

CONNECTICUT LAW REVIEW

VOLUME 40

MAY 2008

NUMBER 4

Essay

Are We Dead Yet? The Lies We Tell to Keep Moving Forward Without Feeling

MARI J. MATSUDA*

“It’s such a clever innocence with which you do your sorcery.”¹

Some days it seems easier to live with innocence, as though this afternoon’s traffic and tonight’s dinner were the big challenges of our lives, as if we could keep turning the key in the ignition and burning the incandescent bulb in the kitchen, magically removed from a grid that involves coal and oil,² mercury poisoning³ and pipelines,⁴ and colonialism

* Professor of Law, Georgetown University Law Center. The author thanks Charles R. Lawrence, Stephanie M. Wildman, and Melissa Ku for their comments on drafts.

¹ JACKSON BROWNE, I THOUGHT I WAS A CHILD (Asylum Records 1973).

² See Elisabeth Rosenthal & Andrew C. Revkin, *Science Panel Says Global Warming is ‘Unequivocal,’* N.Y. TIMES, Feb. 3, 2007, at A1, available at LEXIS, News Library, NYT File (“[G]lobal warming is ‘unequivocal’ and . . . human activity is the main driver, ‘very likely’ causing most of the rise in temperatures since 1950.”); INTERGOVERNMENTAL PANEL ON CLIMATE CHANGE, FOURTH ASSESSMENT REPORT, IMPACTS, ADAPTATION, AND VULNERABILITY (2007), <http://www.ipcc.ch/ipccreports/ar4-wg2.htm> (studying the incidence and effects of global climate change); Dr. Raymon L. Orbach, Under Sec’y of Science, U.S. Dep’t of Energy, Remarks at the Summer Commencement of Iowa State University of Science and Technology: Transformational Science for Energy and the Environment (Aug. 4, 2007), available at http://www.science.doe.gov/News_Information/speeches/Aug%204.html?ReleaseNumber=mr20070727-00 (“Today our dependence on fossil fuels and imported oil poses a growing risk to our economy, our national security, and the environment.”); see generally DANIEL YERGIN, THE PRIZE: THE EPIC QUEST FOR OIL, MONEY, AND POWER (1991) (detailing the history of oil and its impact on society).

³ See Jeferson L. Franco et al., *Lactational Exposure to Inorganic Mercury: Evidence of Neurotoxic Effects*, 29 NEUROTOXICOLOGY & TERATOLOGY 360, 365 (2007) (concluding that inorganic mercury exposure through maternal milk is capable of inducing biochemical changes in the cerebellum as well as motor deficits based on a study performed on weanling mice); Terry M. Sullivan et al., *Urban Impacts of Mercury Emissions from Coal-Fired Power Plants*, 13 J. URB. TECH. 53, 54 (2006) (“Coal-fired power plants are the largest anthropogenic source of mercury in the United States.”); National Resources Defense Council, *Healthy Milk, Healthy Baby: Chemical Pollution and*

and war.⁵ Please, it's hard enough to keep track of what is running short in the pantry.

In our blessed American innocence, we can go on with our lives and watch the doomsayer protestors on TV and believe that they, with their talk of drowning polar bears⁶ or sweatshop-inducing monetary policy,⁷ are the crazy ones. Anyone who tries to break through the innocence is as unexpected as a protestor crashing through the screen to land in your TV room. Hammer in hand. Breaking glass.

Here is a domestic cartoon you may have lived: There is a sound of glass breaking. The parent rushes into the room. "What happened? Who did this?" the parent screams. A chorus of children's voices rises in unison, declaring, "Wasn't me."

Charles Lawrence wrote an article to prove to himself that he was not crazy.⁸ To tired colleagues who were saying, "There are no racists here," an adult variant of "Wasn't me," he chose a response that ruptured. In the post-civil rights era, a new rule of etiquette arose among good liberals. Its

Mother's Milk, <http://www.nrdc.org/breastmilk/chem13.asp> (last visited Mar. 26, 2008) (describing how pollution-related exposure to toxic metals can contaminate a mother's body and breast milk posing health risks to infants).

⁴ See *Energy as a Weapon: Implications for U.S. Policy: Hearing Before the Subcomm. on Energy and Resources and the Subcomm. on National Security, Emerging Threats, and International Relations of the H. Comm. of Rep. Reform*, 109th Cong. 72-91 (2006) (statement of Ambassador Keith C. Smith, Senior Associate, Europe Program, Center for Strategic and International Studies) (analyzing the dangers posed by Russian control of European gas pipelines).

⁵ See Mohamad G. Alkadry, *Reciting Colonial Scripts: Colonialism, Globalization and Democracy in the Decolonized Middle East*, 24 ADMIN. THEORY & PRAXIS 739, 755-56 (2002) (arguing that colonial experiences, imperial ventures, globalization, and defensive modernization have undermined self-determination in the Middle East); see also Iraq Family Health Survey Study Group, *Violence-Related Mortality in Iraq from 2002 to 2006*, 358 NEW ENG. J. MED. 484, 491 (2008) (estimating 151,000 violence-related deaths since the U.S. invasion of Iraq in March 2003 to June 2006).

⁶ See NATIONAL RESOURCES DEFENSE COUNCIL, POLAR BEARS ON THIN ICE (2007), available at <http://www.nrdc.org/globalWarming/thinice.pdf> ("[A]t this moment, the polar bear's Arctic habitat is literally melting away beneath it due to global warming."); Jim Carlton, *Is Global Warming Killing the Polar Bears?*, WALL ST. J., Dec. 14, 2005, at B1, available at LEXIS, News Library, WSJNL File (reporting deadly effects of global warming on polar bears). Due to global warming, the polar bear may soon be designated as an endangered species. See Editorial, *Of Two Minds on Polar Bears*, N.Y. TIMES, Jan. 2, 2008, at A16, available at LEXIS, News Library, NYT File.

⁷ See, e.g., NAOMI KLEIN, *THE SHOCK DOCTRINE: THE RISE OF DISASTER CAPITALISM*, 161-68 (2007) (using Argentina as an example to show how U.S. promotion of IMF structural adjustment policies leads to job loss, wage deflation, and poverty in the third world); ROBERT ROSS, *SLAVES TO FASHION: POVERTY AND ABUSE IN THE NEW SWEATSHOPS*, 302-08 (2004) (describing how U.S. free trade policies create competition between poor nations to raise productivity and lower wages); John J. Sweeney, President, AFL-CIO, Address before the Internationalism Council on Foreign Relations (Apr. 1, 1998), available at <http://www.aflcio.org/mediacenter/prsptm/sp04011998.cfm> (describing how forcing open markets undermines wage growth in developing countries).

⁸ Charles R. Lawrence III, *The Id, the Ego, and Equal Protection: Reckoning with Unconscious Racism*, 39 STAN. L. REV. 317 (1987). At a meeting of law professors of color at the University of Pennsylvania in 1983, Professor Lawrence said, "I write so I know I'm not crazy." (notes on file with author).

premise was, “Among us, the good citizens in this room, there are no racists,” and suggestions to the contrary were affronts to personhood. No racists here at this university, in this workplace, in this editorial board room, in this legislature, since we are good people and good people are not racists.

This new social norm stood in conflict with the stark empirical landscape of continuing racial subordination. Prosperity, health, safety, good jobs, education, recreation, housing, freedom from incarceration and shelter from the storm—basic life advantages that you would want for someone you love—are distributed on racial axis in this country.⁹

If there are no racists here and racial disparities persist, then there are only three possible explanations. First, the disparities are residual effects of past racism that will fade away over time. Second, the disparities are overstated and are in fact *de minimis*. Third, the disparities are natural. Some people are not equipped to compete or don’t try hard enough or just prefer being where they are.

Rejecting any of those explanations requires taking on the first premise that there are no racists here. That is the work Charles Lawrence asked us to do, and it is at the heart of Critical Race Theory. It draws directly from the Civil Rights Movement. A thousand sanitation workers carrying signs that say “I Am A Man,” is the iconic retort to false explanations of racial disparity.¹⁰ Those sanitation workers were Charles Lawrence’s community

⁹ See, e.g., AGENCY FOR HEALTHCARE RESEARCH AND QUALITY, U.S. DEP’T HEALTH AND HUM. SERVS., 2006 NATIONAL HEALTHCARE DISPARITIES REPORT 2 (2006), available at <http://www.ahrq.gov/qual/nhdr06/nhdr06report.pdf> (“[D]isparities related to race, ethnicity, and socioeconomic status pervade the American health care system.”); WILLIAM J. SABOL ET AL., U.S. DEP’T OF JUSTICE, PRISON AND JAIL INMATES AT MIDYEAR 2006 (2007), available at <http://www.ojp.gov/bjs/pub/pdf/pjim06.pdf> (“On June 30, 2006, an estimated 4.8% of black men are in prison or jail, compared to 1.9% of Hispanic men and 0.7% of white men. . . . Black women were incarcerated in prison or jail at nearly four times the rate of white women and more than twice the rate of Hispanic women.”); Charles R. Lawrence III, *Forbidden Conversations: On Race, Privacy, and Community (A Continuing Conversation With John Ely On Racism and Democracy)*, 114 YALE L.J. 1353, 1372 (2005) (highlighting racial inequalities in education); Mari J. Matsuda, *My Teacher Loves Me but She Hates Mice: or, an Existential Lamentation on the Loss of the Public School*, 9 RACE, ETHNICITY & EDUC. 117 (2006) (exploring the deterioration of urban public schools and the failure of the No Child Left Behind Act); Mari J. Matsuda, *The Flood: Political Economy and Disaster*, 36 HOFSTRA L. REV. 1, 1–9 (2007) (discussing how race and socioeconomic status affected relief efforts after Hurricane Katrina); Rachel Morello-Frosch & Bill M. Jesdale, *Separate and Unequal: Residential Segregation and Estimated Cancer Risks Associated with Ambient Air Toxics in U.S. Metropolitan Areas*, 114 ENVTL. HEALTH PERSP. 386, 390–92 (2006) (examining links between racial residential segregation and estimated cancer risks associated with ambient air toxin exposures); Florence Wagman Roisman, *Teaching about Inequality, Race, and Property*, 46 ST. LOUIS U. L.J. 665, 667–71 (2002) (arguing minority homeownership is substantially lower than white homeownership). See generally LANI GUINIER & GERALD TORRES, *THE MINER’S CANARY* (2002) (detailing the material linkage between race and power and the social, economic, and political marginalization of people of color).

¹⁰ For a study of the 1968 Memphis sanitation worker strike see generally JOAN TURNER BEIFUSS, *AT THE RIVER I STAND: MEMPHIS, THE 1968 STRIKE, AND MARTIN LUTHER KING* (1985); MICHAEL K.

co-authors, and he keeps a small photo of them in his office.

A Black man asserting humanity and claiming historical/political position in a way that requires accountability is like breaking glass. It disrupts. It is the id shattering through the calm surface of super ego.

Perhaps it has happened to you.

Have you sat in a room called, "Everything is okay," and suddenly gotten a message that it is not? Have you felt your heart race and your body go weak at the loss of all defenses comprising business as usual? If you love someone, then you are vulnerable to a phone call that can change everything you know about how safe the world is. If you have not such a love, then you are vulnerable to that quiet whisper that tells a story of estrangement.

If you do politics, meaning the actual work of democracy, the message of estrangement is constant: You don't know me and you are not in my tribe. A woman who has a tribe has written an article calling people like me, my ancestors, my beloveds, settlers in her homeland.¹¹ Your presence, she asserts, is part of the genocide carried out against my people. Your immigrant grandparents' valorized survival tale is not a story of triumph, but one of displacement of my native kin.¹² Your house, your education, your love of the music and landscape of the place you call home, were all stolen. And the native children rotting in juvenile prisons declared inhuman in ACLU law suits are imprisoned because the safe and richly nourishing home that was their island nation before your ancestors arrived was purloined, ravaged, exploited, and commandeered at gunpoint by a nation you pay taxes to.¹³

This is not some abstract indictment of American history, but a particular claim about the house my parents live in, and the green valley I long for with aching heart. It is the history of Hawai'i, as presented in the unrelenting voice of an anti-colonial nationalist. "Settler," she calls me,

HONEY, GOING DOWN JERICHO ROAD: THE MEMPHIS STRIKE, MARTIN LUTHER KING'S LAST CAMPAIGN (2007). See also Laurie B. Green, *Race, Gender, and Labor in 1960's Memphis: 'I Am Man' and the Meaning of Freedom*, 30 J. OF URBAN HIST. 465, 466-68 (2004) (analyzing the political and cultural significance of the "I Am A Man" slogan in the mid-sixties South).

¹¹ Haunani-Kay Trask, *Settlers of Color and "Immigrant" Hegemony: "Locals" in Hawai'i*, 26 AMERASIA J. 1, 2 (2000) ("Calling themselves 'local,' the children of Asian settlers greatly outnumber us."). For a basic history of the illegal overthrow of native Hawai'ian rule, see Mari J. Matsuda, *Looking to the Bottom: Critical Legal Studies and Reparations*, 22 HARV. C.R.-C.L. L. REV. 323, 368-74 (1987).

¹² Trask, *supra* note 11, at 2-4.

¹³ See Complaint, *Doe v. Lingle*, No. 1:05cv-00670 (D. Haw. Oct. 24, 2005); see also Letter from Bradley J. Schlozman, Acting Assistant Attorney Gen., U.S. Dep't of Justice, to Linda Lingle, Governor of Haw., Re: Investigation of the Hawai'i Youth Correctional facility, Kailua, Hawai'i (Aug. 4, 2005), available at http://www.usdoj.gov/crt/split/documents/hawaii_youth_findlet_8-4-05.pdf ("It is no exaggeration to describe HYCF as existing in a state of chaos. . . . The absence of rules or regulations has permitted a culture to develop where abuse of youth often goes unreported and uninvestigated.").

with disdain.

The problem is, she is right, and I can't walk back into the TV room and forget everything I know. Not if I love my children, and know that any number of loving parents in places and times near and distant have sat in the equivalent of the TV room, thinking everything was okay, only to hear the sound of breaking glass that announces the end of predictable safety.

Some days, including many days in academia when I sit listening politely to the presentation of an academic paper, I want to stand up and scream, "It's not okay! It's not okay!"

Shalita Middleton died last week.¹⁴ The trauma surgeon who fought for weeks to dig the bullets out of her body and keep her alive spoke at her funeral. He broke down in front of a thousand mourners as he described "holding her hand, telling her it was going to be okay."¹⁵ "There's something wrong when we have children that just want an education and their life is taken away from them," he said, choking on his own tears. "It's all right. It's okay, baby," someone called out from the crowd.¹⁶

A child shot,¹⁷ a war raging,¹⁸ a planet burning,¹⁹ lawyers in my nation's capitol engaging in public debate about how much pain my government can deliberately inflict upon a human body before we call it torture.²⁰ If I were a religious person, I would tell you we risk eternal

¹⁴ Susan Kinzie, *Teen Slain at Delaware State Is Given an Emotional Tribute*, WASH. POST, Oct. 31, 2007, at B7, available at LEXIS, News Library, WPOST File. Shauna Middleton was just seventeen years old when she was shot to death by a fellow student on-campus at Delaware State University. *Id.*

¹⁵ *Id.*

¹⁶ *Id.*

¹⁷ *Id.*

¹⁸ See *supra* note 5.

¹⁹ See *supra* note 3; see also John Podesta & Peter Ogden, *Security Implications of Climate Scenario 1*, in CTR. FOR STRATEGIC & INT'L STUD., *THE AGE OF CONSEQUENCES: THE FOREIGN POLICY AND NATIONAL SECURITY IMPLICATIONS OF GLOBAL CLIMATE CHANGE* 55, 56, 69 (2007) (exploring the geopolitical consequences of global warming and its attendant resource scarcity, extreme weather, migration, and rise of disease); EDITH BROWN WEISS, *CLIMATE CHANGE, INTERGENERATIONAL EQUITY AND INTERNATIONAL LAW* (1987), reprinted in *IN FAIRNESS TO FUTURE GENERATIONS: INTERNATIONAL LAW, COMMON PATRIMONY, AND INTERGENERATIONAL EQUITY* 345, 345 (1989) (arguing that we have obligations to future generations which must guide the strategies adopted to address global climate change); Frank Ackerman, *Economics for a Warming World*, 44 POST-AUTISTIC ECON. REV. 2, 18 (2007) (arguing that to address climate change we must rethink traditional economic assumptions and analyses to catalyze solutions to global warming by emphasizing the benefits of government action); Lisa Heinzerling, *Climate Change, Human Health, and the Post-Cautionary Principle*, 96 GEO. L.J. 445, 447 (2008) ("Together, the effects of climate change on human health and the undeniable fact that climate change is upon us . . . create a moral imperative for action—dramatic action, *now*—on this problem.").

²⁰ Editorial, *Waterboarding Illegal? Time for Congress to End the Debate*, USA TODAY, Nov. 13, 2007, at 10A, available at LEXIS, News Library, USATDY File. For a compilation of government documents regarding the U.S. legal position on torture techniques and coercive interrogation practices, see generally Karen J. Greenberg & Joshua L. Dratel, *THE TORTURE PAPERS: THE ROAD TO ABU*

damnation. But I am merely a Constitutionalist, and I will tell you that we risk everything that we call justice, and that our obligation as citizens is to fight back.

What does any of this have to do with unconscious racism? What Charles Lawrence did, was to make visible that which we routinely choose not to see. By positing the effects of racism as the proof of racism, and by explaining the role of collective, unconscious practices in producing these effects, he stole our innocence. The reason his theory, though influential, has not become Constitutional doctrine, is that its full implications would require us to become a nation of open-eyed justice seekers, to place human needs before profit, to value human inter-connectedness before self-aggrandizement. In the world view of *The Id, The Ego, and Equal Protection*, no one gets to say, "Wasn't me." We are all responsible for waterboarding if it goes on in our names, all responsible if the Congress we elected debates torture as if it were semantics and not bodies, constructing a world that might someday lead someone to fill our own child's lungs with water.

Every time we push the ugly facts down beyond knowing and distance ourselves from the cause of those ugly facts, we are participants in creating that garbage heap comprising the American unconscious. There is so much piled up there that we have to walk around like anesthetized zombies in order to get through a day. Witness our increasing infatuation with the high holy day of Halloween. The habit of not knowing, not acting, becomes so much a part of us, that we can spend millions on costumes celebrating blood and gore with no notion of our own relationship to the blood and gore that happened that very Halloween day, to real people all over this limping planet,²¹ as poison flows up into that thin layer of precious air that will soon lose the capacity to sustain our grandchildren.²²

I once asked a therapist about people who act in ways that so clearly harm themselves. "Why do people cling to those patterns?" "Because," she said, "they need their defenses. In the therapist profession, we don't just take defenses away without recognizing that people have reasons for

GHRAIB (2005). See also Steven Lee Myers, *Bush Vetoes Bill on C.I.A. Tactics, Affirming Legacy*, N.Y. TIMES, Mar. 9, 2008, at A1, available at LEXIS, News Library, NYT File (describing President Bush's veto of Congressional legislation that limited the C.I.A.'s latitude to subject terrorism suspects to harsh interrogation techniques).

²¹ On October 31, 2007 there were two assaults with a deadly weapon and one homicide in Washington, D.C. CrimeReports.com, <http://crimereports.com/map/index/?search=+Washington+DC> (go to date 10/31/07) (last visited Mar. 26, 2008). In Iraq, at least twenty-seven people died from car and roadside bombs, helicopter fire, U.S. raids, and gunshot wounds. Iraq Body Count, <http://www.iraqbodycount.org/database/incidents/> (go to date 10/31/07) (last visited Mar. 26, 2008). See also Theresa Vargas & Michael Laris, *Costumes of Cho Victims Rile Va. Tech Community*, WASH. POST, Dec. 9, 2007, at C1, available at LEXIS, News Library, WPOST File (detailing how students from Penn State University dressed up in Halloween costumes mocking the Virginia Tech massacre).

²² See *supra* notes 3, 19.

them.”

To confront what we do to each other, of which racism is only one count in a long indictment, would disrupt business as usual to such a large degree that not a single one of us would be able to sleep in the same comfortable flannel footie pajamas of our defenses.

When Charles Lawrence first started breaking glass, he was a young man with a soft but firm voice, ever polite and reasonable, as his parents' home teaching required. No matter how politely you put it, the message “You are racist, and doubly so if you allow racism to persist in a place where you have the power to change business as usual,” was seen as a direct challenge to status and safety and familiar pajamas.

The young Charles Lawrence had a brave colleague, the young Stephanie Wildman, a white, Jewish woman who was willing to say, “What if Chuck is right? Let's hear what he has to say and think about what it tells us about our law school.”²³

Stephanie Wildman went on to study, write, and teach about privilege in a way that will help us out of our pajamas, and help us put out the fires of the conflagration we now stand in.²⁴ She chose not to run from the truth but to dive into it.

When I first met Dr. Haunani-Kay Trask, the Hawai'ian nationalist who calls my people settlers, we were together on an academic panel discussing the 100th anniversary of Japanese Immigration to Hawai'i.²⁵ I was told “She hates Japanese,” and I gathered up my Japanese self to ask her quite directly, “If you are right that your people were illegally displaced, as I believe you are, I want to ask what that really means for people like me. Does my family have to move out of their house in Mānoa?” I held my breath because I made a promise not to hide from the truth, but I really did not want to hear it.

She said, “We don't know. We are building a nation. We don't have our self-determination and so we can't determine yet what our nation will look like. But I can tell you this, I would take back the military land before I would take your house.” The military and the government control most of the land in Hawai'i.²⁶ Very little is actually held by individual

²³ Stephanie Wildman was Charles Lawrence's colleague at the University of San Francisco School of Law.

²⁴ For examples of scholarship by Professor Wildman, see JUAN F. PEREA, RICHARD DELGADO, ANGELA P. HARRIS & STEPHANIE M. WILDMAN, *RACE AND RACES: CASES AND RESOURCES FOR A DIVERSE AMERICA* (2000); STEPHANIE M. WILDMAN & MARGALYNNE J. ARMSTRONG, *PRIVILEGE REVEALED: HOW INVISIBLE PREFERENCE UNDERMINES AMERICA* (1996); Stephanie M. Wildman, *The Persistence of White Privilege*, 18 WASH. U. J.L. & POL'Y 245 (2005).

²⁵ Panel at the East-West Center, University of Hawai'i in 1985.

²⁶ STEPHEN S. BIRDSALL & JOHN FLORIN, *AN OUTLINE OF AMERICAN GEOGRAPHY: REGIONAL LANDSCAPES OF THE UNITED STATES*, ch. 17 (1992), available at <http://usinfo.state.gov/products/pubs/geography/geog17.htm> (stating roughly half of the land in Hawai'i is government owned); Andrew Walden, *Nine Reasons to Say "No" to Honolulu City Charter*

homeowners like my family. It is possible that Hawai'ians could have their nation back and I could be a home-owning citizen in their blessed place. That could happen when militarism is vanquished and the land returned to a level of local agriculture that we now call sustainability and that the Hawai'ians called the ahupua'a system.²⁷ They fed a million people on that system, the same as today's population in Hawai'i, and they did it at zero carbon.²⁸ Maybe we could live there. We don't know yet. In our great American innocence, if we never ask, we will never know, and the fires will burn all around us until we are consumed.

Where we are, twenty years after Charles Lawrence told the truth about American racism, is in the midst of deep crisis. It's not okay, it's not okay. And we should not drive around town or sit down at conferences without acknowledging that there is a war going on causing ruptures to people, their bodies, their lives, to us, and to our hopes of peace and safety.

Those who see the architecture that makes such self-harm possible are going to have to teach others to see it. After seeing, we must also teach acting—picking one specific thing you can change to alter relationships of power wherever you are. The opposite of innocent is not necessarily guilty. If American innocence is about truth deflection, than its opposite is truth itself.

Accepting the truth of our racism is not a call to self-flagellating guilt, but a call to action.

Question 3—The 1% “Natural Lands Fund”, HAW. REP., Nov. 5, 2006, available at <http://www.hawaiireporter.com/story.aspx?d8dfb41c-8244-4832-baec-5496d48a39ba> (stating 94% of Hawai'i land is in the hands of government and large trusts).

²⁷ The typical form of the ahupua'a is “a strip [of land] running from the mountains to the sea, marked by physical boundaries of ridges, streams or gulches, and containing a sea fishery, a stretch of open cultivable land suitable for the growing of taro and yams, and forest land.” JEAN HOBBS, HAWAII: A PAGEANT OF THE SOIL 12 (1935). For an overview of the Ahupua'a system, see Jason K. Levy & Joseph Chernisky, *Understanding the Ahupua'a Model Part I: Introduction and Overview*, 7 WATER RESOURCES IMPACT 20, 20–22 (2005). See also generally JON J. CHINEN, THE GREAT MAHELE: HAWAII'S LAND DIVISION OF 1848 (1958) (describing ancient Hawaiian land divisions and detailing subsequent land system reformations in Hawaii).

²⁸ See Jason K. Levy & Joseph Chernisky, *Understanding the Ahupua'a Model Part II: Application to Community Based Education and Resource Management in Hawaii*, 7 WATER RESOURCES IMPACT 23, 23 (2005) (“[A]hupua'a resource management promotes community based, sustainable, watershed management by balancing resource rights with responsibilities of caring for the ahupua'a.”); Joan Conrow, *Sustainable Hawai'i*, HAW. ISLAND J., Apr. 21, 2007, at 7, available at <http://www.hawaiiislandjournal.com/2007/0421a.pdf> (noting the ahupua'a concept helped Hawaiians “live[] in harmony with their environment and achieve[] fuel and food-sufficiency”); Peter B. Lord, *Can Ancient Hawaii Guide Modern Rhode Island?*, 1 41°N 22 (2002), available at <http://seagrant.gso.uri.edu/41N/Vol1No3/41nfall02.pdf> (“By some estimates [the ahupua'a] fed nearly a million people, close to the present population of Hawaii.”); see also HOBBS, *supra* note 27, at 12 (“An ahupuaa might be regarded as a self-contained little kingdom, supplying all of the necessities of life to the landlord and tenants occupying it.”). The population of Hawai'i during the era of the ahupua'a has been grossly underestimated in many historical calculations. See DAVID E. STANNARD, BEFORE THE HORROR 30 (1989) (suggesting the Hawaiian population probably totaled “well over one million” on the low end after applying possible calculation corrections).

Finally free, we will take on the unfinished work of the Fourteenth Amendment, and the skill of truth-telling will become a natural practice. Finally. We can tell the truth about what we are doing to the planet and to one another. Finally. No defenses, no deflections, just the work of making this world okay for humans and other living and non-living things.