

Getting Curious with Jonathan Van Ness & Saleema Snow

JVN [00:00:00] Welcome to Getting Curious. I'm Jonathan Van Ness and every week I sit down for a 40 minute conversation with a brilliant expert to learn all about something that makes me curious. On today's episode, I'm joined by Professor Saleema Snow, where I ask her: What is civil asset forfeiture? Professor Saleema Snow is a Professor of Law at the University of the District of Columbia's David A. Clarke School of Law, an Elected member of the D.C. Bar Board of Governors, and the President of the National Association of Muslim Lawyers. Let's get started.

Welcome to "Getting Curious," this is Jonathan Van Ness, I'm very excited for this week's episode, and this is an episode that we've wanted to talk about for a very long time. But we needed to find the perfect guest to talk about it, and we did. So welcome to this week's episode Professor Saleema Snow. She is the Professor of Law at the University of the District of Columbia and focuses on religious profiling, poverty law, and the intersection of poverty, gender and access to justice. And ultimately, the question we're asking today is, what is civil asset forfeiture and is it legal, government-sanctioned theft? So welcome, first.

Second, I don't know if anyone heard that you got excited before we started recording, but now I'm going to do it to you. You, the colors that you are giving us, the smile, the necklace, the texture, these pinks, these yellows. I'm so up-, well, I'm not actually upset, but I wish that people listening to this could see how stunning you are. So, Professor Snow, thank you so much for coming to talk to us today. We really appreciate it.

PROFESSOR SALEEMA SNOW [00:01:35] This is one time I do appreciate being objectified, so thank you. I appreciate that.

JVN [00:01:39] Oh, my gosh. I am trying to do this other thing where I don't compliment my guests on their looks, 'cause I'm trying to be more professional because sometimes, if the look is just too strong, I can't help it.

PROFESSOR SALEEMA SNOW [00:01:49] Coming from Jonathan Van Ness, I will definitely take it. So thank you. I appreciate that. So, interesting that you say "theft" because, in, from, trying to keep this as scholarly as possible, because, you know, I'm trying to stay neutral sometimes, but it is absolutely theft. So what is civil asset forfeiture? In essence, allows the government, various state and federal laws, allows the government to take cars,

homes, cell phones, laptops, cash, virtually any piece of property that you can think of as long as the government can loosely connect the property to some kind of crime.

JVN [00:02:27] So it doesn't even have to be, like, drug related. It can just be, like, they, if they suspect that you're linked to a crime.

PROFESSOR SALEEMA SNOW [00:02:36] So, and I say crime, because in essence, that's how the statute is, statutes are written. But let me rewind for a second. Let's think about the forfeiture that we all know, unfortunately, many of us know it. So with a car, you know, you get a ticket because you, your meter over expired. You get a ticket because you forgot to move to the other side of the street during street clean. You get a ticket because you are too close to the curb. The tickets pile up, what happens? Your car gets booted and towed. And if you don't pay the boot fee, plus the tow fee, plus the storage fee, then the city gets to keep the car.

We kind of get that a little bit because we see some nexus between our vehicle and the tickets, even though I think it's still an egregious practice. With civil asset forfeiture, what is really so egregious about the practice is not only does the government not have to find you guilty of a crime to keep your property. Not only does the government not have to even arrest you for crime to keep your property, it is this very low bar, any level of suspicion. So if the police stop a car and you're driving a beat up, little hoopty and you have 5,000 dollars cash in the car, the police can take the 5,000 cash saying they think it's related to drug activity because you're in a lower income, in a low income neighborhood. The police really have unfettered access in many ways to our property under the civil asset forfeiture laws. And to me, that's where, when you use this word "theft," that's exactly what it feels like, because it's just the level of suspicion that allows the police to just basically take our property.

JVN [00:04:14] I think, you know, ultimately, one of the things that has brought this question up for me and has made me curious about it, and has made me want to talk about it is I had a friend who I went to hair school with and she was moving from Arizona to Minnesota and she was driving in Iowa, and I'm not advocating for smoking weed whilst driving, but she smoked, she smoked weed while driving and someone called the police, they pulled her over. And basically because someone had, now the police didn't see her smoking marijuana, there was no video of it. But they pulled her over. They said they smelled it and they took every single thing in her trailer. Everything.

She had like 3,500 dollars cash because she was moving. So they took the cash, which is what she was using for her first month's rent at her apartment. They took all the furniture, they took everything. She never got it back because she was, they, they found the pipe,

but they tied it to, like, drug traff-, because there was paraphernalia. This girl had like an eighth ounce of weed on her. It's clearly personal use. Now, this happened back in like 2003, I don't even, I don't think weed is legal in Iowa anymore, but also race obviously matters. But this is a white person who this happened to. And I think part of where my brain has always gone is is like when it occurred to me, when, I think I was 26 and it occurred to me, I was like, oh my gosh, this government committed genocide and we took all of the Native American-, like we committed genocide, like just how we think of Nazi Germany committing genocide, we committed genocide. This is a tangent, so bear with me.

PROFESSOR SALEEMA SNOW [00:05:51] No, I'm with you.

JVN [00:05:52] But I was explaining, but I was explaining that to my dad and he got so pissed. He was like, "This is Land of the Free," la la la la. And I was like-, so that was one of my first experiences as a 20-something realizing, oh, I've been taught a lot of propaganda. This isn't really exactly how the history, that was, like, when I started to understand like white fragility and the narrative that we've been given is like not correct. One. Then this summer when everything, so, but this is the conversation, you know, at least, I'm not saying like I'm great and I'm like the most woke white person, I'm just saying I've been wrestling with this, thinking about this for some time. So then when we start to think about this summer and when all the protests were happening, I started to see this meme, like everywhere, that was like racism won't be fixed until white people see it as a problem they need to fix as opposed to something they have to, like, empathize with.

So then it started getting me to think, how can I convince, like, the white people, like, you know, my dad and, like, other Trump supporting ass white folks that when they hear "defund the police," when they hear, you know, these things, they're like, well, "Who are you going to call if you get into whatever? And I hope you never need to call the fucking police if you're in trouble or whatever." It's like, well, actually, the police in this country can literally pull you over, white, Black, Latino, brown, fucking trans, not whatever, say that they think they might smell some weed in there or say that someone thinks they saw you smoking some weed somewhere and take all your shit. Nobody should be comfortable with the idea of civil asset forfeiture, especially when, so, so that's kind of where, and so I was like, how can I, like, get white fucking people to understand this is you too? Like, and in the words of Ashlee Marie Preston, "White supremacy will eat its own young." So it's like it'll fuck with white people if you're poor enough. It'll fuck with, its everyone. It's all about keeping power where power is, and this to me, is such a tool that is used to keep folks down. So I'm so sorry that that was such a long thing.

PROFESSOR SALEEMA SNOW [00:07:53] No, that was beautiful. It's interesting that you talk about, you know, how do we find allies. This is even beyond an ally conversation because civil asset forfeiture, interestingly enough, with its history is you have had the, we have the most conservative justices and some of the most conservative congressmen who are advocating to end civil asset forfeiture because what happened, the laws are now drafted so broadly that it's beginning to hit the pockets of these, you know, white cis gender men, who understand that there's all sorts of ways the government can come in to just steal people's property. So, for example, we have this statute called CAFRA, which was really reforming civil asset forfeiture in 2000. And it was John Conyers on one end and Henry Hyde on the other end. So you have really conservative congressmen and a very liberal congressman.

You have, once it started hitting white collar crime that's when you were looking at seeing more advocacy on the ground beginning to happen in higher places. When I'm saying on the ground, I'm not talking about Black Lives Matter on the ground, I'm talking about on the ground with people going to Congress who are paying these, you know, high profile influencers to say we have to do something about this. So civil asset forfeiture is happening to your friend at a disproportionate level because we know that Black, brown, low income communities are overpoliced more than anyone else. So we are seeing that disproportionate effect in Black and brown communities, in other low income white communities, even. But we're also beginning to see how it is affecting businesses, that multimillion dollar businesses. We have one case where an import company lost all of its products for like four years before it could get it back. And this is a company that had the resources to push against the police department to get its property returned.

So part of the conversation with your dad and with others who don't get the whole Black Lives Matter, or All Lives Matter, but part of that conversation is saying, guess what? Civil asset forfeiture is also affecting your white privilege, just so you know. It means that they can come in your house also and take your home. I think of Ms. Young, a case in Philadelphia, 71-year-old woman who was actually bedridden, her son and grandson were living at her home. While living at his mother's home, the son was selling a little weed. He was arrested, I think it was under 300 dollars worth of weed that he was arrested for. The police implemented a civil asset forfeiture action against Ms. Young. They took her home as a result of her son selling marijuana out of the home.

This was not some big drug dealer. Less than 300 dollars of street value is what he had when the police arrested him and what he was selling. The police had uncontested that the mother in her 70s was literally bedridden at the time. The son was selling the marijuana out of the home. So it wasn't even as if she was a, on notice that this was happening in her home. It took her over four years to contest the home forfeiture, four years she was

without her home. Couch hopping, staying here, staying there, four years without her home. The reason that story is important because we see that it happens on so many levels. It happens to innocent people who know nothing about so-called illegal illicit activity happening. We're talking about losing a home over a couple, 300 dollars.

It happens to your friend driving down the street, and this is a chilling effect of civil asset forfeiture. We have to always remember the disparate power that exists between the police and the rest of us. If you're looking at someone who has a criminal charge being presented, the cops say, "OK, we're going to drop this charge, we'll give you six months probation." I'm not going to challenge you for my property because I do not want you to change this charge. I know I'm entitled to my property and the police know that you're entitled to the property too, but they also know that they have the leverage, the leverage where you are not going to challenge that authority, particularly if you're in a marginalized group of being Black and brown, because we know what the outcomes are. That's where white privilege comes in.

JVN [00:12:36] So let's think about, or let's walk people through. So you're driving down the street and well, does civil asset forfeiture happen, is it federally applicable? Do some state laws protect folks more?

PROFESSOR SALEEMA SNOW [00:12:50] So it's both. We have both federal statutes and every state has some kind of civil asset forfeiture. Being a Washingtonian, I will say DC gets an A plus for its civil asset forfeiture statutes. And there are two reasons when we're ranking states, the reasons that some states are higher, have a higher rank than others, two key factors, one are the protections that are in place that someone can challenge the forfeiture. And then the other factor, which is key because it's a motivating factor for civil asset forfeiture, where does the money go? This is really a follow the money game, because once the police take your property, in many states, the police keep your property, keep the funds from the property, if it's cash, they keep it. Whatever they catch, they eat to benefit law enforcement departments.

Now, the reason D.C. has a higher grade than other jurisdictions is because the law enforcement is not authorized to keep the proceeds from the property. It has, I'm not sure exactly where it goes in D.C., I can't remember, but has to go anywhere but the police department. So that de-incentivizes the police from arbitrarily stopping someone on the road, "Oh, you have a couple thousand dollars, looks like it's related to that marijuana in your, in your ashtray." That's really a critical factor to think about. And quite honestly, in some of the civil asset forfeiture reform actions, a lot of the action has been around not allowing states to seize property and then put it back into their police department's budget.

On the federal level, this is key, though, some states, even when they have this, the federal government is kind of sleeping with it with the devil in many ways, because even in those states where the state may prohibit law enforcement from seizing property and putting it back into their own budget, the federal government has this adoption program, which Eric Holder actually had abandoned, but then our wonderful friend, whose name begins with "T" and lives on Pennsylvania Avenue, he overrode that particular policy. But the policy, the federal adoption policy, it allows states to collaborate with the federal government, send the money to the federal government, the federal government keeps a percentage of it and then sends it back to the states. So that's how even states that prohibit that practice get around it.

JVN [00:15:18] So they're able to just share some of the proceeds with the federal government, and then that makes it like, it's like a different asset? Like by giving it some of it to them, then they can just send the rest back and then it makes it a different asset altogether?

PROFESSOR SALEEMA SNOW [00:15:28] Exactly.

JVN [00:15:28] So they can just keep it?

PROFESSOR SALEEMA SNOW [00:15:29] Exactly.

JVN [00:15:30] Wow.

PROFESSOR SALEEMA SNOW [00:15:31] Yeah.

JVN [00:15:36] So just to go over that, so the two things that really differentiate a state by like, you know, how like citizen fri-, or not citizen, but just, like constituent friendly or like fed-, or like government friendly is, one, can-. Wait, tell me again, I need to hear it one more time, I'm so sorry. So the first thing.

PROFESSOR SALEEMA SNOW [00:15:57] The first thing is, do I have protections where I can challenge this forfeiture? Do I get notice? Do I have a chance to appear in court? Do you provide me with a lawyer? What am I, for due process protections, as we were saying, what are my protections that I have that allow me to get my property back when you just stop me for some marijuana in my car? What are my protections?

JVN [00:16:19] So some states don't even have that. So some states, if they take your cash or your car or, like, the stuff when you get pulled over or in the case of the lady in Philly,

like they just come take it and you might not even know, in some states, what they've seized and what they've not?

PROFESSOR SALEEMA SNOW [00:16:35] So you're going to get some level of notice, the question is how much notice? The real quirk with civil asset forfeiture is this is the strangest thing, it has very deep roots, by the way. Civil asset for-, when I say deep roots, think deeper and deeper and deeper. Civil asset forfeiture literally goes back to the Bible. And the reason that antiquity is important is because the US Supreme Court often references how deeply rooted civil asset forfeiture is in our legal system. The reason that we look at the Bible, there's a verse in Exodus where it talks about if an ox kills a something, the owner shouldn't be responsible. Looking at property as being its own person, if you will, and separate from the person. So the action is actually not against the person. The action, the law enforcement files a separate legal action against your property. So it'll be the District of Columbia v. 1999 Toyota Century or whatever. It's against the property. Why is that important? It's important because that's how law enforcement gets around having to give us all these wonderful protections we would normally have embedded in our Constitution.

JVN [00:17:52] Because it's against the property, not you, the person.

PROFESSOR SALEEMA SNOW [00:17:55] Right. So even though I may get notice, so, let me look at the federal side, for example. On the federal side, the law enforcement seizes your property. After it seizes your property, it has usually 60 days, if there's an exception where they can get another 35 days to file a notice to the owner that we have seized your property. Now, rewind again, since it's against the property, it's just something that they have to mail. I don't know about you, but half our mail ends up next door, down the street, you know, Post Office is doing the best they can, but sometimes it's in the wrong mailbox and the neighbors are always sliding our mail under our door. So the first problem is, did, does the owner even get the notice?

The second challenge is the owner has to have at least 35 days to file an action saying it plans to challenge it. Again, let's go back to your friend. Your friend has a pending criminal charge against her personally for the marijuana in her car. The last thing she's thinking about, as much as she needs the rent money, as much as she needs whatever else she has in that car, the chilling effect of her trying to challenge the police for her property when all she, her main goal right now is can I just get this charge dismissed? That's challenge number one, the chilling-.

Challenge number two is you really need a lawyer. This stuff is done in district court. When I'm litigating in district court, I'm calling a friend. "How do I handle this case?" So you

have, and I've been practicing for over 20 years. Lawyers are calling other lawyers when we have cases. So someone without a law degree, there's no right to an attorney, unlike a criminal case, if you can't afford a lawyer, one will be appointed to you, that doesn't happen in civil asset forfeiture, you are on your own against the police. Then the police file a complaint, then you answer the complaint. It is a complicated legal process, but this is the key, before your civil asset forfeiture even lands on a judge's desk, six months have gone by. Six months before the judge even looks at the case, let alone decides the case. So your friend, six months, she's without her rent money. So she's probably evicted by now, six months without whatever else she had in that vehicle. So it is not, even though when you have a process, it doesn't mean it's just.

JVN [00:20:22] Well, in her case, the family was so pissed that she had marijuana and was, you know, driving with it, she was cut off. So once that ticket was given, they were so mad at her and it was like, well, it was tough luck. I mean, she did jail time in Iowa. I think it was a month that she did there. Then it was a matter of, like, getting a bus ride to a friend's house in Minnesota where she was going and she had to, like, literally rebuild from scratch. And it's, like, if you don't have money for a lawyer, if you don't have money, so, and it's really two separate issues. Right? It's like what you were saying. That's one thing I never thought about. There's the criminal case. But then there's the civil asset forfeiture case, which are two totally separate things. And in her case, she never got the assets back, never tried, never could. It just wasn't. That was like a moot point.

And what's so upsetting about that is, is that this was someone who, and even if you were dealing marijuana in the early-, one, who gives a fuck? It's racist why we don't have it legal anyway. But this is someone who wasn't even in selling marijuana. This is someone who had, like, a small personal supply. And everything was taken from her from, like, years and years. So, so that's, it's a gigantic problem. So what happens, when we say, you know, "think deeper," it goes back to the Bible. One thing I wrote down earlier when you were talking about, it's, like, so basically part of what our Constitution is built on is this idea that innocent until proven guilty. But they're not saying that you're guilty. They're saying that your property might have something to do-, so that's like a little bit of the workaround. So how and when did we see civil asset forfeiture happening in our history? Like, was it 1800s? 17? Like, when did it start happening?

PROFESSOR SALEEMA SNOW [00:22:08] Well, I mean, really, if we're going to go all the way back, we're looking at the 7th century. But if we're looking at contemporary civil asset forfeiture, I mean, and even before we talk about contemporary, you know, maritime law was very popular during maritime law, because you have a cargo coming in on the ship, they want to seize the ship and its cargo. But from a, looking much more from a contemporary perspective, our RICO laws were really when we saw civil asset forfeiture

being used to deter criminal activity. So we're trying to take a bite out of crime, if you will, trying to end organized crime, which makes sense to all of us. We're saying, "Oh, I don't want you benefiting from criminal activity."

That I think is easy for man-, easier, for many of us to understand. "Well yeah, I don't, I don't want someone who's destroying my neighborhood through crack cocaine or even powder cocaine." I mean, that's the answer in that disparity narrative. But someone who's destroying a neighborhood for whatever the reason may be, then I don't want that person benefitting. I don't want someone who has committed mortgage fraud to benefit from stealing thousands and millions of people's hard earned money, someone who's committed wire fraud. I don't want them benefiting from the crime they so-called "committed." So that was supposed to be the initial purpose of a contemporary perspective, taking the profit out of crime.

When we had the so-called "war on drugs," it became really strong ammunition to deter those who were targeted for being, selling drugs, again, largely targeted against Black and brown communities where it was used to deter drug distribution. But the problem with civil asset forfeiture is we have, we have gone so far away from using it as a deterrent to so-called "crime," taking the profit out of crime. Because any time you're looking at Ms. Young and she's losing her home over a couple of hundred dollars of marijuana that her son is selling out of the house, a bad problem.

This classic US Supreme Court case Ben, it's called Bennis. Where Mr. Bennis uses the family vehicle to hire sex workers. And his wife was unaware and thinking he was using the car to hire sex workers. So he's prosecuted. But the case before the Supreme Court is whether the police should have been able to take, through civil asset forfeiture, the vehicle. And the challenge that we see with that is Ms. Bennis was considered basically an innocent owner. She had no idea that her husband was using the family car to hire sex workers. But the court said it's still constitutional, it's constitutional under civil asset forfeiture warrants. Now, thankfully, go fast forward about 10 years and Congress did amend the civil asset forfeiture laws where you now do have an innocent owner defense. So if you're in the home, arguably, Ms. Young could have argued that now that she was unaware her son was selling marijuana in the house, she was bedridden. Ms. Bennis now would argue she didn't know that her husband was using the vehicle to hire sex workers.

JVN [00:25:40] But however, even though there is a defense now, the practice of civil asset forfeiture is unchanged. So for a Ms. Bennis, her car could still be seized and she could still have to file a challenge, get a lawyer. So at least she has a defense where she could potentially get it back. But the Ms. Bennis' of the future, it's like, well, what happened to innocent until proven guilty? Like that, it seems to me that civil asset forfeiture completely

goes above that, because really you have a police officer making that, making that decision right there and then, like at the scene of the crime, it's like, or the scene of the whatever, that police officer is assuming that this, that these assets have something to do with the crime. But there's no judge. There's no jury.

So don't legal scholars, isn't there like a movement to show that this is, I mean, and what about separation of church and state? Like isn't, like if we're drawing from the Bible to show why this makes sense in contemporary America, so, and so that's one thing. The other thing is, so we look at contemporary civil asset forfeiture, I think one thing that we've, I don't know if you've ever heard this, but I certainly have heard it as a white person growing up in the middle of America. "In my day when you would drive drunk, you know, a police would just say, 'Hey, you need to go right home.' You know, we didn't have, like, the DUI breathalyzers and we didn't have the whatever, like, you know, there was benefit of the doubt."

And I think that one thing that we, that I certainly learned in "The 13th" by Ava DuVernay is like, wait, like, actually the war on drugs. We have a president, on a recording, President Nixon saying, "How can we throw as many Black people and hippies in jail? Oh, well, we're going to make crack and marijuana a Schedule One offenses, but we're going to make powdered cocaine a Schedule Two offense," which kind of is like harkening back to what we just kind of brought up before, which brings me to this point. So really, Nixon is the president who militarizes this idea of the war on drugs. We're going to take a bite out of crime. Reagan takes that even further. So then I wrote down, "drugs versus financial." So who is most readily a victim of civil asset forfeiture? Is it the person driving down the street or is it the people? You know, because I mean, we think about Donald Trump. This fucker didn't pay god damn, excuse me, so sorry, it slipped out.

PROFESSOR SALEEMA SNOW [00:28:00] Quarter in the jar, Jonathan. Quarter in the jar.

JVN [00:28:03] I'm so sorry, I'm so sorry, I'm so sorry. But it's like this guy didn't pay federal taxes for years.

PROFESSOR SALEEMA SNOW [00:28:10] Right.

JVN [00:28:10] Like, shouldn't we be taking like that, that place in upstate that they all use? Like, shouldn't we be taking some of the, I mean, it just seems like, because that's the other part. In the, you know, the people who have money and resources to push back on the civil asset forfeiture so they can actually afford the resources to fight it versus the people that literally don't have the resources to fight it in general or like in the first place. So how do we correct that?

PROFESSOR SALEEMA SNOW [00:28:37] So there are a couple of things. One, I want to rewind just for a second, because as a critical race theory scholar, I can never separate race from the law. When this is all said and done, we peel back the layers. I am the mother of a Black son first above everything. And I mention that because when you say, "in your day," they probably still may pull over you because of your white privilege and the lesson that I always drilled down to my son and I'll just be pretty frank with you here, I said, "Do not think you can do what your little white friends do. Because they're going to call their parents and they're going to lock you up." Now, mind you, as a parent, I drill to my son also, that you know, work hard, you'll be successful. He got his law degree from Harvard, got his master's from Oxford. Those things that, you know, Black little mothers who grew up in public housing, is very proud.

JVN [00:29:31] Ah!

PROFESSOR SALEEMA SNOW [00:29:32] But he still, he still, he still says when he walks the street, police see his Blackness. Police see his Blackness when he walks the street. They don't care about his degrees, they don't care if he has on a custom suit. He deliberately don't, won't wear certain kinds of clothes because he feels that he's going to be targeted. He's actually living in Germany and Berlin running a business. And it's sad that he feels safer in Berlin than he does in Washington, D.C.. What is wrong that Black men and women feel safer in another country, Berlin, of all places, that has its own legacy of genocide, but safer in Berlin, Germany, than he does in the nation's capital?

And it goes back to how this country, we talked about property to begin with, we started off talking about property, we cannot forget this country has looked at Black people as property since we came to this country. And property deprivation continues. We are no longer considered property per say, but we are deprived of property in so many ways. There's this book called "The Color-," "The Color of Law," and it just delineates the various statutes in housing that kept Black people deprived of even being able to acquire real estate and to acquire housing, which is the biggest wealth builder that we have.

So when we're looking at discriminatory policing and the effect that race has on civil asset forfeiture, absolutely, it's disproportionate-, disproportionately affecting Black and brown communities. And that's because Black and brown communities are overpoliced. It's because, I mean, I used to drive this car that made my, my, my husband cringe. It was this old Nissan, windows beat up. It was, looked horrible. Horrible looking car. Terrible, but it ran well, and I just refused to get another car because it ran great. I got pulled over in that car so many times. What saved me is I'd roll down the window and I usually was coming

from work, they wouldn't even ask for my license and registration half the time. So I knew that they were targeting that car of what they thought that car represented.

My son would say to me, "I can't drive that car, are you kidding me? The police would pull me over every time and I'm not going to have the same results that you have." So we have all sorts of privilege. Mine with being older, and an elder woman, even though my Blackness was still part of that formula. But the privileges we have protect us sometimes from civil asset forfeiture. The privilege of whiteness protects, you know, someone being white, driving down the street and someone being Black driving down the street. Why does this Black person have 3,000 dollars in their vehicle? Probably because low income people are often aren't bankable, quite honestly, so we often see our clients with a lot of cash on them. But you cannot separate the issue of race from civil asset forfeiture. Interestingly enough, something that isn't talked about often, Black Lives Matter movement and one of its initiatives included economic, destroying some economic disparities, including civil asset forfeiture. So, I mean, rightfully so. We have really focused on the loss of life, but connected to police overpolicing our communities is civil asset forfeiture. It's a direct effect of overpolicing Black and brown communities.

JVN [00:33:07] And so we see that and I mean, I would, I don't know what the numbers are off the top of my head, but I can only imagine that when we look at the amount of assets that are seized from folks, I don't know if you want to put a monetary, not you, just anyone, whether it's monetary or, like, the amount of folks, I think we can guarantee that Black and brown people are at the much higher receiving end of civil asset forfeiture, probably in both realms of monetary value and a number of times.

And I guess, what I was trying to say, because it's, like, in the 40s and 50s, in Quincy, Illinois, if you were a Black person that got pulled over for drunk driving, you probably were not having them say, "Just get on home." So, yes, 100 percent. I think what I was trying to say was that it seems like there was a time where the idea, well, actually, that's only for white people. Yeah, yeah, yeah. There was a time when white people weren't as afraid of police, but now they are because more, well, more are because, like, we're seeing the fucking like the police are really government sanctioned people who can literally fucking pull you over, rob you blind, and it's a whole thing.

And which leads me to this point, which is actually not about civil asset forfeiture. But when I think of, like obviously, drunk driving is a huge problem, driving while intoxicated is a huge problem. But when I think about like marijuana, when I think about, like, you having some pot in your car, whether or not you smoked it, you didn't. It was whatever. The worst thing I've ever done, getting high and, like, driving, was, like, going to Taco Bell and getting, like, way too many Cinnabon bites, like since they've had those.

And really, again, to reference "The 13th." And if anyone's listening to this and you haven't seen "The 13th" by now, like run, don't walk to Netflix to see it. But I mean, the origins of marijuana prohibition are racist. It's not up for discussion. Like, it's just simple as that. It was a threat to cotton. It was a threat to the industry. It was like, so that's what that was. And then civil asset forfeiture is directly linked to some of the drugs that were made legal, illegal, whatever. So this is all very interconnected. And I think that's one thing that I've learned so much this year, is that all of this is so inextricably connected all the way back from the origins of our country.

And when I hear you talking about the fact that your son, a Black man born in America, feels more safe in Berlin than he does here, one of the key differences that I see in the way that Germany versus America has handled is contemporary history is one acknowledges the evils and deals with it directly, versus America, which is still really, really stuck in trying to qualify or dismiss what in fact happened here. And it's, and it's actually, it's such, it's, you know, in the words of Ashlee Marie Preston again, "You can't heal what you don't reveal." And I think when we have so many people working to dismiss that, but again, that's off the subject and I want to talk more about civil asset forfeiture.

So how, how often does someone have the chance to get their stuff back? I mean, is there like pro bono law people that will, like, help out folks that couldn't afford to get lawyers? Like, how long does it take? I think I remember like a year or two ago reading an article about a man who had been fighting for years and years to get his stuff back, and he did eventually. But it's, like, probably spent eight times the amount of money that the actual assets were worth to try to get it back.

PROFESSOR SALEEMA SNOW [00:36:36] That's, that's part of the problem, that is, you know, we have a major justice gap when it comes to access to our, to legal services. I've worked in legal services for over 16 years representing poor people living in D.C. and in Georgia, and it was hard for us to say no even when we were at capacity, because we knew if we said no, there was no place else for this person to go. The harsh reality, though, is legal services officers de-, offices deny more cases than they're able to accept. So you have a number of people who do not have access to our court system. They're complicated. Before I even get to the substance of a legal matter, the court can kick out a case simply because you didn't file the right form or you didn't use the right language or you didn't file a timely, or you only had 30 days to file and you filed an answer in 35 days.

So there are all sorts of hurdles to access and justice in our court system. Are there pro bono lawyers? There are some, but one of the movements has been to add having a right to counsel in civil asset forfeiture case, forfeiture cases, the same way we have a right to

counsel in criminal cases. There's a movement, housing in particular, that it's a human right. Housing is a human right. How is that Cuba has housing as a human right, we don't have housing as a human right? I bring that up because as we think about civil asset forfeiture and the barriers to getting your property back, the barriers to people being able to have the property that they work for and the police have arbitrarily taken from them, we need to rethink our entire legal system, even on the back end when it comes to someone being able to challenge the practice. But then that goes back to our access to justice problem that we have. People throw their hands in the air because they simply don't know what to do and they'll call legal services offices. "I'm sorry, ma'am, we're not taking any new cases." I mean, that is the standard line, unfortunately. That legal services just can't take new cases.

JVN [00:38:47] So if people can't get their assets back and then the state or the jurisdiction has the thing where the police can just catch what they kill, how much of just seized property has gone into the pocketbooks of police officers to either, like, hire more policemen, hire or, you know, buy more guns, buy more bulletproof fuckin' tanks? Because literally, just also, to be clear, it's like another, different podcast, but in my lifetime, like our police forces across the country have unilaterally become, like, a whole new militarized police force that we did not have in the 70s and 80s. I mean, so many of these, you know, whether it's the cell phone receptor shark things or if it's, like, fucking grenades, body armor, guns, we got those into our police, police forces, like, from war. Like from, like from wartimes, and then we're like, "Oh, we don't want to waste all the shit that we spent taxpayer money on, so let's give it to the cops." So that's separate. But how much is just, if you had to guess, like, is just floating in the world of police department?

PROFESSOR SALEEMA SNOW [00:39:52] Well-

JVN [00:39:53] From stolen stuff?

PROFESSOR SALEEMA SNOW [00:39:54] From the Department of Justice, on the federal side, over two billion dollars in the 10 year period. So-

JVN [00:40:00] Two billion.

PROFESSOR SALEEMA SNOW [00:40:00] Two billion. Two billion dollars the Department of Justice had secured during a ten year period from, just from civil asset forfeiture. So that's a lot of money. That's a lot of money.

JVN [00:40:11] Holy fuck.

PROFESSOR SALEEMA SNOW [00:40:12] And it's a big incentive to continue to seize people's property.

JVN [00:40:16] And to be clear, that property was never convicted of a crime. Like that, like maybe it was, maybe it wasn't. Maybe the person just couldn't afford to because that's all the way from the car that they seized all the way up to like a multimillion dollar compound. So that's two billion of everything. So you've got to believe that there was a lot of like 2,000, 5,000, 6,000, just like, you know, smaller, even though that's a lot of money still, but smaller seizures all the way to bigger ones. So fuck.

PROFESSOR SALEEMA SNOW [00:40:43] Yeah. And even for, I should say that even for property owners who can afford to hire a lawyer, again, if it's my laptop and there's not viable data on it, maybe, you know, is it easier for me to get a 3,000 dollar laptop or for me to pay this lawyer 10,000? I mean, we all get kind of wrapped up in the emotions of, you know, that's just not right. They can't just take my property. But the lawyers are going to be the first to say, listen, it's gonna, my fees will be 10,000 dollars and your lap-, go buy a new laptop for 3,000. You say you have everything on the, in the clouds, just go buy a new laptop for 3,000. It's a cost benefit analysis also. It's not just an access to justice issue, but it's also a cost benefit analysis that we often have to do 'cause lawyers aren't cheap.

JVN [00:41:33] So there's no place in the United States where it's just illegal? Because even if they do have more rules and protections, they can still go to the federal government and do that like whole tradies, backies thing?

PROFESSOR SALEEMA SNOW [00:41:45] Every state has some level of civil asset forfeiture. Some level. Again, the challenge or the bright side, I would say, not the challenge. The bright side is whether the state has additional protections in place. And those protections could be that instead of the property owner having to say to the police, "I want to challenge this civil asset forfeiture." It could be that the police have to still follow judicial action, saying, "We are entitled to this property. This is a nexus between the property and criminal activity." But I think the real egregious part, if there was criminal activity, then you would think the police would have brought charges, arrested the person. And so many instances, there are no criminal charges brought.

Now the Catch 22 to that, we don't want to advocate that the police must file a criminal charge in order to go forward with civil asset forfeiture. So you're kind of caught between a rock and a hard place because on one side, you don't want to say, "Well, prove to me that there's, there's not even underlying criminal charge, you didn't even file anything," making that impetus for police to just start filing all these arbitrary charges against people instead of just, you know, paper and cases. So we don't want to do that.

It kind of goes back to us thinking radically about how we look at law enforcement. The whole defunding the police movement, which is often misconstrued, is to say, our focus is in the wrong place. The average person is not stealing something from a store because they just want to be a theft, a thief. They're taking from a store because they don't have the economic stability that they need for their family. Someone who's a recovering or in recovering or trying to recover, they're using drugs, if it's not by choice, if they're using because of an addiction, how about we have more services that are available for people who are trying to recover?

That's what defunding the police really looks at, it really is looking at how do we address the root cause of our problem? So the same thing with civil asset forfeiture, how we address the root cause of the problem. The root cause of the problem begins with one, police need to stop overpolicing Black and brown communities. Two, if you stop me, let's raise the bar as to why you can stop me. Every time police stop me, when I had my hoopty Nissan, they said, "Oh, your tail light was out." And I consistently said, "How do you figure out if your tail light is out?" And I would often say-, and I forget. I'd say I'm going to have someone sit in the car, put my brake lights on and see if my tail light's out. And then finally I did just do it. And it's like, my tail light's is not out. They've been stopping me saying my tail light's out, it's not out. So all of these really just egregious practices that we see from law enforcement. Now, I do not want to be the person who, you know, because it's like I'm saying, Black Lives Matter doesn't mean all lives don't matter, because I'm saying that the police are abusing their power doesn't mean that there aren't some police officers who do good things. So that's-.

JVN [00:44:40] Oh girl, you're preaching to the choir here. I think everyone listening to this podcast is, like, we're all on the defund the fucking police bandwagon. I think it's more of just like, I mean, for me, it's like, I mean, this is actually like I think, I mean, it's not why, it's not particularly. I do think, though, it's like, there, I can't, I have "Defund the police" in my bio, on my Instagram, and I can't tell you how many times a day some person will say to me in my DMs, "I hope you never need to call the police for anything." I sure hope you never need to whatever.

PROFESSOR SALEEMA SNOW [00:45:10] Right, yeah.

JVN [00:45:11] I mean, so I think the, so what's frustrating for me about that is that, like, I understand, I wish that there is a way that for me as a white person, there's a way that I could explain to other white people, like, 'cause, oh my God. You just, I mean, I'm actually my quads are getting chills just thinking about some of the conversations I've had to have with, like, just, but then you had to find a little bit of compassion. But it's like, but trying to

be a conduit between those people and then like the, like, you know, "No, like when I say defund the police, like I mean, what I fucking said." Defund. So explaining that side to someone who is like really fucking pissed off and offended by just the idea of that is like, I need to practice that. I really literally need to practice it.

PROFESSOR SALEEMA SNOW [00:46:56] So, Jonathan, you're using your white privilege. When you're using your white privilege by bringing these kinds of topics to audiences and talking to people in a way that they can hear you. You can say things that I can't say. Because "Oh, here goes the angry Black woman." You know, get into this whole identity and how we're stereotypes associated with identities. But you can say things that this angry Black woman can't say. And I tell my colleagues all the time, "Of course, I'm angry. Are you kidding me? Yes, I'm angry. I can literally tell you when my great, great, great grandmother was brought to this country and you don't think I should be angry that she was cargo? That we can't even get in the national apology? And you don't think that we should be angry? 40 acres and a mule. What was that? We didn't even get that. You don't think I should be angry? Of course I'm angry. I'm angry that my son hasn't received what he was promised. I have lots of anger and rage."

But when I say some, share some of these truths, it's heard very differently than you being able to share some of these truths because of your white privilege. But I also do think that when we're talking about civil asset forfeiture and when we're focused on how do we get everyone to hear us, if this is one issue where I really firmly believe that we get to cross the political lines. We get to cross the political lines because it's, it's affecting everyone and it's affecting white conservatives. It's affecting low income Black and brown communities. It is affecting us all. Now, I do think that simply because police overpolice Black and brown communities, and I cannot say that enough. And because we associate so many crime or confiscation of property to Black and brown communities who aren't pulling themselves up by their bootstraps. But once we begin to say civil asset forfeiture is a direct attack on our civil liberties, as even Clarence Thomas, my goodness, Clarence Thomas is even saying that this is, this is not what it should be.

JVN [00:47:47] I mean, you really can't think, to me, I can't think of, you know, based on everything that I've been taught about our American justice system, like, my whole life, I can't think of anything that's more un-American than having a law enforcement officer come up to you, be judge and jury, take your stuff. It's, deemed that you're guilty right away. And then, and then you can fight to get it back. And so that idea that you've worked for all this stuff, you're minding your own business, and then someone just comes and decides that you're guilty or your property is guilty. That seems so fundamentally un-American to me. And then I also hear people in my head, already saying or in the DMs, like, "Well, then just don't do anything bad and then you won't have to worry about it."

But that's the whole point. You can literally be minding your own bu-, but if that cop is in a bad fucking mood, woke up on the wrong side of the bed, you reminded them of somebody that they don't like, you, maybe you talk too quickly back to them when you get pulled over like it's anything can, can lead to this.

And so it just it really is a unifying problem. And it's, ultimately, does the idea or does civil asset forfeiture make us more safe or does it make police unions and police stations more powerful? And to me it's the latter, because if it made it more safe, wouldn't we have already seen a reduction in violent crime? Wouldn't we have already seen people not wanting to, like, you know, "stay out of trouble," so to speak? We would have seen it already, because this has been going on since the 70s, the 80s and 90s.

It's, it's not making us safer. In fact, it's making, it's increasing distrust. It's increasing the instability. And so, is there, I mean, so I think we've already heard about, you know, some of this. But I want to kind of hit back to it. What? I mean, I think that we've already we, we have seen but I want to touch on it more, what this practice of civil asset forfeiture reveals about discriminatory policing, which I guess if I was just going to recap it, is that it affects Black and brown people much more often because Black communities are overpoliced. Then it's what are the efforts, what do our current efforts look like that are meant to curb, abolish, refine, reform? Like what are the movements on the ground that are working on this? And if people are, you know, fervently incensed after listening to this, where can they go? Where can they get involved? Like who do you think is doing the best work?

PROFESSOR SALEEMA SNOW [00:50:12] So if we think about the Black Lives Matter movement that came about, and really was challenging the duplicitous criminal justice system, the loss of, you know, of Black lives and the Ferguson report that the Department of Justice developed, one of the outcomes of that Ferguson report, this was under the Obama administration. So I've really found it to be a very enlightening report, despite the fact that it was Department of Justice. But the Ferguson report, it looked at policing for profits. That report looked at police officers, it wasn't directly civil asset forfeiture, police were fining tickets and just finding ways that they could fund their police department through fines against Black communities. The same thing we saw in Baltimore. The report revealed that Baltimore police were also policing for profit.

So this idea of policing for profits is really also part of the foundation of civil asset forfeiture. The Black Lives Matter movement has done many things, I think through this most recent movement, has really built so many unlikely allies that we didn't expect to see, thank God for social media so we can see what has been happening in the Black community very quickly through social media. So I do think that when we're talking about

looking at how do we bring movement and bring attention first before we can bring change often.

So we have the kind of the historical interplay between protest movements and getting some movement in the courts or even with our legislators, and what the Black Lives Matter has done. It brought to light this, this duplicitous criminal justice system. And it also has been building this amazing, I hate this word "allies," but I can't think of anything else but these amazing allies to, to uplift this concept of Black lives actually mattering, which this country from its inception has promoted that Black lives do not, in fact, matter. So when we're talking about how do we begin to shift the egregious practice of civil asset forfeiture, I do think we have to continue to have protests such as Black Lives Matter, include civil asset forfeiture as part of its agenda.

And the reason this becomes important, it seems that's like a big gap between protest and the courts, but protest movements have often moved the courts. If we look at the Civil Rights Movement led to *Brown v. Board of Education*, LGBTQ Movement led to *Obergefell v. Hodges*, the Women's Movement led to *Roe v. Wade*. So it has been movements that have made the court often respond. Because the courts, despite the legitimacy of the court that's embedded in the laws and constitution, the Supreme Court and all courts really have this implicit legitimacy that comes from the masses believing that the courts got it right. So one of the challenges we saw with *Brown v. Board of Education* in states just refusing to uphold *Brown* was because the masses weren't quite where the court was, that the masses were not accepting the fact that separate was not equal.

So court legitimacy often happens. Not that I'm suggesting that courts, you know, use popular opinion to render decisions, but courts are influenced by the movements. There's no question that courts are influenced by this, the question is how much, but they're definitely influenced by movements. And part of that movement influence comes when the movements are successful and it's such a wide range of people involved. And that's what I think, as strange as it may sound, I think that's what Black Lives Matter is really doing effectively, that this idea of really pulling diverse populations together to uplift different causes and to show the disparities that we are seeing in our criminal justice system.

There's this amazing quote that, or statement that Sonia-, Justice Sonia Sotomayor makes in this case called *Utah v. Strieff*. And in her dissent opinion, she talks about Black and brown parents giving their children "the talk," the talk not to run down the street, the talk to put your hands on the steering wheel, the talk never to talk back to an officer. What is going on that our Supreme Court justices recognize that Black and brown parents give their students, their children the talk? I definitely gave my son the talk. And he got it well. So I mentioned that the courts are listening. The fact that we have that language

embedded in the US Supreme Court decision says that the courts are paying attention to what happens on the street. So that's where I think we first start.

Who else is doing this? I mean, I don't know that any organization is dedicated specifically to this work, a number of organizations consider it, Washington Lawyers Committee for Civil Rights, for example. They do some systemic work on the project, there are other organizations, but really, I'm, I'm a firm believer that it's about being on the ground and making people care about it. I tell my students all the time the law is a human experience. We have to humanize the issue. If we don't humanize the issue, no one cares. So it's about humanizing the issue, knowing about the Ms. Youngs, knowing about the Ms. Bennis', knowing about your friend. You humanize it. You get on the street, increase the visibility as to why should we care? We should care because it's affecting each and every one of us. You spent all this time building a home. You spent all this time working two jobs so you could buy a home and then the police just take it? No, I'm sorry.

JVN [00:56:24] Now, what, have there been any victories, state victories, federal victories on this matter since 2000? Since that last reform?

PROFESSOR SALEEMA SNOW [00:56:35] There have been, there have been. There's a case called the Timbs case where going back actually to the car repossession or car seizure, forfeiture, when you don't pay your tickets. Timbs case, U.S. Supreme Court heard the case and in essence it saying that we can, have to ensure that it's not excessive, that it doesn't violate in excessive fines. So meaning if I have a 10,000 dollar car and only have 500 dollars worth of tickets, then the police should not be able to keep my car that's worth 10,000 and I only owe you 500. At a minimum, there should be some kind of, so there, there's a small, small, small window of hope that at a minimum we're saying it should, that the excessive fines clause should apply-.

JVN [00:57:22] But that's still classist because what if you get, what if your car is like a thousand dollars and then you get? So then they're like, "Oh, we can keep yours, person, because you didn't have as nice of a car?"

PROFESSOR SALEEMA SNOW [00:57:30] Well, again, to me, it's also class comes into play again because you still have to challenge this stuff. So this is often not, if I don't have the means to challenge, what I would like to see happen is you have the right to counsel in these cases. That you have to have a right to counsel in order to get your property. And that also begins to show the police, because police know that if you're not represented by counsel, how they can easily win that case. In D.C., in the landlord tenant court, for years we had 95 percent of landlords who were represented by counsel and only the 5 percent of tenants who are represented by counsel. So 95 percent of landlords are represented by

counsel. So they're walking into, "Oh, good morning, your Honor. John Smith here of X, Y, Z Corporation, your Honor, the tenant has failed to pay her rent under D.C. Code 1621." And the tenant is standing there like, "Well, your honor, can I have until next month? I just don't have the money." And the tenant doesn't know that's not a legal defense. And then she's wiped out within the first, or he's wiped out or they're wiped out within the first five minutes of the hearing. So this idea of, of counsel, a right means nothing if you cannot implement that right.

JVN [00:58:40] So you think one of the most effective ways to reforming this system, other than rethinking it completely, is there should be a right to counsel and all civil asset forfeiture cases. Is one of the quickest ways.

PROFESSOR SALEEMA SNOW [00:59:52] Probably not, actually. That's probably one of the most difficult ways, because that's going to take so much money. That's what, that's all, that's what I want to happen, though. I think the quickest and easiest way is to shift what we call the burden of proof, meaning similar to a criminal case. You put the burden on the police to establish by clear and convincing evidence, not just probable cause, which is like way at the bottom, but clear and convincing evidence that this property is, is the fruits of illegal crime, not just this loose nexus to a crime, but it is a direct result of criminal activity. And it has to be by clear and convincing evidence that the police, law enforcement has to prove its case, regardless of whether the property owner challenges it, the police should have to prove the case. So I should be able to come to court and sit there. If Ms. Jones has her property stolen and police take it, they should have to prove the whole case. She should be able to sit there and do nothing because the burden would be on the police to prove that it is entitled to this property by a high standard of clear and convincing evidence.

JVN [00:59:57] So really what we could do to help in this practice is like we have to, really people just got to get involved. And I also think that this is such, like, and if anyone happens to be listening to this episode and you are considering to run for state or local office, any office if you're listening to this, I feel like such a unifying issue that can really get everyone pissed off and give some progressive policies up in there to make our place safer and more equitable. Because this is like really, like, so fucking un-American. It's like just, well, unless you're someone who is like, welcome bitch. Like this is as American as it gets, like super fucking unfair, like seizing of shit and we're like, welcome to the fight.

So that's that. But here's another thing that, well, OK, well, first of all, like Yogini recess, this is like the time where if we missed anything on civil asset forfeiture, yes, we want to go there. But I also have just kind of come up with another question from just spending this last hour with you that we could probably almost do a whole other episode about but

you're incredible, like, the little bits of your story that you've shared with us as we've gone, raising your kid, come, I mean, you are a Professor of Law at literally University of District Columbia. I mean, your story is major. And the things that you have seen, I mean, can we follow you on Twitter? Can we, like do you have a book coming out? I mean, if people want to spend more time with Professor Saleema Snow, how can they? I just want to spend more time with you and learn more of your story. Or maybe this is just me saying, like, have you written a memoir yet? And if you have time, maybe we got to get it, get it together because you're incredible.

PROFESSOR SALEEMA SNOW [01:01:26] You're kind. You're kind, you're kind. Jonathan. So my, my story is really to build the next generation of advocates. That's really my goal at this stage in my life, to build the next generation of social justice advocates, which is the University of the District of Columbia, we're actually a public interest law school. Which is why I was very deliberate about teaching there and being a professor there, because, you know, the law has been the enemy to virtually every marginalized group and to build advocates, attorneys who are willing to challenge the law so that we have this country that we say is really great. And I really, you know, lawyers, quite honestly, we're conservative, even though, we want to act like we're not because we believe in the possibility. I believe in the possibility of the law. But I know that it's been my enemy as a Black woman, it's been my enemy as a person who lived in poverty. It's been my enemy in so many ways. But I know that we can do better. And so by having, building up the next generation of warriors who will be committed to social justice advocacy is really my goal at this stage. Yeah.

JVN [01:02:27] So then my last question to that end would be, one thing I think about when people ask me about, like, I want to start doing hair, like where should I start? How do I do it? Whatever. One of the things that I learned about, no offense to Aveda, if anyone's listening to this, but one thing I learned about is like, you really don't need to spend, like, all this money on your beauty school because really at a beauty school, like, they're just teaching you how to pass the state board. So whether you go to like a community college that charges, you know, 2500 dollars, or you go spend like 16,000 at like, you know, a really good hair school, you're just passing the state board and essentially when you get out of here school, once you have passed that state board, you're relearning everything you ever thought you learned because it's completely different when you're like out in the world versus like at a hair school. So for anyone that maybe listening to this, if they want to get involved in law, if they want to get involved, is there anything that you're like, I wish I wouldn't have, like, just any little ticks-, tips, especially for-?

PROFESSOR SALEEMA SNOW [01:03:19] Know why, know why you want to do it. I mean, law school is gruesome. My students are miserable probably everyday. But the minute they finish, they're excited that they have this new tool. Many, many of us went to law school, I

say "many of us" meaning myself and my colleagues, we went to law school because we wanted another tool in, in our social justice advocacy work that we were doing. And so the law became an additional tool to eradicate some of the wrongs that we saw in society. I, my first job actually out of law school was at this organization called Neighborhood Legal Services Program, representing poor people living in D.C.. And on my first day, Willie Cook, Mr. Cook had been the executive director for 30 years. First day he said to us, "Don't tell me what the law is. Tell me what the law ought to be." So that's what this is about. It's about us figuring out, what should the law be? Not what the law is. But what should the law be? And that's, that's what I recommend. Know you're coming to law school, even if you're doing it on the ground, doing advocacy work, you don't have a law degree. We're fighting for what the law should be, not what the law is.

JVN [01:04:23] Drop the fucking mic on that. That was amazing. I, I feel really complete there. That reminds me of this dissent that I just read that Justice Ginsburg had wrote, which basically said, "Even though I'm in the dissent and I don't agree with what the majority is saying, I implore you, Congress, to right this wrong of this ruling. This is something that the court cannot fix because we cannot legislate for you. The way that the law is written right now, I don't agree with, it's going to not go our way. But Congress, I implore you, you need to fix this." And I think that's such an interesting intersection of your work, which is being able to help coach advocates and new lawyers on how do we make that come to fruition, because really, that's where a lot of those intersections are happening, is like, OK, well, if they're saying it's unconstitutional, how can you make a new law that can, it, that's just, it's so fascinating, slash, problematic, but fascinating. And we're going to fucking get there. We will get this land equitable one day!

PROFESSOR SALEEMA SNOW [01:05:24] Exactly. Exactly. Exactly. Yeah.

JVN [01:05:31] You've been listening to Getting Curious with me, Jonathan Van Ness. My guest this week was Professor Saleema Snow, a Professor of Law at the University of the District of Columbia. You'll find links to her work in the episode description of whatever you're listening to the show on.

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