolution, both by immigration experts. The first, by Richard Casillas, the District Director of Immigration and Naturalization, San Antonio, was broadly critical of the plan. Casillas claimed that the resolution was dangerous for border security; the increase in illegal entrants would subject “the country to vulnerability by terrorists, alien and drug smugglers, and by the criminal elements.”²⁰² Casillas also contended that the measure was harmful because it would not actually help refugees or those seeking to aid refugees. The aliens in the city would still be subject to US immigration laws and could be deported at any time, and anyone caught aiding refugees would still be subject to criminal prosecution. The notion of a sanctuary city created false security.²⁰³

The second editorial, “Good Samaritan of Hit-and-Run Driver,” by author and Central American scholar Phillip Russell, stressed that US actions had created, or at least exacerbated,

²⁰⁰ William Murchison, “The Neo-Wallaceites of Austin,” *Dallas Morning News*, April 15, 1986, sec. A, NewsBank.

²⁰¹ Murchison. Murchison tellingly refers to refugees as “runaways.” This implies that he thinks of these people as either children or slaves, which gives a glimpse into his worldview.

²⁰² Richard Casillas, “Con: A Bogus City of Refuge Is Not the Answer.,” *Austin American Statesman*, April 9, 1986.

²⁰³ *Ibid.*

much of the refugee crisis. The United States therefore had a duty to the refugees.²⁰⁴ Russell contended that the sanctuary proposal did not begin to live up to the level of a good Samaritan. The measure was essentially passive; Austin governmental workers would not aid immigration officials in capturing refugees. This was a far cry from actually helping, which a good Samaritan would do. In addition, by not passing the resolution, Austin would be behaving like the “hit-and-run driver”—that is, the US caused the accident and then drove away without stopping to give aid.²⁰⁵

On April 10, 1986, the City Council held a public hearing to debate the sanctuary issue. The subject generated high emotions within the city. Twenty-one citizens on each side advocated for or against the measure. Many more waited to be heard. The meeting went over the allotted time and the Council was forced to table the debate before the rest of the arguments would be heard.²⁰⁶

On April 17, 1986, before the debate resumed, Mayor Cooksey withdrew his resolution. He couldn't get enough support; the city was too divided. In an impassioned speech, Cooksey laid out why he supported the measure and why he was withdrawing it. He mentioned a recent trip to New York and the inspiration that he felt viewing the Statue of Liberty, and impact of the words; “Give us your tired, your poor, your hungry[sic] masses yearning to be free.” He argued the country's highest ideals centered on freedom from religious and political repression. It was Austin's duty to help people when the federal government unfairly refused. Cooksey recognized that there were self-interested parties on both sides of the debate; he called out pro-sanctuary immigration lawyers who hoped to gain new business by the measure. He also sympathized with

²⁰⁴ Phillip Russell, “The Austin Sanctuary Proposal: Pro, Good Samaritan or Hit and Run Driver,” *Austin American Statesman*, April 9, 1986.

²⁰⁵ *Ibid.*

²⁰⁶ “Austin City Council Minutes for April 10, 1986” (Austin City Council, April 10, 1986), <http://www.austintexas.gov/edims/document.cfm?id=6094>.

those who rejected the resolution because they were concerned about immigrants taking jobs. In the end, however, he felt sanctuary was so morally correct that any negatives were far outweighed by the good. Having realized, however, that he did not have the support to get the measure passed, The Mayor pulled his proposal, though he vowed to continue supporting the refugees as best he could, stating, “Do right and risk the consequences.”²⁰⁷

Despite the divisiveness, the workers in the sanctuary movement continued to harbor and transport refugees, and always found enough popular support to counter any legal assaults and anti-sanctuary propaganda from the federal government. Holy Cross in Dallas and the Tucson sanctuary branch remained active throughout the 1980s. Casa Romero continued to operate and provide temporary shelter for Central Americans going north until 1992; having been made unnecessary by the cessation of the wars in El Salvador, Guatemala and Nicaragua.²⁰⁸

²⁰⁷ “Austin City Council Minutes for April 17, 1986” (Austin City Council, April 17, 1986), <http://www.austintexas.gov/edims/document.cfm?id=6093>. Cooksey is quoting Sam Houston here.

²⁰⁸ Associated Press, “Brownsville Center for Refugees to Close after 10 Years of Service.,” *The Dallas Morning News*, June 29, 1992, sec. News, NewsBank.

CHAPTER 5

CONCLUSION

There is no way of knowing the impact that the government's crackdown on the sanctuary movement had on public perception. It is clear, however, that the government exerted a great deal of effort to criminalize the people involved. Between 1984 and 1986, federal authorities regularly claimed that advocates of sanctuary, even those who were religious leaders or otherwise upstanding members of society, were naïve at best and potentially leftist radicals. By the mid-1980s, sanctuary was a very divisive issue in the United States and the federal government could feel that it had at least some public support in prosecuting the movement. Events would soon transpire which made the Reagan Administration curtail its campaign against the sanctuary movement.

In November of 1986 the Iran-Contra scandal broke. Iran-Contra was a bizarre event that stemmed from two unrelated national security concerns that were both very important to Reagan. The first was the presence of seven American hostages in Lebanon. These Americans were captured in 1984 by the militant Shiite group Hezbollah. Reagan was passionate about securing their freedom. Working from bad intelligence, the administration believed Iran had the ability to convince Hezbollah to release the prisoners. Iranian agents convinced the members of the Reagan administration that Hezbollah would release the hostage if the US sold Iran missiles and warplane parts, and shared military intelligence relating to its ongoing war with Iraq. The operation was a total failure. Although the US transferred weapons to Iran between 1985 and 86, only one hostage

was released. The Iranians kept renegeing on the deal, claiming the weapons were not as promised, and the intelligence was of low quality. Despite this, the Reagan administration found value in the sale of arms to Iran because it provided a source of hidden income to illegally supply the contras in Nicaragua with weapons. As Oliver North, Reagan's point man (and fall guy) in the operation noted, the administration thought using the money from one illegal operation to fund another was a "neat idea."²⁰⁹

The scandal broke in November 1986 and had a profound effect on Reagan's presidency. He managed to avoid impeachment because it could not be proven that he had ordered the illegal actions. Nonetheless, Reagan's approval ratings plummeted to 36 percent and the Republicans lost the Senate in the fall midterm elections. With Reagan politically weakened by the Iran-Contra scandal, the administration was forced to accept a peace process in Nicaragua.²¹⁰

Government prosecution of the sanctuary movement ended at the same time as the scandal raged. There were no more arrests of sanctuary workers after 1986, even though the movement persisted into the early 1990s. It is very likely that the administration's loss of credibility concerning Central American affairs, stemming from Iran-Contra, was a factor in ending the war against the sanctuary movement.

While the sanctuary movement did not have the results its members may have desired, it ended up having some very notable victories. These happened in Congress and the federal courts. On March 9, 1987, the Supreme Court ruled that the INS was interpreting the 1980 Refugee Act too narrowly. The agency was demanding that asylum seekers demonstrate a "clear probability" of persecution to meet the asylum requirements. This required extensive documentation that was

²⁰⁹ Malcolm Byrne, *Iran-Contra: Reagan's Scandal and The Unchecked Abuse of Presidential Power* (Lawrence: University Press of Kansas, 2014).

²¹⁰ Herring, *From Colony to Superpower: US Foreign Relations since 1776*. 891-892

almost impossible for Central Americans to procure. The 6-3 decision, written by Justice John Paul Stevens, required only that asylum seekers had a “well-founded fear of persecution.” In his decision, Stevens determined that a ten percent chance of being “shot, tortured or otherwise persecuted” should qualify them for asylum. The case concerned a 38-year-old Nicaraguan woman who illegally remained in the United States after her brother was apprehended and tortured by the Sandinistas for his anti-government political activities in Nicaragua. The woman was herself politically active in opposing the Sandinistas and feared similar treatment should she return.²¹¹ While the case did not directly concern Salvadorans and Guatemalans, it opened the door for more lenient criteria when it came to determining who qualified for asylum. Proponents of asylum for Salvadorans and Guatemalans still faced the uphill struggle of convincing the federal government to allow in refugees who came from countries that were allies of the US, not just communist countries.

In 1989, Reagan left office and George H. W. Bush became president. A year later, the Berlin Wall came down, marking the end of the Cold War. With a change in presidential leadership as well as in world power dynamics, the United States began to alter its position on Central America. It began to push its allies toward democratization. Furthermore, the end of the Cold War meant the US no longer felt the need to support dictators in Central America; the region stopped having as much strategic importance.²¹² As the Cold War ended, so did the propaganda war at home. This created space for the government to address the plight of Salvadoran and Guatemalan refugees without letting politics get in the way. In 1990, Congress passed legislation that allowed

²¹¹ Paul Stevens, *INS v. Cordoza and Fonseca*, No. 85–782 (United States Supreme Court May 9, 1987).

²¹²This of course does not mean that the United States stopped supporting dictators and training allies to commit atrocities against their own people. Greg Grandin argues that the US used Latin America as a training ground for future imperial actions around the world. see Grandin, *Empire's Workshop: Latin America, the United States, and the Rise of New Imperialism*.

the president to grant Temporary Protected Status (TPS) to groups in need of asylum. In the legislation, Salvadorans were explicitly designated as possible recipients of TPS.²¹³ Furthermore, under new asylum regulations, whether a person was fleeing a country that the US considered an ally was no longer relevant. INS officials were also no longer allowed to take an applicant's political or ideological beliefs into account when determining if a refugee should qualify for TPS.²¹⁴

This legislation would become important as another case worked its way through the courts. In 1985, in response to the government's prosecution of sanctuary workers, the Center for Constitutional Rights, representing dozens of pro-sanctuary Christian and Jewish organizations, launched a class-action lawsuit against US Attorney General Edwin Meese and the INS. The suit contended that "the INS engaged in discriminatory practices against El Salvadorans and Guatemalans seeking refugee status and churches had the First Amendment right to offer sanctuary to refugees."²¹⁵ After five years of litigation, the two parties finally reached an agreement. In *American Baptist Churches v. Thornburgh*, the federal government agreed to grant new asylum hearings to all Salvadorans who had arrived before September 19, 1990 and Guatemalans who arrived before October 1, 1990. This led to a "re-examination of over 250,000 cases, reopening and overturning more decisions than any judicial settlement in US history."²¹⁶

In 1996, Congress significantly toughened hardship standards for refugees seeking asylum in the US or for those re-registering for asylum under TPS. Members of Congress, however,

²¹³ Gzesh, "MPI."

²¹⁴ *American Baptists Churches v. Thornburgh*, No. C-85-32255-RFP (US District Court for the Northern District of California January 31, 1991).

²¹⁵ Michael P. Moreno and Kristin C. Brunnemer, *Term Paper Resource Guide to Latino History* (ABC-CLIO, 2010). 248

²¹⁶ Moreno and Brunnemer. 250

wanted to protect the Cold War refugees who came to the US during the 1980s, namely Nicaraguans, people from the former Soviet Bloc, Salvadorans, and Guatemalans. Toward this end, Congress enacted the 1997 *Nicaraguan Adjustment and Central American Relief Act* (NACARA). Under the NACARA, Nicaraguans and Cubans who were living in the US before 1990 were automatically “adjusted” to permanent resident status. Salvadorans, Guatemalans and people from Soviet Bloc countries were not automatically granted this status; however, the path to permanent residency was made considerably more possible.²¹⁷ While thousands of Salvadoran and Guatemalan refugees benefited from this legislation, it is telling that they were still treated unequally compared to Nicaraguans and Cubans. The Cold War may have been over, but many policymakers were still tied to the ideology.

The federal government was the first to use the courts in the war over sanctuary but the movement ended up using this weapon far more effectively. The federal courts were a way to successfully challenge Executive power, when civil disobedience and pleas to Congress were not. Congress finally acted when US political and strategic situations changed but it was pro-sanctuary lawyers, working through the courts, who kept the cause alive until those changes could come to pass.

As important as the lawyers were, the heart of the sanctuary movement was activists such as Jim Corbett, Linda Hajek, and Stacey Merkt, who cared deeply for the refugees and were willing to risk their own freedom to help them. They knew, however, that they could only shelter a few out of the tens of thousands streaming north. Their true goal was to bring to light the horrible conditions the refugees faced in their home countries as well as US culpability in creating the

²¹⁷ Larry Eig M., “The Nicaraguan Adjustment and Central American Relief Act: Hardship Relief and Long-Term Illegal Aliens,” CRS Report for Congress (Congressional Research Service, July 15, 1998), <http://everycrsreport.com>.

crisis. The Reagan Administration was aware that their lawbreaking was strategic and not simply motivated by humanitarianism, which is why it so forcefully responded.

Some of the tools utilized by the Administration were more effective than others; the legitimate weapons in its arsenal were more effective than illegitimate ones. In Dallas, the FBI's use of a spy in Holy Cross Church, alleged break-ins and other nefarious deeds, and reliance on hearsay and unreliable sources, created a scandal that bloodied the agency's reputation, provoked Senate hearings, and forced the Bureau into making reforms. In Tucson and San Benito, the government enjoyed more success, although the Justice Department's use of unsavory informants in Tucson proved to be a serious liability in the Sanctuary Trial.

The advantage that the US had in Tucson and San Benito as opposed to Dallas is that government agents were investigating lawbreakers. The subsequent arrests and trials of the sanctuary workers were therefore justifiable, and popular with a large segment of the population; illegal immigration was just as controversial a topic in the 1980s as it is today. The US therefore had some success using the courts to turn public opinion against sanctuary. But this also gave the movement national exposure, and many Americans sympathized with the oppressed people of El Salvador and Guatemala and the American sanctuary workers willing to risk imprisonment to protect them. The US government was fighting a battle for public opinion. When its actions made itself look bad, it aided the other side. It was not enough to make the sanctuary movement look bad; the government needed to look good in the process. It never really succeeded in this goal, and the Iran-Contra scandal torpedoed any chance of this becoming a possibility. The Reagan Administration eventually left the sanctuary movement alone; the political costs were just too high.

Today, sanctuary and TPS for Salvadorans are again relevant. Cities such as Los Angeles, Chicago, and New York have declared themselves sanctuary cities: city employees will not help

Immigration and Customs Enforcement (ICE) pursue illegal aliens unless they are breaking laws. While some of the same groups from the 1980s are involved again, and the federal government has declared war on the movement, this new sanctuary movement is not truly related to the one in Reagan's era. The people seeking sanctuary are primarily Mexican economic refugees. While an important issue, it is not one related to the US Cold War policies. This is certainly not the case, however, when it comes to the question of TPS for Salvadorans.

200,000 Salvadorans live in the US under TPS. These Salvadorans entered the United States in 2001 after an earthquake devastated their country. They have been permitted to stay because El Salvador remains a very dangerous country with a fragile economy that could not possibly support the influx of 200,000 new residents. Furthermore, after living in the United States for 17 years, this is their home. Now, for political reasons, the President Trump has elected to end TPS for these refugees. His administration argues that the crisis caused by the earthquake is over. People who support continued TPS for this group point to the high murder rate (108 for every 100,000, the highest of any country not at war) and poverty in El Salvador as evidence that they should be allowed to stay.²¹⁸

Much of this instability was created during the civil war in the 1980's. The United States helped propagate the violence which forced several million Salvadorans to flee their country. The diaspora and the loss of life and violence severely curtailed El Salvador's ability to maintain a healthy economy. Furthermore, the dangerous Salvadoran gangs such as *Mara Salvatrucha* (MS-13), which plague both El Salvador and the United States, were initially founded by Salvadoran refugees exposed to extreme violence during the civil war who formed gangs in the United States

²¹⁸ Nick Miroff and David Nakamura, "200,000 Salvadorans May Be Forced to Leave the US as Trump Ends Immigration Protection," *The Washington Post*, January 8, 2018, sec. National Security, <https://www.washingtonpost.com/world/national-security/trump-administration-to-end-provisional-residency-for-200000-salvadorans/2018/01/08>.

for protection. MS-13 was then exported from the US back to El Salvador during the 1990s, when the Clinton administration began deporting large numbers of foreign-born criminals. Thousands of gang members were deported to El Salvador, where they used their criminal expertise and affinity for violence to ravage the already fragile county.²¹⁹

The United States must shoulder a great deal of the blame for the current state of El Salvador, and many US leaders have understood this, regularly renewing TPS for Salvadorans. The decision by the current administration is a break from this, and is strongly reminiscent of the Reagan administration's refusal to acknowledge the human rights crisis in El Salvador for which the US was at least partially responsible. US policymakers throughout the decades have regularly ignored the long-term ramifications of their predecessors' actions and instead made decisions that were the most convenient and advantageous for the US in the moment. This shortsighted approach has created untold suffering throughout the world, and has often set up future crises for our nation.

²¹⁹ Tom Porter, "What to Know About MS13, the Gang Condemned by Jeff Sessions," *NEWSWEEK*, April 28, 2017, www.newsweek.com/ms13-organized-crime-jeff-session-591736.

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