



THE UNIVERSITY as a SANCTUARY

PULLIAS CENTER FOR HIGHER EDUCATION
UNIVERSITY OF SOUTHERN CALIFORNIA

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AUTHOR NOTE

This publication is a joint project of the Pullias Center for Higher Education.

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JANUARY 2017

AN INTRODUCTION

Soon after the election of Donald J. Trump as President-elect of the United States, many faculty, students, and staff throughout the country campaigned to have their campuses designated as “sanctuaries.” Although the concept of a sanctuary dates to the ancient Greek and Roman empires, it has special historical significance for the United States. For decades, sanctuaries have offered a wide range of individuals - including conscientious objectors to war and faith-based social activists - protection from targeted political prosecution (Lippert, 2013). Nevertheless, the call for a college or university to become a sanctuary is relatively new. The impetus for the call concerns President-elect Trump’s repeated demand to reverse the *Deferred Action for Childhood Arrivals (DACA)* immigration policy and deport all undocumented individuals from the United States. Approximately 730,000 individuals who have applied and been approved for *DACA* are amongst those who might be deported (Hipsman, Gómez-Aguíñaga, & Capps, 2016).

When President Obama made *DACA* official through an executive order, eligible undocumented students were offered a glimmer of hope. In return for registering with the U.S. government, students were assured that they would not be deported. Furthermore, they would be eligible for work permits that required renewal every two years. Even though *DACA* does not offer a path to citizenship, it enables students to study and work in the United States as long as they follow the rules. Insofar as *DACA* is an executive order, it can be rescinded by a subsequent administration. The result is that the Trump administration will have the names of individuals who could be potentially arrested and deported. Many of the 730,000 “childhood arrivals” attend a postsecondary institution.

In what follows, we first offer a brief overview of what the traditional understanding of a sanctuary has been and consider the current calls for colleges and universities to become sanctuaries. We then delineate the specific points that have been articulated across institutions, as well as the potential consequences of an institution calling itself a “sanctuary.” Finally, we offer possible steps those of us working in higher education might consider during the coming years of the Trump Administration.

CONSIDERING SANCTUARIES AS SAFE SPACES

In Victor Hugo’s 1831 epic *The Hunchback of Notre Dame*, the novel’s central character, the hunchback Quasimodo, rescues Esmeralda from being hanged and carries her into the cathedral. The scene is vividly described with the following words:

A minute afterwards he appeared upon the upper platform, still bearing [Esmeralda] in his arms, still running wildly along, still shouting, “Sanctuary!” and the crowd still applauding.

Whereas the concept of a “sanctuary” had actually been in existence for hundreds of years,¹ Hugo’s novel, set in fifteenth-century France, popularized the notion of a church as a sanctuary for a nineteenth-century readership. The assumption behind a “sanctuary” is that an individual, whether guilty or innocent, can request sanctuary within a church, and the state will not enter the edifice. From time to time, churches still function as sanctuaries, even though they generally lack the legal ability to dissuade the police from entering the building, should they so desire.

1 See Pedley (2005) and Shoemaker (2011).

In the United States, slaves and abolitionists utilized churches as sanctuaries during the nineteenth century. During the 1960's and 1970's, conscientious objectors against the Vietnam War occasionally looked to churches for protection. In the 1980s, Central American war refugees found sanctuary in North American churches. State and federal governments in the U.S. have the right to enter churches, yet they are often hesitant to invade the sanctity of a church to arrest someone. An Immigration and Custom Enforcement (ICE) memo from 2011 describes churches, hospitals, and schools as "sensitive locations" where ICE enforcement should not be focused.² One might think of these institutions as having a twenty-first century *de facto* status as "sanctuaries," while acknowledging that the state may enter whenever they so desire.

More recently, cities have claimed that they are sanctuaries; hence, they have the ability to protect undocumented immigrants from prosecution. In general, local governments and their city councils have voted to designate their city as a "sanctuary" after considerable discussion and debate. Generally, such cities refrain from asking people about their immigration status and comply minimally with federal authorities, such as ICE. The police in sanctuary cities may turn over an undocumented immigrant accused of a serious crime (such as murder), but they usually refrain from handing over individuals arrested on minor charges. Sanctuary cities encourage undocumented individuals to use public services provided in schools and public hospitals - and to avail themselves of legal and social support services. The Center for Immigration Studies, an independent research group in Washington, DC, estimates that approximately 300 cities, counties, and states have claimed sanctuary status.³

Mr. Trump has stated that any city or state that is uncooperative with federal immigration authorities will no longer receive federal support. The denial of federal monies to cities such as New York, Los Angeles or San Francisco could be in the billions of dollars for social services. Federal agents, on their own, also have the legal ability to conduct a raid at a factory, an individual home, or an educational institution within a sanctuary city.

UNIVERSITIES AS SANCTUARIES

The call for a college or university to claim the identity of a sanctuary campus quickly began in an organic fashion after the election of Mr. Trump and has spread across the country. As of this writing, roughly 200 institutions have entertained requests or demands to make the campus a sanctuary. The following link delineates locations where individuals have called for sanctuary campuses: <http://bit.ly/2iC2ZfU>

Generally, these requests have been addressed to an institution's president through a letter signed by hundreds of faculty, students, and staff. Although the letters are not identical, the requests largely pertain to undocumented students and cover the following points:

- The institution pledges to expand financial aid if students lose financial support because of the elimination or curtailment of DACA;
- The institution reaffirms the principles of non-discrimination in their admission policies, including equal protection under the law, regardless of national origin or citizenship;
- The institution will neither facilitate nor consent to immigration enforcement activities on

² See <https://www.ice.gov/doclib/secure-communities/pdf/prosecutorial-discretion-memo.pdf>

³ See <http://cis.org/Sanctuary-Cities-Map>

campus unless legally compelled to do so or in the event of exigent circumstances such as an imminent risk to the health or safety of others;

- The institution will not share confidential student information, such as immigration status, with the federal government unless required by court order;
- The institution will advocate for comprehensive immigration reform; and
- The institution will provide legal resources for members of the community with questions concerning their immigration status.

Some letters are more inclusive and call for the protection of all groups under threat of harassment on campus, such as LGBTQ individuals, Muslim and Jewish individuals.

OBSERVATIONS

One commonality across each of the letters is that they are addressed to the institution's president as if he or she has the ability to designate a campus as a sanctuary. Perhaps such a request is rightly made to the leader of an institution. However, it is also a sign of the times that - in an organization ostensibly framed by shared governance as the decision-making model - a formalized faculty voice has been muted and ignored. At times, the letters also have a tenor of moral authenticity and urgency, as they are framed as demands, not requests. Some letters make it appear as if individual faculty members are Latter-Day Quasimodos, intent on protecting their students from harm by creating sanctuaries.

We raise these points because the applicability of a legal framework for a campus to be a sanctuary is limited. Faculty may well lock arms and surround their campus in solidarity; ultimately, though, if the federal government wishes to enter an institution or cut off all federal funds, it may do so. The notion that a college or a university is a sanctuary, free from arrest or harm, as if it were Quasimodo's cathedral of centuries past, conveys a mistaken impression and potentially provides a false sense of security.

Any campus could become a location where an individual faces arrest and deportation, and neither a president nor the faculty can reverse that fact. At the same time, the current ICE policy appears to consider enforcement in educational organizations as an extremely low priority.⁴ We have found no examples over the last decade of ICE entering university campuses. To be sure, the past may not be an accurate predictor of the future. But, if federal agents intend to raid a campus, they will, and no declaration will stop them.

What, then, might those of us involved on campuses do?

GOING FORWARD

Although the designation of a campus as a sanctuary has symbolic and rhetorical value, it also places a campus in the crosshairs of a new presidential administration that seems intent on punishing those with whom it disagrees. Rather than argue over a word with limited legal implications, perhaps a more fruitful avenue is to concentrate on three different avenues: 1) the legal structure of the state; 2) instrumental activities that will aid specific individuals and groups; and 3) a reaffirmation of the

⁴ See <https://www.ice.gov/doclib/ero-outreach/pdf/10029.2-policy.pdf>

purposes of the university. In doing so, the following ten statements appear to be of paramount importance:

1. The institution will uphold the law;
2. The institution will protect the privacy of its members; it will also not assist with any requests for the personal information of students, faculty, or staff based on race, national origin, or religion;
3. The institution will provide legal services and resources for those in need;
4. The institution will accommodate any faculty, students, or staff who engage in civil disobedience if members of the academic community are harmed or deported due to targeted federal actions;
5. The institution will provide financial aid for students who lose funding as a result of new federal or state policies;
6. The institution will enable students to continue working on campus by providing fiscal support if it is no longer available
7. The institution - by way of the president, provost, and faculty - will articulate to internal and external audiences its commitment to each of its students, some of whom are undocumented and lawfully enrolled under the Deferred Action for Childhood Arrivals. Moreover, the campus community will expend all of its energies to support individuals enrolled under DACA, just as they do for every student on campus;
8. The institution will ensure the civil rights and safety of those in its community who are most vulnerable: undocumented youth, Black and Latinx youth, Muslim and Jewish youth, LGBTQ youth, and homeless and foster care youth;
9. The institution, as a primary vehicle for informed dialogue and debate in a democracy, will affirm its core missions to convene healthy and productive conversations on critical issues facing the country, such as immigration;
10. The institution will reaffirm its commitment to academic freedom and respect for individual differences.

CONCLUSION

In 1930, the Spanish philosopher Jose Ortega y Gasset wrote a short pamphlet entitled “The Mission of the University.” He lived at a time when Spain struggled with revolution and dictatorship, and he was concerned that the modern university had lost its way and risked irrelevance. He sought to reaffirm an institutional mission that involved a commitment to both historical and contemporary ideas. Ortega y Gasset believed that a university had an important role to play in highlighting societal prejudices and enabling the search for greater understanding.

We are at a comparably difficult moment in the United States, and the university has a similarly indispensable role to play. In doing so, however, today’s colleges and universities not only need to foment dialogue. They also must ensure that every member of an academic community is able to participate in conversations without fear of harassment or expulsion.

A sanctuary certainly ought to mean a place where someone takes refuge. However, for a university, the concept of a sanctuary also should ensure that the purpose of refuge is to enable the fundamental purpose of academic life – to engage in dialogue with one another in search of a greater good. To the extent that we curtail that dialogue by not protecting every individual of the academic community, we debase the essential role of the university in modern society. At no time in the last century has that role been so critical.

REFERENCES

- Hipsman, F., Gómez-Aguíñaga, B., & Capps, R. (2016). *Daca at four: Participation in the deferred action program and impacts on recipients*. Washington, DC: Migration Policy Institute. Retrieved from <http://www.migrationpolicy.org/research/daca-four-participation-deferred-action-program-and-impacts-recipients>.
- Lippert, R. K., & S. Rehaag. (2013). Introduction: Sanctuary across countries, institutions, and disciplines. In R. K. Lippert (Ed.), *Sanctuary practices in international perspectives: Migration, citizenship, and social movements* (pp. 1-12). New York: Routledge.
- Ortega y Gasset, J. (2009). *Mission of the university* (6th ed.). (H. L. Nostrand, Ed. and Trans.). New Brunswick, NJ: Transaction Publishers. (Original work published 1930).
- Pedley, J. (2005). *Sanctuaries and the sacred in the ancient Greek world*. New York: Cambridge University Press.
- Shoemaker, K. (2011). *Just ideas: Sanctuary and crime in the Middle Ages, 400-1500*. New York: Fordham University Press.

OTHER WEB SOURCES

FOR FURTHER INFORMATION ON DACA:

- <http://e4fc.org/dacaFAQs.html>
- <http://undocu.berkeley.edu/legal-support-overview/what-is-daca/>
- <https://www.uscis.gov/humanitarian/consideration-deferred-action-childhood-arrivals-process/renew-your-daca>
- <https://www.uscis.gov/humanitarian/consideration-deferred-action-childhood-arrivals-daca>
- <https://www.uscis.gov/immigrationaction>
- <https://www.nilc.org/issues/daca/>

FOR FURTHER INFORMATION ON SANCTUARY CITIES:

- <http://cis.org/Sanctuary-Cities-Map>
- <http://money.cnn.com/2016/11/19/news/economy/sanctuary-cities-trump-funding/>
- <http://www.cnn.com/2016/09/01/politics/sanctuary-cities-donald-trump/>
- <http://www.latimes.com/local/lanow/la-me-sanctuary-cities-20161114-story.html>

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