

From Sanctuary to Civil Disobedience

History and Praxis

Elliott Young

When a stranger sojourns with you in your land, you shall not do him wrong. You shall treat the stranger who sojourns with you as the native among you, and you shall love him as yourself, for you were strangers in the land of Egypt.
—Leviticus 19:33–34

The day after Trump was elected, I sent out an email to ten of my colleagues who study migration at universities and colleges across the country. I asked them, “What are we going to do when the deportation trains and mass immigrant detention camps start?” That thread quickly turned to suggestions for how we might help protect Deferred Action for Childhood Arrivals (DACA) students on our campuses. By that point students at Yale and Pomona had already begun circulating a petition to establish their campuses as sanctuaries from ICE. While we knew that Trump was unlikely to begin his anti-immigrant assault on DACA students because of the support they had garnered, we believed that we had a special responsibility to our students; our faculty status also gave us some capability to organize on our campuses.

I started a petition to declare Lewis & Clark College a sanctuary campus, which quickly drew more than 1,600 signatures. Faculty and students were generally on board. While some administrators supported the effort, others argued that declaring a sanctuary made a false promise to protect students since the college could not really prevent ICE from arresting students if they possessed a legal warrant. The movement for sanctuary campuses spread quickly across the country, with

Radical History Review

Issue 135 (October 2019) DOI 10.1215/01636545-7607908

© 2019 by MARHO: The Radical Historians' Organization, Inc.

128 petitions and 29 colleges and universities, including presidents at neighboring Portland State University and Reed College, declaring their campuses sanctuaries by early December.¹ Lewis & Clark's president would eventually issue a statement indicating that the college would fight ICE to the full extent of the law, but declined to use the word *sanctuary*. The decentralized organizing that happened around sanctuary campuses worked alongside cities declaring themselves sanctuaries. In March, Portland's City Council passed a resolution declaring itself a sanctuary, a move that would later earn Mayor Ted Wheeler public attacks by Trump and Attorney General Jeff Sessions, along with a lawsuit by ICE that claims he has impeded their ability to perform their duties.²

With the sanctuary campus organizing in full swing, it became apparent that at a place like Lewis & Clark, where there were few if any DACA students, we needed to think more broadly about how to resist Trump's agenda. In the midst of this moment of political urgency, I ran into Kabir Heimsath, a colleague in the anthropology department. We discussed how ethnic studies, a program I directed at the time, could best respond to what we saw as a cataclysmic retrenchment in civil rights. Rather than just organize another series of talks, we felt the need to act. To paraphrase Marx, we needed to change the world, not merely interpret it.

Kabir came up with the idea of focusing on civil disobedience. The issue of creating a sanctuary campus had already raised the specter of civil disobedience. A group of law school students suggested announcing our intention to refuse to comply with ICE even if they arrived with lawful warrants; however, no campus was willing to take that next step. Instead, administrators were going to work to protect students through noncooperation with ICE as much as legally feasible. In practice, this meant not providing any information to ICE without a legal subpoena, and requiring ICE to present a legal warrant before allowing them on campus to arrest anyone. Although sanctuary campuses and cities have been misinterpreted as civil disobedience, that is, as breaking the law on purpose, all of the sanctuary schools and municipalities argue they are complying with the law. At stake in this distinction is whether schools or local governments should be required to cooperate with federal immigration enforcement. In Oregon, and other jurisdictions with sanctuary statutes, cooperating with ICE is a violation of the law.

Immediately after the election, Portland saw some of the most intense and long-lasting street protests in the country. Tens of thousands of people took to the streets, shutting down highways, obstructing traffic, and expressing our outrage over the election. For those few days, it felt like political change was happening in the street. Although there were a whole host of reasons to protest Trump, immigration was at the top of the list.

In a city that is politically progressive, at least in the context of the United States, it was hard to find local politicians at whom to vent the collective anger. Our local politicians oppose Trump. And yet, Portland was also home to a long history

of racism and white supremacy, which continued in the form of police violence, especially against black, homeless, and mentally ill residents; dramatic displacement of communities through gentrification; and a general cluelessness about all things not white.³ Nativism and white supremacy took the forms of constitutionally banning black people from coming to the state, and the Ku Klux Klan's anti-Semitism and anti-Catholicism in the 1920s. In the 1980s, neo-Nazi skinheads beat the Ethiopian Mulugeta Seraw to death with baseball bats and almost killed an Asian man in front of his wife and children.⁴ In 1977, it was an incident of police racial profiling of a Chicano man who was singled out while dining in a restaurant in Independence, Oregon, that ultimately led the state to adopt its sanctuary law in 1987, with almost unanimous bipartisan support.⁵ Although Oregon's state sanctuary law has served as a model for others and was widely viewed as positive, the nativist group Oregonians for Immigration Reform attempted and failed to abolish the law through a ballot initiative in the 2018 midterm elections. The initiative went down in flames with 64 percent of voters rejecting the antisubsanctuary measure.⁶

Sanctuary has a longer history stretching back to the medieval era in Europe, to the Underground Railroad for escaped slaves in the nineteenth-century US, and to those who harbored undocumented Central American refugees in the 1980s.⁷ In the nineteenth century and 1980s cases, providing such sanctuary was an act of civil disobedience against unjust laws. It was at this moment of urgency, when civil disobedience seemed like one of the best strategies for confronting Trump, that we came up with the idea of organizing a semester-long workshop. The idea of the course was to explore historical examples from the United States and elsewhere of movements that used civil disobedience as a tactic, and to evaluate their successes and failures. In addition to the historical part, we also wanted to focus on praxis, where theory and practice meet.

With that as a framework, we came up with a series of possible topics and then looked for faculty, students, and activists from the community to facilitate each session. The sessions were held every Tuesday evening for a couple of hours. We also decided early on that we would not seek to offer credit for students in order to avoid pushback from faculty who might see this workshop as politically motivated and therefore not counting as academic credit. It also allowed us to free ourselves from the constraints of a regular class. There was no grading, reading was optional, and you could attend as many of the sessions as you desired. It felt liberating.

The workshop employed a Freirean pedagogy that sought to empower all participants rather than assuming that the facilitator/teacher had all of the answers. The hardest part in achieving the balance between presentation and democratic discussion was getting the professors to not take up the whole ninety-minute session. Ideally, we hoped for facilitators to provide some context and raise questions for half of the period, then break up into smaller discussion groups for half an hour, and to end with a larger group discussion for the last part of the period.

For the first session, more than fifty people crowded into a room meant for forty, including students, alumni, community activists and even some wives of Lewis & Clark College's board of trustees. There was a palpable feeling in the room that what we were doing was important. Over the course of the semester, attendance waxed and waned. There was one session with just a handful of participants, but the last workshop of the semester attracted a crowd of more than seventy-five.

The workshop addressed a broad range of topics, but it really began in the organizing around the idea of a sanctuary campus. Magalí Rabasa, a colleague in Hispanic Studies, joined me in facilitating the first session and co-coordinated the workshop the entire semester. Given our commitments to Latinx studies, we both were at the center of organizing for a sanctuary campus, while recognizing the need to address a broader swath of the college community. After the workshop ended, colleagues in the Graduate School of Education and other institutions asked me to describe its structure with the hope of replicating it in some form. The main issue in organizing such a weekly workshop is that it came on top of an already very busy work schedule. Finding time and energy for this work is not easy. If this kind of work could be stitched into one's regular faculty duties, and compensated, then it would be easier to sustain over a longer period than just one semester. Nonetheless, the experience of organizing a sanctuary campus at Lewis & Clark College and being part of a movement that spread with lightning speed across the country gave us hope for what was possible.

For the entire Civil Disobedience Workshop Syllabus, go to www.radicalhistoryreview.org/supplemental/issue135/young/.

February 9, Workshop Organizing: Latest Thoughts on Resistance

The first session was designed as an open discussion about the goals, visions, and structure of the workshop. We decided collectively that the workshop would emphasize creating a democratic space where all could participate. While continuity of participants was encouraged, recognizing other commitments and work obligations, we also decided that people could join in at any time and for any length of time. Note-takers were assigned at the start of each session so that those who couldn't attend would at least keep apprised of the conversation they missed. In addition to discussing the workshop format, we also talked about the most effective strategies of resistance in the wake of the election. It became clear from that first session that focusing on the readings was going to be difficult since only a few people had done the reading.

February 16, Philosophy and Civil Disobedience

The second session was facilitated by two philosophy professors, Joel Martinez and Jay Odenbaugh, along with a math instructor, Margot Black, who is also the founder

of Portland Tenants United, the most radical of the tenants' groups in the city. They opened this session with a quote from Martin Luther King, Jr., who said to Alex Haley in 1965, "If you confront a man who has been cruelly misusing you, and say 'Punish me, if you will; I do not deserve it, but I will accept it, so that the world will know I am right and you are wrong,' then you wield a powerful and just weapon." The goal of civil disobedience, they argued, was to break the law in a very deliberate and public way in an effort to highlight a social injustice. The willingness to accept punishment, often meaning jail time or suffering physical assault, illustrates the moral conviction of the protestor.

February 23, Latin American and Latinx Struggles: Central American Solidarity and Zapatistas

This session, facilitated by Magalí Rabasa from Hispanic Studies and myself, provided a broad history of Central American solidarity movements in the 1980s, the Zapatista uprising in Chiapas in the mid-1990s, and more recent sanctuary movements to protect undocumented migrants today. Using a recent communiqué from the Zapatista Army of National Liberation (EZLN), "The Walls Above, the Cracks Below (and to the Left)," participants reflected on the Zapatista strategy of not seizing state power, but rather creating space for civil society to construct alternatives to the government. In the 1980s, faith leaders practiced this model of direct action beyond the limits of state sanction in openly defying US law by welcoming and harboring Central Americans fleeing violence. Although eight religious leaders of the sanctuary movement were ultimately tried and convicted in what became known as the Sanctuary Trials, the movement galvanized public opinion and revealed the brutality of US policies in Central America as well as exposing the politicized nature of US immigration and refugee law.⁸ In 1990, as a result of the attention brought by the sanctuary movement, Congress passed temporary protected status legislation for Central American migrants.⁹ Although the new sanctuary movement by colleges and universities, as well as cities, counties, and states, was not in defiance of the law, it was a public call to not cooperate with unjust immigrations laws.

March 2, Arab Spring

The facilitators, anthropologist Oren Kosansky and historian Sara Jay, opened the session by challenging the term "Arab Spring." By using this term, a reference to the Prague Spring, Western journalists tried to understand this movement by way of comparison to a European movement, and one that was abruptly crushed by Soviet military repression. Locally, the movement was understood as a revolution, a term studiously avoided by most Western commentators. One important point raised by this conversation was the need to understand the local context in which a movement emerges, and not simply try to fit it into a preexisting model.

March 9, Black Freedom Struggle: Civil Rights, Black Panthers, and Black Lives Matter

Historian Reiko Hillyer discussed the history of the 1960s civil rights movement, showing how hated Martin Luther King, Jr. was by a majority of Americans in his day. Although a sanitized and de-radicalized version of MLK Jr. has become a national icon in recent years, it is important to understand how leaders were viewed in their time. Founder of Portland's Resistance and third-year law student Gregory McKelvey talked about his own experience of being vilified for being a leader of very visible and effective street protests. Finally, Ameya Marie Okamoto, an eleventh-grade student at Catlin Gabel School showed her artwork featuring black youth killed by the police. Ameya's art was done in collaboration with Don't Shoot Portland, a Black Lives Matter group that has been working against police violence in Portland for a very long time.

March 16, Environmental Tactics of Resistance

This session highlighted local direct actions in defense of the environment. Arthur Bradford talked about his role in using tree sitting to protect a stand of sequoia trees in a residential community in Portland. International Affairs professor Elizabeth Bennett recounted her own tree-sitting effort to prevent the cutting down of large trees in her neighborhood.

April 6, Art and Activism

This session, led by Kaley Mason, a professor of music, and Jerry Harp, a professor of English, highlighted poetry and Indian music as a form of social resistance. The conversation turned to the question of whether today's social movements have a sound track in the same way that the 1960s generated a deep and memorable songbook of resistance, from Phil Ochs to Gil Scott Heron to Nina Simone.

April 13, Free Speech, Hate Groups, and the Public

We had already planned to end the workshop with a session on the question of free speech and hate groups when we found ourselves in the middle of just such a controversy on our campus. The International Affairs Symposium, an annual event organized by students and one faculty member, announced that they had invited Jessica Vaughan, policy director for the anti-immigrant group Center for Immigration Studies, for a debate about refugees. The Center for Immigration Studies (CIS) appears to be a mainstream Washington, DC, think tank, but it has links to far-right eugenicist John Tanton and regularly disseminates articles by Holocaust deniers and white supremacists. The Southern Poverty Law Center put CIS on its list of hate groups in the fall of 2016.¹⁰ The student organizers extended the invitation to Vaughan well in advance of the election and the rebirth of the sanctuary movement, but by the time of the symposium we were in the thick of Trump's anti-immigrant agenda.

I wrote an article for *Huff Post* in which I questioned the judgment of students for inviting such an academically disreputable group to campus that regularly disseminates racist ideas.¹¹ The students maintained that they were not aware of the background of the CIS when they issued the invitation, but nonetheless they believed it would be useful to have Vaughan come to campus. The college decided to ban the public from attending the event over fears that people would protest or heckle the speaker. Portland's Resistance organized a protest outside, which was loud, but Vaughan was able to speak without interruption. Faculty and students vigorously questioned her in the question-and-answer period.¹²

Given the controversy generated by the CIS visit to campus, we decided that we would devote the workshop that week to the topic of free speech and hate groups, and to invite students, faculty, and community protestors to take part. In the packed room, faculty and students discussed whether there should be limits on free speech, and student symposium organizers expressed that they felt publicly shamed for inviting a hate group to campus. Gregory McKelvey argued that the slight discomfort of student organizers and others who had to walk by protestors paled in comparison to the pain of immigrants being deported and torn from their families. The student organizers who invited CIS to campus did not seem to feel that their invitation would negatively impact immigrant students or students whose families were facing the draconian policies advocated by CIS.

It was a fitting conclusion to the Civil Disobedience Workshop that at the very end of the semester, people responded to the presence of CIS on campus with a diversity of tactics. Some chose to simply attend the event and listen, others chose to attend the event and ask pointed questions, and still others decided that it was most effective to protest the speaker outside the hall. One group of activists from the city even banged on doors and set off fire alarms during the event. What became abundantly clear is that some felt that any protest that disrupted everyday tranquility was beyond the pale on a university campus. The history of all protest movements, however, is precisely to disrupt everyday life and highlight a social problem. It may mean you have to put up with more traffic, or that you have to pass by a group of loud protestors on your way in to listen to an anti-immigrant speaker, but that is a small price to pay given the importance of the struggle for social justice.

The sanctuary campus movement was the spark that led to the Civil Disobedience Workshop. Organizing around immigrant rights continued to be a flash point, even at the end of the semester when CIS came to campus. However, what began as a movement around immigrant rights quickly connected to other struggles in the US and around the world. Although some criticized sanctuary as having no legal definition and therefore not really providing protection to undocumented immigrants, the ambiguity of the term allowed it to be redeployed in a variety of different contexts. A month before I testified in front of the Portland City Council in March 2017 to support the city's sanctuary resolution, the police had killed an unarmed black teenager, Quance Hayes. The local Black Lives Matter (BLM) activists

came to city council to disrupt the meeting and protest yet another killing of a black youth by police. Although there was some tension between the sanctuary folks who wanted the meeting to proceed and the BLM activists who wanted to shut down city council, many of us who testified made the point that we wanted sanctuary for everyone in Portland, not just immigrants, but black people, homeless people, and anyone targeted by state violence. “Sanctuary for All” is a way for us to link immigrant rights to all of our rights.¹³ If they are taking away immigrant rights today, they will surely come after your rights tomorrow.

The new sanctuary that began as a movement of noncooperation had by the summer of 2018 become a movement of direct action against ICE. In June, a group of Portland activists surrounded the ICE detention facility in the city, shutting down its operations for two weeks and maintaining a camp outside for more than a month.¹⁴ Citing his support for sanctuary, Portland’s mayor declared that he would not use city police to remove the protestors. Federal officers eventually arrested protestors blocking the entrance to the detention center.¹⁵ The Occupy ICE movement quickly spread to thirteen other cities with varying degrees of success.¹⁶ However, it was the flexibility of the idea of sanctuary that allowed it to be interpreted by mayors and university presidents as being within the bounds of the law, at the same time as it could also inspire direct action civil disobedience by activists willing to put their bodies on the line to shut down (albeit temporarily) ICE operations. While some well-intentioned legal scholars argued against sanctuary on technical grounds that it couldn’t actually protect immigrants, the capaciousness of the concept is politically effective.¹⁷ Since the laws are so stacked against immigrants, the political struggle for their rights must always push beyond what is legal and fight for what is just.

Elliott Young is professor in the history department at Lewis & Clark College. Professor Young is the author of *Alien Nation: Chinese Migration in the Americas from the Coolie Era through WWII* (2014), *Catarino Garza’s Revolution on the Texas-Mexico Border* (2004), and coeditor of *Continental Crossroads: Remapping US-Mexico Borderlands History* (2004). He is currently finishing a book on the history of immigrant incarceration in the United States.

Notes

1. Young, “On Sanctuary.”
2. Floum, “City Council to Declare Portland a ‘Sanctuary City’”; Friedman, “Trump Slams Portland Mayor.”
3. Semuels, “The Racist History of Portland.”
4. Denson, “1988 Story.”
5. Wilson, “30 Years Later.”
6. “Oregon Measure 105.”
7. Young, “Sanctuary in the Trump Era.”
8. Wilfang and McAdam, “The Costs and Risks of Social Activism,” 992.

9. Gzesh, "Central Americans and Asylum Policy."
10. Piggott, "Anti-immigrant Center for Immigration Studies."
11. Young, "Safe Space for Hate Groups at Lewis & Clark College"; Lee, "Stephen Miller's Claim."
12. Campuzano, "Lewis & Clark Students, Faculty Push Back against Controversial Speaker."
13. Young, "Sanctuary for All in Portland."
14. "Occupy ICE PDX."
15. Friedman, "Portland Mayor to ICE Occupiers"; "ICE Resumes Normal Operation."
16. Campuzano, "Portland's Occupy ICE Movement Spreads to Other Cities."
17. Olivas, "Conronym and Controversy."

References

- Campuzano, Eder. "Lewis & Clark Students, Faculty Push Back against Controversial Speaker as Protest Continues." *Oregonian*, April 11, 2017. www.oregonlive.com/portland/index.ssf/2017/04/jessica_vaughan_panel_lewis_cl.html.
- Campuzano, Eder. "Portland's Occupy ICE Movement Spreads to Other Cities." *Oregonian*, June 23, 2018. www.oregonlive.com/expo/news/erry-2018/06/5e18f1cf119098/with_one_week_down_in_portland.html.
- Denson, Bryan. "1988 Story: Legacy of a Hate Crime: Mulugeta Seraw's Death a Decade Ago Avenged." *Oregonian*, November 12, 2014. www.oregonlive.com/portland/index.ssf/2014/11/1998_story_legacy_of_a_hate_cr.html.
- Floum, Jessica. "City Council to Declare Portland a 'Sanctuary City.'" *Oregonian*, March 21, 2017. www.oregonlive.com/politics/index.ssf/2017/03/city_council_to_declare_portla.html.
- Friedman, Gordon R. "Portland Mayor to ICE Occupiers: Disband Now." *Oregonian*, June 23, 2018. www.oregonlive.com/portland/index.ssf/2018/07/portland_mayor_to_ice_occupier.html.
- Friedman, Gordon R. "Trump Slams Portland Mayor for 'Shameful' Treatment of ICE Agents." *Oregonian*, August 20, 2018. www.oregonlive.com/portland/index.ssf/2018/08/trump_slams_portland_mayor_for.html.
- Gzesh, Susan. "Central Americans and Asylum Policy in the Reagan Era." *Migration Policy Institute*, April 1, 2006. www.migrationpolicy.org/article/central-americans-and-asylum-policy-reagan-era.
- "ICE Resumes Normal Operation in Portland as Protest Continues." *KGW*, June 28, 2017. www.kgw.com/article/news/special-reports/at-the-border/ice-resumes-normal-operations-in-portland-as-protest-continues/283-568461821.
- Lee, Michelle Ye Hee. "Stephen Miller's Claim That 72 from Banned Countries Were Implicated in 'Terroristic Activity.'" *Washington Post*, February 13, 2017. www.washingtonpost.com/news/fact-checker/wp/2017/02/13/stephen-millers-claim-that-72-from-banned-countries-were-implicated-in-terroristic-activity/?utm_term=.38975e577062.
- "Occupy ICE PDX: A Timeline of the Portland Encampment." *Oregonian*, July 25, 2018. www.oregonlive.com/expo/news/erry-2018/07/62ee150670182/occupy-ice-pdx-a-timeline-of-t.html.
- Olivas, Michael A. "Conronym and Controversy." *Inside Higher Ed*, November 29, 2016. www.insidehighered.com/views/2016/11/29/sanctuary-campuses-wont-provide-real-sanctuary-immigrant-students-essay.
- "Oregon Measure 105." *BallotPedia*. [ballotpedia.org/Oregon_Measure_105,_Repeal_Sanctuary_State_Law_Initiative_\(2018\)](http://ballotpedia.org/Oregon_Measure_105,_Repeal_Sanctuary_State_Law_Initiative_(2018)).

- Piggott, Stephen. "Anti-immigrant Center for Immigration Studies Continues to Promote White Nationalists." *Southern Poverty Law Center*, November 7, 2016. <https://www.splcenter.org/hatewatch/2016/11/07/anti-immigrant-center-immigration-studies-continues-promote-white-nationalists>.
- Semuels, Alana. "The Racist History of Portland, the Whitest City in America." *The Atlantic*, July 22, 2016. www.theatlantic.com/business/archive/2016/07/racist-history-portland/492035/.
- Wilson, Conrad. "30 Years Later, Oregon's 'Sanctuary State' Serves as a Model for Others." *OPB*, April 17, 2017. www.opb.org/news/article/oregon-sanctuary-city-state-donald-trump-immigration/.
- Wiltfang, Gregory L., and Doug McAdam. "The Costs and Risks of Social Activism: A Study of Sanctuary Movement Activism." *Social Forces* 69, no. 4 (1991): 987–1010.
- Young, Elliott. "On Sanctuary: What Is in a Name?" *HuffPost*, December 2, 2016. publishing.huffpost.com/cms/post/583f8feae4bob93e1of8df24.
- Young, Elliott. "Safe Space for Hate Group at Lewis & Clark College." *HuffPost*, April 10, 2017. www.huffingtonpost.com/entry/safe-space-for-hate-group-at-lewis-clark-college_us_58ec03boe4boeao28d568c28.
- Young, Elliott. "Sanctuary for All in Portland." *HuffPost*, March 23, 2017. www.huffingtonpost.com/entry/sanctuary-for-all-in-portland_us_58d3d2bae4b002482d6e6ec5.
- Young, Elliott. "Sanctuary in the Trump Era." *NACLA*, February 3, 2017. nacla.org/news/2017/02/07/sanctuary-trump-era.