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2002

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27 N.Y.U. Rev. L. & Soc. Change 78-81 (2002)

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March 2010

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WHAT WOULD IT TAKE TO FEEL SAFE?

MARI MATSUDA*

What would it take for people to feel safe? This question haunts me as I listen to the discussions here today, and consider events of these times. As *The Miner's Canary* points out, political race is deployed by the right to exploit people's fear of crime, to racialize that fear, and to push through a prison-industrial complex in response to it. Start there, and consider the fear people live with in contemporary contexts.

At a recent law professors' conference, some of us wanted to organize around the question of peace. This question carries urgency for me.⁸ I want to live a long life, and I want my children to live long lives, and I want to share that long life with all of you here. I feel a peace imperative and I also feel a huge force out there forbidding talk of peace, rendering peace-talk unsafe. What would it take to feel safe to talk about peace? It requires a listening space.

So at this conference of law professors, we made that space, and wondered if anyone would come. People came. One of the young law professors of color raised this question: "When I try to speak against the war, people ask how we will stop terrorists if we don't bomb. I feel we really need an answer to that question." After so many weary and fearful weeks, I responded too sharply. "Why is it our responsibility to answer that question? The answer carries two hundred years of history with it and two hundred years of work we need to do to solve the problems that have gotten us into this mess. Rumsfeld doesn't have the answers. They dropped the bombs without telling us how this was going to make us safe, how this was going to stop terrorism. If you tell me I have to have all the answers before I can say 'you may not kill children in my name,' we can't have a peace movement." This is what I said to my smart, committed, sincere young colleague.

We did not have the time in that meeting to take his question any further, but it has haunted me since because it was a good question. What *would* it take to make people feel safe? What message will those who would wage peace offer to this beleaguered planet? There is indeed a threat. I will call that threat terrorist fascism because that is what it is. It thwarts human beings in pursuit of the most basic need identified by psychologists: The need to feel their bodies are safe. This threat is horrible indeed, and the road to ending it is long and hard. I do not know all we need to do to end terrorist fascism, but what I know of history tells me that militarism is less the answer to, than the fellow traveler

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8. See, e.g., Mari Matsuda, *Among the Mourners Who Mourn Why Should I Among Them Be?*, 28 *SIGNS* 1 (2002); Mari Matsuda, *Asian Americans and the Peace Imperative*, 27 *AMERASIA* 3 (2002).

of, fascists. Nothing will make us safe other than what democracy commands: Ask hard questions, consider all voices as we face this current threat. I often wonder, "Could we do a better job in fighting terrorism if we had Arabic-speaking Muslim citizens in the FBI? If we knew more about Arab Americans, could we come up with more effective tactics than racial profiling and mass detentions to get the information we need to make us safe?"

As contradictions unfolded, I read *The Miner's Canary* and was personally challenged even as I was completely convinced that we have got to put books before prisons, that the drug war is crazy and racist. Where I am politically is that I believe it is genocidal to have all of these young black and brown men in prison. Now let me tell you where I live.

I live in a city with a drug problem. Before the first day of school, I went to the local elementary school yard and picked up used condoms, heroin cookers, broken malt liquor bottles with unfamiliar brand names. They don't advertise these brands during the Super Bowl; they are target-marketed to the urban poor. The children were coming back to school the next day. My immediate reaction as a member of this community was, "This is unacceptable, you must get this stuff out of our school." And I called the police. The police responded in a quite receptive way. The neighborhood beat officer sent an email saying he patrolled the school that very night and hassled some people who were hanging out there.

I am a member of the ACLU. When I went to law school, I was appalled to find out that *Terry*-stops are constitutional.⁹ A *Terry*-stop, for those of you who are not lawyers, is when the police do not like the way a person looks, so they stop and search that person, which leads to a lot of race and class bias, and in the worst cases, a dead suspect. Why is this ACLU member calling the police and encouraging *Terry*-stops in my neighborhood?

One morning after school started, I was driving away and—"boom, boom, boom"—someone was pounding on my trunk. I looked back and there was a woman trying to make friends with my dog who was sitting in the back seat. She was thumping my trunk and socializing with my dog. I was stopped at a red light. Then she continued crossing the street and stopped to chat up the drug sellers sitting on the steps of a nearby church. She exchanged cash for a small zip-top plastic bag. They all watched me watching them until the light turned green and I drove away.

There was something about the normalcy of it: Just another day in the neighborhood, the drug buyers, the drug sellers, the moms who drop their kids off at school. The sellers were dressed as they would for a long, cold day at work outdoors: parkas, work gloves, knit caps. They were already on the job while I was just starting my day.

I understand the economic structures that have led to this place, where middle-aged men get up, get dressed, and go to work selling drugs from earliest

9. See *Terry v. Ohio*, 392 U.S. 1 (1968).

light, but as a resident of that neighborhood, as an advocate trying to get more neighborhood families to use the public school, I cannot accept drug selling three blocks from the school yard. It is intolerable, and right now the only ally I have in fighting it is the police. And for what? What justice is there if my neighbors are able to get the police to make more arrests and shift the drug selling to neighborhoods where there aren't enough middle-class residents who are heard when they complain?

I tell these stories because in our conversations about the prison industrial complex and political race, we cannot discount the need people have to feel safe. *The Miner's Canary* impliedly recognizes the human right to basic personal safety—the right children have to go to schools that are not physically dilapidated, where they don't find hypodermic needles and used condoms in the schoolyard. There is a connection between drugs and crime and the fact that we send a message to some children that we value their enterprise of learning so little that we would allow them to go to a school where the roof leaks and the bathroom sink has fallen off the wall.

I have two lives. One as a critical race theorist/political activist and one as a neighbor who writes letter after letter trying to get the bathroom repaired at the local public school. That second type of work is actually harder and more frustrating, as hard as it is to do progressive intellectual work in a racist, sexist academy. We cannot avoid the big questions: How did we get here, in this city, to an economy that offers drug selling as a reasonable choice of employment? I also want to look at the little questions: What do we need to do in this neighborhood, today, to make it safe for children to walk to the library by themselves? How are they going to *not* be the next round of people for whom gainful employment is selling drugs if they can't walk to the library, if it is not safe for them to do that? I want to pay attention to the human need to feel safe.

I think at the local level we push as hard as we can. We must say to the police, "You have to make our neighborhood as safe as the white neighborhood." I don't think we have any choice about that. At the same time we must keep demanding community control of the police, an end to police brutality, the closing of prisons, and options other than prisons.

The Miner's Canary lays out the stark reality that we have taken money from education, from universities, from urban public schools, to fund prisons. We get poor results from prisons. People typically come out of prisons more dangerous and less employable than when they went in. We get better results from prevention. For those of you who like numbers, there are many replicated studies out there that show that when we use early intervention in the most desperate of circumstances, in the poorest and most disrupted communities that you can show me in this country, we get results. Basic public health care, prenatal care, social services, early childhood education, community-based mental health services, these are the interventions that make a real and lasting difference in giving a child a fighting chance to stay away from crime, away

from drugs, in school, ready for real employment. Early intervention works. We have the statistics to prove it, and we can identify the kinds of programs that work. The fact that we don't make the intervention is a political choice. It is also, in my moral view, evil.

The last message I want to leave you with is that if you are one of the people who sees what this book is trying to make us see—that we have made a choice to take money from children, to take money from poor and working people to line the pockets of executives in places like Enron—if you are one of the people who sees this, there is an apparatus at work in the world of knowledge that is attempting to make you feel as though you are the only one. When we put out a call for law professors for peace, we were worried no one would come. Why did we believe no one in a community of thinking people concerned about issues of justice would come to talk about peace? If you are for peace, there is an apparatus at work making you think you are the only one.

It is a lie that we are alone. If you feel there is another way than what is presently going on in the Middle East, you are not the only one. Everywhere people are taking to the streets to ask the kinds of questions that we are asking at this conference. You will never hear about it on the front page of the *New York Times*. Last week I stood outside the Federal Office Building, which was as close as they would let us get to the White House, with hundreds of people shouting to our government, "Money for books, not for bombs." That was never reported in the *Times*. It's as though all those people who came out on a rainy day—people of all races and different class backgrounds—it's as if we did not exist. But we do. This book is presenting ideas for which there is a vast audience of good citizens who love this country and who are ready to say our children deserve better than we are giving them.