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Marchers leave Birmingham's Linn Park after a silent protest of Alabama's new immigration law on June 25, 2011.

Photo courtesy of the Birmingham Times

That "Merciless Law": The Faith Response to Alabama's HB 56

By Edward B. Arroyo, S.J., and Sue Weishar, Ph.D.

The harshest anti-immigrant bill ever passed by a state legislature was signed into law by the governor of Alabama on June 9. Soon after, the U.S. Justice Department, civil rights groups, and four Alabama bishops filed lawsuits to prevent its enforcement. The bishops argued that sections of HB 56 that criminalize transporting or harboring an undocumented immigrant and prohibit any actions that "encourage or induce" undocumented immigrants to live in the state interfere with Alabama citizens' First Amendment right to freely express their Christian faith, especially the performance of the sacraments and church ministries that serve the poor. The bishops were forceful in their condemnation of HB 56, calling it "the nation's most merciless anti-immigration legislation." Archbishop Thomas Rodi of the Archdiocese of Mobile stated, "No law is just which prevents the proclamation of the Gospel, the baptizing of believers, or love shown to neighbor in need. I do not wish to stand before God and, when God asks me if I fed him when he was hungry or gave him to drink when he was thirsty, to reply: yes, Lord, as long as you had proper documents."¹ The historic lawsuit filed by Archbishop Rodi, Bishop Robert Baker of the Catholic Diocese of Birmingham, Episcopal Bishop Henry Parsley, Jr., and Methodist

Bishop William Willimon is the first time that a group of bishops have filed suit to stop an anti-immigrant law at the state level.

On September 28, U.S. District Judge Sharon Blackburn entered a preliminary injunction against several sections of the law, including Section 13, which criminalized transporting or renting to an undocumented immigrant. She declined to prevent enactment of some of the harshest provisions of the law, including the requirement that Alabama schools check the immigration status of new enrolling students and their parents. As a result,

—Continued on page 2

INSIDE:

- CST and "the Law"p. 3
- The Audacity of Eucharistic Hope and the Legacy of Lynchingp. 4
- Imprisoned, Forgotten, and Deportedp. 6

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thousands of children were withdrawn from school by parents terrified that school officials would report them or their children to immigration authorities.

On October 14, the U.S. 11th Circuit Court of Appeals blocked the provision that schools check immigration status, but let stand the provision that makes it a felony for an undocumented immigrant to enter into a business contract with the state, the provision barring courts from enforcing contracts involving undocumented immigrants, and the provision requiring law enforcement officers to determine the immigration status of anyone they stop who they "reasonably suspect" is in the country illegally.²

Opposition to HB 56, especially from the religious community, has been growing since the bill passed. A rally and candlelight vigil sponsored by church and faith-based groups drew a diverse crowd of approximately 2,000 people to the streets of downtown Birmingham on July 9.³ In September and October, JSRI conducted a series of interviews to explore Alabama faith communities' response to the law, which we report here.

There has been a great deal of inter-religious collaboration in ministerial alliances—including Christians, Jews, and Muslims—to reflect on the impact of the law as well as simply to pray together. For example, on September 1, Greater Birmingham Ministries, an interfaith coalition of 20 religious communities, co-sponsored a "Rally for America's Future: Repeal HB56!" in Birmingham's Linn Park attended by hundreds.

Hispanic ministers have been involved at many levels, first and foremost ministering directly to the thousands of families impacted. In an October 6 press conference, "Crisis in Alabama Intensifies: Children Caught in the Crossfire," Episcopal Hispanic minister and Auburn University professor Pamela Long described how the decision to flee Alabama led to the breakup of a successful business employing six people and disrupted the lives of three of their children, who are U.S. citizens.

Faith-justice organizations have played multiple roles in the response. JustFaith Ministries' *Just Matters* educational module "Crossing Borders: Migration, Theology and the Human Journey"⁴ has served as a source of enlightenment in education on these issues, and JustFaith graduates have been prominently involved in Birmingham's anti-HB 56 activities, including the July 9 rally.

JSRI has also been active testifying before the state legislature and educating the public about fundamental Judeo-Christian beliefs as they apply to HB 56. Fr. Ted Arroyo, S.J., made presentations to the state legislature, at a prayer vigil, at a campus "Table Talk,"⁵ and to a meeting of the League of Women voters on "Catholic Social Thought and HB 56," where he stressed the importance of developing dialogue across ethnic and religious boundaries about faith and immigration.

Since the implementation of HB 56, many churches have held educational forums, such as "know your rights" presentations for potential victims of HB 56 and others so that they can learn more about the impact of the law on members of their communities. College and university campus ministries have also offered public educational forums on the impact of this law and how the campus community can respond in solidarity.

The religious press in the state has published columns and articles about HB 56, taking on the controversial issue of undocumented immigration more than ever before. A front page article in the September 16 *Catholic Week* of the Archdiocese of Mobile highlighted the U.S. Catholic Bishops' Migration Committee's support for the Alabama bishops' efforts opposing the unjust state immigration law.

The role of prayer was evident in many faith leaders' reaction to the law. One church leader prayed for a young adult to surface who would be willing to organize a prayer vigil. Almost at the same time, the young adult who eventually organized a vigil said that he was praying about what to do about HB 56 and that Our Lady of Guadalupe (the patron saint of Mexico) inspired him to take action. He said that never before had he been involved in a public demonstration.

Although the young man received some resistance from his own family, he felt that the Holy Spirit moved him to act. Another organizer said that he got involved because of his moral and spiritual objections to the law.

CONCLUSION

Faith communities had little to say about HB 56 as it wound its way through the Alabama legislature, in part because many were overwhelmed responding to the devastating tornadoes that tore through the state on April 27. Now tornadoes of fear and humiliation are uprooting families and communities. People of faith and good will in Alabama have been on the front lines building solidarity and resistance to HB 56, but with crops rotting in the fields and children terrified to go to school, the lament is thunderous. Faith leaders in other Gulf South states have much to learn from the Alabama experience, mainly that we must prevent laws like HB 56 from ever taking root and work to create a different vision of our future. Pope John Paul II described the challenge and hope facing us with this simple and profound image:

Like the disciples of Emmaus, believers, supported by the living presence of the risen Christ, become in turn companions of their brothers and sisters in trouble, offering them the word which rekindles hope in their hearts. With them they break the bread of friendship, brotherhood and mutual help. This is how to build a civilization of love. This is how to proclaim the hoped-for coming of the new heavens and the new earth to which we are heading.⁶

The Alabama faith community is learning new lessons about building a civilization of love. Others will need to learn these as well.

ENDNOTES: See back cover



Catholic Social Thought and “the Law”

By Fred Kammer, S.J.

There are often times when good people find themselves in serious disagreement with the prescriptions of “the law”—abortion, wars, the treatment of immigrants, the death penalty, etc. In the United States, we have a strong tradition of “the rule of law” to which many appeal as if such an appeal should end debate and assure obedience to legal prohibitions or statutory mandates. Just what is the Catholic position on such conflicts between statute and conscience?

At the Second Vatican Council, the council fathers drew on our long philosophical and theological tradition and reminded us that “political authority ... must always be exercised within the limits of morality and on behalf of the dynamically conceived common good, according to a juridical order enjoying legal status.”¹ When authority acts in such a way, then “citizens are conscience-bound to obey.”² So much for what we might call “good laws.”

The *Catechism of the Catholic Church* sets out clearly the opposite case:

The citizen is obliged in conscience not to follow the directives of civil authorities when they are contrary to the demands of the moral order, to the fundamental rights of persons or the teachings of the Gospel. *Refusing obedience* to civil authorities, when their demands are contrary to those of an upright conscience, finds its justification in the distinction between serving God and serving the political community. “Render therefore to Caesar the things that are Caesar’s, and to God the things that are God’s.”³

“Those who have recourse to conscientious objection must be protected not only from legal penalties but also from any negative effects on the legal, disciplinary, financial and professional plane.”

The Vatican’s *Compendium of the Social Doctrine of the Church* relates this teaching back to the *Summa Theologiae* of St. Thomas Aquinas, in which he writes, “When, however, a law is contrary to reason, it is called an unjust law; in such a case it ceases to be law and becomes instead an act of violence.”⁴

Here, under “unjust laws,” we find ourselves thinking of the civil rights demonstrators sitting in at legally segregated lunch counters, Catholic Charities workers refusing a legal mandate to report to authorities undocumented families who come seeking food or shelter, or a nurse refusing to assist at an abortion. They are all engaging in what we might call “civil disobedience” in that they refuse to obey or cooperate with unjust laws and, instead, act in keeping with right reason and the common good—against statutory prohibitions or mandates. The *Compendium* explains that whenever public authority fails its mandate to seek the common good, “it abandons its proper purpose and so delegitimizes itself.”⁵

We are most familiar with the concept of “conscientious objection” in the context of military service, when a

person’s moral objections to a particular war or war in general leads him or her to refuse to serve in the military or to serve only in a non-combatant capacity. The *Compendium* poses a broader “right to conscientious objection.” In discussing the above provision of the *Catechism*, the *Compendium* explains that “unjust laws pose dramatic problems of conscience for morally upright people...” Such people, it says, must refuse to cooperate in morally evil acts, citing Blessed Pope John Paul II writing in *Evangelium Vitae*.⁶ In addition, the *Compendium* follows the teaching of John Paul that, not only is there an “essential right” to conscientious objection, but as the pope indicated, “Those who have recourse to conscientious objection must be protected not only from legal penalties but also from any negative effects on the legal, disciplinary, financial and professional plane.”⁷

ENDNOTES

- 1 Second Vatican Council, *The Church Today* (Gaudium et Spes), 1965, no. 74.
- 2 Ibid.
- 3 *Catechism of the Catholic Church*, no. 2242.
- 4 Pontifical Council for Justice and Peace, *Compendium of the Social Doctrine of the Church* (Washington, D.C.: United States Conference of Catholic Bishops, 2005, 2007), no. 398.
- 5 Ibid.
- 6 Op. cit., no. 399, citing *Evangelium Vitae*, no. 73.
- 7 Ibid., citing *Evangelium Vitae*, no. 74.

The Audacity of Eucharistic Hope

By Alex Mikulich, Ph.D.



Frederick Jermaine Carter, a 26-year old native of Sunflower, Mississippi was found hanging from this tree in the white section of Greenwood on December 3, 2010. Photo by Joshua Kristal (joshuakristal.com) from his ongoing "Lynching Memorial Project" in which he is documenting historical sites of racial violence in the U.S.

James Cone confronts U.S. white Christians and theologians with our forgetfulness of the scandal of the cross, of lynching, and of ourselves. Jesus died like a lynched black victim in torment, on the tree of shame. The crowd's shout, "Crucify him!" (Mark 15:14), echoes the white mob's shout, "Lynch him." And Jesus' final agonizing cry from the cross, "My God, My God, why have you forsaken me?" reverberates in Sam Hose, a Georgia lynching victim who cried, "Oh—My God—Oh, Jesus" upon dying. Every lynching, like Jesus' death, "was a cruel, agonizing, and contemptible death."¹

Do we hear the echoes of Sam Hose's cry? The legacy of lynching presents a bind for white U.S. Christians, for it concerns our failure to honestly contend with our role in the material history and spiritual wounds of lynching.

By lynching, I mean the extra-judicial terror practiced by crowds in U.S. history. The U.S. legacy of lynching involves at least the 4,749 known lynchings, recorded by the Tuskegee Institute, between 1882 and 1968. "Known" is critical because we likely do not know the full number due to underreporting, and the full number does not include lynchings since 1968, like those of James Byrd (1998) and Matthew Shepard (1999). Ida B. Wells estimated more than 10,000 lynchings in the early twentieth century. Seventy-three percent of documented lynchings (3,445) were African American (by contrast, there were a total of 2,974 deaths as a result of the 9/11 attacks in three locations).²

As Jacqueline Goldsby writes in her examination of lynching in American life, the "spectacular secret" of lynching is its hiddenness to white identity, and how proliferation and publication of photos of lynching kept African Americans' *experience* of lynching secret. While photography may capture a particular scene, it cannot capture the enduring experience of the terror, for "the ghost of the yell that slips and flutters down the street calls into question whether the scene stops or launches lynchings' violence."³

and the Legacy of Lynching

The “ghost of the yell that slips and flutters down the street” struck me while I was a lay pastoral associate at a Black Catholic parish in San Francisco in 1993. One parishoner told her story—with overflowing tears of the presence of the pain of the yell—of her family’s experience of a lynching in Arkansas that led them to move to San Francisco in the mid-twentieth century. Her memory reveals how lynching is “buried deep in the living memory of the black experience in America.”⁴ I am struck by my white absence to what Cone terms “the nowness of lynching” for my African American brothers and sisters.

Theologically speaking, U.S. white racism is a negation of the creation of God that we celebrate in the central act of the church, the Eucharist. When we forget these lynched bodies, we forget and dehumanize ourselves, losing our own identity. I contend that whites remembering broken, lynched bodies throughout U.S. history is the condition of the possibility of engaging the impasse of white racism, and the enduring legacy of lynching, and of practicing the audacity of Eucharistic hope in this land.

The Second Vatican Council proclaims that the Eucharistic sacrifice is the “source and summit of the Christian life.” Blessed Pope John Paul II underscores this point when he celebrates how the “Church was born of the paschal mystery. For this very reason the Eucharist, which is in an outstanding way the sacrament of the paschal mystery, stands at the center of the Church’s life.”⁵

In the Gospels, we learn how Jesus drew his disciples together and offered them bread and wine, his body and blood, sharing with them the hope of his death and resurrection for the forgiveness of sins (*Mark* 14: 12-26; *Matthew* 26: 17-30; and *Luke* 22: 7-38). His celebration of the Last Supper fulfils the covenant established with Israel for the reconciliation of the whole of creation with God and provides a foretaste of the reign of God in its fullness. The Last Supper evokes memory of all the meals that Jesus shared with the excluded

and condemned of society—people whom he welcomed to be first into the Kingdom.

Central to the Eucharist, our faith, and the possibility of new life bestowed in Eucharist is Christ’s memory realized through *our living memory of Christ*. Eucharistic memory and solidarity begins in “intentional remembering of the dead, exploited, despised victims of history,” explains M. Shawn Copeland. Although the victims of history may be lost, “we are alive. We owe all that we have to our exploitation and enslavement, removal and extermination of despised others.”⁶

Yet, disturbingly, as James Cone meticulously recounts, “whites could claim a Christian identity without feeling the need to oppose slavery, segregation, and lynching as a contradiction of the gospel for America.”⁷

If white U.S. Christians and theologians intend to witness to the redeeming memory of Jesus, then our spirituality and theology must practice the kind of Eucharistic memory that remembers the hopes, dreams, aspirations for life and love, anger and suffering of all those forgotten broken bodies that are strewn across the Atlantic Ocean through the slave trade, buried on stolen lands of Native American peoples, lynched, and imprisoned in our detention centers, jails, and prisons.

Eucharistic hope and memory does not forget or turn its back on these injustices. “Doing this in memory of me” means living in a way that makes life and authentic hope for all possible, by giving priority to listening, and hearing, the stories of those who have borne the deadly brunt of U.S. white racism.

At the conclusion of his novel *The Invisible Man*, Ralph Ellison’s narrator—an un-named black man—addresses the white man: “Who knows but that, on the lower frequencies, I speak for you?” Jacqueline Goldsby contends that learning the “un-listened to history of lynching” requires Americans to tune into the “lower frequencies,” for that is where “the lives lost to us and made invisible by lynching and its cultural logic are waiting for us to listen.”⁸

ENDNOTES

- 1 James H. Cone, *The Cross and the Lynching Tree*. (Maryknoll, New York: Orbis Books, 2011), p. 161.
- 2 The Tuskegee record of state by state lynchings is online at <http://law2.umkc.edu/faculty/projects/ftrials/shipp/lynchingsstate.html>
- 3 Jacqueline Goldsby, *A Spectacular Secret: Lynching in American Life and Literature*. (Chicago: University of Chicago Press, 2006), p. 291.
- 4 Ibid., *Cross and Lynching Tree*, p.159.
- 5 Pope John Paul II, *Ecclesia De Eucharistia*. (Rome, The Vatican, April 17, 2003), #3. Available online at http://www.vatican.va/holy_father/special_features/encyclicals/document/s/hf_jp-ii_enc_20030417_ecclesia_eucharistia_en.html
- 6 M. Shawn Copeland, *Enfleshing Freedom: Body, Race, and Being*. (Minneapolis: Fortress Press, 2010), p. 100.
- 7 Ibid, *Cross and Lynching Tree*, p.159.
- 8 Ibid., *Spectacular Secret*, p.11.

Imprisoned, Forgotten, and Deported

Immigration Detention, Advocacy, and the Faith Community

By Fred Kammer, S.J.

On October 13 and 14, JSRI joined six other organizations in presenting an in-depth look at the realities and character of immigration detention in the United States, particularly in the South. The goal of the conference was to increase public awareness of the detention system and its impact on families and communities, show how faith communities are ministering to detained immigrants and their families, and explore how more progressive and just policies towards immigrants and detention can emerge. The detention of immigrants in the U.S. is a dire human rights issue that calls out to people of faith and other people of good will for a just response.

Since enactment of draconian immigration laws passed by Congress in 1996, the number of immigrants detained and deported every year has skyrocketed. During FY 2010, almost 363,000 immigrants were detained in a patchwork network of facilities—mostly penal institutions—in more than 250 locations run largely by county authorities or private contractors with little direct federal oversight at a cost of \$1.77 billion. The number of immigrants detained and deported has skyrocketed 80 percent in recent years from 202,000 in 2002. The total number of detention beds grew 86 percent from 18,000 in FY 2003 to 33,400 detention beds in FY 2010. As of September 12, 2011, the Obama administration had deported 1.06 million persons. At the end of two terms, the number of persons deported during the George W. Bush administration totaled 1.57 million persons.

Although the focus of the deportation process is an administrative task and immigration detention is supposed to be “civil,” not criminal, most immigrants are detained in harsh, punitive conditions in jails and prison. Immigrants in detention are regularly denied due process rights. There are no government appointed attorneys for individuals in deportation proceedings and immigration detention centers look, feel, and operate like jails. Human rights abuses occur in these harsh conditions, such as lack of access to proper nutrition and exercise, medical care, legal and educational materials, phones, and visitation.

In addition, the detention system is virtually invisible. Many detention centers are located in remote and isolated areas. As a result, the public is generally unaware of the high numbers of immigrants detained across the nation or within their home states. For example, four large detention centers in Louisiana are located in remote areas, including two of the largest detention centers in the country: Jena/LaSalle Detention Center and Oakdale Federal Detention Center.



Panel on The Realities of Immigrant Detention: Politics and Economics. From left to right: Dr. Aaron Schneider, Tulane University Department of Political Science, panel moderator; Dora Schriro, Commissioner of the New York City Department of Corrections, author of the 2009 “Schriro Report” on detention reform; Alger Kendall, Jr., retired judge, private prison proponent from Karnes County, Texas; and Bob Libal, Senior Organizer for Grassroots Leadership in Texas and leading activist in movement to oppose private prisons.

Conference speakers and panels focused on: the economics of prison and immigration law; the politics and economics of immigrant detention; race, illegality, and detention; a liberationist response to immigrant detention; religious responses to detention; advocacy strategies; and changing the conversation in the public square. Among the notable visiting presenters were: Laura Sullivan, investigative reporter for National Public Radio; Miguel De La Torre, Professor of Social Ethics, Iliff School of Theology; Frank Sharry of America’s Voice; Don Kerwin of the Center for Migration Studies; and Andrea Black of Detention Watch Network. Loyola University speakers included: Bill Quigley and Hiroko Kusuda of the College of Law and Law Clinic; Ted Quant of the Twomey Center; and Sue Weishar, Alex Mikulich, Mary Baudouin, and Fred Kammer, S.J., of JSRI.

Co-sponsoring the conference, made possible by a grant from the Ford Foundation, were: the University of Florida Center for Latin American Studies and The Initiative for Immigration, Religion, and Social Change in the U.S. South; the Loyola University College of Law and the Stuart H. Smith Law Clinic and Center for Social Justice; the Loyola University Center for Latin American and Caribbean Studies; JSRI; and the Roger Thayer Stone Center for Latin American Studies at Tulane University.

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That "Merciless Law": The Faith Response to Alabama's HB 56

Continued from page 2

ENDNOTES

- 1 See Archdiocese of Mobile website at www.mobilearchdiocese.org/temp/immigration.cfm. Accessed October 26, 2011.
- 2 Campbell Robertson, "Part of Alabama Immigrant Law Blocked," *The New York Times*, October 14, 2011. Accessed October 26, 2011: <http://www.nytimes.com/2011/10/15/us/2-alabama-immigration-law-provisions-are-blocked.html>
- 3 Jay Reeves, Associated Press, "Churches Lead Opposition to Immigration Law," *Tuscaloosa News*, July 11, 2011. Accessed October 26, 2011 at: <http://www.nytimes.com/2011/10/15/us/2-alabama-immigration-law-provisions-are-blocked.html>
- 4 See <http://www.justfaith.org/programs/justmatters.html>
- 5 JSRI's Alabama Associate, Fr. Ted Arroya, S.J., discussed Catholic Social Thought implications for HB 56, "God's Love Has No Borders," at a Spring Hill College "Table Talk" luncheon on September 28.
- 6 *Ecclesia in America*, available online at http://www.vatican.va/holy_father/john_paul_ii/apost_exhortations/documents/hf_jp-ii_exh_22011999_ecclesia-in-america_en.html

*For Christmas 2011, please help
us to shine the Light of Christ
amid the darkness of poverty
and hopelessness.*



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