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Churches resist tougher immigration laws

Faith leaders aim to recast the issue as a moral imperative.

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LOS ANGELES - America's faith communities are keeping careful watch as Congress wrangles over border security - a process expected to yield the most dramatic changes in immigration policy since the 1980s - and many religious leaders are not liking what they see so far.

Increasingly, they are making their presence felt on Capitol Hill, where the Senate is now drafting its version of immigration reform. In their own churches, synagogues, and mosques, many leaders are striking a defiant pose toward an immigration bill the US House has already approved.

At stake is the moral high ground on immigration. The religious leaders see new border-tightening moves as intruding on their obligation to care for strangers - no questions asked. Those who argue the other side, that immigration must be curtailed and the border secured, also couch their position in moral terms, saying it is unprincipled to aid and abet those who have entered the US illegally.

A key sticking point: part of the House measure that would force any individual, including church workers, to see documentation before giving help to immigrants, or risk imprisonment.

"It is none of the government's business who and how religious people serve," says Rev. Dr. C. Welton Gaddy, president of Interfaith Alliance, which represents 70 faith traditions. "Would the US Congress have told the Good Samaritan not to help a stranger in the ditch?"

Cardinal Roger Mahony in Los Angeles, who leads the largest Roman Catholic archdiocese in the US, created a stir recently when he said he would order priests under his supervision to defy any federal legislation that requires churches or other social organization to press immigrants for legal papers before giving them help. He also called on Catholics in the archdiocese's 288 parishes to fast, pray, and push politicians for humane immigration reform, inferring that the House reforms fall short in that regard. "The war on terror isn't going to be won through immigration restrictions," Cardinal Mahony said.

As a whole, California, with its large immigrant population, may be less adamant about the need for an immigration crackdown than is the nation at large. Two-thirds of Californians back a temporary guest-worker program, and 70 percent are not worried that illegal workers are taking jobs away from American citizens, a Field Poll reported last week.

Accusations fly

The rhetoric over immigration reform has become inflamed of late. A coalition of religious leaders has said the legislation the House approved in December reflects "hysterical" anti-immigrant sentiment.

The measure's supporters, meanwhile, say the faith groups are engaging in some hysteria of their own and are deliberately mischaracterizing the House bill.

The House legislation "does not target churches and aid providers as some have claimed," says Jeff Lungren, spokesman for Rep. James Sensenbrenner (R) of Wisconsin, the bill's sponsor. "The opposition to this is a real stretch and based on such a misapprehension of our motivation that we can barely comprehend it. We wish all this energy would be exerted toward fighting alien smuggling."

The House measure includes reforms that have raised the ire of religious leaders. Specifically, it expands "alien smuggling" to include those who help an immigrant remain in the US when they know that person is in the country unlawfully - and imposes criminal penalties, ranging from prison time to fines, for those who provide such help.

This definition, say faith leaders, makes no distinction between smuggling operations, on one hand, and social-service organizations, refugee and aid groups, and churches, on the other. Moreover, they say, it will make church officials into unwilling enforcers of policies with which they disagree.

The House measure would also create a new federal crime of "unlawful presence" and broaden the definition of immigrant violations, as well as grant state and local law-enforcement agencies more authority to investigate, apprehend, arrest, and detain immigrants they find.

Risk versus revitalization

At its heart, the debate pits those who feel the large influx of immigrants is imperiling America's economic and national security and those who feel it is enriching society and revitalizing church communities with new congregants.

"What we want is immigration reform that finds a way to assist those who have come across [the border] and been productive citizens," says Rev. Bob Edgar, general secretary of the National Council of Churches, which represents mainstream Christian denominations. The House legislation, he charges, is largely the work of "neo-conservatives who want to punish people."

A former member of Congress, the Rev. Dr. Edgar earlier this month stood alongside Cardinal Theodore McCarrick, archbishop of Washington, D.C., Reformed Judaism officials, representatives of the American Jewish Committee, and Hispanic evangelical leaders in support of Mahony's call to followers to resist any federal law that criminalizes those who aid illegal immigrants.

"We would not have had the changes of the civil rights era if Dr. [Martin Luther] King [Jr.] had not used nonviolent civil disobedience," he said. "Clearly, the tactic that King and [India's Mahatma] Gandhi used is an alternative."

Supporters of the House bill contend it does no such thing.

"Americans have a right to demand that their government protect their security and interests by enforcing our immigration laws, and to hold all institutions, including churches, accountable if they knowingly aid and abet people who are violating the law," says Ira Mehlman, Los Angeles spokesman for the Federation for American Immigration Reform.

The House bill "will not prevent clergy from administering Communion or feeding people who show up at a soup kitchen," he adds. "Rather, when religious workers cross the line and actively assist people in violating the law, they will be held accountable, just as any other American would."

The measure's new antismuggling provisions, supporters say, are a response to rising concern that existing immigrant-smuggling laws are inadequate to cope with increasingly violent and organized human-trafficking rings.

In the Senate, the sentiment is similar.

"Americans who provide emergency care or humanitarian services to illegal aliens are not the target here," says William Reynolds, communications director for Sen. Arlen Specter (R), whose Judiciary Committee is in the throes of hearings on the issue. "[Legislation] is focused on prosecuting individuals who purposefully seek to assist in the smuggling of illegal aliens."

That explanation is proving to be a hard sell in many religious communities.

"Churches all over America are standing up to decry this legislation because it has largely been pushed through without the usual kind of public input," says Lucas Guttentag, director of the Immigrants Rights Project of the American Civil Liberties Union. "There are all kinds of radical consequences being written into the law that, although ostensibly are not aimed at churches, leave these kinds of groups hugely vulnerable, and [those consequences] need to be carefully looked at," he says.

Parishioners are not of one accord

Even as religious leaders voice their objections, the people in the pews are not as united against the proposed immigration reforms, say observers. "If you did a survey of general Catholic churchgoers, you would see a split right down the middle over this," says Father Rick Ryscavage, professor of sociology and international studies at Fairfield University in Connecticut.

Some Los Angeles parishioners have criticized Mahony and other Catholic leaders for wading into a political issue. Father Ryscavage, for one, sees it the other way around.

"Politics has forced itself on the church ... and the church has to respond," he says, noting that church officials are not pushing a specific legislative agenda.

The dividing line between church and state can be hard to pinpoint, Ryscavage says, but he does not believe that religious institutions have not crossed over it in this case.

"The church can forcefully stand up in the public arena and say, 'Look, we've got to think about these people as human beings.' That is valid," he says. "That is not interjecting in politics - it is calling political attention to broader humanitarian, ethical issues."

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