

# Seattle Journal for Social Justice

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Volume 22  
Issue 3 *LatCrit Symposium*

Article 6

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6-7-2024

## SJSJ Symposium Introduction

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### Recommended Citation

Elizabeth Ford, *SJSJ Symposium Introduction*, 22 Seattle J. Soc. Just. (2024).

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## HEMISPHERIC JUSTICE IS LOCAL: AN INTRODUCTION TO THE SEATTLE JOURNAL FOR SOCIAL JUSTICE'S SYMPOSIUM EDITION

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Elizabeth Ford\*



Lorena Avalos, born in México, has been in the United States for 25 years, and a farmworker for 15 years out of those 25 years. For most of her time in the fields, she worked in eastern Washington State picking apples, cherries, and blueberries under the unforgiving summer sun.<sup>1</sup> Like most of her

co-workers, she does not have immigration status or work authorization in the United States. Nonetheless, she is a passionate organizer, building power in her community to elevate the dignity of farm work. Alongside the United Farm Workers Union, she has fought for better pay, better benefits, and safety protection against the increasingly extreme temperatures in the fields.

Rosalinda Guillen was born in Texas and grew up in México, when she was 10 years old, she and her parents moved back to rural northern Washington State to work the fields. Rosalinda has been an organizer in her farmworker community for decades. Her first victory—at Chateau St. Michelle Winery in 1993—was a two-year campaign that




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<sup>1</sup> Ximena Bustillo & Andrea Hsu, *It's Hot. For Farmworkers Without Federal Heat Protections, It Could Be Life Or Death*, NPR, (July 10, 2023), <https://www.npr.org/transcripts/1185766013> [<https://perma.cc/Q2HR-PTUN>].

resulted in the first-ever collective bargaining agreement for farmworkers in Washington.<sup>2</sup> From there, Rosalinda organized strawberry pickers in the Salinas Valley and assumed leadership positions in the United Farmworkers Union before returning to Washington to found “Community to Community,” an organization devoted to “reclaim[ing] our humanity by redefining power in order to end settler colonialism, capitalism, and patriarchy in their external and internalized forms.”<sup>3</sup>



Jessica Carmona was born in the Coast Grande region of southern México and was raised on the east side of Stockton, California, where she worked in the fields alongside her parents. Now, Jess is an organizer with Legal Aid at Work, building power in communities of farmworkers in the Central Valley of California.<sup>4</sup> Jess works to provide legal and organizing information and training to farmworker communities in California and

beyond.

At the symposium, each of these leaders proudly identified themselves as a community organizer, charged with building power by mobilizing large numbers of farmworkers into an enduring organization devoted to countering the balance of power between farm workers and farm operators. Their organizing is as much about building agency among workers to “transform themselves from objects of oppression to subjects able to act in unison to challenge dominant elites” as it is about exerting pressure against

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<sup>2</sup> *Rosalinda Guillen, Rainbow Coalition; United Farm Workers (UFW); LUPE; Community to Community Development (C2C)* UNIV. OF WASH., SEATTLE CIV. RTS & LAB. HIST. PROJECT, <https://depts.washington.edu/civilr/guillen.htm> (last visited Apr. 22, 2024).

<sup>3</sup> *Leadership*, COMMUNITY TO COMMUNITY, <https://www.foodjustice.org/team> (last visited Apr. 2, 2024).

<sup>4</sup> About Jessica Carmona, LEGAL AID AT WORK, <https://legalaidatwork.org/staff-members/jessica-carmona/> (last visited Apr. 22, 2024).

farm operators.<sup>5</sup> In Washington, these activists have created a vibrant organization—Familias Unidas Para La Justicia<sup>6</sup>—which has been incredibly effective in securing victories in fruit packing sheds<sup>7</sup> and in the fields.<sup>8</sup> Perhaps even more important, this organization has served to create a collective identity for groups of farmworkers, and thereby changed

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<sup>5</sup> LEE STAPLES, *ROOTS TO POWER: A MANUAL FOR GRASSROOTS ORGANIZING 2* (PAEGER 2016) (“collective action by community members drawing on the strength of numbers, participatory processes, and indigenous leadership to decrease disparities and achieve stated goals for social change.”) (hereafter *ROOTS*); see also RIKU SEN, *STIR IT UP! LESSONS IN COMMUNITY ORGANIZING AND ADVOCACY 266* (CHARDON PRESS SERIES, Josey Bass 2003) (Community organizing has been defined “as the ability to act [and] mobilize large numbers of people in strategic activity designed to counter the imbalances in political power”) (hereafter *STIR IT UP!*); SAUL ALINSKY, *RULES FOR RADICALS* (1971); *ROOTS* at xix (“the act of organizing is an article of faith in community members’ collective power, lived expertise, wisdom, competence, and judgment to bring out progressive change”).

<sup>6</sup> FAMILIAS UNIDAS PARA LA JUSTICIA, <https://familiasunidasjusticia.com> (last visited Apr. 22, 2024).

<sup>7</sup> Mia Huang, *Is it Safe? Allen Brothers Workers Walk Off Job, Citing Safety Concerns*, YAKIMA HERALD-REPUBLIC (May 7, 2020), [https://www.yakimaherald.com/special\\_projects/coronavirus/allan-bros-workers-walk-off-the-job-citing-safety-concerns/article\\_53078612-ab4a-5b72-b37e-269744fb5ef1.html](https://www.yakimaherald.com/special_projects/coronavirus/allan-bros-workers-walk-off-the-job-citing-safety-concerns/article_53078612-ab4a-5b72-b37e-269744fb5ef1.html) [<https://perma.cc/H6FD-KTQD>]; Lex Talamo & Mia Huang, *Thursday Sees 7th Strike by Yakima Valley Farmworkers Protesting Conditions During COVID 19 Pandemic*, YAKIMA HERALD-REPUBLIC, (May 14, 2020), [https://www.yakimaherald.com/special\\_projects/coronavirus/thursday-sees-7th-strike-by-yakima-valley-farmworkers-protesting-conditions-during-covid-19-pandemic/article\\_6bcee867-37b0-5ae0-a065-ccfd594ef9a.html](https://www.yakimaherald.com/special_projects/coronavirus/thursday-sees-7th-strike-by-yakima-valley-farmworkers-protesting-conditions-during-covid-19-pandemic/article_6bcee867-37b0-5ae0-a065-ccfd594ef9a.html) [<https://perma.cc/8GQ9-7HV5>].

<sup>8</sup> Salvador Hernandez, *Exploitation, Retaliation, Alarming conditions: Inside the Crisis at West Coast Mushroom Farms*, L.A. TIMES, (Aug. 15, 2023), <https://www.latimes.com/california/story/2023-08-15/exploitation-retaliation-alarming-conditions-at-mushroom-farms> [<https://perma.cc/R5T3-ZGC3>]; Daisy Zavala Magaña, *It’s Nearly Impossible for WA Farmworkers to Unionize. Here’s Why That Matters*, SEATTLE TIMES, (Aug. 25, 2023), <https://www.seattletimes.com/seattle-news/its-nearly-impossible-for-wa-farmworkers-to-unionize-heres-why-that-matters/> [<https://perma.cc/X8SW-DUTP>].

community members' relationship with the world, enhancing their individual and collective agency.<sup>9</sup>

On March 1, 2024, the Seattle Journal for Social Justice brought these leaders together, along with Teresa Romero, President of the United Farm Workers Union, for SJSJ's yearly symposium, entitled "Shifting Power: Community Organizing and Movement Lawyering." The symposium was intended to act as a bridge to the LatCrit 2023 Biennial Conference, "Hemispheric Justice: Cultivating Solidarity Across the South-North Divide of the Americas"—from which the scholarly papers included in this edition come. Specifically, the SJSJ Symposium sought to elevate the local work of shifting power in the fields of Washington State and to explore how that work forms the foundation for the larger project of hemispheric justice. The symposium, like the articles in this edition, was organized to center the work of grassroots organizers, recognizing that shifting power in a lasting and meaningful way happens—not merely through mobilization, litigation, and legal scholarship—but through individual relationship-building, popular education, and collective action.<sup>10</sup>

In focusing on community organizing, the symposium took its lead from the theories of Movement Lawyering and Movement Law. Building on the foundations of rebellious lawyering,<sup>11</sup> community lawyering,<sup>12</sup> and law and organizing,<sup>13</sup> Movement Lawyering seeks legal strategies to be accountable

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<sup>9</sup> See STIR IT UP! at 24 (Arguing that "[t]he organizing process transforms people with problems into politically active constituencies that eventually build a new collective identity and reinforce or transform the culture of their communities").

<sup>10</sup> See JANE MCALEVEY, NO SHORTCUTS: ORGANIZING FOR POWER IN THE NEW GILDED AGE (OXFORD UNIV. PRESS 2016).

<sup>11</sup> GERALD LOPEZ, REBELLIOUS LAWYERING: ONE CHICANO'S VISION OF PROGRESSIVE LAW PRACTICE 39 (WESTVIEW PRESS 1992).

<sup>12</sup> See William P. Quigley, *Revolutionary Lawyering: Addressing the Root Causes of Poverty and Wealth*, 20 WASH. U. J.L. & POL'Y 101 (2006); Anthony V. Alfieri, *Fidelity to Community: A Defense of Community Lawyering*, 90 TEX. L. REV. 635 (2012).

<sup>13</sup> Scott L. Cummings & Ingrid V. Eagly, *A Critical Reflection on Law and Organizing*, 48 UCLA L. REV. 443, 470 (2001).

to and led by an existing social movement.<sup>14</sup> Movement lawyering seeks to use legal strategy to build capacity within an organization or movement, and it, therefore, emphasizes accountability to grassroots goals and strategies.<sup>15</sup> To achieve this, Movement Lawyering requires a long-term commitment to the movement and thus adopts strategies that go beyond a single case victory, seeking instead “cultural shifts that make durable legal change possible.”<sup>16</sup>

Movement Law takes the Movement Lawyering theory and places it in the context of legal scholarship, calling on law scholars to “create space within legal scholarship to think alongside movement organizers.”<sup>17</sup> Movement Law scholarship need not be connected to a single, existing social movement; instead “we focus more broadly on collectives of people struggling together to generate new ideas and ways of living together, whether they are current or historical, and whether they are full-fledged social organizations, fledgling formations of community members in struggle, local organizing groups, unions, or worker centers.”<sup>18</sup> Movement Law scholarship should not begin in the traditional, siloed doctrinal theories of past writings; instead “Movement law begins with a commitment to grassroots contestation, and aims to emerge with new understandings of

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<sup>14</sup> Scott L. Cummings, *Movement Lawyering*, 2017 U. ILL. L. REV. 1645, 1658 (2017).

<sup>15</sup> Scott L. Cummings, *Movement Lawyering*, 27 IND. J. GLOBAL LEGAL STUD. 87, 96 (2020) (“movement lawyering in particular, must be understood as the current response to a long-standing problem . . . how to connect authentic bottom-up participation by marginalized groups to an accountable and effective strategy for structural reform that also targets legal institutions as a critical site of social struggle”).

<sup>16</sup> Lani Guinier & Gerald Torres, *Changing the Wind: Notes Toward a Demosprudence of Law and Social Movements*, 123 YALE L. J. 2740, 2743 (2014).

<sup>17</sup> Amna A. Akbar, Sameer M. Ashar, and Jocelyn Simonson, *Movement Law*, 73 STAN. L. REV. 821, 826 (2021) (“Movement law approaches scholarly thinking and writing about law, justice, and social change as work done in solidarity with social movements, local organizing, and other forms of collective struggle”).

<sup>18</sup> *Id.* at 829.

legal and economic structures and how they can shift as part of, rather than separate from, political struggle.”<sup>19</sup>

The articles in this volume take up the Movement Law charge, providing theoretical foundations that serve to enhance the ethic of collective action and contestation embodied by the three organizers who began this introduction. This volume begins with *50 Years After the 1973 Coup in Chile: Analysis of the Processes of Transition to Democracy and Transitional Justice*, Hugo Rojas Corral’s illuminating study of Chile’s transition from an authoritarian to a democratic regime. It is easy to tell the story of Chile’s transition that ended with the 1988 plebiscite in which 56% of Chile’s voters rejected the dictatorship of Augusto Pinochet. Instead, 1988 is where Rojas Corral’s article begins, illuminating the space after the drama to find principles helpful for others involved in movements for change.

The lessons from the Chilean experience may be valuable for other societies that are in authoritarian regimes and that yearn or hope to move toward transitions to democracy.

Rojas Corral’s article does not take a distanced view of the political shift in Chile; he does not analyze the transition concerning narrow theories of political philosophy. Rather, he takes the perspective of the grinding and slow experience of transition, recognizing that it’s not easy to see what is happening when it is happening. Among the many insights offered to those engaged in similar transitions is the exhortation to embrace negotiation with a variety of actors—not just supporters—in the period before and following “victory.” For example, in Chile, the article emphasizes that the transition is long, even intergenerational, and therefore it is essential to resist the initial impulsiveness but rather “arm oneself with patience.” Finally, Rojas Corral emphasizes the need to reckon with the harm that has been done by creating forums for truth-telling, mechanisms for reparations, structures for

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<sup>19</sup> *Id.* at 842.

remembrance, and the imposition of consequences for those responsible. It is hard not to see the applicability of these principles beyond national democratic transitions to the struggle of social movements or community organizing campaigns.

The volume next moves to two articles focused on shifting organizational decision-making from performative commitments to a more enduring and genuine change. First, *Embedding Racial Justice in the Work of Environmental Non-Profits* offers a concrete process and tools for mending the “disconnect between environmental movements and racial justice advocacy.” Authors Patience Crowder and Tom Romero, two Community Engaged Researchers and Practitioners, and Critical Race Theorists, offer a description of their work with the Colorado Water Trust (CWT). Founded in 2001, the CWT brought a new lens to the water rights crisis raging in Colorado. The organization, “forged to be disrupt[ive],” successfully brought a scientific understanding to water preservation by developing targeted mechanisms to buy and lease water rights. While CWT was wildly successful in implementing these new approaches, by 2020 the organization needed to reexamine its role in perpetuating structural and institutional racism. Like so many organizations, CWT issued a statement articulating its commitments. But the authors grapple with the next question: how can CWT move beyond performance to institutional change? Leveraging the University of Denver’s faculty expertise and the work of its law students, the authors offer an example of an equity assessment tool designed to work in real-time with the organization’s decision-making process. The authors urge others to consider similar tools and to leverage the expertise and convening power of law schools to make those tools a reality.

Relatedly, in *Equity, Diversity and Inclusion: What’s in a Name?*, Dr. LeAnne Salazar Montoya, dissects current equity approaches in education systems ranging from kindergarten through universities and colleges. Using a “Grounded Theory” methodology, Dr. Salazar Montoya examines existing scholarship as well as legal doctrine related to affirmative action



and educational discrimination to support her contention that mere performance of equity is insufficient.

Next, the edition moves to an examination of gender equity movements. Kayla Strauss, the 2023 LatCrit Student Scholar, takes on the theoretical underpinnings of the eugenics movement—biopower—by contrasting it with the “Girl Power” movement popularized in the 1990s. *Girl Power in the Shadow of Biopower* first gives and then takes away. It describes the incandescent girl power energy amplified in the 1990s by the Spice Girls and Riot Grrls, celebrating their infectious and celebratory resistance to patriarchy. Then, the article raises the countervailing eugenics movement, undergirded by the philosophy of biopower. The article reminds us that the eugenics movement sought to use control of female reproduction—particularly forced sterilization—to “cure America’s social ills.” She reminds us that this movement has a foundation in the United States’ shameful history of racial subordination and continues in that context today. In addition to the use of philosophy to support this movement, the judicial system has also been used and continues to be used, as a justifying force for the control of women’s—especially women of color’s—bodies as a means of controlling the population. The author ends by encouraging a reexamination of the theory of biopower, whether it truly supports the ethic of “truth, power, and the self” originally suggested by Michel Foucault.

Finally, Berta Esperanza Hernández-Truyol introduces us to her “Awakening the Law” paradigm for evaluating decision-making and achieving justice. In *Hemispheric Justice: Awakening to 303 Creative’s Troubles – A Glocalised LatCritical Analysis*, Tuyol aims at the U.S. Supreme Court’s decision in *303 Creative v. Elenis*,<sup>20</sup> demonstrating vividly its flawed free speech reasoning and the Court’s apparent inability to see the indignity its decision will visit upon the LGBTQ community. She then

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<sup>20</sup> *303 Creative LLC v. Elenis*, 600 U.S. 570, 143 S. Ct. 2298, 216 L. Ed. 2d 1131 (2023).

introduces a framework for “awakening” this area of law, “a critical deconstruction of the thoughts and actions that are grounded upon a learned (and biased) perceptual playbooks.” In a breath of fresh air, Truyol describes the “awakened” decisions issued by the InterAmerican Court of Human Rights related to the rights of LGBTQ people in the party countries to the American Convention, contrasting those decisions with *303 Creative*. The comparison is made all the poignant by the application of Truyol’s “Awakening Moves” to the *303 Creative* decision. The outcome is equal parts tragic and predictable.

This cluster of articles, demonstrative of the ethic of Movement Law, is a tribute to the work of organizers like Rosalinda Guillen, Lorena Avalos, and Jess Carmona. I have no doubt the thinking contained in these pages will advance movements for justice and equity. I hope you will enjoy them as much as I did.

