

As some of you may know, I am not a big attender of conventions. Hundreds of rabbis and thousands of our people all under the same hall are not my ideal of a great time. When attending conventions I have a general rule about proximity – generally between Boston and Washington, DC. So a convention in Fort Lauderdale, Florida is guaranteed to NOT get my reservation. Yet, all the same, I wish I could have been in attendance at the annual spring assembly of the U.S. Conference of Catholic Bishops last week.

At their convention, the Bishops expressed their constitutionally guaranteed and protected right to speak out publicly regarding our nation's policymaking, decrying U.S. Attorney General Sessions announcement two days earlier on June 11th to deny asylum status and protections to those fleeing domestic or gang violence from outside the United States. Sessions had reversed an immigration court's decision granting asylum to a Salvadoran woman who testified that she had been abused by her husband. The AG explained that our asylum laws were not intended to remedy "all misfortune," including violence someone suffers in another country or other reasons related to an individual's "social, economic, family or other personal circumstances."

The Conference of Catholic Bishops took exception, noting the AG's decision "negates decades of precedents that have provided protection to women fleeing domestic violence" . . . "At its core, asylum is an instrument to preserve the right to life," the bishops wrote, urging our national leaders and courts "to respect and enhance, not erode, the potential of our asylum system to preserve and protect the right to life."

The Attorney General's decision, they wrote, "elicits deep concern because it potentially strips asylum from many women who lack adequate protection" . . . "These vulnerable women will now face return to extreme dangers of domestic violence in their home country."

"Our government has the discretion in our laws to ensure that young children are not separated from their parents and exposed to irreparable harm and trauma," Cardinal Daniel N. DiNardo of Galveston-Houston, president of the U.S. Conference of Catholic Bishops said. "Families are the foundational element of our society and they must be able to stay together."

"While protecting our borders is important, we can and must do better as a government, and as a society, to find other ways to ensure that safety. Separating babies from their mothers is not the answer and is immoral."

Following the Bishop's convention last Thursday, the Attorney General, the chief lawyer of the United States, speaking on immigration in Fort Wayne, Indiana, pushed back against the US Conference of Catholic Bishops and others who had criticized U.S. policy as immoral.

Describing the criticisms as neither "fair or logical, and some are contrary to law."

"Persons who violate the law of our nation are subject to prosecution. I would cite you to the Apostle Paul and his clear and wise command in Romans 13 to obey the laws of the government, because God has ordained them for the purpose of order. Orderly and lawful processes are good in themselves and protect the weak and lawful."

A few days later White House press secretary Sarah Huckabee Sanders spoke in Sessions' defense, noting that "It is very biblical to enforce the law."

Now, AG Sessions is no Biblical ignoramus. Sessions is an active member of the United Methodist Church and has served both as a Sunday school teacher and as a church delegate to the annual Methodist General Conference. But as noted by numerous religious leaders and clergy, anyone can quote Scripture, and it is one's motivation that determines whether we use Scripture as a weapon or as a balm.

By the way, the text of Romans 13 is a peculiar passage to invoke. A close reading of Paul's epistle, his letter to Rome's early Christians, is an ambiguous text. Essentially, Paul seems to be counseling tactical submission to Rome, recognizing the futility of a political revolt against the Roman Empire which in his estimation would only fracture the nascent Christian church¹.

There are many scholars, priests and pastors could have helped Sessions better understand the text if he had been honestly interested.

¹ Raphael Magarik in HaAretz OpEd June 21, 2018

But Sessions preference was for a dubious interpretation that has been used throughout the centuries in support of unchecked governmental authority - whether it's Charles' absolute monarchy in England, the Fugitive Slave Act here in the U.S.A, apartheid in South Africa and even worse in Nazi Germany.

"Orderly and lawful processes are good in themselves" said the AG. That is to say they need no justification, rejecting the idea that government must justify its legitimacy. Authority, for Sessions, is its own justification.

Columnist Elizabeth Bruenig last week observed that Sessions breaks from traditional Christian teaching, utilizing this single problematic text to invent "a faith that makes ORDER itself the highest good and authorizes secular governments to achieve it." thereby confusing Order for Justice.

Anyone can quote Scripture, but will we use it for a cudgel or a cure?

Those who have studied Hebrew Scriptures with me know that any one verse can easily be taken out of context and radicalized. To understand the values our people find in our Scripture, one must look not for a single verse but for patterns of repetition and reinforcement. Repeated attention to themes. To my mind, without question, we Jews put Justice as a supreme value, far above the mere virtue of comfortable Order. In fact, we chutzpadik Jews are willing to question even God's authority, calling God to account on matters of Justice: As Abraham challenges the Almighty – Far be it from You to do such a thing, to bring death upon the innocent as well as the guilty, so that innocent and guilty fare alike. Far be it from You! Shall not the Judge of all the earth deal justly?" [Genesis 18:25]

My hero, Dr. Martin Luther king Jr., jailed in Birmingham, had opportunity to reflect on the question of unjust law and unjust authority.

"How does one determine whether a law is just or unjust? A just law is a man-made code that squares with the moral law or the law of God. An unjust law is a code that is out of harmony with the moral law. To put it in the terms of St. Thomas Aquinas: An unjust law is a human law

that is not rooted in eternal law and natural law. Any law that uplifts human personality is just. Any law that degrades human personality is unjust.”

United Methodist Ministers Monica Corsaro and David Wright have written “To be clear, we believe in the separation of church and state. We don’t believe we can dictate how the government makes or applies the law. But we feel it imperative to challenge Sessions’s misuse of our tradition and scriptures to justify appalling acts of child abuse and discrimination.”

The Southern Baptist Convention, not a hotbed of liberalism, resolved at its Dallas convention earlier this month:

“... That we desire to see immigration reform include an emphasis on securing our borders and providing a pathway to legal status with appropriate restitutionary measures, maintaining the priority of family unity, resulting in an efficient immigration system that honors the value and dignity of those seeking a better life for themselves and their families; and be it further RESOLVED, That we declare that any form of nativism, mistreatment, or exploitation is inconsistent with the Gospel . . .”

Perhaps the Attorney General has forgotten about these verses of shared Scripture:

From Deuteronomy 10:17-19 – “For the ETERNAL your God . . . upholds the cause of the fatherless and the widow, and befriends the stranger, providing him with food and clothing.— You too must befriend the stranger, for you were strangers in the land of Egypt.”

By the way, the word translated as ‘stranger’ [formerly ‘sojourner’] is the Hebrew term ‘geir’, but it might be better translated today as ‘migrant’; encompassing both the resident alien (someone with a ‘green card’) and the undocumented immigrant. In ancient Israel there was no distinction between the two.

Or from Jeremiah 7:5 “if you really mend your ways and your actions; if you execute justice between one person and another; if you do not oppress the stranger, the orphan, and the widow;

if you do not shed the blood of the innocent in this place; . . . then only will I let you dwell in this place”

Or from Leviticus 19:33-34 – “When strangers sojourn with you in your land, you shall not do them wrong. The stranger who sojourns with you shall be to you as the natives among you, and you shall love them as yourself; for you were strangers in the land of Egypt.”

In fact, the Torah proclaims that we are obligated to care for the ‘geir’ - the stranger, to avoid abusing the stranger, no less than thirty-six times.

In truth, what most of us in the community of religious leaders expect of the U.S. Attorney General is NOT his quoting his particular religious scripture, but rather, his quoting and respecting our collective American secular covenant, which includes these words:

We hold these truths to be self-evident, that all men are created equal, that they are endowed by their Creator with certain unalienable Rights, that among these are Life, Liberty and the pursuit of Happiness. — That to secure these rights, Governments are instituted among Men, deriving their just powers from the consent of the governed, — That whenever any Form of Government becomes destructive of these ends, it is the Right of the People to alter or to abolish it, and to institute new Government.

Americans believe in a just and moral government not an absolutist, authoritarian one. We don’t need the Attorney General of the United States quoting Scripture in order to justify the cruel and uncompassionate implementation of human law.

The U.S. Attorney General, is a public servant charged with representing and upholding the laws of our nation, not of his own or any particular faith. If he wishes to explain or justify policy or change in policy, he is obliged to justify that policy in the secular terms of our Constitution, not Scripture. As a policy-maker, we expect the AG to abide by the values and traditions of American jurisprudence and respect for human rights.

In responding to criticism from the Catholic Bishop's Conference, AG Sessions demonstrated a disregard for each citizen's Constitutional right to object to what we perceive however correctly or incorrectly as an unjust law. It is not in the AG's purview to seek to squelch public dissent.

Let me be clear, Judaism does not condone unlawful entry or circumventions of our nation's immigration laws. We clearly support the right of our government to enforce the law and protect the national security interests of the United States². But laws, enforcement of those laws, and the punishments for the violation of those laws need to reflect our values.

But we Americans, religious and not, expect basic human kindness and compassion toward other human beings, not harden hearts. Hearts that sadly seem untroubled by the consequences of one's own actions. Hardened hearts like those of presidential adviser Stephen Miller who said that "It was a simple decision by the administration, to have a zero-tolerance policy for illegal entry." And this simplicity of heart is spreading!

A recent poll found 46 percent of Republicans in support of the family separation policy as a means of deterring immigrants.

As columnist Michael Gerson writes, "Dehumanization has a natural progression. It starts by defining a whole race or ethnicity by its worst members - say, rapists or criminals. It moves on to enforce generally applicable laws and rules that especially hurt a target group. Then, as the public becomes desensitized, the group can be singled out for hatred and harm. It is the descent, step by step, into a moral abyss."

So what should we be doing?

We must continue the work of my Catholic colleagues aligning ourselves with leaders and practitioners of all and no faiths by publicly demanding US border policies that are consistent with our American humanitarian values and effective against illegal migration, thereby allowing

² Rabbi Don Goor, Immigration Sermon: What Kind of Society Should We Have? Religious Action Center

the authorities to carry out the critical task of identifying and preventing entry into the United States of terrorists and dangerous criminals.

By demanding legal avenues for workers and their families who wish to migrate to the U.S. to enter our country and work in a safe, legal, and orderly manner with their rights fully defined and protected.

By demanding reforms in our family-based immigration system to significantly reduce waiting times for separated families, who currently must wait many years and often decades, to be reunited with loved ones.³

By demanding reunification of separated children with their families.

By demanding that families detained at the border be kept together under humane and compassionate conditions reflective of our American ideals.

By offering our money and services to these families and those undertaking efforts to support and protect them.

And lastly, by speaking out when our public officials invoke sectarian religious Scripture to defend the indefensible.

Remember, just because you can quote it from the Bible, ***'It Ain't Necessarily So!'***

³ Adapted from <https://rac.org/immigration-introduction>