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## Historical Roots of Sanctuary Cities

By Susanne Jonas<sup>1</sup>

Our starting point is the basic human right of people to flee persecution, extreme danger or violence in their country of origin and to find safe-haven (refuge or asylum) in another country – a right protected by international and national law. The basic principle of offering safe-haven has given rise to the formation of sanctuary movements, many of them faith-based, in the countries to which they flee, such as the United States – pro-sanctuary social movements of many varieties, sanctuary churches, sanctuary cities.

Although the concept dates back to World War II and even before, one of the most prominent examples in the late 20<sup>th</sup> century has been that of Central Americans fleeing repression related to the civil wars of the 1970s-1980s, which the US had a hand in starting. Given that Mexico did not meet the conditions of a “country of first refuge,” those under particular threat in El Salvador and Guatemala sought asylum in the U.S. The Reagan administration denied 97% of Salvadoran petitions and 98% of Guatemalan, claiming that these were economic migrants, not refugees. In response, a major class action suit, ABC (American Baptist Church) v. Thornburgh was launched in 1985 on behalf of several hundred thousand Salvadorans and Guatemalans, and in late 1990-early 1991, the Justice Department was forced to settle the suit, allowing those who had been summarily and wrongly denied a chance to have their case reheard. Most of the 250,000 who were entitled to and finished this process were granted some relief in the early 21<sup>st</sup> century.

Meanwhile, at the local level, local jurisdictions (cities and counties) in many states throughout the US passed “sanctuary” ordinances. There was no one definition of what “sanctuary” meant, as each venue developed its own rules of the game. In San Francisco, a 1985 (non-binding) resolution of the Board of Supervisors protected only Salvadorans and Guatemalans. But in 1989 the city passed a full-fledged enforceable ordinance forbidding all police cooperation with the Immigration and Naturalization Service, thus extending protection to undocumented immigrants in general. Some neighboring Bay Area jurisdictions also passed Sanctuary City measures, as did others throughout the US.

After the passage of harsh new anti-immigrant laws in 1996 and even more after the post-9/11 transfer of INS functions to the new Department of Homeland Security in 2003, new provisions required all local law enforcement to share fingerprint information on undocumented immigrants with Immigration and Customs Enforcement within DHS. Within the DHS restrictions, a new round of sanctuary initiatives began in the early 21<sup>st</sup> century, limiting cooperation of local law enforcement forces with ICE and other DHS entities. Although fingerprint sharing is now required, this means non-cooperation by local police by not participating in ICE raids, not turning over immigrants to ICE when they have finished serving any

time in local jails, nor (in some cases) informing ICE, refusing access to ICE to interview immigrants in jail, etc.

It is within this framework of a “New Sanctuary Movement” that the Pacifica Sanctuary Ordinance has been drafted.

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