

UW CENTER FOR HUMAN RIGHTS

2016-2017 ANNUAL REPORT

ADDRESSING HUMAN RIGHTS AT HOME



LETTER FROM THE DIRECTOR

Dear friends,

This has been a challenging year for human rights. In the United States and around the world, the very concept of human rights has faced growing resistance as political movements have demanded rollbacks of rights protections for people of color, workers, the disabled, women, and LGBTQ populations. New expressions of old hatreds have emerged, apparently empowered, in the public square, and university campuses like our own have found themselves roiled by tension and uncertainty stemming from the resultant struggles.

On the one hand, it's important to resist the urge to get caught up in a never-ending cycle of crises, to insist instead on maintaining focus on what we know we do well. But early in the 2016-17 year, after hearing the raw urgency in my own students' voices, it became clear to me that if we were to be a Center for Human Rights worthy of the name, we had to find a way to engage, now, with what was happening around us. In January, we committed to the creation of a new research initiative on Human Rights at Home, and I spent many sleepless nights trying to figure out how to bring it into being without draining the Center's modest resources away from other efforts just as they were beginning to reap results.

Of course, building a new program is always a challenge; we're still climbing the learning curve. But what we've learned so far has affirmed my confidence in our model of education for transformation. It turns out, thanks to the energy and commitment of our students, and the leadership and resourcefulness of our faculty, we have a lot to build on. Many of the research tools and methods we had developed to wrestle information on atrocities in El Salvador from U.S. government archives are also applicable to current questions. Indeed, many grassroots organizations in our state told us they lacked key information about the operations of federal agencies in our midst—for example, on immigration enforcement—and needed that knowledge to help communities protect their rights. So we fired up our FOIA machine, and as I write these words, we're in the midst of training a new team of students to take this work further in 2017-18.

But we haven't abandoned our longstanding partnerships. As you'll read in this Annual Report, our work in support of Salvadoran human rights defenders has gained new momentum from a recent court decision (see page 14), and in coordination with the Defenders Association, our project on Rethinking Punishment has expanded its work into restorative justice trainings (see page 12). Our outstanding faculty continue to gain recognition; this past year, to name just two examples,



Prof. Michael McCann received the Marsha Landolt Distinguished Graduate Mentor Award, and Prof. Anita Ramasastry was named president of the Uniform Law Commission. Others, like Gunnar Almgren, published new books on important human rights topics (see page 6).

And above all, our students continue to challenge and inspire us. Last year the UWCHR provided \$115,000 to support student human rights work, from undergraduate internships to graduate research assistantships, and research grants awarded to Ph.D. candidates probing new intellectual frontiers in human rights. In May, we also honored Attorney General Bob Ferguson with our Center's first Justice Award, in recognition of his accomplishments defending the rights of all Washingtonians.

So as troubling as these times have been, they've also strengthened our resolve: not only to keep doing the work, but to dig deeper and do it more. After all, we are in some ways uniquely positioned to contribute. At the UWCHR, our model harnesses the intellectual talents and innovative energies of our faculty and students, placing them at the service of real-world social change. We provide our students with unparalleled learning opportunities, and offer our partners insights from top-notch research. This work is urgent, and important, and only possible thanks to your support. If you'd like to deepen your own commitment by supporting our new initiative on Human Rights at Home, we welcome contributions large and small at jsis.washington.edu/humanrights/donate/.

Thank you,

A handwritten signature in black ink, appearing to read 'Angelina'.

Angelina Snodgrass Godoy
Helen H. Jackson Chair in Human Rights; Director, Center for Human Rights; Professor of International Studies and Law, Societies, and Justice

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Cover image: Attorney General Bob Ferguson giving the keynote address at UWCHR's annual spring event in May 2017.

BOB FERGUSON, WASHINGTON'S TOP LAWYER, TALKS TRAVEL BANS AND TRUMP

Story by Quinn Russell, originally published on May 6, 2017 for Columns Magazine at magazine.uw.edu.

Bob Ferguson landed on the front page of newspapers across America thanks to Donald Trump. But Donald Trump wasn't thanking Bob Ferguson.

Washington's attorney general sued the president over the first version of his controversial travel ban, which targeted immigrants and green-card holders from seven majority-Muslim countries. The ban, which opponents often call a Muslim ban, was frozen as a result of the lawsuit.

On Friday evening, Ferguson, '89, came back to campus for an event called "Challenging Injustice Through the Courts," hosted by the UW Center for Human Rights (UWCHR). The attorney general received the center's inaugural Justice Award.

UW President Ana Mari Cauce introduced Ferguson at the event. "When we talk about David and Goliath, when we talk about truth to power, we talk about Bob Ferguson," Cauce said. "And he won."

Ferguson treated Friday's audience to a handful of behind-the-scenes stories.

"A lot of people said, 'Hey, Bob, that must have been a really hard decision to sue the president,'" Ferguson told the crowd. "I recognize that this sounds a little



Washington State Attorney General Bob Ferguson at UW Center for Human Rights' spring event.
Photo: Quinn Russell Brown / Columns Magazine

bit counterintuitive to say, but it really wasn't."

Ferguson, a 52-year-old Democrat, was a political science major and ASUW president. He served on the King County Council and is an internationally rated chess master, twice winning the Washington State Chess Championship.

He wasn't the only UW grad involved in the travel ban case. Solicitor General Noah Purcell, '02, argued the state's position in court. "He's the most brilliant lawyer I've ever worked with," Ferguson said.

The first travel ban took effect on Friday, Jan. 27, leaving a number of non-U.S. citizens stranded at airports around the country (13 people were detained at Sea-Tac International Airport). Ferguson

and Purcell met on Saturday afternoon and decided to pursue the case in court. They filed the suit on Monday.

A court date with a judge was quickly scheduled for the following Friday—just a week after the ban began. On Tuesday, Ferguson asked the lawyers on his team who they thought should argue before the judge. "That's Thursday's problem," Purcell casually responded. And that meant Purcell was the one to do it.

Ferguson, meanwhile, became that week's foil for the president—the audacious attorney general taking on Trump. A representative for Anderson Cooper even called his mother looking to get ahold of him. "I'm not sure if they thought I



UW President Ana Mari Cauce and Washington State Attorney General Bob Ferguson pose with UWCHR Director Angelina Godoy and student award recipients.
Photo: Quinn Russell Brown / Columns Magazine

still lived with my mom," Ferguson told the crowd, laughing, "but they were very resourceful."

The Trump administration later put forth a revised ban, Executive Order 13780, that was frozen after the state of Hawaii sued (Washington also challenged that order in a separate case).

Ferguson's work earned him a spot in this year's Time Magazine 100, an international list of political influencers and pop-culture pioneers. The profile was written by actor and activist George Takei, who says that watching Ferguson at work took him back to his days as a political prisoner.

"I was reminded of when I was 5 years old and imprisoned behind American barbed-wire fences in

a Japanese-American internment camp in Arkansas," Takei writes in the profile. "Every morning at the school, in a black, tar-paper barrack, we began the day by pledging allegiance to the flag: 'With liberty and justice for all.' Bob Ferguson clearly believes everyone deserves those guarantees, no matter their background."

Housed in the Jackson School, the UWCHR was established by the state Legislature in 2009. President Cauce advocated for the center back when she was dean of the College of Arts and Sciences: She met with Professor Angelina Godoy, the Center's director, and writer Peter Jackson, son of the late Sen. Henry M. Jackson, as they worked to build momentum for

the bill.

"There's no way I could have imagined how important the Center would be today," Cauce said. In 2015, the Center sued the CIA for withholding documents in a human rights case. On Friday night, Godoy honored five students who are doing human rights research across the globe.

Ferguson told the crowd that his office's lawsuit, *Washington v. Trump*, is already being taught by law professors.

"It shows that the president's powers are not unchecked, that we have limits, that we are a nation of laws," he said. "That's why I went to law school: to make a difference in the lives of people." ■

“I’M BETTING MY LIFE ON IT”: PROF. GUNNAR ALMGREN ON HEALTH CARE REFORM

Phil Neff, UWCHR Project Coordinator

During early 2017, U.S. political headlines were dominated by political maneuvering and grassroots organizing prompted by Congressional attempts to repeal the Affordable Care Act. Now health care reform is in the news again with the announcement of Senator Bernie Sanders’ “Medicare For All” bill. Gunnar Almgren is a Professor at the UW School of Social Work and a faculty associate of the Center for Human Rights. His timely book *Health Care as a Right of Citizenship: The Continuing Evolution of Reform* was published in 2017 by Columbia University Press. We spoke with Professor Almgren about the historical and philosophical impetus—and barriers—for fundamental health care reform.



Prof. Gunnar Almgren

HOW DID YOU COME TO WRITE A BOOK ON THIS TOPIC?

I’ve taught health care policy for 25 years, after a background in social work practice and health care in safety net hospital systems. I’m interested in this idea of not only universal access to health care, but what are the moral foundations of a social right to health care, and how do we reform our health care system to meet those requirements. My research work has focused primarily on health care disparities and the role of class and race in not only different health outcomes but also

disparities in health care. So all of that mix went into taking this moment in history and saying, what is the significance of the Affordable Care Act, where do we seem to be going, and from the standpoint of political democracy where do we need to go?

YOU ARGUE THAT DESPITE THE RESULTS OF THE 2016 ELECTION, THE AFFORDABLE CARE ACT IS HERE TO STAY. SO FAR YOU HAVE BEEN PROVEN RIGHT. WHY HAS THE ACA ENDURED?

I had actually finished the book prior to November 2016, and after the election my editor phoned in desperation and said, “What are we going to do? We have this book coming out saying that the ACA is here to stay!” So I said that while I wouldn’t revise the book, I would revise the preface. What the preface says is that there are two alternative historical narratives of the ACA. One is that it’s like Johnson’s War on Poverty; that it is a bridge too far in a progressive social agenda and it will be deemed a policy failure.

The other narrative is that it is a historical step, and that—control of Congress aside, political rhetoric about repeal and replace aside—it

expanded access to health care, and articulated a social right to health care, in ways that would make it very difficult for Congress to retreat from. The argument has been made that the resistance against the repeal of the ACA was due to the fact that once you enfranchise people, once you provide them a benefit, it is difficult to take it away. There is some validity to that argument but I find it simplistic, and frankly a little arrogant.

There are some other realities here. The context of the passage of the ACA was that the financing system of health care was in a state of collapse. The employment-based insurance approach had been deteriorating for decades, covering fewer and fewer of the nation’s workers and their dependents. As of 2010 even middle-class families could not be assured of adequate health insurance. We had 49.6 million uninsured nationwide at that point.

Also, the ACA gave a face to the uninsured. The uninsured were largely, for many Americans who had insurance, a kind of unseen. All of a sudden, people had access to health insurance and care, and the changes that made in their

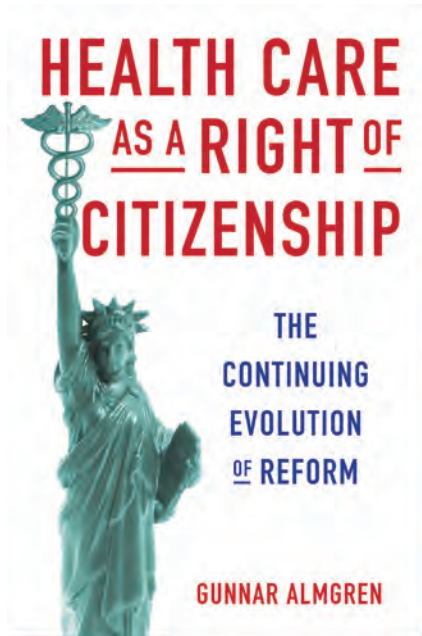
prospects and in their lives was visible. So it's not just a matter of taking something away, it is the visible face of the uninsured, and the creation for them of an alternative future that the ACA brought about, which has made it, not immune to repeal, but a very heavy lift.

YOUR BOOK EMBRACES THE IDEA OF HEALTH CARE AS BOTH A HUMAN RIGHT AND A RIGHT OF CITIZENSHIP, AND YOU ARGUE THAT A SOCIAL RIGHT TO HEALTH CARE IS ACTUALLY ESSENTIAL TO DEMOCRATIC SOCIETY...

Every fall when I teach a health policy course I begin by asking, "Is there a right to health care?" And almost all of my students say that there is. And I say, "Why?" It's interesting to see them struggle with that, and you get these different arguments that come up. What I don't hear is the connection between the requisites of political democracy and the substantive rights that are essential to that. In my view, the two titans of social rights in political democracy are John Rawls and T. H. Marshall. I saw a synthesis between Rawls and Marshall, that there are two complementary theories about the argument of certain social rights being essential to political democracy. One from the argument of moral philosophy, John Rawls; and the other was more of a historical sociology argument: how have social rights evolved and why did they evolve? That's the T. H. Marshall piece, that certain social rights became necessary to the long-term viability of political democracy.

So what I endeavored to do in the book was to ask, what are

the arguments for a relationship between the viability of political democracy and specifically a right to health care? And if there is such a right, what are its essential substantive requirements? And to me the way you get to that is not simply listing, well, everybody should be able to have a primary care doc, and everybody should



be able to have hospital care, and maybe long-term care, arbitrarily listing all the things that someone might need over the course of their life. You have to define the principles that link rights to substantive requirements first, and then based on those principles create the financing and delivery structures capable of fulfilling them.

THERE'S A MOMENT IN THE BOOK WHERE YOU ALLUDE TO FUTURE ERAS OF REFORM, AND THE POSSIBILITY THAT NOT ENOUGH PEOPLE'S HEALTH CARE IS THREATENED AT THIS MOMENT TO ENABLE THE NEXT LEAP FORWARD. DO THINGS REALLY HAVE TO GET WORSE

BEFORE THEY GET BETTER? AND MORE OPTIMISTICALLY, WHAT POTENTIAL DO YOU SEE FOR THAT FUTURE EVOLUTION?

In very simplistic terms, there are two impetuses to the politics of fundamental reform. One is a vision that gets enough proponents, that gets enough political momentum to where at least in incremental terms we create policies in pursuit of that vision. That mostly doesn't happen. What the lessons from history tell us is that it requires a fundamental collapse of yesterday's solutions to bring about fundamental change. It would almost be ahistorical to say that I see a path to us getting to a consensus on fundamental health system reform in absence of a national health care crisis.

That said, there is some evidence of a growing national consensus toward a more rational system of health care financing. We see evolvment in the medical profession's position. If we look at the American Medical Association (AMA) and its historical power, there was a dominant consensus for decades to cut the government out of health care. Research has shown that the dominant position now in the medical profession appears to be support for a single payer, which was anathema to the old AMA. So that's a crucial sea change. Another important sea change in the politics of health care concerns the younger generations, the post-Boomers. While more recent generations of young adults may not want to be forced into buying health insurance but they do want to have insurance, and they want it to be simple.

[BETTING MY LIFE ON IT, 9]

STUDENT RESEARCH PROVIDES ACCESS TO INFORMATION THROUGH NEW PARTNERSHIP WITH UW LIBRARIES

Emily Willard, UWCHR Research Fellow

On the fifth anniversary of the founding of the UW Center for Human Rights' Freedom of Information project in June 2017, the University of Washington Libraries have published a collection of declassified United States government documents which the Center obtained through Freedom of Information Act (FOIA) requests. UWCHR Research Fellow Emily Willard shares the history of this ongoing project.

In the summer of 2012, while working as a research associate at the National Security Archive, a non-governmental research institute in Washington, DC, I hosted two interns, Mina Manuchehri and Janey Greenstein, from the University of Washington Center for Human Rights (UWCHR) to train them on how to file Freedom of Information Act (FOIA) requests. I was working on the Evidence Project at the National Security Archive, conducting human rights research on Guatemala, Mexico, and El Salvador, and was eager for the opportunity to support the UWCHR's work on conducting research of U.S. declassified documents for the Center's Unfinished Sentences project. Janey and Mina returned to the University of Washington after their internship and started filing and organizing the Center's own FOIA requests. Over several years, they built the project from the ground up, filing dozens of requests and appeals in response to research needs of our partners



Emily Willard leads a FOIA training for UWCHR undergraduate interns and graduate student researchers.

in El Salvador.

"Why does the U.S. Government have documents relevant to human rights abuses in El Salvador?" you might ask. Well, due to the long history of United States involvement in Latin American affairs, through coups, funding of militaries, and U.S. corporate, political, and financial interests, declassified U.S. government documents provide key evidence of human rights violations by governments and militaries in this region. The U.S. government has worked, and continues to work, closely with the Salvadoran government to protect U.S. national interests, providing for a massive documentary record. For decades, the National Security Archive and other researchers have used the Freedom of Information Act to bring to light key information about U.S. foreign policy issues and human rights information.

Now, five years later, I am a Research Fellow at the UWCHR and a Ph.D. candidate at University

of Washington's Jackson School of International Studies. In the past five years, our FOIA team has grown to include a team of interns; we have filed over 500 FOIA requests, and in 2015, the UWCHR sued the Central Intelligence Agency under the FOIA for improperly withholding documents.

In June we hit another milestone with the publication of our declassified documents database. The collection currently contains 284 declassified full-text searchable documents, and is available to the public through the University of Washington Libraries. As the government releases additional documents in response to our FOIA requests, we will add them to our collection, enabling permanent, public access to these, and future records released to the UWCHR through the El Salvador FOIA project.

Another main component of the FOIA project is our internship program. Student researchers founded this project, and continue

to be the driving force behind our work. Through the FOIA internship program, undergraduate students learn how to conduct in-depth human rights research, document analysis, and how to research, file, request, and appeal FOIA requests. The internship experience provides students with unique research skills to advance their academic and professional careers, as well as fostering the growth of a new generation of FOIA requesters.

We are currently supporting renewed justice efforts in El Salvador, conducting research, writing reports, filing FOIA requests, and collecting

declassified U.S. documents as evidence for human rights criminal trials in El Salvador which have re-emerged after the lifting of the amnesty law last year. We are also focusing our freedom of information skills on local and federal agencies in Washington State as part of our Human Rights at Home project.

I am grateful to have the opportunity to work at the Center as part of the team supporting the historic and urgent work of our partners in El Salvador, and for the opportunity to provide public access to these documents.

Access the FOIA collection at:
<https://goo.gl/3D4njg>



Emily is a Ph.D. student at the Jackson School of International Studies, focusing her research on women's involvement in armed groups in Central America. She is a research assistant for the Unfinished Sentences project at the UW Center for Human Rights. Previously she worked as a research associate at the National Security Archive in Washington, D.C. specializing in analyzing declassified documents and using the Freedom of Information Act (FOIA). In her spare time, Emily cooks, paints, creates with clay, and writes. ■

[**BETTING MY LIFE ON IT**, from 7]

So the notion of some version of social insurance or health care that would be inclusive, a so-called "Medicare for all", has a much friendlier reception than in my generation, the Boomers. But I don't think that these things are sufficient to bring us to a fundamental reform of our health care financing system.

I do honestly feel that it's going to take a mega-crisis to move us in that direction.

When the ACA was signed into law in 2010, it was predicted that the Medicare Hospital Insurance Trust Fund would go into insolvency by 2017, that there was a combination of the Boomers retiring and becoming Medicare eligible and health care inflation that was pushing Medicare to collapse. So when the ACA was passed into law, it had a number of provisions in it that stretched out the solvency of Medicare for another decade, to about 2030 and that was under the rather heroic assumption that all these

provisions would be implemented and work as intended. All we've done with the ACA is we've bought time. It's not only the collapse of the Medicare Trust Fund, it is also the unending health care inflation that affects the continued viability of employment-based insurance and Medicaid for the low income and poor. National health care expenditures are now knocking on the door of 20% of the GDP. Ultimately, it is these things that are going to push us to more fundamental financing and delivery system changes.

Certainly one solution to the solvency of Medicare as a whole and the Medicare Hospital Insurance Trust Fund in particular, is in fact a "Medicare for all" solution that massively infuses the social insurance for health care with both the payroll taxes of younger adults and also their relative health. [laughs] Aside from its potential for stabilizing the long term solvency of Medicare, offsetting the higher health care expenditures of the old with the

lower health care expenditures and tax revenues of the young is also consistent with Rawls' recognition of the relationship between intergenerational interdependence and his principle of reciprocity. The young after all will have their turn at being old. In sum, this is both fiscally sound and just.

So it is sort of pessimism and optimism. The pessimism is that the ACA is not a long-term solution, we're headed to a cliff. We've only prolonged the viability of our health care financing structure, and a lot of people could get hurt on the road to collapse. But the optimistic part is that we have a history as a country of finally making fundamental reforms where and when there is an imperative need to do so. And in one way I'm sort of betting my life on it, because I'm 65! I'm relying on the solvency of the Medicare Trust Fund when I retire, that's going to be my insurance. Maybe that's a reason for my optimism too. ■

HUMAN RIGHTS AT HOME: EXAMINING LAW-ENFORCEMENT COLLABORATION WITH CBP AND ICE

Angelina Snodgrass Godoy, UWCHR Director

In today's climate of heightened attention to immigration, it can be surprisingly difficult—yet increasingly important—to gather reliable information about the way our communities are affected by shifting federal policies. Working in collaboration with local organizations committed to immigrant rights, UWCHR has opened a new research area aimed at garnering real data about how immigration enforcement is affecting lives in Washington state today.

This is not an easy question to answer. Although anecdotes of raids and detentions have made the news, the institutional operations of Customs and Border Patrol (CBP) and Immigration and Customs Enforcement (ICE) are often misunderstood. In part, this is because they are subject to less oversight than other law enforcement agencies. CBP, for example, releases almost no information about its activities, even as it claims broad authority to patrol communities within a 100 mile radius of any border or port of entry, a zone that includes most of Washington state. Earlier this year, however, the agency told UWCHR researchers it has no records of stops, apprehensions, or encounters made by its agents in Washington state in 2017. While immigrant communities

report conduct by CBP and ICE which would likely be considered unconstitutional if carried out by any other law enforcement agency, documenting such practices on an institutional level is difficult without transparency.

Ironically perhaps, we've found that the methodologies we developed to tackle state secrecy in cases of crimes against humanity committed in 1980's El Salvador are transferable to domestic immigration enforcement in our state. Using local and federal government archives, detailed spreadsheets to track cases, and our student researchers' resourcefulness and creativity, the UWCHR has begun an effort to uncover the truth of what these government agencies do in our name.

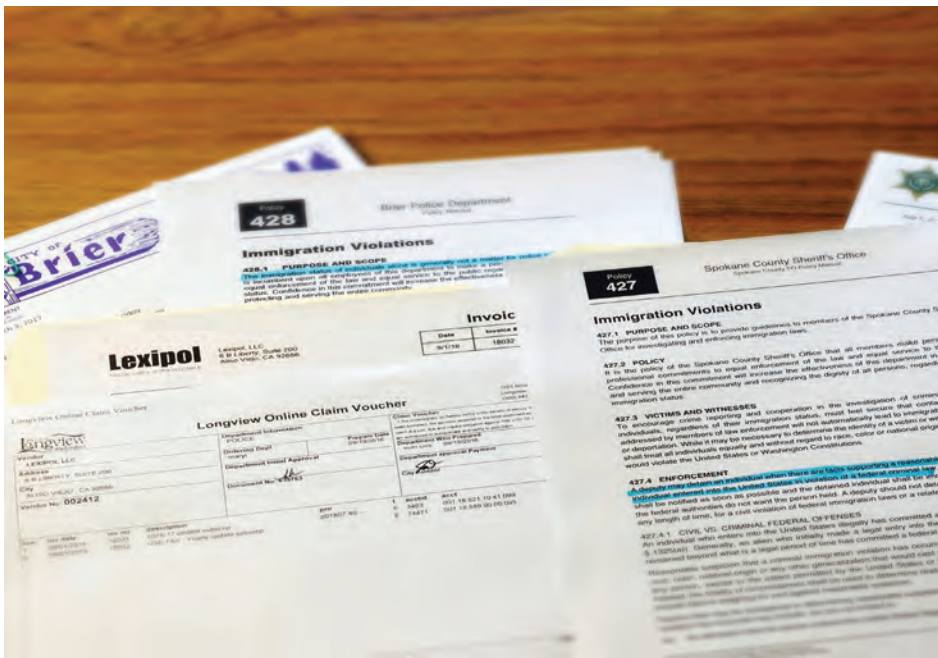
While CBP itself may resist recordkeeping, we know that local law enforcement plays a role in remanding immigrants to federal immigration authorities. Debates about sanctuary status have raged in many jurisdictions across our state, despite differing notions about what the concept means or what real protections it confers. In early 2017, UWCHR submitted public records requests to 164 law enforcement agencies in the state – all of them within the 100-mile zone within which CBP/ICE claims jurisdiction – seeking copies

of policy manuals instructing agents on immigration matters. Our findings were concerning on multiple levels.

STUDENTS DISCOVER A FOR-PROFIT COMPANY BEHIND POLICY MANUALS

What did we learn? First, the manuals reflect a patchwork quilt of policies, with language varying from jurisdiction to jurisdiction. But the overwhelming majority come from Lexipol, a for-profit company that claims to offer up-to-date policy guidance for law enforcement agencies. Individual agencies do introduce some modifications, and three jurisdictions have original policies of their own design, but for the most part the language is lifted verbatim from Lexipol—even down to the font and typesetting on the page. And much of it ignores recent court decisions upholding human rights in our state.

For example, most jurisdictions in Washington have policy language suggesting that individuals can be detained on "reasonable suspicion" that they entered into the U.S. in violation of criminal law. This matters, because unauthorized presence in the United States is a civil, not criminal, violation; local law enforcement is not tasked with enforcing federal immigration law, and numerous law enforcement leaders have expressed concerns



Documents obtained from public records requests

that pressures to do so erode their ability to ensure public safety. Yet in introducing the broad category of “reasonable suspicion” that a person’s entry to the country was in violation of criminal law, while failing to define those laws, Lexipol opens a “can of worms.” This suspicion is explicitly deemed “reasonable” when it is based on factors that include English language proficiency and “other factors based on [officers’] training and experience,” suggesting broad leeway for abuse. In other words, an officer could decide that because a person doesn’t speak English and maybe acts or dresses a certain way, s/he may have committed improper entry at some point in the past; this “reasonable suspicion” then makes the detention of that person lawful.

Then, per the policy manuals, “If the officer has facts that establish probable cause to believe that a person already lawfully detained has committed a criminal

immigration offense, he/she may continue the detention and may request ICE or CBP to respond to the location to take custody of the detained person.” This would effectively convert a regular law enforcement interaction into an encounter with CBP/ICE, potentially in violation of the Washington state Constitution. In 2013, a Superior Court in *Ramirez-Rangel v. Kitsap County* found that prolonging an individual’s detention to inquire about his or her immigration status is unconstitutional.

In recent years numerous courts have pushed back on the practice of issuing “detainers,” or requests that law enforcement hold people up to 48 hours after their release date to allow ICE to decide whether to initiate removal proceedings. Absent any judicial review, courts have concluded this violates the Fourth Amendment to the U.S. Constitution. Fortunately, some current policy manuals reflect this area of growing

concern. Yet confusion remains. ICE has increasingly issued its own administrative warrants to accompany detainers, confusing matters since ICE warrants are not signed by any judge and hence not sufficient to meet Fourth Amendment concerns. Yet only one jurisdiction in Washington – Pierce County – includes specific language explaining which warrants qualify. Still other jurisdictions fail to mention detainers at all, offering their officers no instruction in this area.

Of course, policy manuals offer only one picture of law enforcement activity in our state; these findings stem only from UWCHR’s initial foray into this work. To truly understand the way in which collaboration takes place between law enforcement and federal immigration authorities would require more direct contact with police, sheriffs, and immigration officials as they go about their jobs, as well as with communities most vulnerable to abuses in encounters with law enforcement. Policy manuals reflect only the formal instructions given them by their department, and may have limited effect on their day-to-day decision-making. At the same time, formal guidance matters. Official policies shape the training of officers and signal to the community where law enforcement priorities lie. Particularly at a time of heightened concern about the civil rights of immigrants and people of color in our state, it would behoove local law enforcement agencies to review the instruction they provide their officers to ensure it upholds the values and practices of our constitutional democracy. ■

RETHINKING PUNISHMENT: HOLDING SPACE FOR RESTORATIVE JUSTICE

Prof. Katherine Beckett, Co-Director of the Rethinking Punishment project



IPP facilitators and community members participate in a restorative justice circle training in Seattle. Photo courtesy of Insight Prison Project

During 2016-2017, UW faculty, students, and alumni worked with community members and Insight Prison Project to begin facilitating restorative justice circles at the Washington State Reformatory in Monroe, WA.

Many people have become aware of the challenges posed by mass incarceration. Many now know, for example, that the U.S. has the world's largest prison population, and that the incarceration rate for black men is roughly six times that for white men. It is also clear that prison does not provide the safety and security it promises, even in the cases of violence. Instead, long prison sentences exacerbate the very conditions that lead to crime, including inequality, barriers to opportunity, and trauma. While the near

exclusive reliance on incarceration to address violence in the United States has had devastating impacts on prisoners, their families, and their communities, it has also failed crime survivors. The same marginalized groups that are overrepresented in our justice system are also the most likely to experience violence and the least likely to access victim services.

UW faculty and students have studied community-based alternatives to mass incarceration such as restorative justice—and, with support from the UW Center for Human Rights (UWCHR), have been working to implement them in Washington State. Last year, Martina Kartman, an LSJ and UW School of Law alum, received support from UWCHR for a research fellowship with the Rethinking Punishment project.

In June 2016, Kartman and UW Professor Katherine Beckett published the results of this research in a report, *Violence, Mass Incarceration and Restorative Justice: Promising Possibilities*. The report concludes that anti-violence strategies rooted in restorative justice principles are a constructive but under-utilized response to interpersonal harm, one that can avoid over-reliance on prisons and jails while taking accountability seriously and addressing the needs of harmed parties.

The report focused in particular on the Insight Prison Project (IPP), which works with men, women and youth in prisons and jails in California and two other states. IPP brings incarcerated individuals and crime survivors together to share their stories, learn from one another, and work toward accountability. The work involves a rigorous and challenging circle facilitation process inside prisons and is aimed at fostering healing and accountability. Notably, this work involves the training and leadership development of currently and formerly incarcerated facilitators and survivors to run the circles themselves.

Kartman and Beckett have partnered with community-based advocates to offer restorative justice circles based on Insight Prison Project's curriculum at the Washington State Reformatory at

the Monroe Correctional Complex this fall. This work, designed and created by IPP and supervised by IPP Programs Director & Clinical Supervisor, Karena H. Montag, MFT, will be delivered in Seattle by Kartman and Beckett to provide opportunities for people in Washington State prisons and in the community to address accountability, resolve conflict, and heal from trauma.

To make this possible, Beckett and Kartman arranged for Karena Montag and Malachi Scott of IPP to provide a five-day training for people interested in serving as circle keepers. The training took place in February of 2017, and included 15 people who have been impacted by the criminal legal system and/or who work with survivors as advocates and organizers. As part of the training, participants met with a group of men at the Washington State Reformatory for an in-depth discussion of the IPP philosophy and curriculum. Both the training and the time spent together was deeply transformative. As one trainee put it:

The facilitators... exemplified what it means to hold the space for those we are supporting in circle. We were able to experience circle with individuals who do this work every day and it was more powerful to me than the literature I have read. The stories shared by not only the facilitators, but the victim panel and

other participants of the training reinforced how important this work is. I am excited for my continued learning of restorative justice and how to be a good facilitator for those we are serving. I look forward to being a part of this very important work.

“THE STORIES SHARED BY NOT ONLY THE FACILITATORS, BUT THE VICTIM PANEL AND OTHER PARTICIPANTS OF THE TRAINING REINFORCED HOW IMPORTANT THIS WORK IS. I AM EXCITED FOR MY CONTINUED LEARNING OF RESTORATIVE JUSTICE AND HOW TO BE A GOOD FACILITATOR FOR THOSE WE ARE SERVING.”

Another participant had this to say: *Most trainings that I attend pack in so much that it's hard to really soak in the bulk of the content. This has*

been by far the most intentional training that I've ever been to. The slowness allowed for building community and relationships with fellow facilitators through challenges and growth, and ample space and time to think about personal facilitation styles. I feel deeply transformed from the experience.

In September of 2017, several people who went through the IPP circle-process training will begin facilitating restorative justice circles at the Washington State Reformatory in Monroe, where interest in the circle process opportunity has run high.

In the future, Beckett and Kartman seek to design and implement a restorative justice diversion process for young adults aged 16-25 who are arrested for violent felonies and those they harmed. Local leaders have expressed interest in the idea, and discussions are underway. The timing of this project is ideal, as marginalized crime survivors are leading the call for community-based and restorative responses to harm that address the root causes of crime and violence as an alternative to long prison sentences. Kartman and Beckett have heard this call, and are eager to continue supporting impacted communities to address the harms associated with interpersonal and state violence. ■



Monument to the victims of the massacre of El Mozote. Photo: Ernesto Zelaya, Wikimedia Commons

EL MOZOTE: A RENEWED PUSH FOR JUSTICE

Angelina Snodgrass Godoy, UWCHR Director

When 93-year-old Don Tacho Pereira took the stand this June in the rural town of San Francisco Gotera, El Salvador, he made history. Don Tacho lost seven family members in the December 1981 massacre of El Mozote; he only survived because he was away from home during the three-day killing spree that many still consider the worst massacre in the modern history of the Americas. But almost thirty-six years after the crime took place, for the first time, a Salvadoran court took Don Tacho's testimony, and that of other victims in the El Mozote case.

Salvadoran victims of atrocities have struggled for decades to

pursue justice for the crimes committed during their country's twelve-year war. Many hoped the peace process would culminate in accountability, but this possibility was robbed from them by an amnesty law, passed just days after the United Nations Truth Commission published its findings that the U.S.-backed government was responsible for the vast majority of wartime abuses. In 2016, the Constitutional chamber of the country's highest court overturned that law. The decision offers a rare second chance at learning the truth of what transpired, recovering the remains of lost loved ones, and securing

some measure of justice. It set the stage for Don Tacho's historic testimony this June.

At the same time, however, the path ahead won't be easy. In striking down the amnesty, the court did nothing to alter the character or composition of the country's justice system. The cases human rights advocates have brought forward are now being heard by the same justices who, in many cases, have spent decades turning a deaf ear on victims' cries for justice. The Salvadoran justice system is notoriously plagued with corruption, inefficiency, and scarcity of resources. The victims are drawn disproportionately from the poorest



Don Tacho (second from left) on his way to testify about the El Mozote massacre
Photo: <http://www.transparenciaactiva.gob.sv>.

and most marginalized sectors of society; the defendants—18 members of the former high command—remain among the country's most powerful men.

What this meant in San Francisco Gotera this June, is that as octogenarian peasants came forward to share their most painful memories, they were summarily derided by a team of well-dressed attorneys who arrived – in vehicles with government license plates – to deny the truth of what transpired 35 years ago. At a public event in San Salvador, one of the defense attorneys even trotted out the tired canard that the massacre never happened.

Yet even in the face of such treatment, the victims have shown themselves to be resolute. “It was terrible to see so many crimes, to have to flee through the hills to survive, that’s what we lived, and I’m not making this up,” one survivor

told the press. “That’s why we want this [trial] to continue, and for those who committed these crimes to ask forgiveness so that they can also be forgiven by God... [we want] for there to be a clarification and for it to be said who were responsible for ordering this massacre.”

In this context, the support of the international community is more important than ever. Since 2011 the UW Center for Human Rights’ “Unfinished Sentences” project has had the honor of working alongside Salvadoran human rights defenders seeking truth, justice, and reparations for crimes against humanity committed during the armed conflict. Recent events have led us to intensify our efforts.

To date, we have filed over 550 FOIA requests of U.S. federal agencies. One of these many cases gave rise to the lawsuit we filed against the U.S. Central Intelligence Agency in 2015, which continues to date.

Over the past year we continued our conversations with the CIA, which have resulted in the release of over 400 pages of previously-unseen information. These include several documents that shed light on important military operations in which atrocities occurred. One of these was admitted as evidence by the Salvadoran Supreme Court in early 2017; we anticipate the introduction of others in several pending cases. This summer, for example, our student research team constructed an exhaustive matrix of 205 pieces of evidence culled from U.S. government documents relevant to the massacre of El Mozote. Work on other cases is ongoing.

As an interdisciplinary research center, we are also mindful that the courtroom is only one place in which to seek justice. While essential, efforts at legal accountability must be supplemented by other initiatives to promote healing, reparations, and guarantees that such crimes will never be repeated. Over the past year, our Center worked to support Asociación Pro-Búsqueda’s program of psychosocial support for families affected by the forced disappearance of children. Promoting the psychosocial health of victims is vital to ensure that those breaking the silence about atrocities are supported by trained psychologists and their own community at a critical time – and to interrupt the cycle of transgenerational trauma. We hope to expand on these efforts in the years ahead, as we continue to deepen our work in solidarity with those who struggle for justice in El Salvador. More project updates: unfinishedsentences.org ■

CELEBRATING FARMWORKER VICTORIES, ORGANIZING FOR ONGOING STRUGGLES

FEATURING JESSICA RAMIREZ, AN ABE OSHEROFF AND GUNNEL CLARK FELLOWSHIP RECIPIENT



Jessica Ramirez marches for farmworkers' rights in Burlington, Washington.

On June 19, 2017, the first day of the summer strawberry harvest, farmworkers at Sakuma Brothers Farm in the Skagit Valley began picking berries in the early morning fog. As they did so, they were making history. After four years of struggle that grew from local walk-outs and strikes to a national boycott against the world's largest berry supplier, Familias Unidas por la Justicia (FUJ), the first indigenous-led farmworkers' union in the United States, had won.

Three days before the start of the harvest, members of FUJ voted overwhelmingly to approve a collective bargaining agreement with Sakuma Brothers Farm. The agreement guarantees benefits including an average \$15 dollar

per hour wage, just cause and non-discrimination protections, grievance procedures, and union representatives in the fields.

A few weeks later, FUJ members and their supporters gathered in Mount Vernon for a celebratory barbecue. One of the attendees was Jessica Ramirez, a University of Washington alumna who served as FUJ's volunteer national boycott coordinator starting in 2015. Ramirez helped organize actions which put pressure on berry buyers, including Driscoll's, Häagen-Dazs, and the UW itself, to stop buying berries sourced from Sakuma Brothers Farm.

Abe Osheroff would no doubt also celebrate FUJ's historic victory. A lifelong activist for workers' rights

and social justice, Abe died in 2008, leaving behind a rich legacy that includes the Abe Osheroff and Gunnel Clark Endowed Human Rights Fund for Students, a unique endowment at the UW Center for Human Rights. The fund honors and supports students who engage in hands-on human rights projects to promote social change through direct action.

Jessica Ramirez applied to the fund in 2015, while in her final year at the University of Washington. With support from the Osheroff-Clark Fund, Jessica was able to deepen her commitment to supporting the FUJ workers' struggle, and to cover some of the practical, day-to-day expenses of organizing, purchasing material for banners,

paint for picket signs, and gas for travel from Seattle to Skagit. Abe Osheroff, who worked as a labor organizer alongside coal miners in Pennsylvania and Ohio after graduating from college in 1915, would know how essential such supplies are for a successful campaign.

A recent tragedy highlights ongoing labor rights concerns on Washington state berry farms. On the morning of Sunday, August 6, Honesto Silva Ibarra died several days after collapsing in the fields at Sarbanand Farms in Sumas, where he was working on a temporary

H-2A visa. Fellow farmworkers say that he had complained of headaches for multiple days but was sent back to work in sweltering conditions. FUJ and Bellingham-based food and farmworker justice organization Community to Community Development raised funds and collected supplies to support dozens of workers who were fired after walking off the fields in protest.

Jessica Ramirez continues to work for justice as Program Coordinator for Front and Centered, a statewide coalition of organizations and groups rooted in communities

of color and people with lower incomes on the front-lines of economic and environmental change. She is also active in many social justice projects working towards collective liberation.

The UW Center for Human Rights is proud to support student leaders like Jessica Ramirez, and to honor the legacy of Abe Osheroff and his partner, Gunnel Clark, through the Osheroff-Clark Fund for Students.

PLEASE WATCH AND SHARE OUR VIDEO HIGHLIGHTING JESSICA RAMIREZ'S ORGANIZING:

[HTTPS://YOUTU.BE/1ESDOUGM4M4](https://youtu.be/1ESDOUGM4M4) ■

2017 STUDENT AWARD RECIPIENTS



Five UW students were awarded fellowships from the UW Center for Human Rights. From left to right: Sarah Dreier, Andre Stephens, Kelsey Armstrong-Hahn, and Angie Tamayo Montero. (Not pictured: Patrick Thomsen).

- **Sarah Dreier** received the Peter Mack and Jamie Mayerfeld Award.
- **Andre Stephens** received the Jennifer Caldwell Award.
- **Kelsey Armstrong-Hahn** received the Abe Osheroff and Gunnel Clark Award.
- **Angie Tamayo Montero** received the Benjamin Linder Award.
- **Patrick Thomsen** received the Lisa Sable Brown Award.

To learn about the students' activities, visit our website at <https://jsis.washington.edu/humanrights/funds/> ■

MANY THANKS!

The UW Center for Human Rights would like to thank the individuals and organizations that made contributions to our Center. Your monetary donations and your gifts of time help make our work possible. Thank you! Please refer to the facing page for a brief report of our revenues and expenditures. To make a contribution today, please see below for more information.

TRANSFORMING EDUCATION FOR HUMAN RIGHTS

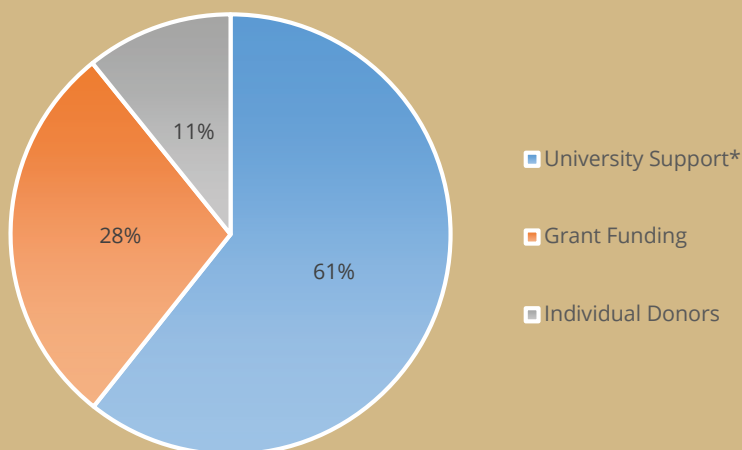
Your tax-deductible donation helps support events, programs, and projects like the ones in this report. Please consider making a gift in one of the following ways:

- **Check:** Make checks payable to “University of Washington Foundation” and indicate “Center for Human Rights” in the memo line. Mail to UW Center for Human Rights, Henry M. Jackson School of International Studies, Box 353650, Seattle, WA 98195.
- **Online:** Using your credit or debit card, you can make a gift at giving.uw.edu/chr.
- **Phone:** Call the UW Foundation at 1-877-894-4387 and indicate that your gift is intended to benefit UWCHR.

Thank you!

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UWCHR 2016-2017 REVENUE

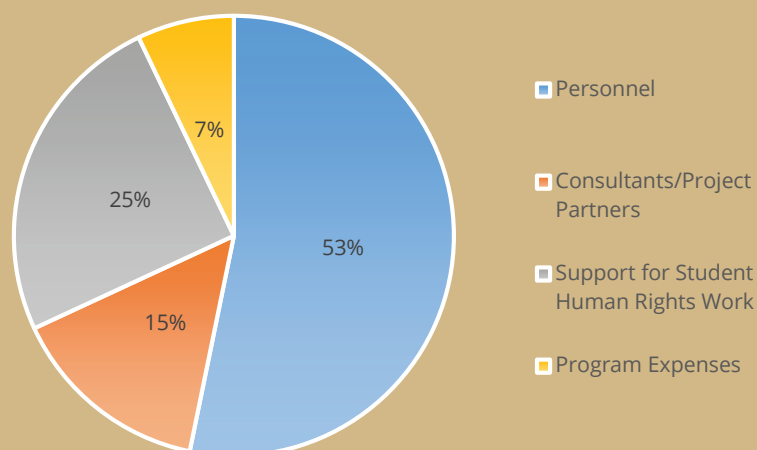


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The University of Washington Center for Human Rights is committed to interdisciplinary excellence in the education of undergraduate and graduate students in the field of human rights; promoting human rights as a core area of faculty and graduate research; and engaging productively with local, regional, national, and international organizations and policymakers to advance respect for human rights.

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Photos from UWCHR's annual spring event in May 2017



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