Refuge, Refusal, and Acts of Holy Contagion: The City as a Sanctuary for Soldiers Resisting the Vietnam War

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Abstract

This paper explores the first instance of municipal sanctuary in the United States, when in November of 1971, the City of Berkeley, California, declared itself a Sanctuary for soldiers on the aircraft carrier USS Coral Sea who were refusing to return to duty in the Vietnam War. Berkeley's left-leaning City Council called on residents of the city to provide bedding, food, medical and legal help to the soldiers, and passed a motion to establish a protected space where soldiers could access counseling and other support. The city also placed restrictions on local police and service providers, limiting their participation in the enforcement of federal laws related to military service. These local efforts to establish the city as a space of refuge from federal military authority came out of the sometimes contradictory politics of GI resistance on the Coral Sea, local civilian anti war organizing, as well as church-based traditions of Sanctuary and refuge. At the intersection of these political and religious movements, diverse practices of citizenship, soldiering and sovereignty produced the contemporary idea of the city as Sanctuary, and disrupted inherited ideas about the relationship of soldiers to the nation state. While a relatively minor intervention into anti-Vietnam organizing at

the time, Berkeley's 1971 policy became a model for municipal Sanctuary in the United States for decades to come.

Little did we know at the time of our decision that what began as the conscientious act of one Christian congregation would soon infect an entire city. But so it is with acts of holy contagion.

(Rev. John Elliot, quoted in MacEóin, 1985, 54)

If there is a moment when the logics of Sanctuary became embedded in municipal policy in the United States, it would be in California in November of 1971: The City of Berkeley, California, declared itself a Sanctuary for soldiers on the aircraft carrier USS Coral Sea who refused to serve in the Vietnam War. Berkeley's 1971 Sanctuary policy emerged out of several different trajectories of political and faith based organizing. The SOS movement, or "Stop Our Ship," was just starting to establish itself on board the USS Coral Sea as a campaign of navy soldiers trying to prevent U.S. aircraft carriers from deploying to Vietnam. The civilian anti war movement in the Bay Area was in the process of responding to the simultaneous withdrawal of ground troops and the escalation of the air war in Vietnam, and a handful of churches in the United States were invoking ancient biblical traditions of Sanctuary and refuge to assert their authority to protect soldiers who were refusing to fight in the war. But how did the political spaces of ship, church, and city converge to produce the first municipal Sanctuary policy in the United States? And what was the legacy of this convergence?

At first glance, Berkeley's 1971 Sanctuary resolution may appear an insignificant topic for investigation. Few soldiers took the city up on its offer of Sanctuary, and the local act of rebellion was met with little more than derision and a few threatening letters from federal authorities and the military police. But situate this event within the broader context of anti war organizing within the U.S Navy, and the longer genealogy of Sanctuary in the United States, and this relatively obscure episode reveals itself as a site where several movements and histories came together to transform GI resistance within the Navy, and the substance and meaning of Sanctuary itself. It was, as Rev. John Elliot pointed out in the opening epigraph, a moment of contagion, when political practices and discourses developed in very different spaces and circumstances converged. Out of this convergence emerged the first city Sanctuary policy in the United States.

This paper is part of a much larger project on the genealogy of Sanctuary. It explores the political practices of refuge and refusal that led to Berkeley's Sanctuary policy as acts of citizenship which attempted to reconfigure the ethical and political constitution of the soldier during the Vietnam War. Sanctuary was mobilized to challenge what some have called the soldier's position as an exceptional figure of warfare (Cowen, 2008), to provide a space where soldiers who were considering a refusal to fight could seek counseling and support, away from the isolation of their ship and the everyday practices of military discipline.

Providing a space where anti war soldiers could assert their political rights and reclaim their citizenship under the authority and protection of the church, the city, and its residents facilitated anti war organizing within the Navy at a time when aircraft carriers such as the USS Coral Sea were taking on greater responsibility for the war in Vietnam.

And yet, the significance of this incident is not limited to the impact it had on resistance to the Vietnam War. Sanctuary was itself reconfigured through its contact with the USS Coral Sea and the anti war organizing taking place in the Bay Area during the early seventies. The movement to support the sailors grafted national narratives of the United States as a refuge for the persecuted and Constitutional rights to Conscientious Objection onto ancient biblical traditions of Sanctuary, transforming the practice and politics of Sanctuary in the process. Although a seemingly isolated incident, Berkeley's 1971 declaration brought biblical and faith based logics of refuge into the spaces of municipal politics. This not only added legitimacy to acts of defiance against US involvement in Vietnam, it also marked a secularization of Sanctuary. In the longer term, Berkeley's 1971 resolution was significant not only because it supported refusal among military personnel, but because 13 years later, the city's policy became a model for city Sanctuary policies that were introduced across the United States to protect the rights of a very different group of subjects: refugees from Central America who were being threatened with deportation. This paper thus reveals an underexplored moment in the genealogy of Sanctuary in the United States by highlighting how Sanctuary was taken up and transformed in the context of several different political and geographical contexts.

These contagious or transformative aspects of Sanctuary can also help us understand the relationship between sovereign power and the production of exception. In critical engagement with Agamben's scholarship (1998, 2005), I focus on the production of the soldier as an exceptional subject of law and sovereign power and then discuss how Sanctuary advocates attempted to disrupt the production of this subject by bringing anti war soldiers back within the realm of the political. A detailed exploration of anti war organizing among the Coral Sea sailors and their supporters can add texture to our understanding of Agamben's (1998, 2005) work by revealing the critical role everyday practices play in both producing the exception, and disrupting it. I suggest that the exception be viewed not simply as an underlying logic of sovereignty, as Agamben suggests, but as something that can only be maintained through the constant repetition of discourses and practices, that produce the boundaries of the political. The subject position of the soldier does not simply flow naturally out of the soldier's relationship to warfare or the sovereign state, but must be continually re-produced through military discipline and isolation. Understanding sovereign power and the exception in this way allows us to recognize the political significance of the acts of refusal and refuge embodied in GI resistance and Sanctuary.

Background

When the USS Coral Sea docked at NAS Alameda in the Fall of 1971, significant changes were occurring in the landscape of US military operations in Southeast Asia and, as a result, the politics of American resistance to the Vietnam War. In the previous two years, the American plan for 'Vietnamization' had shifted greater combat responsibilities, and greater risk, onto the South Vietnamese forces (Wells, 1994). From July 1969 to December 1971, the number of troops stationed in Vietnam declined from 543,000 to 156,000, but the return of ground troops was accompanied by an escalation of the air war and thus a greater reliance on the Navy's fleet of aircraft carriers and the thousands of soldiers who served on them. These changes were sparked, in part, by a desire to reduce the U.S. casualty rates that were fuelling domestic opposition to the war (Cortright, 1975). They were also motivated by what Col. Robert D Heinl Jr. called the "near mutinous" state of the ground troops in Vietnam, where acts of resistance and refusal were increasingly interfering with operations (Heinl, 1971; Lewes, 2003).

As Cortright's (1975) book on GI resistance during the Vietnam War has documented, the plans for 'Vietnamization' and the intensification of the air war had a number of implications for organizing against the war, both within the armed forces and in civilian movements. The return of ground troops from Southeast Asia made it appear to the American public that U.S. involvement in Vietnam was winding down, reducing U.S. casualties and making the war less objectionable, potentially "numbing the populace into acceptance of continuous conflict" (106). The Navy and Air Force, branches of the military that were increasingly responsible for bombing operations in Vietnam, had not been active sites of GI resistance up to this point, as it was infantry soldiers who had experienced direct combat who were the most likely to engage in acts of refusal (Lewes, 2003).

The pilots stationed on the aircraft carriers flew through combat areas, but they were somewhat more distant from the everyday violence and brutality experienced by the ground troops, and the thousands of support troops on board were even more detached from direct combat. Support troops were predominantly working class youth who had enlisted in the Air Force or the Navy to escape being in the Army: "There was widespread anti war feeling among these crews, but...they were not in the direct line of fire, they neither killed nor risked being killed, and consequently they had less motivation to rebel than did ground troops" (Rinaldi, 1973, 43; see also Cortright, 1975). The carrier crews' distance from combat, and the challenges of maintaining active resistance in the isolated military space of the aircraft carriers made observers skeptical that any resistance to the air war could be sustained (Cortright, 1975, 106). By 1971, "Vietnamization" had thus reconfigured the possibilities and practices of resistance to the war.

It was in these contexts that the USS Coral Sea arrived in the San Francisco Bay Area with fledgling resistance efforts on board in the form of a Stop Our Ship

(SOS) campaign, and, despite these challenges, left several months later with over a third of its crew having signed a petition against deployment to Vietnam and at least 35 crew members refusing to participate in the air war[2] (Elinson, 1972; A Statement, 1971a; D. Jennings, 1971). After the Coral Sea left the Bay Area, the SOS movement spread throughout the Navy's fleet of aircraft carriers (A Statement, 1971b; Cortright, 1975; Wells, 1994). The Coral Sea's encounter with the City of Berkeley and Sanctuary had a part to play in the expansion of the movement.

Figure 1: "Only the Beginning," Leaflet from the Stop Our Ship Movement, Author and artist unknown, c.1971

[2] Note that according to soldiers involved in the SOS movement, as many as 250 sailors did not sail with the ship, but there is no official record of this. Thirty five is the number given by the military to the press the day the ship left. The actual number is likely somewhere in between. See "A Statement to the Press by Crewmembers of the USS Coral Sea." 1971b. December 9. Container 8, Folder 23, Pacific Counseling Service and Military Law Office, 1969-1977. Bancroft Library, University of California, Berkeley.

Stop Our Ship (SOS) and the Soldier-Citizen

We GIS's [sic] need the civilians to defend us. If there weren't a civilian's anti war movement, there wouldn't be a GI one. The civilians need us…to destroy that last bullshit argument that opposing the war means you're not supporting the servicemen.

(Quoted in Lewes, 2005, 62)

In September of 1971, GI resistance on board the USS Coral Sea was just beginning, organized around the Stop Our Ship (SOS) campaign to stop the Coral Sea from making its scheduled November 12 return to Vietnam. Just prior to its arrival in the Bay Area, members of the crew circulated a petition demanding the USS Coral Sea not participate in the war. Through this petition, sailors asserted their rights not only to express their opinions about the war, but also their obligations to determine the deployment of their own ship:

> In our opinion there is a silent majority aboard the ship which does not believe in the present conflict in Vietnam. It is also the opinion of many that there is nothing we can do about putting an end to the Vietnam Conflict. That because we are in the military we no longer have a right to voice our individual opinions concerning the Vietnam War. This is where we feel that the majority of the Coral Sea has been fooled by military propaganda. As Americans we all have the moral obligation to voice our opinions.
>
> We the people must guide the government and not allow the government to guide us! In our opinion this action is even more justified for the military man because he is the one who is taking personal involvement in the war.
>
> The Coral Sea is scheduled for Vietnam in November. This does not have to be a fact. The ship can be prevented from taking an active part in the conflict if we the majority voice our opinion that we do not believe in the Vietnam War. If you feel that the Coral Sea should not go to Vietnam, voice your opinion by signing this petition. (SOS Petition, 1971)

Reaction to the SOS movement was harsh and persistent. The first version of the petition was confiscated by the ship's Executive Officer and several of the sailors who had circulated it were put in the brig. A ship's regulation was introduced which prohibited the distribution of literature not first censored by the Captain, a move that many of the sailors involved saw as a violation of their Constitutional right to free speech (A Statement, 1971a; Anon., 1971c; SOS Petition, 1971). One officer who publicly announced his opposition to the war described this suppression of information as key to the ship's method of fighting dissidence:

> This particular chain of command seems to be deathly afraid of any opinions or ideas that run contrary to the official policies of the administration. Their method of combating the 'problem' of dissent seems to rely heavily on strict suppression of information, such as censorship of internal news, and the release of news to the public. It appears that they are afraid to face reality, preferring to hide in the dream world of traditions, regulations, and hierarchy. (Coral Sea Officers, 1971)

Attempts to contain the SOS movement also involved mundane practices of harassment:

> All of a sudden when SOS comes on board no buttons are allowed anymore. Any person passing anything out would be written up under Article 82, willful disobedience of a direct order. Gathering in a number or in small numbers we couldn't get more than three in a group without the pigs coming by and telling us we couldn't have meetings. Sitting in the chow hall they have some big round tables, you fit eight people at it. We would usually get six or seven of us to sit at one of these tables some of us without buttons and probably non SOS people. Every meal we noticed that we were being watched by the Master At Arms. Almost a meal didn't go by without some form of harassment, somebody walking by and saying hurry up and finish eating, people need your trays and table. Or this isn't a place for a meeting. Or they would come over and tell us, you need a haircut or quit smoking. If you were walking down the hallway and saw two people that you know – the hallways are pretty big, some of them are ten feet across – a Master at Arms or a lifer would come up and say, you can't congregate here. You're blocking the hallway. (Anon., 1971d)

Thirteen of the crew were eventually put in the brig for distributing anti war newspapers, petitions, and other actions associated with the SOS campaign (see Figures 1 and 2), and it was not uncommon for anti war soldiers to be given duties that would keep them separate from each other, or for active resisters to be transferred away from the ship (A Statement, 1971a ; Anon, 1971c; McGall, 1971).

The everyday practices and forms of discipline directed at anti war soldiers demonstrates the restricted nature of political space on board the aircraft carrier, and the challenges faced by soldiers who were trying to assert their political rights within military spaces. It also reveals the ambiguous relationship to citizenship these soldiers had.

On the one hand, the soldier has historically been portrayed as a model citizen: the ultimate national subject whose service and sacrifice in defense of territoriality and state interests makes the very existence of the nation state possible. As many scholars have pointed out, the subject of the soldier as a model

citizen is a masculinized subject, and is thus woven into gendered narratives of nation and citizenship (D'Amico, 2000; Enloe, 1990; 1993; 2000; Goldstein, 2001; Nagel, 1998). Critical scholarship on soldiering has explored the connection between the subject of the soldier and the nation, not so much through affirmations of these gendered and patriotic ideas of service and sacrifice, but by revealing the generative role warfare has played in the production of forms of social organization, citizenship, and national identity. Cowen's (2008) explorations of military work, for example, highlight the way warfare and soldiering shaped national social welfare systems and contemporary citizenship after the Second World War. Other research has revealed the importance of the soldier as a figure deeply implicated in securing the highly racialized and gendered national identities of colonial settler states (Razack, 2004). Soldiering, then, has been constitutive of national citizenship, while at the same time embodying exceptions to the very values of freedom and democracy they are supposed to fortify.

If the narrative of the soldier as a model citizen obscures the gendered, racialized, and colonial forms of national citizenship being produced through warfare, it also obscures the everyday reality experienced by most of the soldiers who fought in Vietnam. The soldier may be held up as a defender of democracy and freedom in veterans' memorials, but for most of the low ranking soldiers who served as ground troops or in the Navy during U.S. operations in Vietnam, the space of the military was far from these ideals. Soldiers had very little control over the conditions of their labour, and were restricted in their ability to speak out against the war (Lewes, 2003). In the accounts of those involved in the SOS movements, soldiers who transgressed the norms of military discipline on board the USS Coral Sea to express opposition to the war were disciplined, beaten, transferred, or incarcerated (A Statement, 1971a; 1971b; Anon., 1971d; Coral Sea Officers, 1971; Press Release, 1971; SOS Petition, 1971). These everyday technologies in military space maintain the soldier's ambiguous relationship to citizenship. Reflecting on Huntington's (1957) assertion that the soldier is *outside* of citizenship because he or she is "governed by laws, duties, expectations, economies and cultures that are antithetical to liberal and democratic membership in a capitalist political economy," Cowen (2008) reminds us political and economic rights are suspended for soldiers who cannot unionize and who are not subject to labour law in any meaningful way. The Uniform Code of Military Justice (UCMJ), which was increasingly used against resistant soldiers during the Vietnam War, has historically placed military justice outside of the realm of the civilian legal system, allowing soldiers to be sentenced and punished without normal due process, and, some would argue, Constitutional protections (Cortright, 2005). For anti war soldiers on board Navy aircraft carriers, the space of the ship was often one of isolation and insulation, a space outside of normal legal protections where even the simply political act of circulating a petition or literature, or writing a letter to Congress, became a transgression.

A great deal of research could be done on the gendered nature of military discipline on aircraft carriers during the Vietnam War, and the gendered subjects being produced there, but this is beyond the scope of this paper. The anti war activities of the Coral Sea sailors can help us, however, to start unpacking the complex relationship between military discipline, citizenship, and the production of exception. Although the idealized figure of the soldier is held up as a model citizen, for example, in practice soldiers are often unable to enact or access the very political and legal rights they are supposed to be defending, subject to the extraordinary norms of military "justice". For the anti war soldier, law is legally suspended, and at particular moments the soldier thus exists in a state both inside and outside of citizenship, likened to what Agamben, drawing on Schmitt, has called a state of exception (Agamben, 1998; 2005).

A wealth of scholarship has emerged out of Agamben's work, on exceptional subjects who allegedly exist outside of the norms of the political. Refugee claimants, prisoners at Guantanamo Bay, sex workers, undocumented migrants, and subjects of colonial rule have all been theorized as existing in a state of exception, a state where the law is legally suspended, and the incorporation of bare life into sovereign power is revealed. Many have likened these subjects to the figure of *homo sacer*, the figure of ancient Roman law which Agamben uses to describe the position of one *who can be killed but not sacrificed*, the figure that embodies the relationship between sovereignty and bare life. It may seem strange to situate the soldier in this context, a subject who embodies the state's monopoly on the legitimate use of violence, but dating back to Clausewitz, political theorists have often portrayed war as a space of exception outside the political and this has, in turn, justified curtailing the capacity of soldiers to be political subjects: their access to due process under the law, their protection from discrimination and harassment, their ability to engage in lobbying, protest and dissent, and the violence inflicted on them during their training and service. If the soldier sometimes enacts the sovereign exception through the violence and killing of warfare, they are themselves subjects for whom the law is suspended, not just in what they are "allowed" to do in their role, but how they are treated as they do it.

Scholars engaged with the field of Geography have been particularly interested in the spatial aspects of the exception, demonstrating, analyzing, and critiquing Agamben's understanding of the legal suspension of law by revealing spaces and moments where the logic of exception seems to have crystallized (Diken and Laustsen, 2006; Ek, 2006; Gregory, 2006; Minca, 2007; Mitchell, 2006; Pratt, 2005). In the context of anti war organizing on board the USS Coral Sea, and the eventual welcoming of resistant soldiers into the political space of the city, a sensitivity to space and territory suggests the exceptional state of the soldier is not simply the result of the underlying logic of the exception, but rather constituted through everyday material practices of military discipline which situate them outside the realm of citizenship. As Dickinson et. al. (2008) have discussed

in a recent special issue of *ACME* (*Geographies of Everyday Citizenship*), attention to everyday practices allows us to understand how citizenship acts accumulate and produce the conditions under which political membership is experienced, bounded, and resisted.

Figure 2 "A Warship Can Be Stopped," Newspaper from the Stop Our Ship Movement, Author and Artist Unknown, c.1971

Refuge and Refusal: "A Ship Cannot Sail Without Her Crew"

In the Fall of 1971, the isolation of anti war soldiers on board the USS Coral Sea was eased somewhat when it docked at the Alameda Navel Air Station and the SOS campaign intersected (in not always harmonious ways) with the civilian anti war movement in the Bay Area. For two months, as the ship engaged in sea trials and prepared for its departure to Vietnam, anti war sailors did outreach beyond the ship while they were on leave. A number of joint protests and vigils were held just outside the Alameda naval base that attempted to bring the SOS campaign together with the civilian movement, including several actions designed to slow down traffic outside the base (Anon, 1971b). Joint protest marches organized by civilians were also held in San Francisco and Berkeley in support of the SOS campaign (SOS, 1971; Stop that Ship, 1971). On Sunday, October 31st, people living in the Bay Area gathered together with sailors from the USS Coral Sea for a "Non Voyage Picnic" to show support for the SOS campaign. Much of the

leafleting, newspaper, and organizing materials promoting these joint actions drew on democratic ideals, and attempted to place the soldiers at the forefront of efforts to end the war:

> It has become apparent that the majority of the Americans oppose the war in Vietnam. But the government has refused to be guided by public opinion. It has also become clear to many that the responsibility for ending the war will fall on those more directly involved: the military. The military man is given the task of carrying out the policy of the government without an effective means of influencing that policy…We are going to stop our ships. And we, the military men, are going to stop this war. (A Statement, 1971a)

While cooperation between anti war soldiers and civilians provided a means to escape the isolation of the ship and the suppression of information on board, collaboration had its challenges. Independent newspapers at the time suggest there were divisions between the various movements, disorganization, and a lack of cohesive approach to organizing (Anon, 1971a). During one action in October, when the ship returned from sea trials, 40 to 70 sailors spelled out SOS on the deck of the ship as it sailed through the Golden Gate. Civilian anti war demonstrators were called upon to hang an SOS banner from the bridge as the ship passed under, but by most accounts the civilian side of the action fell apart and there was no one on the bridge to support the sailors, document the event, or communicate to the press (Stop that Ship, 1971).

Failed attempts at cohesive actions were particularly sensitive for military personnel involved with the SOS movement, given the risks they faced when they participated. One civilian organizer's reflections on a demonstration held in front of NAS Alameda gives some indication of the difficulties of merging different cultures of anti war organizing: "It was too much a "Berkeley" type demonstration – relatively undisciplined, little focus on the real issues and too many "freak" types who were unable to evidence solidarity with the struggles of the sailors" (Miller, 1971).

The precarious position of the anti war soldier on board the aircraft carrier meant that civilian solidarity had to move beyond joint protest actions, particularly as more sailors faced disciplinary action and charges for their involvement with the SOS campaign. Broader based civilian supports became even more critical as many sailors publicly announced that they would not sail if the ship was going to return to duty in Southeast Asia. It was through Sanctuary that civilians, church congregations, and eventually the City of Berkeley itself were called upon to provide an alternative to soldiers who did not want to fight in the war. Sanctuary was an attempt to ameliorate the impact of reprisals while providing legitimacy, protection and material supports to soldiers who were considering a refusal to return to duty.

The Logics and Practice of Religious Sanctuary

One issue important in this case is that young men who have entered the military and encountered unexpected circumstances have changed their views concerning war. Now they face almost impossible alternatives: continue to participate in killing, start the long and uncertain process for obtaining CO status, while processing CO continue to participate in killing, or become a federal criminal by taking unauthorized absence or going AWOL… Killing or crime; that is the choice they are given. Traditional civil and religious sanctuaries are the place for arbitrating and exposing such injustice.

Rev. Gus Shultz, quoted in One Man, 1971

Sanctuary work is a positive statement by people of faith that moral authority is protected, not owned, by the State.

Why Sanctuary?, nd [c.1971]

The genealogy of Sanctuary in the United States is long, with a shifting logic that has taken root at different moments depending on the specificity of local political and cultural contexts. Most writing on Sanctuary in the United States to date has addressed the faith based Sanctuary Movement of the 1980s which organized to support and protect refugees from Central America who were being denied asylum in the United States (Bau, 1985; Golden and McConnell, 1986; Crittenden, 1988; Lorentzen, 1991; Coutin, 1993; Cunningham, 1995). More recently, there has been a resurgence of Sanctuary in the United States in the form of the New Sanctuary Movement, which is organizing to support families facing deportation and unjust immigration laws (www.newsanctuarymovement.org). Foley (2006), one of the few historians to explore the mobilization of Sanctuary during the Vietnam era, suggests the first church to offer Sanctuary to Vietnam War resisters was the Arlington Street Church in Boston, which opened its doors in May of 1968 to a draft resister and an army 'deserter' who were refusing to serve in Vietnam. Throughout the late 60s and 70s, several other churches and institutions across the country offered soldiers refuge, although these incidents of Sanctuary were somewhat independent and isolated from each other. While Sanctuary for the Coral Sea sailors was not the first time soldiers were offered refuge in such a way, it did represent the culmination of more cohesive and widespread efforts than had been seen before in the United States. It was also the first time Sanctuary was offered by a municipal government. The City of Berkeley's Sanctuary resolution emerged directly out of faith based organizing in California, and thus the logics behind this movement are an important part of the genealogy of municipal Sanctuary.

In October 1971, the University Lutheran Chapel in Berkeley joined with 17 congregations in California and announced they would provide Sanctuary to

soldiers refusing to fight in Vietnam "(i)n order to fulfill our religious heritage and facilitate the liberties guaranteed by the First Amendment of the Constitution of the United States, and to provide one alternative for military personnel who wish to act on their beliefs" (Berkeley Church, nd [c. 1971]). The majority of these congregations were located in San Diego or the Bay Area, close to the naval bases which had become important sites for the support, training, and deployment of the aircraft carriers that were providing critical infrastructure to the air war.[3]

Proponents of Sanctuary during this time were mostly Christian church congregations who rooted their politics and practice in ancient legal and biblical traditions. The book of Exodus 21:13, which states that God will appoint a place for a person to flee if he kills without intention, was an important source of legitimacy for Sanctuary churches. The churches also drew on the ancient practices of Sanctuary which were supposed to have been practiced by the Phoenicians, Syrians, Greeks, and Romans, who were all cited as respecting the sanctity of particular spaces or shrines in which fugitives could find protection (Sanctuary Caucus, 1971).

Although the Sanctuary movement drew legitimacy and authority from these ancient traditions, Sanctuary was never incorporated into U.S. law and there was no legal recognition of it. Recognizing this, the network of churches issued a statement saying that while they were not encouraging persons to desert the military or encouraging them to take Sanctuary, they didn't believe anyone should be "required to participate in an immoral, illegal, and undeclared war such as Viet Nam, nor be required to participate in any military action which for reasons of conscience, religious or political belief he cannot condone" (Berkeley Church, nd [c. 1971]). Supporters drew on the moral authority of the church, ancient biblical traditions of Sanctuary and Refuge, and the very public nature of Sanctuary with the hope that military and civilian police would be less willing to enter the Sanctuaries to arrest soldiers who were refusing to fight. Ancient logics and practices of Sanctuary were recovered, in a somewhat mutated form, in order to disrupt the production of the soldier as an exceptional subject and bring the anti war soldier back within the realm of the political.

In Berkeley, the University Lutheran Chapel became an important Sanctuary church, close enough to the Alameda air base to be accessible to the Coral Sea sailors, and with a progressive congregation linked to the UC Berkeley campus and city wide peace movement. The Chapel's pastor, Reverend Gus Shultz, went on to become an important advocate in the 1980s for refugee rights and a key organizer

[3] The relevant churches were the University Lutheran Chapel, Berkeley; Sacred Heart Catholic Church, San Francisco; St. Benedictine Catholic Church, San Francisco; Mary Help of Christians Catholic Church, Oakland; the Session of the First Presbyterian Church, Palo alto; St. Andrew's Presbyterian Church, Marin City; the Community of St. Ann's, Pal Alto; Hayward Area Friends; Berkeley Friends; The Jesuits for Peace, Berkeley.

in the Sanctuary movement for refugees from Central America. For sailors from the USS Coral Sea, Sanctuary at the University Lutheran Chapel provided a space where they could seek counseling, legal advice, and support from each other, connecting with a part of the civilian movement rooted in faith based traditions. The Sanctuary in Berkeley was a very different kind of space than that of the aircraft carrier, representing a very different assertion of sovereignty. Organizers emphasized the idea that Sanctuary was not just for the protection of those who refused to return to duty, but a space for soldiers to come and reflect, to seek counsel, and discuss their options:

> Our reason for offering sanctuary is that men find themselves trapped. Our churches have recognized the right of people to selective conscientious objection; our government has refused to. This refusal places men in the anguish of impossible alternatives. Either they counter their conscience and continue to kill or they accept that status of criminals for refusing. It is to offer these men a new alternative that the churches involved reflected on their history and remembered the experience of sanctuary: providing a place where people, free from harassment and pressure, can reflect and understand and decide. And where, in their decision, they can feel a fellowship and sense of support. (University Lutheran Chapel, nd [c. 1971])

The space of Sanctuary created by the University Lutheran Chapel was informed by a commitment to peace, but also by a desire to provide a space where those who could not abide by the norms of the sovereign exertion of power could go and seek refuge. Given the huge risk and costs faced by soldiers resisting deployment to Vietnam, the Sanctuary church represented a space to provide support to these soldiers, to take on some of the burden of the "non-choice."

While the history of civilian anti war organizing in the San Francisco Bay Area may have made it easier for churches to take an active role in supporting soldiers who did not want to serve, the provision of Sanctuary was not without controversy. The University Lutheran Chapel's declaration, for example, set off a debate within the Lutheran church more broadly. Rolph Hough, the Executive Director of the California and Nevada District of the Lutheran Church – Missouri Synod, wrote a letter to its Bay Area Congregations which indicated it was reconsidering its support for the University Lutheran Chapel:

> The University Lutheran Chapel is an organized congregation of the Lutheran Church – Missouri Synod and has a right to make decisions of its own. However, we can and do question the possible adverse effect of any decision involving laws of the land as well as basic concepts of Christian rights and privileges held by our members. The District grants subsidy for this campus ministry. The District also holds title to the Berkeley property. The course of action taken by the Chapel must

> direct our attention to the whole matter of continuing campus ministry in this area. (Hough, 1971)

In the context of these challenges faced by the University Lutheran Chapel, the involvement of the City of Berkeley in providing support the Coral Sea Sailors was significant. It raised the public profile and legitimacy of Sanctuary. In the end, the University Lutheran Church did not desist in its Sanctuary activities, but rather became implicated and involved in the city's offer of Sanctuary.

"To Liberate the Spot of Ground on Which We Stand": The City as Refuge

The most we can do if we don't liberate the world, is to liberate the spot of ground on which we stand.

> Howard Zinn , speaking to draft resisters at the Arlington Street Church in 1968 (Quoted in Foley, 2006)

On November 8, 1971, just before the USS Coral Sea was scheduled to set sail to the war in Vietnam, the City of Berkeley passed a resolution offering Sanctuary to the Coral Sea sailors.[4] The resolution declared the city's support for the men who were refusing to serve, and stated that the City would provide its own facility for Sanctuary. The policy thus represented an expansion of Sanctuary into the space of municipal politics. In the resolution, the City of Berkeley called on all residents in the city to assist with the provision of Sanctuary, asking them to donate bedding and food, legal and medical services, as well as friendship and counseling, attempting to bring the soldiers who were refusing to serve within the realm of responsibility of the city and its residents.

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[4] The resolution reads as follows: Whereas, a number of sailors from the USS Coral Sea have asked that sanctuaries be established; and, whereas, the University Lutheran Chapel of Berkeley, with the support of ten Bay Area Churches, has announced its availability as a place of sanctuary for "any person who is unwilling to participate in military action", and has issued a statement indicating the nature of the sanctuary offered…
NOW, THEREFORE, Be it Resolved as follows:
1. That the City of Berkeley supports those men who decide to take sanctuary.
2. That the City of Berkeley supports the sanctuary already established at the University Lutheran Chapel and will support any congregation in Berkeley which engages in sanctuary.
3. That the City of Berkeley is also willing to provide a facility for sanctuary. The nature of that sanctuary will be as defined by the statement of the University Lutheran Chapel and its supporting churches. A committee designated by the University Lutheran Chapel and supporting churches will work with the City to find an appropriate facility and to operate that facility in line with the sanctuary statement.
4. That the City of Berkeley encourages the People of Berkeley to work with the existing sanctuary to provide the bedding, food, medical aid, legal help and friendship that the men may need.
5. That no Berkeley City Employee will violate the established sanctuaries by assisting in investigation, public or clandestine, of, or engaging in or assisting arrests for violation of federal laws relating to military service on the premises offering sanctuary, or by refusing established public services.
6. That the statements set forth in this resolution are intended as support for the actions of the men on the USS Coral Sea and are not intended to influence them into specific actions such as sanctuary. (City of Berkeley, 1971a)

Most important for the legacy of municipal Sanctuary in the United States was the seemingly inconsequential 5th point of the resolution:

> 5. That no Berkeley City Employee will violate the established sanctuaries by assisting in investigation, public or clandestine, of, or engaging in or assisting arrests for violation of federal laws relating to military service on the premises offering sanctuary, or by refusing established public services. (City of Berkeley, 1971a)

It was this provision, the refusal to involve municipal staff (including local police) in the enforcement of federal law, which later became a model for municipal Sanctuary policies passed to protect the rights of refugees in the 1980s (Bau, 1994; Ridgley, 2008). These policies not only restricted the involvement of local authorities in the enforcement of immigration law, but also limited information sharing between municipal and federal authorities.

Berkeley's resolution for the Coral Sea sailors passed six to one with one abstention, and the city started searching for an appropriate place to establish a Sanctuary (City of Berkeley, 1971b). In the meantime, the University Lutheran Chapel continued to serve as the main Sanctuary space, now supported practically and politically by the City itself, as well as the 12 other Bay Area churches (GTU).

The City's assertion of Sanctuary was a fairly popular initiative, but it did not go forward without threats and criticism which contested both its legality and practicality. Berkeley's City Manager, William Hanley, who had long had disagreements with the left leaning members of City Council, announced he was against the Sanctuary initiative. "We cannot and will not provide such facilities," he said, "It would be improper to spend one dime on any of this" (Moore, 1971). In response to the lack of support on the part of the City Manager, some of the members of City Council said they could call for the dismissal of municipal staff who did not respect the Sanctuary of the city. "If the city manager and the chief of police don't act as we direct them," Councilor D'Army Bailey said, "we will have to take steps to fire them" (McGall, 1971). The move sparked debates in the California press and at local public meetings about the involvement of a city government in what was seen by many as a federal arena of responsibility. Religious leaders in the Bay Area responded to these criticisms by suggesting that the city was exerting its moral authority and responsibility where traditional procedures at the level of the federal state had failed:

> Some have raised the question of the right of our City Council – or any local unit of government – to become involved in what is essentially a federal jurisdictional matter. Technically this may be questionable but given the ambiguities of our age, and the essential moral character of the issue, it would seem equally fair to ask how any unit of government can fail to get involved. When traditional procedures are not functioning adequately and injustices go un-remedied, those who see

> the issue clearly are amiss if they do not take every action within their power. I feel our City Council has acted within this frame of reference. (R.P. Jennings, 1971)

In a press release, the City held up not only its moral responsibilities to act in the face of what many perceived to be an illegal and unjust war, but emphasized the way the war was interfering with the practical concerns of city government: "The purpose of this decision is to dramatize to the federal government the depth of the anti war feeling and to indicate the belief of the Berkeley City Council that the continuation of the war adversely affects the city's ability to deal with important urban problems" (City Council Supports, nd [c.1971]).

United States Attorney James Browning threatened to prosecute members of the Berkeley City Council for encouraging desertion. Referring to the 5th point of the resolution, Browning suggested that Berkeley's Sanctuary policy conflicted with the "policemen's oath of law of the land," and many other critics equated it with 'un-American' activity (Moore, 1971).

In face of suggestions that the city was overstepping its jurisdictional or legal boundaries, supporters drew on a narrative of American citizenship to link Sanctuary to foundational aspects of US Nation building. Raymond P. Jennings, the Pastor of the First Baptist Church in Berkeley, came to the defense of the City and its right to establish Sanctuary, making links between the idea of the City as a space of Sanctuary, and national histories of refuge and the legal right to conscientious objection:

> To equate support for Conscientious Objectors with un-American activity is an indefensible betrayal of our historic uniqueness…To call for the resignation – or even to be severely critical – of City Council members who have voted in keeping with their own consciences, is to irresponsibly undermine the foundation of our common life and national integrity. These are critical days in which we live. WE must individually and corporately think clearly, act rationally, and, above all else, protect the touchstone of true humanity: the individual conscience. This calls for openness, not closed hearts and minds; for building bridges, not the deepening of chasms between people. (R.P. Jennings, 1971)

The narrative of religious Sanctuary was thus grafted onto a nationalist narrative about the historical uniqueness of the United States as both a haven for the persecuted, and a space where individual conscience is protected.

> The use of the word "sanctuary" is probably a misuse of the term. We have no such a concept in our American tradition, and for good reason. Many cultures including the Hebrew culture of the Old Testament do.

> It was a simple concept providing for the dramatic appeal of a person who thought he was unjustly accused (See Kings 1:50-51 and 1 Kings 2:28-34). This was different from the cities of refuge to which criminals could flee (Numbers 35). A bit of both of these concepts was built into the American dream and the early colonies were both a place of sanctuary and a refuge. Man came to the New World to escape punishment for both unjust persecution and obviously criminal acts. America was, historically, proud of this kind of sanctuary. Safeguards against the injustices of the Old World systems were built into our system. The entire concept of Conscientious Objection to war is an outgrowth of this history, even through many people tend to equate conscientious objection with disloyalty. Our system recognizes and protects the right to conscientious objection. (R.P. Jennings, 1971)

Forging narratives of nation onto the City's assertion of Sanctuary was significant in the context of threats from the federal authorities, and criticism that soldiers' acts of refusal were "un-American." By mobilizing these discourses of nationhood and individual conscience, and positioning the city as their defenders, supporters helped legitimize city Sanctuary and resistance to the war as acts of citizenship.

The Coral Sea Sets Sail…

At 12:31 pm, November 12, 1971, the USS Coral Sea set sail for Vietnam. The ship sailed without 35 of its crewman, although none of the missing sailors from the Coral Sea ended up publicly taking the City of Berkeley up on its offer of Sanctuary. In the press, one Coral Sea sailor expressed appreciation for Sanctuary offered in Berkeley, but said it would be "a direct bust by the federal authorities," and suggested that the majority of people will go underground (McGall, 1971). Nevertheless, for both the civilian and military anti war movement in the Bay Area, the organizing around the USS Coral Sea was considered a success:

> The USS Coral Sea sailed sometime after noon today but will never again be a trusted instrument of war. When the ship left a lot of people decided they could not go. Many men came to the University Lutheran Chapel to get help in making their decision. The movement to stop the Coral Sea has accomplished several important things:
>
> The men on the ship learned about their rights to speak out and act against the war.
>
> The men and other GIs in the Bay area who supported our struggle built a strong bond of unity with the civilian anti war movement. As many as 2000 civilians came to Alameda Naval Air Station at 5am to support the men.

> This focused attention on the continuing genocidal air war. SOS focused civilian anti war activity on the efforts that can really end war like stopping ships.
>
> Important new commitments against war like the resolutions of Berkeley city council and the sanctuary caucus, set up by the Bay Area churches, were established. (Press Release, 1971)

An estimated 40 Coral Sea sailors came to the University Lutheran Chapel seeking counseling and support, and one soldier, not from the Coral Sea, eventually did seek longer term Sanctuary in the space of the church (Sanctuary Caucus History, nd [c. 1971]). As the press release from the SOS movement above illustrates, Sanctuary played a role in disrupting the isolation of anti war soldiers and the work done by military discipline by providing a space where anti war soldiers could access counseling and support and forge connections with the civilian anti war movement.

> As the Coral Sea set sail, the Lutheran Chapel issued the following statement:
>
> This church, in offering sanctuary, sees it in a larger perspective than merely the here-and-now situation surrounding the departure of the Coral Sea. For us sanctuary is the beginning of a movement and a new hope. We will judge its success not finally in the number of men who choose to accept it, but rather in the alternative our offer provides to men in the dilemma of choosing. To the men who do come now and who will come in the future, we offer space, sustenance and support. Federal authorities who might violate our sanctuary would do well to remember that support for it has grown now to include 13 churches, nearly two thousand church people, a city council, and a Congressman. (One Man, 1971)

The organizing in the Bay Area also had an impact on resistance within the Navy itself. Despite all attempts to discipline those involved with the SOS Campaign, the petition to Congress that had earlier landed Coral Sea sailors in the brig was eventually signed by over a quarter of the sailors on board, and after departing Alameda in November, the Coral Sea sailors, as well as sailors on other aircraft carriers, continued their involvement in the anti war efforts, including publishing underground newspapers, and meeting with mainstream journalists to get their story out. David Smith, reflecting on efforts to stop the Coral Sea, said "Maybe we didn't stop this one, but the movement is spreading. And a ship can't run without sailors" (quoted in Elinson, 1972). In an interview with a journalist in March of 1972, sailors serving on the Coral Sea reported from the Philippines, saying that over 30 men had been discharged or transferred from the ship for SOS activities (Elinson, 1972). One of the sailors described their ongoing efforts to fight the isolation of the military:

> They try to keep everything from us – they never let us know how many missions the ship flies, how many villages have been wiped out. So we started putting out a paper called 'We Are Everywhere' with statistics about how much ordnance we carry, how many people had been killed. We print it right on the ship and spread it all around. We've had three issues so far, they can't figure out who's doing it….We have meetings every night on board (quoted in Elinson, 1972)

Most importantly for the anti war organizing on board the aircraft carriers, after the Coral Sea set sail, the SOS movement spread to other ships, including the USS Hancock, which was scheduled to deploy to Vietnam in January 1972. Soldiers involved with SOS made connections on the USS Midway, Oriskany, Ranger, Constellation, J.C. Owens and Okinawa, and collectively they began efforts to stop the deployment of the Hancock (Press Release, 1971; Wells, 1994). By 1972, there was an active SOS movement throughout the Navy.

Outside of the military, the SOS movement and its intersection with Sanctuary in the City of Berkeley ended up contributing to a more surprising trajectory of political organizing. The epigraph opening this paper referencing acts of holy contagion is from a speech given by Sanctuary worker Reverend John Elliot in 1984 to people involved with the Sanctuary Movement for Central American refugees. Hundreds of Sanctuary workers from church congregations and synagogues across the United States were gathered together in Tucson, Arizona to discuss the future of the movement. Fourteen of their colleagues had just been indicted on felony charges for their work providing refuge to Central Americans, and the movement was gathered together for several days of reflection and discussion on the religious, political and practical aspects of Sanctuary.

In his discussion about the future directions of Sanctuary, Elliot evokes Berkeley's 1971 Sanctuary resolution for soldiers on the USS Coral Sea, and the way Sanctuary spread from church congregations to the city itself. Little did he know at the time that the infection would spread further, and the people gathered together in Tucson would take Berkeley's 1971 resolution back to cities across the United States and push their local governments to adopt Sanctuary policies for Central American refugees. While municipal Sanctuary was initially conceived of as a space where anti war soldiers could reclaim their citizenship, the idea of the City of Refuge was later mobilized to create a similar space for an entirely different group of subjects.

Conclusion

In recovering this seemingly insignificant moment in the genealogy of Sanctuary in the United States, I have attempted to call attention to the struggles over citizenship that surrounded Berkeley's encounter with the USS Coral Sea, particularly efforts to reconfigure the soldier's relationship to democratic practice and political community by bringing resistant soldiers from the isolation of the

aircraft carrier and their position as exceptional subject into the protection of the City. The campaign to establish Sanctuary called attention to the air war, and the critical role played by the thousands of Navy troops who were needed to support the bombing. It was also rooted in the everyday realities of soldiering on board the USS Coral Sea, and the recognition that military discipline and the norms of military justice placed dissenting soldiers in a state of "non choice," criminalized if they asserted their citizenship and acted with their conscience, or forced to contribute to the killing if they accepted their role as a subject outside of the realm of the political. In many ways, Sanctuary was an attempt to alleviate this contradiction.

The acts of refusal and refuge that constituted these struggles (the refusal of soldiers to participate in the air war, the refusal of the city to cooperate with the federal authorities, the establishment of alternative spaces for soldiers to assert their rights, and the national narratives of refuge invoked by supporters of Sanctuary) played a role in disrupting the everyday practices of military discipline that maintained soldiers' isolation and exceptional relationship to political membership. This raises important questions about the political potential behind everyday acts of refusal and refuge, revealing how the boundaries of citizenship are produced and re-constituted, not through an inevitable or singular relationship to sovereignty, as Agamben's work seems to suggest, but rather through the material practices and everyday spaces of political life. For scholars wishing to understand the production of the exception, then, close attention to the actual practices through which it is produced is necessary. This, in turn, can help reveal the unstable logics that are present and the openings that exist for acts of refusal and resistance.

Rather than seeing the convergence of the USS Coral Sea and city Sanctuary as an isolated incident, these events also hint at a sustained, long term movement, or trajectory, which has disrupted the logic of exception Agamben sees as so pervasive in sovereign power. The practices which established Sanctuary in Berkeley were rooted in the specific political contexts of anti war organizing in the Bay Area, and the shifts taking place in the administration of the war in Vietnam. And yet, many years later, this model of municipal Sanctuary was invoked to prevent the deportation of refugees fleeing a very different kind of military operation in Central America. By the mid 1980s, over 22 cities across the United States had declared themselves sanctuaries for Central American refugees, many invoking discourses and practices of refuge that emerged during the Vietnam War. While maintaining sensitivity to the way citizenship struggles manifest themselves in particular places and moments, this case demonstrates how political practices and the logics behind them have the potential to travel beyond the specific geographical and political contexts out of which they emerge, to unexpectedly play a role in other struggles. As acts of citizenship, then, the practices of refusal and refuge were contagious.

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