

# Only We Can Free Ourselves<sup>1</sup>

Mari J. Matsuda\*

## INTRODUCTION: WHAT IS CRITICAL RACE THEORY?

It is the deconstruction of liberal legal ideology using texts written in blood by our ancestors.

It is the refusal, ever, to ignore harm to human bodies.

It is the elevation of poets and the unclenching of liars.

It is theory with an end, called liberation.

I asked the organizers of this conference to invite the artist Bambu to join us because I am thinking of his text, the artifact of an underground hip hop resistance, alongside the text of Critical Race Theory (“CRT”) and text of the Supreme Court of the United States.

It is no accident, I submit, that the first burst of hip hop genius, what the kids call “old school,” occurred just as Critical Race Theory hit the scene. We were reacting to the same thing, the banquet for the rich laid out by the Reagan revolution while our brothers and sisters were herded into burnt-out enclaves in dying cities.<sup>2</sup> The gun running and drug running sponsored by the government,<sup>3</sup> the genocidal rates of imprisonment of Black and brown men,<sup>4</sup> the increasing wealth gap,<sup>5</sup> a popular culture that ignored this, and a legal culture that allowed it, were our prompts.

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<sup>1</sup> The title alludes to BOB MARLEY, REDEMPTION SONG (Island Records 1980) (“Emancipate yourselves from mental slavery; none but ourselves can free our minds. Have no fear for atomic energy, 'cause none of them can stop the time.”).

\* Mari Matsuda was a member of the organizing committee for the first conference on Critical Race Theory, at Madison, Wisconsin, July 8th, 1989. She thanks editors Shelly Song and Sharon Hing and the many students who worked so hard on the conference for which these remarks were the keynote. Thank you to Sarah Miller and librarian Roberta Woods for swift and sure research assistance.

<sup>2</sup> See generally JEFF CHANG, CAN’T STOP, WON’T STOP: A HISTORY OF THE HIP-HOP GENERATION (2006) (describing the birth of hip-hop in demolished cities). The birthdate of hip-hop is also widely attributed to DJ Kool Herc’s performance on August 13th, 1973, at 1520 Sedgwick Avenue, Bronx, New York. Angus Batey, *DJ Kool Herc DJs his first block party (his sister’s birthday) at 1520 Sedgwick Avenue, Bronx, New York*, THE GUARDIAN, <http://www.guardian.co.uk/music/2011/jun/13/dj-kool-herc-block-party> (Jun. 12, 2011).

<sup>3</sup> Peter Kornbluh, *The Iran-Contra Scandal: A Postmortem*, 5 WORLD POLICY JOURNAL 129, 143 (1987).

<sup>4</sup> See LANI GUINIER & GERALD TORRES, THE MINER’S CANARY: ENLISTING RACE, RESISTING POWER, TRANSFORMING DEMOCRACY 261 (2003) (discussing the prison pipeline of Black and Latino men).


<sup>5</sup> See generally JOSEPH E. STIGLITZ, THE PRICE OF INEQUALITY: HOW TODAY’S DIVIDED SOCIETY ENDANGERS OUR FUTURE (2012) (discussing the wealth gap).

Given our age, the CRT soundtrack was from prior decades. Parliament Funkadelic<sup>6</sup> was referenced at the "Sounds of Silence" conference in 1987.<sup>7</sup> Nonetheless, when students pushed Stanford Law School to invite us to speak, they chose the title "Fight the Power," as did political writers reporting on our advent.<sup>8</sup>

<sup>6</sup> Parliament Funkadelic, the iconic dare-you-not-to-groove funk band with a largely Black following, was the example Professor Kimberlé Crenshaw used to explain the cultural whiteness of Critical Legal Studies. What is the music you don't hear at this party and what does that say about who you think is supposed to be here? This mode of cheeky Black female challenge would be understood by a Black audience as a sign of respect—I am calling you out because we are accountable to one another. Some in the largely-white audience at the conference took this intervention in quite a different way—a cheap shot at well-meaning individuals who had worked hard to build a movement.

<sup>7</sup> The Conference on Critical Legal Studies in conjunction with an informal caucus of people of color within Critical Legal Studies ("CLS"), organized a meeting on race in Los Angeles on January 7, 1987, to coincide the Annual Meeting of the Association of American Law Schools. Several hundred people were in attendance and the meeting became a flashpoint between the largely white, male CLS movement and the emerging and as yet un-named Critical Race Theory movement. The conference resulted in a dedicated volume of the Harvard Civil Rights-Civil Liberties Law Review. Conference, *Minority Critique of the Critical Legal Studies Movement*, 22 HARV. C.R.-C.L. L. REV. 297 (1987). At that particular moment, the ideological intervention made by people of color (known as the critique of the critique of rights) was new and important. It was intended to further the left analysis of law that was built over the ten years prior by CLS. It ended up, for some, being the beginning of the end of an important intellectual alliance. I still consider the founding—yes, seminal—thinkers of CLS important teachers and fellow dismantlers of hierarchy. Along with Catharine MacKinnon, writing from feminism, unmodified, CLS was explaining the corrupt stranglehold with which liberalism captured legal thinking.

<sup>8</sup> The Stanford "Fight the Power" panel announcement is reproduced here as movement intellectual history ephemera worth preserving:



STANFORD LAW SCHOOL  
Dean's Speakers Series 1989-90

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**LAW PROFS**  
**"FIGHT THE POWER"**  
**Perspectives on an**  
**Emerging Jurisprudence**

Moderator:  
Paul Brest, *Richard E. Lang Professor and Dean*

Panel:  
Thomas C. Grey, *Professor of Law*  
Randall Kennedy, *Professor of Law, Harvard Law School*  
Charles R. Lawrence III, *Professor of Law*  
Mari J. Matsuda, *Visiting Associate Professor of Law*

◆

3:00 p.m.  
Friday, November 17  
Room 290  
Crown Quadrangle

At that Stanford confab, Professor Charles Lawrence and I parried with a professor from Harvard, who argued there is no distinctive voice or useful perspective of people of color. Legal theorizing required a universal language, he said, becoming frustrated as his attempts to delegitimize Critical Race Theory were

An article by Jon Weiner, using the same title, described the emerging Critical Race Theory movement, and generated what was soon to become a patterned response: CRT was accused of claiming to speak for an essentialized and mythologized "people of color." Jon Wiener, *Law Profs Fight the Power*, THE NATION, Sept. 4, 1989. My first of many responses to this claim is reproduced here in its entirety, since this is history that tends to repeat itself and younger readers should know we've been through it all before:

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The Nation.

November 27, 1989

## LETTERS.

## PIE IN THE SKY

Santa Cruz, Calif.

I think that Daniel Singer ("Dawn in Poland," Sept. 18) is wrong when he writes that the alternatives facing Poland are a "transition to capitalism" or "new forms of economic democracy." I don't believe that a transition to capitalism is possible because there are no capitalists and there is no "money functioning as capital" (Marx) in Poland. Poland's private businesses are structured to operate within the framework of state planning. Without the economic security provided by the state, much of Poland's private sector would wither and die (agriculture probably being the exception). The real alternative in Poland is either a streamlined state socialism that would insert that country into the world capitalist economy and deliver consumer goods at the expense of full employment, job security, social services and environmental protection, or a democratic socialism that would retain full employment and job security, build up social services and pay a lot of attention to the environment and the quality of work and community life—at the expense of consumer goods. No country in the world has full employment, job security and consumer goods. Sweden is a possible exception; Poland isn't and won't be.

James O'Connor

## SINGER REPLIES

Paris

To put a complicated argument in crude shorthand: All that is unprecedented is not impossible (fortunately, since socialism is still really nonexistent). What the Poles and Hungarians (and tomorrow the Russians?) are trying to do—revive the private ownership of the means of production as a dominant form—is unprecedented. They are still in the process of inventing procedures for this transition. They cannot sell the country wholesale to foreigners. The primitive "entrepreneurs" (yesterday's swindlers and black marketeers) cannot take it all. A large-scale transfer must involve present-day managers (hence the potential deal with the *menekkers*). In any case, basic production, fuel and power would remain in the hands of the state for quite a time, but the direction of the process would be unmistakable.

Indeed, the transition begins with some assets: (1) the class consciousness of international capital, which, after some hesitation, seems to be willing to provide financing to a Poland obeying the rules of the International Monetary Fund; (2) the conversion of the Solidarity leadership to the capitalist gospel and its agreement on this issue with the leadership of the Communist Party; (3) the total bankruptcy of the post-Stalinist system leading, through mistaken identification, to the (provisional?) discredit of all socialist

solutions, to the idealization of the past and of the West and to the general belief that capitalism is the only choice. It is only as they discover behind the idealized version the reality of the capitalist solution (unemployment, increased social inequalities, an even greater tyranny on the shop floor) that a large part of the population, led by the workers, may change its mind. Thus I believe the successful restoration of capitalism based on private property is not feasible, not because of any theoretical impossibility but because of social resistance based on the labor movement.

The indispensable revival of socialist ideas in Eastern Europe (including the Soviet Union) that would be so useful now will, I fear, take place only after a period of moves designed to restore classical capitalism. Very interesting ideas connecting modes of production, patterns of consumption and social justice are compressed in Professor O'Connor's letter; if he were to develop them they could serve as a basis for a most useful debate, and one not limited to Eastern Europe.

Daniel Singer

## SLOPPY SCHOLARSHIP

Madison, Wis.

Micaela diLeonardo and Adolph Reed side with Randall Kennedy in his *Harvard Law Review* attack on minority law professors who are writing (their phrases) "muddle-headed, self-aggrandizing slop" while engaged in "poverty-pimping" ("Letters," Oct. 23).

Focusing on me in particular, diLeonardo and Reed purport to illustrate those vices by means of my "Imperial Scholar" article (*University of Pennsylvania Law Review*, March 1984) on racism in legal scholarship. I fail to make my case, the letter writers say, because I show only exclusion—the numerical absence of minorities from the footnotes and pages of work by the white male giants in the field of civil rights law. I should have gone further, according to diLeonardo and Reed, and provided the titles of particular uncredited works by Third World scholars that merit citation. Without this additional step—no discrimination.

The demand to give "more evidence" is made, I've noticed, only when the demander finds an assertion disturbing or unfamiliar. I bet that if I had asserted that legal scholarship is now devoid of discrimination, and that the leading figures in civil rights cite minorities appropriately, diLeonardo and Reed would have let me get away with it.

You see, I did give the "more evidence" diLeonardo and Reed purport to want: I included fourteen lines of titles in footnote 19 and about thirty more in notes 4 to 13 and note 45.

How could diLeonardo and Reed have asserted I had not offered works of scholars

of color I thought worth inclusion? I can think of only one reason: They read Kennedy's article (which does make this careless claim) and did not think they agreed with Kennedy—after all, the minorities are always making these paranoid and self-aggrandizing claims—they didn't bother to check out the truth of Kennedy's charge. After all, some things are so self-evident as to need no evidence—right?

Richard Delgado

## CRITICAL CONSCIOUSNESS

Stanford, Calif.

Having been a silent devotee of *The Nation's* "Letters" page for many years, I am surprised to find my own work attacked there: by Yale professors Reed and diLeonardo, whom I do not know, and who have apparently not read what I have written. The angrily denounce "poverty-pimping," "reading out from . . . physiognomy" and "self-aggrandizing slop" with a passion I hope they put to struggles in their own New Haven.

I have never made the deterministic arguments from race that Reed and diLeonardo attribute to me. In a paper presented at Yale and published in the *Women's Rights Law Reporter*, I used Angelina and Sarah Grimké as examples of white women who had critical consciousness of racism and patriarchy. This consciousness, I argued, is "accessible to all of us, of all genders and colors." I went on to state that I would not "swoop up and therediminish the power of many different outsider traditions."

I could go on, citing line after line of anti-essentialist qualifications I have made in past writings. Not only would this bore readers, it would also succumb to the neoconservative coercion under which any attempt to identify race and gender as significant social forces at once mis-characterized and dismissed as essentialism and biological determinism.

Instead, let me make clear my beliefs: I believe there is a complex, vibrant and at times contradictory intellectual tradition of subordinated people in the United States, know this because I was raised in that tradition and it has made my life rich. In spite of the forces of assimilation and internal colonization, there lives on a progressive strand of America that is characterized by a recognition of conditions of domination and a distrust of elite claims of objectivity and necessity. Within this body of separate knowledge is the key to the liberation of all of us. As there is no place else—not Harvard, not Yale even the pages of my beloved *Nation* from where we will find our salvation.

Mari Matsuda

The Nation welcomes letters—typed, double spaced and no longer than 300 words, please.

rebutted by the politely angry Asian girl sharing the stage. "Look," he said finally in a tone of exasperation, "aren't we all speaking English here?"

The moderator opened the floor for questions, and a hand shot up in the front row. A young graduate student named Laura Gomez said, "*Tengo una pregunta por [el] profesor....*"<sup>9</sup>

With that one gesture, the grand claim of universal norms of monocultural analysis seemed, suddenly, silly.

I understand she grew up to become the president of the Law and Society Association, and the work she was then avidly reading, the work allegedly offering no unique perspective, became among the most widely-read legal scholarship of all time.<sup>10</sup> In fact, in the competitive sport of ranking by citation rates, one ranker suggested that Critical Race Theory articles are too popular, obscuring deserving but less-cited works.<sup>11</sup> He offered an addendum of authors who would make the list if Richard Delgado, Derrick Bell, Mari Matsuda, Charles Lawrence, and Patricia Williams, were excluded.<sup>12</sup>

Yes, and we should take the Black players out of the MVP competitions, too, in order to appreciate the under-rated players of other races. As a fan of any Asian or part-Asian person in sports, I am all for this.

Jesting aside, readership is not power. Power is power. I love all of you out there who make Professor Montoya cry with your heartfelt letters and emails telling her you were so alone until you read *Mascaras*.<sup>13</sup> Yes, please keep sending them to her, and to me, but it is not enough to sit there reading law review articles, exclaiming "OMG, she gets it!"

<sup>9</sup> This exchange is reported from Professor Matsuda's recollection and was confirmed by Professor Gomez.

<sup>10</sup> Dr. Laura Gomez is a professor of law at the UCLA School of Law. Her presidential address to the Law and Society Association is a *tour de force* of Chicana theorizing, the ultimate proof that perspective matters. Coming full circle, her former teacher, Charles Lawrence, published a response to her address. Charles Lawrence III, *Listening for Stories in All the Right Places: Narrative and Racial Formation Theory*, 46 LAW & SOC'Y REV. 247 (2012).

<sup>11</sup> Writing by critical race scholars is well-represented in "most-cited" law review articles lists. See Fred R. Shapiro & Michelle Pearse, *The Most-Cited Law Review Articles of All Time*, 110 MICH. L. REV. 1483 (2012); Fred R. Shapiro, *The Most-Cited Law Review Articles Revisited*, 71 CHICAGO-KENT L. REV. 751 (1995) (stating that the percentage of CRS and CLS, feminist authors on the list is so high it suggests that "outsiders have become insiders").

<sup>12</sup> Brian R. Leiter, *Most Cited Faculty, 2000-02*, BRIAN LEITER'S LAW SCHOOL RANKINGS (June 2000), [http://www.leiterrankings.com/faculty/2000faculty\\_impact\\_cites.shtml](http://www.leiterrankings.com/faculty/2000faculty_impact_cites.shtml). ("The list, of course, reflects the current interest in Critical Race Theory in the legal academy, as well as the mutual citation practices of the prolific authors associated with this movement. If one removed the Critical Race Theory scholars from this list (Richard Delgado, Derrick Bell, Mari Matsuda, Charles Lawrence, Patricia Williams), these additional scholars would have made the top 50"). Note that "mutual citation practices" are the norm for any writer within any discipline. The first thing a scholar does is a literature search to survey the landscape of the conversation, and to properly credit prior insights. When critical race theorists do this they are allegedly playing favorites to boost the citation counts of their friends. Similarly, to suggest that Critical Race Theory is cited because it is somehow faddish, or of "current interest" ignores the substantive content of these articles, which dealt with such core constitutional issues as free speech and equality. These are not "current" topics; they reside at the heart of U.S. jurisprudence. Finally, "prolific," wielded as a reason for exclusion from a productivity measure is probably an argument that fails on its own without further comment.

<sup>13</sup> Margaret E. Montoya, *Mascaras, Trenzas, y Greñas: Un/Masking the Self While Un/Braiding Latina Stories and Legal Discourse*, 17 HARV. WOMEN'S L.J. 185 (1994).

The question I ask every human being with an actual beating heart I sit down with these days is: “What are we going to do?”

### I. LOST GROUND

We have lost ground. More of our brothers and sisters are in prison than when we started, more children are in poverty, fewer students of color are at University of California (“UC”) schools, including UCLA—a disgrace for a school sitting in *El Pueblo de Reina de Los Angeles*, a city which has always been brown.<sup>14</sup>

We are living in the middle of a huge contradiction: a nation committed to equality in theory, allowing inequality to grow in fact. This creates a power struggle over the true meaning of our constitution’s promise, and concurrently, over the material shape of our future. Thus, the question: “What are we going to do?”

This is what the Supreme Court will do:

It will legalize gay marriage, tentatively.

It will outlaw affirmative action, decisively.<sup>15</sup>

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<sup>14</sup> NEAL HARLOW, *MAPS AND SURVEYS OF THE PUEBLO LANDS OF LOS ANGELES 4-11* (1976) (listing the names and racial composition of the original families who settled in the pueblo of Los Angeles:

“José de Lara, Spaniard, 50 years old, wife Indian, 3 children. José Antonio Navarro, mestizo, 42, wife mulattress, 3 children. Basilio Rosas, Indian, 68 years, wife mulattress, 6 children. Antonio Mesa, Negro, 38 years, wife Indian, 2 children. Antonio (Félix) Villavicencio, Spaniard, 30, wife Indian, 1 child. José Vanegas, Indian, 28, wife Indian, 1 child. Alejandro Rosas, Indian, 19, wife Indian. Pablo Rodriguez, Indian, 25, wife Indian, 1 child. Manuel Camero, mulatto, 30, wife mulattress. Luis Quintero, Negro, 55, wife mulattress, 5 children. José Moreno, mulatto, 22, wife mulattress.”).

<sup>15</sup> The author happily amends her prediction, in part. In the summer of 2013, the Supreme Court, as predicted, invalidated the Defense of Marriage Act (“DOMA”), the law denying federal recognition to same-sex marriages that were legal in the couple’s home state. *United States v. Windsor*, 133 S.Ct. 2675, 2689 (2013). The Court’s validation of the states’ prerogative, in a federal system, to define marriage not only endorsed formal equality for LGBT citizens, but it also contained a sense of an emerging national consciousness recognizing the humanity of those citizens. Note that this point of view reinforces heterosexism by centering the emerging enlightenment as among straight people who are coming to see the wrong of anti-gay discrimination. Who are the citizens who had not previously realized the injustice of homophobia, as described in Justice Kennedy’s description of the changes, at the state level? “New York acted to enlarge the definition of marriage to correct what its citizens and elected representatives perceived to be an injustice that they had not earlier known or understood.” *Windsor*, 133 S.Ct. at 2689.

LGBT citizens of New York had always known the injustice. This observation does not detract from the progress represented by a decision that uses words like “longed to” in describing the desires of gay citizens, as in, “*Windsor* and *Spyer* longed to marry.” *Id.* In bypassing more neutral words typical of legal opinions (i.e., “wanted to” and “would have”) the Court accepts a lesbian couple’s subjectivity in a subtle invitation to empathy. A decision that both humanizes gays and validates formal equality/property interests (six figure estate taxes were on the line for Ms. *Windsor*) positions the Court as a humanistic legitimator of hegemonic notions of rights and property.

What better way to shore up the attack on affirmative action in the *Fisher* decision? Proving prognosticators wrong, the Court did not use *Fisher* to overrule *Grutter*, removing race from consideration in admissions. See *Grutter v. Bollinger*, 539 U.S. 306 (2003). Instead, it made it much harder for admissions officers to use race. First, it emphasized Justice Powell’s position in *Bakke*, which denied the use of race consciousness as a remedy for past discrimination, accepting only the “educational benefit” justification. See *Regents of Univ. of Cal. v. Bakke*, 438 U.S. 265 (1978). The University of Texas is a school that, in living memory, practiced formal segregation, yet the university admissions process must act as though that never happened. See, e.g., *Sweat v. Painter*, 339 U.S. 629 (1950). Second, the Court

I am not a clairvoyant, just a critical race theorist. This prediction, which I hope is wrong as to the second part, is based on patterns identified in Critical Race Theory.

The Court will endorse marriage equality narrowly, using this to reinforce a reactionary, colorblind view of equality. Treat everybody the same. We are all just people, and people should have the freedom to marry whom they please. Free choice, free will, freedom.

Marriage equality is a culturally radical result that I celebrate. What I decry is the underlying ideology the Court will use: We refuse to examine social position, we just leave people to their own choices. This sets up the attack on affirmative action, as well as an attack on social welfare systems. Each person is an individual, left to their free choices, needing nothing from the state except the state's absence.

I have argued elsewhere for marriage equality, but noted that while formal equality matters, it gets us nowhere near what we need for healthy human relationships.<sup>16</sup> Good marriages need good support: living wage jobs, housing, healthcare, violence prevention, childcare, quality mental health services, family leave, and cultures of respect, not objectification. Marriages collapse under that weight of crushed economies, second shifts, untreated mental illness, no community intervention for addiction, or the ordinary cruelties learned in a winner-take-all society. You have seen it. If gay citizens get marriage equality before job equality, it is business as usual: a paltry version of freedom that says, "We will leave you alone, so alone you might not make it, but that is nobody's business but yours."

Formal equality without attention to facts of subordination kills people, as mothers who have lost their sons to police violence will tell you. "Stop and frisk," is a neutral program designed to fight crime and make sure that police officers do

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requires lower courts to apply strict scrutiny fact finding in oversight of the admissions process. The University of Texas applied the kind of holistic admissions process, using race as a factor among many, which most universities followed in compliance with *Grutter*. As Justice Ginsberg's dissent noted, this met the requirements of prior law. *Fisher v. University of Texas*, 133 S.Ct. 2411, 2434 (2013) (Ginsberg, J., dissenting). What the Court does, by supercharging the limiting tools of "strict scrutiny" and "narrow tailoring" as applied to race-conscious admissions, is in sharp contrast to the empathy and recognition of the real world of discrimination it showed in *Windsor*.

In *Windsor*, the Court recognized that DOMA emerged from the widespread prejudice against gays, and it is sympathetic with a state's emerging recognition that this prejudice is wrong. In *Fisher*, Texas is granted no leeway in remedying its prejudices, and federal oversight is required lest the state go too far. Formal equality, of the narrow, colorblind, non-remedial, property-preserving type is elevated over substantive equality, also known as justice.

The real effect of *Fisher* will lie not only by the meddling of federal courts second-guessing admissions officers. It will limit diversity in our universities because of the skittishness of admissions officers themselves and the caution of university counsel. In my experience, the real leadership in the academy—the university presidents and governing boards— is all too ready to cede admissions policy to lower level functionaries. University counsel, unlike private sector corporate counsel who are paid to promote the ultimate ends of the corporation, often see their job as risk avoidance. If litigation avoidance is the primary goal, the easiest thing to do to promote a broadly diverse university, when faced with strict scrutiny, is nothing. I hope I am wrong in this assessment and that admissions professionals, advised by bold counsel, will find ways to continue aggressive use of race in admissions to maintain the benefits of vibrant diversity and racial justice for all students and faculty.

<sup>16</sup> Mari Matsuda, *Love, Change*, 17 YALE J.L. & FEMINISM 185, 192-93 (2005).

their jobs effectively.<sup>17</sup> The fact that my former law student, Mahari Bailey, had to sue the Philadelphia police department because he was stopped and searched four times over a period of eighteen months for being a Black man in a nice car; the fact that every parent of a Black child has given repeated lectures about how to survive police encounters, the rates of imprisonment, the income gap, all of that is irrelevant, since the reactionary view of race says we should not see race.<sup>18</sup> It is racist to see race. And increasingly, young people don't want to have a race. When asked what race they are, they refuse to check the box.

Racism doesn't go away by refusing to see race. Charles Lawrence and I wrote a book defending affirmative action, so I won't repeat the arguments here.<sup>19</sup> Rather, I want to point out the good cop/bad cop move open to the Court now. It can stand as the resounding champion of liberty on gay marriage, even as it calls programs designed to democratize access to jobs and education racist, using the same doctrine: formal equality.

We won't notice your sexuality when you apply for a marriage license; we won't notice your race when you apply for college. We won't notice any of the dehumanizing culture, violent repression, historical disenfranchisement that surrounds your race, or your gender, or your sexuality, because equality is about not seeing differences, and liberty is about government retreat.

If they close the door to college for all those who need affirmative action to help break through barriers of privilege and exclusion, we must ask: "Who doesn't want our people educated?"

## II. FREE YOUR MIND

Consider two current education battles: that of the Dreamers who want access to education without regard to immigration status, and of the students who want meaningful and critical education relevant to who they are. Some of our youngsters are actively engaged in both fights at the same time.

In 2009, I was stunned by a group of high school students I met in Tucson. Working class, bilingual, immigrants and children of immigrants, they were in an alternative public school program designed to increase their graduation rates by teaching materials relevant to their lives. When I heard this, I expected maybe some nice Gary Soto young adult novels.<sup>20</sup> No. They surrounded me and fired out grad school insider kinds of questions.

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<sup>17</sup> Joseph Goldstein, *In Its Defense, Police Dept. Cites Laziness of Its Officers*, N.Y. TIMES, Apr. 29, 2013, <http://www.nytimes.com/2013/04/30/nyregion/to-defend-police-city-cites-officers-laziness.html> (stating that "stop and frisk" directives were defended in court as a means to make sure that officers do not avoid work by sitting idly in their squad cars. "Indeed, some police officers need to be weaned of the idea that they are paid to drive around in their patrol cars, eating doughnuts.").

<sup>18</sup> Mahari Bailey was a named plaintiff in *Bailey v. City of Philadelphia*, No. 2:2010-cv-05952 (E.D. Pa. Nov. 4, 2010). For my expanded review of collective responsibility for violence, including police violence, see generally Mari Matsuda, *Essay, On Causation*, 100 COLUM. L. REV. 2195 (2000).

<sup>19</sup> See generally CHARLES R. LAWRENCE III & MARI J. MATSUDA, *WE WON'T GO BACK: MAKING THE CASE FOR AFFIRMATIVE ACTION* (1997).

<sup>20</sup> See, e.g., GARY SOTO, *BASEBALL IN APRIL AND OTHER SHORT STORIES* (2000).

“Professor Matsuda, do you consider Critical Race Theory and LatCrit separate formations? They seem the same to me.”

“I have a question about a footnote in your hate speech article.”

“I thought I wanted to go to law school, but can lawyers make a difference if economics is the root of the problem?”

“Whoa, who ARE these kids?” I asked their teachers. They are strong, I found out. Their program was under attack by politicians who said high school students should learn traditional civics and history, not racial junk. The students, on their own, came up with the idea of a protest relay run, from Tucson to Phoenix, in the summer. I've been in Arizona in the summer.

“You did not do that!” I said, exaggerating my shock for their benefit.

“Yes we did!” they exclaimed, exaggerating their grins for my benefit.

They told me that after they ran all the way to Phoenix, they testified before the legislature, offering their own deep knowledge as proof that their education was serving them well.

Educated brown children who know enough to stand up and testify in the state legislature proved they knew too much civics and history. The Arizona legislature voted to ban the teaching of ethnic studies in public schools.<sup>21</sup> Lists of inappropriate books circulated, and some were actually rounded up like contraband.<sup>22</sup> The list included the novel that introduced me to Chicano literature, *Bless Me Ultima*.<sup>23</sup> A program that had successfully taken kids from the

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<sup>21</sup> ARIZ. REV. STAT. ANN. § 15-112(A)(3)(4) (2012) prohibits any courses that “are designed for pupils of a particular ethnic group” or “advocate ethnic solidarity instead of the treatment of pupils as individuals.” The Tucson Board of Education interpreted this law to exclude teaching Chicano Studies, and ordered the removal of specific books. See Roque Planas, *7 Mexican American Studies Books Banned From Tucson, Arizona Classrooms*, THE HUFFINGTON POST, Oct. 5, 2012, [http://www.huffingtonpost.com/2012/10/05/books-banned-arizona\\_n\\_1941253.html](http://www.huffingtonpost.com/2012/10/05/books-banned-arizona_n_1941253.html); see also, Julianne Hing, *Freire Back in Tucson Classrooms? School Board Lifts Book Ban*, COLORLINES, Oct. 24, 2013, [http://colorlines.com/archives/2013/10/freire\\_back\\_in\\_tucson\\_classrooms\\_school\\_board\\_lifts\\_book\\_ban.html](http://colorlines.com/archives/2013/10/freire_back_in_tucson_classrooms_school_board_lifts_book_ban.html).

<sup>22</sup> Planas, *supra* note 19 (displaying the seven books that were removed from classrooms in response to the 2010 legislation prohibiting ethnic studies in public schools). Although the school district claimed it did not ban books, teachers describe books being removed from their classrooms. ThreeSonoras, *The 2012 Book Banning in Tucson Schools*, YOUTUBE (Jan. 15, 2012), [http://www.youtube.com/watch?feature=player\\_embedded&v=8zAo6UPGI\\_8](http://www.youtube.com/watch?feature=player_embedded&v=8zAo6UPGI_8). The school district says books removed from classrooms are still available in school libraries. Jeff Biggers, *Who's Afraid of "The Tempest"*, SALON (Jan. 13, 2012, 2:47 PM), [http://www.salon.com/2012/01/13/whos\\_afraid\\_of\\_the\\_tempest/](http://www.salon.com/2012/01/13/whos_afraid_of_the_tempest/) (“[T]he Tucson Unified School District issued a statement saying that the books removed from the classrooms are still available in the District’s library system and will be considered for possible use in the 2012-2013 school year.”).

<sup>23</sup> RUDOLFO ANAYA, *BLESS ME, ULTIMA* (Grand Central Publishing 1994) (1972). This book is listed in *A Copy of Tucson’s Banned Book List*, NEWSTACO (Jan. 31, 2012), <http://www.newstaco.com/2012/01/31/a-copy-of-tucson-s-banned-book-list/>.



barrio and sent them to college was shuttered.

My co-author and friend Richard Delgado, whose book on Critical Race Theory was one of those rounded up for removal, wrote an article on the ethnic studies ban and the *librotraficantes* movement that arose to smuggle books to Tucson students.<sup>24</sup> His article includes legal analysis because the case challenging the ethnic studies ban was upheld in the U.S. district court.<sup>25</sup>

We may soon be in a place where brown ideas are excluded in high school, and brown people are excluded in college, with the blessing of the federal courts.

### III. BOOKS

Bambu and Prometheus Brown in their video “Books,” tell an autobiographical narrative of dropping out of school and rejecting books.<sup>26</sup> The video opens with a parody of an 80s sitcom, starting with a breezy theme song melody extolling a “beautiful island where the land gets raped and the people get exploited....” The incongruity of the lyric and sitcom ambience is amplified as the actors make their entrance to studio-audience applause, TV style. The video then cuts to Bambu and Prometheus Brown performing “Books.”

There was “error in my schooling” in that Los Angeles Unified School District, Bambu says, “books said nothing to me.” After references to arraignments, dropping out, years passing, the protagonists reveal an altered self. Books and elders can teach us something we really need to know about our history.

“Pick it up, flip it open,” the hypnotic chorus repeats, as the artists give a nod to the traditional hypermasculinity of this art form, “your voice reciting wisdom gonna get your ass laid.”

I was particularly impressed by this overt sexuality that implies, slyly, that strong, independent thinkers are the desired sexual partner. Not object, not conquest—you don’t pack knowledge to have sex with an objectified other.<sup>27</sup> The authors artfully come right up to the edge where they could lose the feminists in the audience, and they duck and smile as they rhyme.

Alright, so you can tell I’m crushing on Bambu and Geo. So is my whole family. We fall in love, we Critical Race theorists, because human beings are the end of our struggle. Nothing in any of our theorizing is worth one peppercorn if it does not make life better for our beloved community.

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<sup>24</sup> Richard Delgado, *Precious Knowledge: State Bans on Ethnic Studies, Book Traffickers (Librotraficantes), and a New Type of Race Trial*, 91 N.C. L. REV. 1513 (2013).

<sup>25</sup> See *Acosta v. Huppenthal*, No. 4:10-cv-00623-AWT, 2013 WL 871892 (D. Ariz. Mar. 8, 2013). The Administrative Law Judge’s opinion in this case can be found at *Arizona’s Ethnic Studies Ruling Jan 2012*, SCRIBD (Jan. 29, 2012), <http://www.scribd.com/doc/79762385/Arizona-s-Ethnic-Studies-Ruling-Jan-2012>.

<sup>26</sup> Beatrock Music, *Bambu-Books (feat. Prometheus Brown)*, YOUTUBE (Mar. 18, 2013), [http://www.youtube.com/watch?v=ZucF0kS9S48&feature=youtube\\_gdata\\_player](http://www.youtube.com/watch?v=ZucF0kS9S48&feature=youtube_gdata_player); see also Beatrock Music, *Bambu-Rent Money (with Rocky Rivera)*, YOUTUBE (Oct. 1, 2012), <http://www.youtube.com/watch?v=AkIKzsMiOhY>, for another astounding Bambu video on knowledge as liberation.

<sup>27</sup> Or as John Waters once said, “If you go home with somebody and they don’t have any books, don’t fuck ‘em.” *THIS FILTHY WORLD* (Cinemavalut 2006).

I love those teens in Tucson, who, after the enactment of the ethnic studies ban, videotaped themselves in a direct action at the school board. They disrupted a meeting, chained themselves to desks, and waited for arrest.<sup>28</sup>

I love the dreamers in LA, also teenagers, who went down to the immigration detention center to do the same.<sup>29</sup> *Te adoro* the janitors before them, who occupied Century Plaza just a few blocks from here, triggering a police riot as they fought for a fair contract.<sup>30</sup>

We write to seize the means of ideological production in order to alter the material conditions of our lives. Our brothers and sisters are getting arrested to do the same thing.

As I listened to Sumi Cho and Margaret Montoya yesterday,<sup>31</sup> I wondered how many in the room knew that Professor Cho had organized nonviolent civil disobedience to end apartheid when she was an undergraduate, and to desegregate Boalt Hall when she was a law student.<sup>32</sup> Did people know that Cho and Montoya organized hundreds of law professors to dress in caps and gowns and flood the streets of downtown San Francisco in support of affirmative action?<sup>33</sup> When

<sup>28</sup> See Panleft, *Tucson Youth Rise Up—Voices From The AZ Struggle-STOP HB2281 SB1070*, YOUTUBE (May 15, 2010), [http://www.youtube.com/watch?v=xW63q\\_qgsRc](http://www.youtube.com/watch?v=xW63q_qgsRc) (walk-out and demonstration by Tucson high school students which resulted in the arrest of fifteen students); *Tucson Students Occupy School Board Meeting to Defend Ethnic Studies*, THE REAL NEWS (May 3, 2011), [http://therealnews.com/t2/index.php?Itemid=74&id=31&jumival=6702&option=com\\_content&task=view](http://therealnews.com/t2/index.php?Itemid=74&id=31&jumival=6702&option=com_content&task=view) (students chain themselves to school board desks and chairs in May, 2011 to preserve Mexican American Studies. "Our education is under attack, what do we do? Fight Back!"); What ABCs, *UNIDOS takes over TUSD school board*, YOUTUBE (Apr. 27, 2011), <http://www.youtube.com/watch?v=tPZxCDMbZec>.

<sup>29</sup> The civil disobedience action by young immigrant dreamers occupying the Los Angeles Immigration and Customs Enforcement ("ICE") is documented in *BAD DREAMERS* (2012) (the documentary was screened by the University of Hawai'i's Ethnic Studies Department on February 28, 2012 as part of "The New Jim Crow: Crimmigration, Youth and Dissent" panel).

<sup>30</sup> At the June 15, 1990 Justice for Janitors action in Century City, 400 peaceful union demonstrators were attacked by the police. Sixty people required medical treatment, another eighty-five were hit or arrested. The indefensible police action against citizens exercising protected First Amendment rights resulted in a \$2.35 million settlement in a lawsuit brought by the Service Employees International Union against the Los Angeles Police Department. SONIA NAZARIO, *Janitors' Suit Settled: Council to Pay \$2.35 Million for Union Members Beaten by Police*, LOS ANGELES TIMES, Sept. 4, 1993, [http://articles.latimes.com/1993-09-04/local/me-31451\\_1\\_police-officers](http://articles.latimes.com/1993-09-04/local/me-31451_1_police-officers).

<sup>31</sup> Sumi Cho, Professor of Law, DePaul University College of Law, and Margaret E. Montoya, Emerita Professor of Law, University of New Mexico School of Law, Remarks at the Chicana/o - Latina/o Law Review Symposium: Un/Masking Power: The Past, Present, and Future of Marginal Identities in Legal Academia (Apr. 5, 2013).

<sup>32</sup> The Boalt Hall Coalition for Diversity filled the streets and raised heck to pressure their law school to hire people of color. For this, Sumi Cho and other student members of the coalition received the Society of American Law Teachers Human Rights Award in 1989. This is a prestigious award usually given to senior lawyers who have made a significant contribution to social justice in their careers. The Boalt Coalition used nonviolent protest to create change before they were even licensed to practice law. Their efforts changed the composition of the faculty and administration at Boalt Hall. Sumi Cho and Robert Westley have written about campus activism, including their participation in the anti-Apartheid movement, in Sumi Cho & Robert Westley, *Historicizing Critical Race Theory's Cutting Edge: Key Movements That Performed the Theory*, CROSSROADS, DIRECTIONS, AND A NEW CRITICAL RACE THEORY 32 (Francisco Valdes et al., eds., 2002); Sumi Cho & Robert Westley, *Critical Race Coalitions: Key Movements That Performed the Theory*, 33 U.C. DAVIS L. REV. 1377 (2000).

<sup>33</sup> For a description of Margaret Montoya's plans for the demonstration in support of affirmative action, see Robert Rodriguez, *March planned to support affirmative action: Latino law students and professors confront threat*

Charles Lawrence was introduced, do people know that he led marchers to Sacramento to protest the racist California Bar Examination, or that he started his career as a principal at a school created to protest substandard education of Black children in Roxbury?<sup>34</sup>

Our work in the streets is less known than our work in the books, and it is time for us to change that. The great "they" who want to keep our children miseducated, undocumented, imprisoned, and despised is anxious.<sup>35</sup> The assault on affirmative action, the banning of our books, comes exactly because our power is growing. Latinos are fourteen percent of the population and four percent of the lawyers.<sup>36</sup> Keeping us out of power positions is critical for keeping other people in.

I will close by saying something theoretical about how they are doing this to us, and something political about how we are going to take power back.

#### IV. THE STRUCTURE IS THE AGENCY

There are words out there meant to belittle attempts to connect the end of affirmative action to expansion of the prison pipeline, words to dismiss my claim that someone is interested in keeping our children miseducated in order to consolidate their own wealth. Paranoid, conspiracy theory, reductionist, Black Helicopters is the dismissal, alongside a doublespeak of "stop and frisk" called public safety, tax cuts for the rich called "job creation," and eviction called "urban revitalization."

No, I do not believe a cabal meets out of our sight to plan how to use racism, patriarchy, homophobia, neo-colonialism, and free market economics to make themselves richer. It happens because structures of subordination don't need a plan of action. The structure is the agency.

Structures of subordination have already attained the computer geek holy grail of artificial intelligence. They don't deliberate, they don't have to. They don't even have bodies. The power is now held by artificial legal entities, and their sole operating rule is "maximize shareholder value." That means make more money and pay less out—whether for workers or taxes—and oppose anything that would get in the way of profit. Under this pay-to-play system, the biggest fish get the most hand-fed fish food from the government, and get to eat the little fish as well, so that there are fewer fish with more power at the top.

Thus fattened, the big sharks control political decision making and

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of limited access, DIVERSE ISSUES IN HIGHER EDUCATION (July 12, 2007), <http://diverseeducation.com/article/8371/#>.

<sup>34</sup> When Bill Tamayo, regional attorney for the San Francisco District Office of the Equal Employment Opportunity Commission, came to present at the William S. Richardson School of Law, he exclaimed "Hey, it's Chuck Lawrence. He led us in a demonstration at the California Bar Convention," when Professor Charles Lawrence walked through the door. See Charles Lawrence, Resume (on file with author).

<sup>35</sup> For a hilarious interview with a politician threatened by ethnic studies, see this interview (not a parody): *The Daily Show with Jon Stewart: Tucson's Mexican-American Studies Ban* (Comedy Central broadcast Apr. 2, 2012), available at <http://www.thedailyshow.com/watch/mon-april-2-2012/tucson-s-mexican-american-studies-ban>.

<sup>36</sup> Margaret E. Montoya, Emerita Professor of Law, University of New Mexico School of Law, Remarks at the UCLA Asian Pacific American Law Journal Symposium: Only We Can Free Ourselves (Apr. 6, 2013).

information production, allowing them to push plans that feed them more: defund public schools and any social programs that might require contributions to the public coffers. When this results in social dislocation and crime, turn that into a profit opportunity. Support harsh criminal laws that divert public funds to private prisons. Support privatization of all things—from warfare to social security to education—so that the taxes that ordinary wage earners pay are handed over to corporations. Oppose any protections for the environment, for health and safety, for consumers. Deregulate banks and finance, and do not tax their transactions. Tax workers when they shop for their family needs, not banks when they shop for other banks. If banks fail, bail them out. Do nothing to help students get an education, but lend them buckets of money for college and take the interest as profit. Change the law so students cannot escape their debts if they cannot find work, but keep in place the laws that allow corporations to declare bankruptcy or morph into new legal forms to avoid obligations to workers and consumers.

Keep all of this in place by making massive contributions to political campaigns and by paying others to act as "think tanks" and "citizens groups" who will oppose taxes and regulations that cut into profit.

No master strategist was needed to plan this system that took down our economy and drove families into poverty. A legal system designed to protect profit maximization, coupled with a self-driving corporate profit-seeking engine, meant it happened inexorably, while we slept.

## V. WE HAVE THE AGENCY TO BEAT THE STRUCTURE

It is a wonderful time to write, agitate, and rhyme. The majority of the American public, and even a few chastened free market law and economics scholars, now understand that unrestrained greed hurts all of us.<sup>37</sup> A growing group of young people are generating their own creative products and rejecting entertainment choices handed to them by profit-grabbing, soulless enterprises.

At the core of Critical Race Theory is the realization that if something happens on your watch, with your permission, it is your fault, whether you intended it to happen or not. It is time to choose sides and take action, "for he who gets hurt will be he who has stalled."<sup>38</sup>

The Supreme Court will attack affirmative action, while promising to prevent

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<sup>37</sup> One legal scholar, Richard A. Posner, admitted that he was wrong for supporting the deregulation of the financial industry. See, e.g., *Reagan-Appointed Judge: Deregulation Movement Made 'A Fundamental Mistake,'* HUFFINGTON POST (Aug. 24, 2012, 3:50 PM), [http://www.huffingtonpost.com/2012/08/24/richard-posner-deregulation\\_n\\_1828256.html](http://www.huffingtonpost.com/2012/08/24/richard-posner-deregulation_n_1828256.html) ("I was an advocate of the deregulation movement and I made—along with a lot of other smart people—a fundamental mistake, which is that deregulation works fine in industries which do not pervade the economy[.]"); RICHARD A. POSNER, *A FAILURE OF CAPITALISM: THE CRISIS OF '08 AND THE DESCENT INTO DEPRESSION* xii (2009) ("The movement to deregulate the financial industry went too far by exaggerating the resilience—the self-healing powers—of laissez-faire capitalism.").

<sup>38</sup> BOB DYLAN, *THE TIMES THEY ARE A-CHANGIN'* (Columbia Records 1964). I heard a street busker singing this anthem, Richie Haven style, at the Eastern Market in Washington DC, and watched as, one by one, grey-haired passers-by of all races paused and got a wistful, far-away look on their smiling faces. There is a whole generation of senior citizen dreamers who once believed that change was necessary and inevitable. They are waiting for young people to lead them back into the streets.

real bad guy racists from denying us our rights. We know it is not just bad guys who are responsible for all that is hurting us, from rape to miseducated children. Harm happens because of embedded practices, beliefs, and power structures that stand unopposed by human agency. If we mobilize and institutionalize our agency to put human needs first, we will return heart to the polity, slowly bringing us to health and peace.

I teach “Organizing for Social Change” at the University of Hawai‘i. After years of watching law students come up with brilliant critiques only to become inarticulate when I asked what they were going to do about the injustice they named, I realized that we had raised a generation devoid of agency. If you never saw UCLA students march through the faculty club, shut down the intersection at Wilshire and Westwood, or boycott classes to stop a war, you might think it impossible.<sup>39</sup> But it has all happened, right here in beautiful West LA. Your own Wooden Center is named after a coach who sympathized with his athletes who needed to act in solidarity with Black power and against the war in Vietnam.<sup>40</sup>

Every time masses of people have taken great risks to make change, they have won great concessions. The Black Power movement and the civil rights movement brought us the Civil Rights Acts, and there would be no Critical Race Theory if not for that. The movement is the only reason I got to become a law professor, and thus it is the origin of our gathering today.

The backlash against us comes when we have gains to make. The outlawing of ethnic studies and affirmative action is an invitation for our redoubled efforts. So let me give you a short version of what I teach in Organizing.<sup>41</sup>

Organizing means getting others to see their own power to improve the circumstances of their lives.

Organizers pick goals that are meaningful and attainable, in order to give people a sense of their own power.

Organizers are strategic. They know what they want in the long run and the short run, and have detailed plans to get there.

Good strategy identifies good targets: Who can give you what you want, and

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<sup>39</sup> In searching for a citation for these actions, all of which I know happened from firsthand accounts, I found that the occupation of Wilshire and Westwood—the fastest way to bring west Los Angeles to a standstill—has happened many times. One of my favorite finds was a picture of the basketball star Bill Walton protesting the Vietnam War. Jessica Lum, *Bill Walton protests Vietnam War*, LOS ANGELES TIMES, Aug. 22, 2011, <http://framework.latimes.com/2011/08/22/bill-walton-protests-vietnam-war/>.

<sup>40</sup> Coach Wooden’s understanding of activist athletes like Kareem Abdul Jabbar and Bill Walton is described in Dick Weiss, *To Kareem Abdul Jabbar and Bill Walton, UCLA’s John Wooden was more than a coach*, THE NEW YORK DAILY NEWS, June. 5, 2010, [www.nydailynews.com/sports/college/kareem-abdul-jabbar-bill-walton-ucla-john-wooden-coach-article-1.179134](http://www.nydailynews.com/sports/college/kareem-abdul-jabbar-bill-walton-ucla-john-wooden-coach-article-1.179134) and STEVE BISHEFF, JOHN WOODEN: AN AMERICAN TREASURE (2004).

<sup>41</sup> I began teaching Organizing For Social Change with veteran organizer Marilyn Sneiderman. Much of what I know about how to handle the nuts and bolts (Strategy chart! Debrief!) of direct action work I learned from her and from the text we taught from: KIMBERLEY A. BOBO, JACKIE KENDALL & STEVE MAX, THE MIDWEST ACADEMY MANUAL FOR ACTIVISTS: ORGANIZING FOR SOCIAL CHANGE (4th ed. 2010). In addition to that source, credit for the distillation I offer here goes to the generations of feet-to-the-ground grassroots organizers who have gone door to door, community by community developing these tools for as long as there has been corrupt power to struggle against—among them, my parents and grandparents.

how can you hold them accountable?

Good strategy leaves everyone feeling powerful, energetic, happy, and ready to it all over again.

Here's the part I add that is not in the usual manuals: Use Critical Race Theory. What we have written about intersectionality, unconscious racism, coalition, the market, and substantive equality are good ways to predict and deflect the next rhetorical move the other side will make. The biggest ideological theft performed on your brain is the naturalization of harm. You saw something you didn't like when you were young—a bully picking on the weak, a homeless person begging in the street, a rich person with something so much grander than anything you had—and somehow you got the message that this is just the way things are and there is nothing you can do about it. The naturalization of inequality is what life in the metropol teaches. Decolonizing the mind begins when we ask one another: Can we see a better way, one that brings less pain, less fear, less separation? What would that look like?

Learn organizing, read movement history, and start to do it, beginning with existing campaigns in your community. Somewhere near you there is an organizer waiting for you to show up and get some skills.

Another role for students and intellectual workers (including lawyers) is to retrieve social change history and tell the story. Document your lost political ancestors.

Do you know the history of Asian, Black and Latino students working together at the UCLA School of Law for affirmative action? Do you know the stories of your alums who are change-makers and resisters? I have so many stories I want someone to write.

The late Alan Berube studied the Marine Cooks and Stewards Union in the 40s, a union of white gay men and mostly straight Black and Asian men, who did the "women's work" of cooking, cleaning, and laying out evening gowns on luxury cruise liners. Their ranks included many communists. Bosses tried to destroy their union using divide and conquer. In response, the union developed a "no gay baiting, no race baiting, no red baiting" policy. Members pushed for desegregation of crews, studied Marx, and learned to appreciate their radically different identities. Filipino Catholics, Chinese cooks, Blacks from the Great Migration, and fabulous blue-eyed white guys built a union together in the days when solidarity included dying for the cause when police attacked their pickets on the San Francisco docks. I would especially like to know more about the Asian American participation in this coalition. How did racial subordination help them to understand the need to forge cause with gay Americans in a time when the closet ruled? Coming out is painful in many Asian families. Perhaps it would help if our communities knew gay and Asian stood side by side for worker rights over half a century ago, when both were despised. Will you write this story?

## WORD

Critical Race Theory is intellectual resistance created by the retrieval and analysis of our struggle. Critical Race Theory is also a coalition, a home, a school.

Most of us founding CRT members had received all our schooling without having one single law professor of color. We were the first we had ever seen. Our teachers, therefore, were poets, visionaries, and protestors residing outside the academy. Malcolm X, Dolores Huerta, Carlos Bulosan, Nina Simone, Karl Yoneda. The roll call could keep us here 'til midnight. Say a name you know to yourself, of an ancestor who loved you so much that they wanted to create a world safe and good for you.

Look to the east and make a promise to the ancestors to continue their work. Then look to the west and make a promise to those who will come after: We will leave a record of our struggle to educate the children, to keep them from the master's prison, to teach them that power resides in the pages of a book, to raise consciousness, and raise fists, for our liberation.