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## USA 2050: Identity, Critical Race Theory, and the Asian Century

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# USA 2050: IDENTITY, CRITICAL RACE THEORY, AND THE ASIAN CENTURY

*Adrien Katherine Wing\**

DISORIENTED: ASIAN AMERICANS, LAW, AND THE NATION-STATE. By *Robert S. Chang*. New York: New York University Press. 1999. Pp. x, 180. Cloth, \$34; paper, \$19.50.

## I. INTRODUCTION

Robert Chang,<sup>1</sup> a promising young scholar, has given us the first book on Asian Critical Race Theory, or AsianCrit, in his short, readable volume *Disoriented: Asian Americans, Law, and the Nation-State*. It is a loosely woven collection of essays divided into three parts, drawing upon work Professor Chang published in several earlier law review articles.<sup>2</sup> This book is part of the Critical America Series of New York University Press. The general editors are Critical Race Theory (CRT) senior scholar Professor Richard Delgado of the University of Colorado Law School and his wife, legal researcher Jean Stefancic.<sup>3</sup> The series has produced the single largest collection of legal

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1. Professor of Law, Loyola Law School.

2. The prior articles that seem to have contributed to this book include: Robert S. Chang, *A Meditation on Borders*, in *IMMIGRANTS OUT! THE NEW NATIVISM AND THE ANTI-IMMIGRANT IMPULSE IN THE UNITED STATES* 244 (Juan F. Perea ed., 1997); Robert S. Chang & Keith Aoki, *Centering the Immigrant in the Inter/National Imagination*, 85 *CAL. L. REV.* 1395 (1997); Robert S. Chang, *Dreaming in Black and White: Racial-Sexual Policing in the Birth of a Nation, The Cheat, and Who Killed Vincent Chin*, 5 *ASIAN L.J.* 41 (1998); Robert S. Chang, *Foreword: Towards a Radical and Plural Democracy*, 33 *CAL. W. L. REV.* 139 (1997); Robert S. Chang, *Reverse Racism!: Affirmative Action, the Family, and the Dream that is America*, 23 *HASTINGS CONST. L.Q.* 1115 (1996) [hereinafter Chang, *Reverse Racism!*]; Robert S. Chang, *The End of Innocence or Politics After the Fall of the Essential Subject*, 45 *AM. U. L. REV.* 687 (1996); Robert S. Chang, *The Nativist's Dream of Return*, 9 *LA RAZA L. J.* 55 (1996); Robert S. Chang, *Toward an Asian American Legal Scholarship*, 81 *CAL. L. REV.* 1243, 1252-53 (1993); Robert S. Chang, *Who's Afraid of Tiger Woods?*, 19 *CHICANO-LATINO L. REV.* 223 (1998).

3. Books in the series include: JODY DAVID ARMOUR, *NEGROPHOBIA AND REASONABLE RACISM* (1997); BLACK MEN ON RACE, GENDER, AND SEXUALITY (Devon Carbado ed., 1999); CRITICAL RACE FEMINISM: A READER (Adrien Katherine Wing ed., 1997); BRYAN K. FAIR, *NOTES OF A RACIAL CASTE BABY* (1997); BARBARA J. FLAGG, *WAS BLIND, BUT NOW I SEE* (1998); LOUISE HARMON & DEBORAH W. POST, *CULTIVATING INTELLIGENCE* (1996); BILL ONG HING, *TO BE AN AMERICAN* (1997);

literature by Critical Race Theorists. The introduction of this brief Review will situate this book squarely within the CRT tradition from which it springs. The next section will provide a short overview of the volume's major contours. Then, the final section of the Review will humbly engage in a CRT narrative to explore the possible implications of Chang's work by mid-century.

Professor Chang makes the case for an AsianCrit<sup>4</sup> that is a natural outgrowth of CRT jurisprudence.<sup>5</sup> His pioneering work dovetails nicely with simultaneous flowering in other outsider<sup>6</sup> scholarship areas known as LatCrit,<sup>7</sup> Queer Crit,<sup>8</sup> Critical White Studies,<sup>9</sup> and Critical

IMMIGRANTS OUT! THE NEW NATIVISM AND THE ANTI-IMMIGRANT IMPULSE IN THE UNITED STATES (Juan F. Perea ed., 1997); IAN F. HANEY LOPEZ, *WHITE BY LAW* (1996); BILL PIATT, *BLACK AND BROWN IN AMERICA* (1997); WHEN SORRY ISN'T ENOUGH (Roy L. Brooks ed., 1999); STEPHANIE M. WILDMAN ET AL., *PRIVILEGE REVEALED* (1996); ERIC YAMAMOTO, *INTERRACIAL JUSTICE: CONFLICT AND RECONCILIATION IN POST-CIVIL RIGHTS AMERICA* (1999).

4. Other examples of AsianCrit might include: Pat K. Chew, *Asian Americans in the Legal Academy: An Empirical and Narrative Profile*, 3 *ASIAN L.J.* 8 (1996); Pat K. Chew, *Asian Americans: The "Reticent" Minority and Their Paradoxes*, 36 *WM. & MARY L. REV.* 1, 21 (1994) [hereinafter *Reticent Minority*]; Harvey Gee, *Perspective: Beyond Black and White: Selected Writings by Asian Americans Within the Critical Race Theory Movement*, 30 *ST. MARY'S L.J.* 759 (1999); Elisabeth M. Iglesias, *Out of the Shadow: Marking Intersections in and Between Asian Pacific American Critical Legal Scholarship and Latina/o Critical Theory*, 40 *B.C. L. REV.* 349; 19 *B. C. THIRD WORLD L.J.* 349 (1998); Lisa C. Ikemoto, *Traces of the Master Narrative in the Story of African American/Korean American Conflict: How We Constructed "Los Angeles,"* 66 *S. CAL. L. REV.* 1581 (1993); Natsu Saito Jenga, *Finding Our Voices, Teaching Our Truth: Reflections on Legal Pedagogy and Asian American Identity*, 3 *ASIAN PAC. AM. L.J.* 81 (1995); Mari J. Matsuda, *Voices of America: Accent, Antidiscrimination Law, and a Jurisprudence for the Last Reconstruction*, 100 *YALE L.J.* 1329 (1991); Natsu Taylor Saito, *Model Minority, Yellow Peril: Functions of "Foreignness" in the Construction of Asian American Legal Identity*, 4 *ASIAN L.J.* 71 (1997); *Symposium in Honor of Neil Gotanda*, 4 *ASIAN L.J.* 1 (1997); Jerry Kang, Note, *Racial Violence Against Asian Americans*, 106 *HARV. L. REV.* 1926 (1993). For a four volume collection on Asians and the law, written before the rise of AsianCrit primarily by nonlegal scholars, see *ASIAN AMERICANS AND THE LAW* (Charles McClain ed., 1994).

5. The best discussion of the tenets of CRT can be found in the introduction of one of the two main readers on CRT: *CRITICAL RACE THEORY: KEY WORKS THAT FORMED THE MOVEMENT* (Kimberle Crenshaw et al. eds., 1996). The other reader is *CRITICAL RACE THEORY: THE CUTTING EDGE* (Richard Delgado & Jean Stefancic eds., 2d ed. 1999).

6. Mari J. Matsuda coined the term "outsider jurisprudence." See Mari J. Matsuda, *Public Response to Racist Speech: Considering the Victim's Story*, 87 *MICH. L. REV.* 2320, 2323 (1989). Francisco Valdes terms the collection of outsider scholarship "OutCrit." See Francisco Valdes, *Theorizing "OutCrit" Theories: Coalitional Method and Comparative Jurisprudential Experience — RaceCrits, QueerCrits and LatCrits*, 53 *U. MIAMI L. REV.* 1265, 1270 (1999).

7. See, e.g., *THE LATINO CONDITION: A CRITICAL READER* (Richard Delgado & Jean Stefancic eds., 1998); Elvia R. Arriola, *March!*, 19 *CHICANO-LATINO L. REV.* 1 (1998); Colloquy, *International Law, Human Rights and LatCrit Theory*, 28 *U. MIAMI INTER-AMER. L. REV.* 177 (1996-97); Symposium, *LatCrit Theory: Naming and Launching a New Discourse of Critical Legal Scholarship*, 2 *HARV. LATINO L. REV.* 177 (1997); Symposium, *Lawyering in Latino/o Communities: Critical Race Theory and Practice*, 9 *LA RAZA L.J.* (1996); Francisco Valdes, *Poised at the Cusp: LatCrit Theory, Outsider Jurisprudence and Latina/o Self-Empowerment*, 2 *HARV. LATINO L. REV.* 1 (1997); Francisco Valdes, *Under Construction: LatCrit Consciousness, Community and Theory*, 10 *LA RAZA L.J.* 1 (1998).

Race Feminism,<sup>10</sup> all of which are outgrowths of Critical Legal Studies.<sup>11</sup>

Chang uses the deconstruction methodology that is part of all critical theory to critique legal cases and popular culture — exploring the

There does not yet seem to be a substantial body of work that one might call “Indian Crit” as opposed to just Native American Law. Articles written from a critical perspective might include: Robert A. Williams, Jr., *Large Binocular Telescopes, Red Squirrel Pinatas, and Apache Sacred Mountains: Decolonizing Environmental Law in a Multicultural World*, 96 W. VA. L. REV. 1133 (1994); Robert A. Williams, Jr., *Linking Arms Together: Multicultural Constitutionalism in a North American Indigenous Vision of Law and Peace*, 82 CAL. L. REV. 981 (1984); Robert A. Williams, Jr., *Vampires Anonymous and Critical Race Praxis*, 95 MICH L. REV. 741 (1997).

8. See, e.g., Elvia Arriola, *Gendered Inequality: Lesbians, Gays and Feminist Legal Theory*, 9 BERKELEY WOMEN’S L.J. 103 (1994); Darren Lenard Hutchinson, *Ignoring the Sexualization of Race: Heteronormativity, Critical Race Theory and Antiracist Politics*, 47 BUFF. L. REV. 1 (1999); Francisco Valdes, *Queer Margins, Queer Ethics: A Call to Account for Race and Ethnicity in the Law, Theory and Politics of Sexual Orientation*, 48 HASTINGS L.J. 1293 (1997); Francisco Valdes, *Queers, Sissies, Dykes, and Tomboys: Deconstructing the Conflation of “Sex,” “Gender,” and “Sexual Orientation” in Euro-American Law and Society*, 1983 CAL. L. REV. 3 (1995).

9. See, e.g., CRITICAL WHITE STUDIES: LOOKING BEHIND THE MIRROR (Richard Delgado & Jean Stefancic eds., 1997).

10. The only collections on Critical Race Feminism at this point are my own anthologies CRITICAL RACE FEMINISM, *supra* note 3, and GLOBAL CRITICAL RACE FEMINISM: AN INTERNATIONAL READER (Adrien Katherine Wing ed., 2000). Each volume has a bibliography containing hundreds of additional articles. Another developing subgenre has been termed “Latina critical legal theory” by Elvia R. Arriola. See Elvia R. Arriola, *Voices From the Barbed Wires of Despair: Women in the Maquiladoras, Latina Critical Legal Theory, and Gender at the U.S.-Mexico Border*, 49 DEPAUL L. REV. 729 (2000); Berta Esperanza Hernandez-Truyol, *Las Olvidadas-Gendered in Justice/Gendered Injustice: Latinas, Fronteras and the Law*, 1 IOWA J. GENDER RACE & JUST. 353 (1998); Laura Padilla, *Single Parent Latinas on the Margin: Seeking a Room With a View, Meals and Built-In Community*, 13 WIS. WOMEN’S L.J. 179 (1998).

Articles on Asian women include: Sumi Cho, *Converging Stereotypes in Racialized Sexual Harassment: Where the Model Minority Meets Suzie Wong*, 1 IOWA J. GENDER, RACE & JUST. 177 (1998); Peter Kwan, *Invention, Inversion and Intervention: The Oriental Woman in the World of Suzie Wong, M. Butterfly, and the Adventures of Priscilla, Queen of the Desert*, 5 ASIAN L.J. 99 (1998); Julie A. Su, *Making the Invisible Visible: The Garment Industry’s Dirty Laundry*, 1 IOWA J. GENDER RACE & JUST. 405 (1998); Leti Volpp, *(Mis)Identifying Culture: Asian Women and the “Cultural Defense,”* 17 HARV. WOMEN’S L.J. 57 (1994); Karin Wang, *Battered Asian American Women: Community Responses from the Battered Women’s Movement and the Asian American Community*, 3 ASIAN L.J. 151 (1996); Virginia W. Wei, Note, *Asian Women and Employment Discrimination: Using Intersectionality Theory to Address Title VII Claims Based on Combined Factors of Race, Gender and National Origin*, 37 B.C. L. REV. 771 (1996).

11. For sample publications on Critical Legal Studies, see, for example, CRITICAL LEGAL STUDIES (James Boyle ed., 1992); CRITICAL LEGAL STUDIES (Peter Fitzpatrick & Alan Hunt eds., 1987); CRITICAL LEGAL STUDIES (Alan Hutchinson ed., 1989); MARK KELMAN, A GUIDE TO CRITICAL LEGAL STUDIES (1987); and ROBERTO UNGER, THE CRITICAL LEGAL STUDIES MOVEMENT (1990). For early critiques of CLS as being dismissive of rights that minorities still need to attain, see Richard Delgado, *The Ethereal Scholar: Does Critical Legal Studies Have What Minorities Want?*, 22 HARV. C.R.-C.L. L. REV. 301 (1987); and Patricia Williams, *Alchemical Notes: Reconstructing Ideals from Deconstructed Rights*, 22 HARV. C.R.-C.L. L. REV. 401 (1987). See generally, Symposium, *Minority Critiques of the Critical Legal Studies Movement*, 22 HARV. C.R.-C.L. L. REV. 297 (1987).

legal and societal implications of white supremacy on Asians and Asian Americans. Like all CRT scholars, he places race at the center of the analysis. Instead of an explicit or implicit assumption that the minorities are Black or predominantly Black, he enhances our understanding of minority groups that are Asian. Moreover, Chang brings out that Asians in America are comprised of many ethnicities, some of whom are recent immigrants (p. 2); racism in the Asian context has different ramifications than in the African-American context, where the bulk of the group is comprised of one ethnicity that has been in the United States for several hundred years.<sup>12</sup>

Chang applies other CRT tenets to the Asian context. Some CRT scholars, primarily focusing on African Americans, have pointed out the color-conscious nature of American law, critiquing the allegedly neutral, objective colorblindness of American jurisprudence.<sup>13</sup> Chang naturally extends this critique to an Asian context to illustrate how the law's treatment of Asians was biased and subjective. In doing so, he endorses the CRT emphasis on the attainment of rights for people of color in America. While these rights may be subjective and socially constructed as Critical Legal Studies adherents claim, they are nonetheless important for Asian peoples who have never fully experienced them in their countries of origin or the United States.<sup>14</sup>

Chang's book highlights the CRT tenet that race is socially constructed: it is relational and contingent, rather than fixed biologically.<sup>15</sup> He reveals how American law vacillated in its classifications of Asians in a binary Black-White legal paradigm.<sup>16</sup> The use of historical analysis in addition to law is indicative of the multidisciplinary efforts of CRT.

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12. Of course there are other groups in the Black category, such as Haitians, Jamaicans, and people more recently arrived from Africa. Some of these more recent arrivals may or may not identify with the African-American group. However they identify, they do not constitute the vast majority of African Americans.

13. See, e.g., Neil Gotanda, *A Critique of "Our Constitution is Colorblind,"* 44 STAN. L. REV. 1 (1991).

14. See Patricia Williams, *Alchemical Notes: Reconstructing Ideals from Deconstructed Rights*, 22 HARV. C.R.-C.L. L. REV. 401 (1987) (referring to all minorities).

15. For an analysis on the American social construction of race, see LOPEZ, *supra* note 3.

16. For analyses of the Black-White paradigm, see Chris K. Ijima, *The Era of We-Construction: Reclaiming the Politics of Asian Pacific American Identity and Reflections on the Critique of the Black/White Paradigm*, 29 COLUM. HUM. RTS. L. REV. 47 (1997); Cynthia Kwei Yung Lee, *Beyond Black and White: Racializing Asian Americans in a Society Obsessed with O.J.*, 6 HASTINGS WOMEN'S L.J. 165 (1995); Athena D. Mutua, *Shifting Bottoms and Rotating Centers: Reflections on LatCrit III and the Black/White Paradigm*, 53 U. MIAMI L. REV. 1177 (1999); Juan Perea, *The Black/White Binary Paradigm of Race: the "Normal Science" of American Racial Thought*, 85 CAL. L. REV. 1213, 1239-52 (1997); Deborah Ramirez, *Multicultural Empowerment: It's Not Just Black and White Anymore*, 47 STAN. L. REV. 957 (1995); and William R. Tamayo, *When the "Coloreds" Are Neither Black Nor Citizens: The United States Civil Rights Movement and Global Migration*, 2 ASIAN L.J. 1 (1995).

Chang also devotes considerable space to a defense of the controversial CRT narrative technique (pp. 61-75). Telling stories about Asians is a powerful means, as Delgado would say, “for destroying mindset — the bundle of presuppositions, received wisdoms, and shared understandings against a background of which legal and political discourse takes place.”<sup>17</sup> Finally, Chang goes beyond the realm of critical race *theory* to endorse critical race *praxis*,<sup>18</sup> when he idealistically calls for radical plural democracy in the new century.

## II. OVERVIEW

The introduction, entitled *Becoming Asian American* (pp. 1-8), builds upon the social construction of race tenet of CRT. Scientists have proven that there are more commonalities between so-called different races than within them.<sup>19</sup> These racial terms have no meaning other than what a particular society gives them culturally and legally at a given point in time. Chang came to America from Korea at an early age, and thought of himself as an “Oriental” for many years (p. 1). He later learned that this was a derogatory racist label created in the West (p. 2), and that he was an Asian American, or even more specifically a Korean American. A central question that Chang confronts is whether the term “Asian American” is an ethnic or racial classification. Asians, after all, were the third part of the discredited nineteenth-century taxonomy of Caucasoids, Negroids, and Mongoloids.<sup>20</sup> Because Asian American includes so many ethnic groups, ranging from fifth-generation Chinese Americans to new immigrant Hmong Americans, should they all be put into the same category? Why do we lump Indians, Pakistanis, and Bangladeshis in this category as well?

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17. Richard Delgado, *Storytelling for Oppositionists and Others, A Plea for Narrative*, 87 MICH. L. REV. 2411, 2413 (1989).

18. Praxis, the combination of theory and practice, is a concern of Critical Race Theorists. See, e.g., Adrien Katherine Wing, *Brief Reflections Towards a XXXX Theory and Praxis of Being*, 6 BERKELEY WOMEN'S L.J. 181 (1990-91).

19. JUAN PEREA ET AL., RACE AND RACES: CASES AND RESOURCES FOR A MULTIRACIAL AMERICA 57 (2000); see also *Saint Francis Coll. v. Al-Khazraji*, 481 U.S. 604, 610 n.4 (1987) (“There is a common popular understanding that there are three major human races — Caucasoid, Mongoloid, and Negroid. Many modern biologists and anthropologists, however, criticize racial classifications as arbitrary and of little use in understanding the variability of human beings. It is said that genetically homogeneous populations do not exist and traits are not discontinuous between populations . . . Clear-cut categories do not exist . . . These observations and others have led some, but not all, scientists to conclude that racial classifications are for the most part sociopolitical, rather than biological, in nature.”). For the treatment of Asians in the nation’s highest court, see *ASIAN AMERICANS AND THE SUPREME COURT* (Hyung-chan Kim ed., 1992).

20. See the discussion of various views on scientific racial categories in *Saint Francis Coll.*, 481 U.S. at 610 n.4; DERRICK BELL, RACE, RACISM, AND AMERICAN LAW 2 (4th ed. 2000); and PEREA, *supra* note 19.

Chang would quickly be identified as American in Korea due to his poor facility with the Korean language, among other factors. Ironically, his excellent command of English does not identify him as a native here either — other Americans ask him where he is from, the implication being he could not be from the United States. For Asian Americans, even wearing the quintessentially American garb of girl scouts does not identify them as belonging in the United States. When members of a predominantly Japanese-American girl scout troop asked if a man would like to buy cookies, he said, “I only buy from American girls.”<sup>21</sup>

Thus Asians, even Asian Americans, are forever the “outsiders.”<sup>22</sup> The Japanese have a term, *kimin*, which means an abandoned people — not any more from the old country, yet not embraced by the new (p. 6). They are sad people, “who live in transit, between their imaginary homelands and the mythic America” (p. 6). He evokes for me the recent poignant memoir of Palestinian-American professor Edward Said, *Out of Place*. He was *kimin* — Palestinian-Egyptian-American — no true home.<sup>23</sup> To me, the situation of my own group, Black Americans, is even more poignant, since most of us can not even identify the actual country that can be the imagined homeland! Even though we have been in the United States for 400 years, not only one generation or even five, we still remain the permanent outsider — the group that others can look down on — including the Asians.

There is no “essential” Asian ethnic identity.<sup>24</sup> Chang quotes Yen Le Espiritu, who views Asian as a Panethnic identity (p. 5).<sup>25</sup> Takaki defines it to include people from China, Japan, Korea, the Philippines, India, Vietnam, Laos, and Cambodia.<sup>26</sup> I would add Pakistan and Bangladesh, as well as Thailand.

I endorse the panethnic concept with respect to my own so-called race. Sometimes I am called African American or Black American or just Black. To the extent American society continues to use broad racial categories, are African Americans a racial category, or have we been guilty of conflating race with ethnicity? Within the racial cate-

21. See Seth Mydans, *Japanese-Americans Face New Fears*, N.Y. TIMES, Mar. 4, 1992, at A12.

22. See generally Natsu Taylor Saito, *Alien and Non-Alien Alike: Citizenship, “Foreignness,” and Racial Hierarchy in American Law*, 76 OR. L. REV. 261 (1997).

23. EDWARD SAID, *OUT OF PLACE: A MEMOIR* (1999).

24. For discussions of essentialism, see KATHERINE BARTLETT & ANGELA P. HARRIS, *GENDER AND LAW* 1007-09 (2d ed. 1998); *CRITICAL RACE THEORY: THE CUTTING EDGE* 281-343 (Richard Delgado ed., 1st ed. 1995); and Angela P. Harris, *Race and Essentialism in Feminist Legal Theory*, 42 STAN. L. REV. 581 (1990).

25. YEN LE ESPIRITU, *ASIAN AMERICAN PANETHNICITY* 1-18 (1992).

26. See RONALD TAKAKI, *STRANGERS FROM A DIFFERENT SHORE* 4 (1989). For a history of Japanese and Chinese Americans by the same author, see Chapters 8 & 10 in *A DIFFERENT MIRROR* (1993). See also SUCHENG CHAN, *ASIAN AMERICANS* (1991).

gory Black, we have the subgroup I belong to called Black Americans, formerly Negroes, or before that, Colored people. I have cousins from Liberia who may or may not consider themselves African Americans, but clearly may not consider themselves part of my same group. Also, I have cousins from Jamaica. Some may consider themselves Black like me or may consider themselves Jamaican Americans, a separate group from mine.<sup>27</sup> In one Florida school, there is a Caribbean Students Association, which is clearly distinct from the Black law students associations found in most American law schools. The Caribbean group may contain Latinos like Cuban Americans or Puerto Ricans, but also French-speaking Haitians. Of course complicating it all, there can be people who we in the United States might call Black Cubans and White Cubans, although very few Cubans would categorize themselves that way.

In the United States, I am Black, even though my skin is what is called “high yellow” within the African-American community.<sup>28</sup> We even have Blacks that look phenotypically white, including former Ohio State University Law School Dean Gregory Williams.<sup>29</sup> In Brazil, the one-drop rule works in the opposite fashion. I am considered “white.”<sup>30</sup> The Brazilians might categorize most of their country as white, but from a U.S. perspective, we would see most of the people as Black. In South Africa, I am seen as part of a group called “Coloured.”<sup>31</sup> When I teach every summer in Capetown, I blend in, as Capetown is the home of the Coloureds. Many people look like me, much more than in the United States. My partner, James, is a very dark African American. When we walk together, we are considered an interracial couple, and people stare — a very weird phenomenon for us. Yet his wavy hair and aquiline nose, which actually reflect his American-Indian heritage, cause many people in South Africa to think that he might be an Indian from Calcutta. They often wonder, “what is that man?”

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27. For a discussion of the similarities and differences between Black Americans and those Blacks from the Caribbean, see, for example, Chapter 12, *The Caribbean Connection*, in ANDREW BILLINGSLEY, *CLIMBING JACOB'S LADDER: THE ENDURING LEGACY OF AFRICAN-AMERICAN FAMILIES* 262 (1992).

28. For a discussion of skin tone issues within the Black-American ethnic group, see KATHY RUSSELL ET AL., *THE COLOR COMPLEX: THE POLITICS OF SKIN COLOR AMONG AFRICAN AMERICANS* (1992).

29. For a powerful story on pre-civil rights era America's social construction of Blackness, see the autobiography, GREGORY HOWARD WILLIAMS, *LIFE ON THE COLOR LINE: THE TRUE STORY OF A WHITE BOY WHO DISCOVERED HE WAS BLACK* (1995).

30. PEREA, *supra* note 19, at 73.

31. For a discussion of the Coloured group, see, for example, Chris Ford, *Administering Identity, The Determination of "Race" in Race Conscious Law*, 82 CAL. L. REV. 1231, 1277 (1994).



The panethnic group known as Hispanics or Latinos also faces identity issues even as to its very name. Clearly Puerto Ricans and Mexican Americans, the latter also known as Chicanos, are different ethnicities. Of course, Dominican Americans, Cuban Americans, and Argentinean Americans cannot be lumped easily together. People from Spain can rightfully be called Hispanic, but they are not usually who we mean when we use the term. Some scholars, like Arriola, for example, avoid using the term "Hispanic," as it has "been criticized for lumping groups together 'without articulating their histories.'"<sup>32</sup>

Chang sees Asian America as an imagined community, beyond the physical bodies of its panethnic members (pp. 5-6). I would love to survey Asians in America to see how many do indeed identify themselves as "Asian Americans." But Chang feels America itself is imagined as well. He calls for everyone to use imagination to "work toward a better community"(p. 7), and this book is his attempt to do so.

In Part I, "A Meditation on Borders" (pp. 11-42), Chang deconstructs the borders that positively and negatively construct "America." In Chapter One, *Dreaming in Black and White: Racial-Sexual Policing in the Birth of a Nation, The Cheat, and Who Killed Vincent Chin?* (pp. 11-26), Chang inserts Asians into the historical Black-White paradigm of America's racial history through an exploration of three films. In D.W. Griffith's *Birth of a Nation*,<sup>33</sup> America as a historically white place is reinforced as we see the use of racial terrorism against newly freed Blacks, with the protection of white womanhood as a centerpiece of the newly reunified nation. White America, with its white female purity, must again be protected in *The Cheat*, but this time against a "yellow peril" from an Asian villain. A modern documentary repeats the refrain of the nation as white, telling the story of the permanent "foreigner" Vincent Chin, brutally killed by those who viewed him as the alien Japanese, stealing American auto jobs.<sup>34</sup> Chang notes that it was Chin's enjoyment of a white exotic dancer's performance at a strip club that started the entire row. White womanhood, even in the form of the lowly stripper, was once again avenged when the leering Asian exceeded his sexual as well as racial boundaries, and white men spattered his brains on the pavement in punishment for the transgression.

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32. Arriola, *supra* note 10, at 734 (quoting Teresa Cordova, *Power and Knowledge: Colonialism in the Academy*, in *LIVING CHICANA THEORY* 17, 27 (Carla Trujillo ed., 1998)); see also Gloria Sandrino Glasser, *Los Confundidos: De-Conflating Latino/as Race and Ethnicity*, 19 *CHICANO-LATINO L. REV.* 69, 95 n.101 (1998).

33. *BIRTH OF A NATION* (1915).

34. See Paula Johnson, *The Social Construction of Identity in Criminal Cases: Cinema Verite and the Pedagogy of Vincent Chin*, 1 *MICH. J. RACE & L.* 347 (1996) (discussing Christine Choy & Renee Tajima's documentary film, *WHO KILLED VINCENT CHIN?* (1988)).

In the next chapter, *Centering the Immigrant in the Inter/National Imagination* (pp. 27-42), Chang illustrates further how Asians remain *kimin*. Some white immigrants may be able to pass into becoming White Americans,<sup>35</sup> but other foreigners, including Asians, find that they carry the border within them and even give it to their descendants as perpetual aliens. Chang calls for a solution based on the radical plural democracy advocated by Chantal Mouffe and Ernesto Laclau.<sup>36</sup>

What are the actual parameters of this radical plural democracy? Chang uses some criteria developed at a 1995 Critical Race Theory workshop: “antissubordination; political, economic, and cultural empowerment; uncompromising opposition to hetero-patriarchy; reconstruction of the meaning and language of race; self-criticism and self-reflection; group-criticism and group reflection; learning and openness to our histories; egalitarian deliberative participatory democracy; willingness to sacrifice and struggle; and contextualized judgment and responsibility” (p. 130).

Such a democracy would be a means to get beyond the borders that divide Americans and would enable the subordinated, who are perpetual foreigners, and others of goodwill to organize politically.

In Part II, “Developing a Critical Asian American Legal Studies” (pp. 45-106), Chang refines his analysis by focusing more on the role of law. In my view, AsianCrit is an important addition to CRT, which may implicitly assume that all the minorities are Black. Chang not only calls for a broadening of CRT’s concepts of majority-minority relations, but also for the inclusion of minority-minority relations (p. 47). He examines the still predominant Black-White paradigm in race relations discourse and finds it lacking. While he does not attempt a total review of Asian-American history, he does focus on two issues: nativistic violence against Asians, as against Vincent Chin; and the model minority myth.

Chang defends the narrative methodology of CRT/AsianCrit in Chapter Four, *Narrative Space* (pp. 61-75). CRT founder Delgado finds the narrative “assists the cause of social transformation because it helps majority-race readers understand how they are both different from us and the same.”<sup>37</sup> According to Chang, narrative provides one

35. See, e.g., KEVIN BRODKIN, *HOW THE JEWS BECAME WHITE FOLKS AND WHAT THAT SAYS ABOUT RACE IN AMERICA* (1998); NOEL IGNATIEV, *HOW THE IRISH BECAME WHITE* (1995).

36. ERNESTO LACLAU & CHANTAL MOUFFE, *HEGEMONY AND SOCIALIST STRATEGY: TOWARD A RADICAL DEMOCRATIC POLITICS* (1985).

37. Richard Delgado, *Coughlin’s Complaint: How to Disparage Outsider Writings, One Year Later*, 82 VA. L. REV. 95, 99 (1996). Delgado’s *RODRIGO CHRONICLES: CONVERSATIONS ABOUT RACE AND AMERICA* (1995) illustrates his use of the narrative, but it was Derrick Bell who first brought it out in book form. See, e.g., DERRICK BELL, *AND WE ARE NOT SAVED: THE ELUSIVE QUEST FOR RACIAL JUSTICE* (1987); see also Alex M.

solution for the relative underrepresentation of the Asian voice in CRT. In Chapter Five, *A Narrative Account of Asian America* (pp. 76-97), Chang extends the case he has made for the narrative generally in the last chapter to the specific case of Asian Americans.

Chang discusses three different phases of AsianCrit, all of which exist concurrently, in *Mapping Asian American Legal Studies* (pp. 98-106). The first phase is a denial of difference, traditional civil rights work focusing on formal equality under an assimilationist model. In the second phase, there is an embracing of cultural difference in an anti-assimilationist fashion. Here, radical AsianCrit challenges legal principles based on dominance theory. We are not all the same due to our different experiences with discrimination, which may necessitate different treatment under the law through policies like affirmative action. In the final postmodernist phase, there is a liberation from difference. While postmodernism deconstructs and problematizes the notion of fixed identities, it nonetheless shows that identity retains cultural and political importance. Mari Matsuda's conceptualization of "multiple consciousness" of identities<sup>38</sup> can be used as a methodology for exploring solutions to discrimination.

The final part of the book is "From Identity Politics to Political Identities" (pp. 109-35). Chang advocates that we "move away from identity politics as we know it and work toward developing political identities based on shared political commitments"(p. 8). For example, Chang tackles the affirmative action bugaboo in *Reverse Racism! Affirmative Action, the Family, and the Dream That is America* (pp. 110-22). Asians are often viewed as the model minority not needing affirmative action.<sup>39</sup> In 1990, Asians were 2.9% of the national population, but were 20% of freshman at Harvard, 15% at Yale, and 24% at

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Johnson, Jr., *Defending the Use of Narrative and Giving Content to the Voice of Color: Rejecting the Imposition of Process Theory in Legal Scholarship*, 79 IOWA L. REV. 803 (1994); Symposium, *Legal Storytelling*, 87 MICH. L. REV. 2073 (1989) (noting that narrative can be used for a progressive social agenda). Feminism also has used narrative as methodology since the 1970s. See, e.g., Catherine A. MacKinnon, *Consciousness Raising*, in FEMINIST JURISPRUDENCE: TAKING WOMEN SERIOUSLY 52-59 (Mary Becker et al. eds, 1994).

Scholars such as Suzanna Sherry and Daniel Farber have attacked the use of the narrative on a number of grounds. DANIEL A. FARBER & SUZANNA SHERRY, *BEYOND ALL REASON: THE RADICAL ASSAULT ON TRUTH IN AMERICAN LAW* (1997). See generally George A. Martinez, *Use of Narrative in Law*, 30 RUTGERS L.J. 683 (1999) (addressing claims that narrative is an "illegitimate external approach to law" and is "misguided because it does not seek to ascertain truth").

38. Mari J. Matsuda, *When the First Quail Calls: Multiple Consciousness as Jurisprudential Method*, 14 WOMEN'S RTS. L. REP. 297 (1992). I have used the term "multiplicative identity," in Adrien Katherine Wing, *Brief Reflections on a Multiplicative Theory and Praxis of Being*, 6 BERKELEY WOMEN'S L.J. 181 (1990-91) [hereinafter Wing, *Brief Reflections*]. Other scholars have called it "multidimensionality." See Hutchinson, *supra* note 8, at 7.

39. See generally Chew, *Reticent Minority*, *supra* note 4; Frank Wu, *Neither Black Nor White: Asian Americans and Affirmative Action*, 15 B.C. THIRD WORLD L.J. 225, 236 (1995).

Stanford.<sup>40</sup> Some universities, such as Berkeley, Stanford, and Brown, have long since eliminated affirmative action for Asians.<sup>41</sup> A few years back, Lowell High School in San Francisco had a forty percent cap limiting Chinese students, raising the question, "How can Asian Americans simultaneously argue in favor of preferential treatment for some minority groups over whites and against the sort of discrimination . . . at Lowell High?"<sup>42</sup>

Chang deconstructs the affirmative action battle to illustrate how Asians are manipulated by conservatives to attack preferential policies, when those conservatives really are interested only in maintaining white privilege. Even though some Asian-American groups like the Chinese, Japanese, and Koreans are doing relatively well in academic environments, other Asian groups have not done as well and need affirmative action. No effort has been made to dismantle white preferences that continue to hurt Asians. Moreover, Asians still face considerable discrimination in the workplace (p. 118).

Chang states that "reverse racism must go from a curse to an injunction to reverse racism!" (p. 122). Chang's voice as an Asian American who has made the political commitment to endorse race-based affirmative action is an important one in the ongoing societal debate on the value of so-called racial preferences.

Chapter Eight is entitled *One America: An Essay in Three Parts* (pp. 123-36). The first section focuses on racial cross-dressing consciously to open boundaries. An example of such cross-dressing is the Korean shopkeeper in Spike Lee's film *Do the Right Thing*,<sup>43</sup> who saves his shop from torching by repeatedly telling the angry Black crowd, "I Black" (p. 126). As Ikemoto posits, we must confront the "master Narrative" of white supremacy's "conflict-constructing power" that portrays Asians/Korean shopkeepers as inevitably against the African-American ghetto shopper.<sup>44</sup> Countering the racism "may

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40. L. Ling-Chi Wang, *Trends in Admissions for Asian Americans in Colleges and Universities: Higher Education Policy*, in THE STATE OF ASIAN PACIFIC AMERICA, A PUBLIC POLICY REPORT: POLICY ISSUES TO THE YEAR 2020, at 53 (Don T. Nakanishi & J.D. Hokoyama eds., 1993).

41. Grace W. Tsuang, *Assuring Equal Access of Asian Americans to Highly Selective Universities*, 98 YALE L.J. 659, 660 (1989).

42. Selena Dong, Note, "Too Many Asians:" *The Challenge of Fighting Discrimination Against Asian Americans and Preserving Affirmative Action*, 47 STAN. L. REV. 1027, 1031 (1995). Other articles on affirmative action and Asians include: Chang, *Reverse Racism!*, *supra* note 2; Gabriel Chin, Sumi Cho, Jerry Kang & Frank Wu, *Beyond Self Interest: Asian Pacific Americans Toward a Community of Justice: A Policy Analysis of Affirmative Action*, 4 ASIAN PAC. AM. L.J. 129 (1996); Jerry Kang, *Negative Action Against Asian Americans: The Internal Stability of Dworkin's Defense of Affirmative Action*, 31 HARV. C.R.-C.L. L. REV. 1 (1996); and Wu, *supra* note 39.

43. DO THE RIGHT THING (Universal Studios, 1989).

44. Ikemoto, *supra* note 4, at 1582; see also Reginald Leamon Robinson, "The Other Against Itself:" *Deconstructing the Violent Discourse Between Korean and African Americans*, 67 S. CAL. L. REV. 15 (1993).

depend, finally, on our ability to claim identities outside the master narrative.”<sup>45</sup>

The second part returns to the “goal of a radical and plural democracy as an organizing principle” (p. 8). We need to get beyond racial identity as a proxy for self-interest to create a progressive identity for people of color that transcends any narrow group. Thus, ultraconservative U.S. Supreme Court Justice Clarence Thomas would not be a person of color even though he is phenotypically Black. Establishing people of color solidarity in the service of a progressive agenda is a form of radical democracy (p. 130).

The chapter ends with a discussion of the Tiger Woods phenomenon<sup>46</sup> and the implications of multiracialism for the new century (p. 132). Chang does not think Tiger Woods will be the multiracial, anti-racist icon for the new century, since race is too complicated to rely simply on mixed-race figureheads to solve the issues it raises. He finishes with a question that former President Bill Clinton raised: “Can we become one America in the 21st century?” (p. 135). Chang says “only time and our efforts will tell” (p. 135). He appears to be cautiously optimistic, a far cry from CRT founder Derrick Bell’s pessimistic lament that racism might be permanent.<sup>47</sup>

In the Postscript, entitled *This Ain’t Oz* (pp. 136-38), Chang notes that America is not in the black and white vision of Kansas anymore (which nevertheless had local color once you realized it), yet we are not yet in the full Technicolor land of Oz. America is not a melting pot, but a hot burning fire that has created all the groups. His ending comments led me to think of the well known 1960s call to conscience, *The Fire Next Time*<sup>48</sup> — fire not controlled will destroy. Will America go up in smoke?

Now that I have provided a more detailed overview of the book, I will conclude this Review by inventing a narrative — a possible scenario that teases out potential implications of Chang’s volume.

### III. WHERE WE NEED TO GO IN THE ASIAN CENTURY: IMPLICATIONS OF CHANG’S WORK

Retired Princeton University President Bob Chang decided he would attend the Korean New Year’s celebration of 2050 being held in his honor at the White House. As a former Secretary of Education in the Jesse Jackson Jr. Administrations, he was well used to attending

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45. Ikemoto, *supra* note 4, at 1597.

46. See JOHN STREGE, *TIGER: A BIOGRAPHY OF TIGER WOODS* (1997).

47. See generally DERRICK BELL, *FACES AT THE BOTTOM OF THE WELL: THE PERMANENCE OF RACISM* (1993).

48. JAMES BALDWIN, *THE FIRE NEXT TIME* (1963).

functions in the DaihaisuMicrosoft Ballroom, so it held no special charm. But whenever Tiger called, he had a hard time turning him down. Bob still couldn't get used to calling him Mr. President, even though he had been in office three terms — the first President to get the benefit of the 32nd amendment, permitting up to four terms. That last election had been a real squeaker of a win for the Green Party. Tiger had barely edged out the Repubocrat candidate Arkansas Congressperson Chelsea Clinton, who would have thus become the third Clinton to sit in the Oval Office.

Bob's favorite goddaughter, California Senator Georgina Woods, Tiger's daughter by his first wife, Jebbina Bush, had even called him twice to get him to commit to attending the bash. He had to come because he was going to get the Presidential Medal of Freedom for his contributions as a founder of AsianCrit. Besides, he would meet her new domestic partner, Speaker of the House Jamillah Lieberman Nader, daughter of the late former Ambassador to Lebanon Ralph Nader and his wife Gay Lieberman. Boy, that Georgina was really something. She had the tenacity of the Bush clan, including her late grandfather, former Vice President and Florida Governor Jeb Bush, as well as the fiery spirit of her uncle George III, the former governor of the fifty-first state Cuba. Bob couldn't resist this full court press, so he agreed to come.

Tiger was sure to corral him to ask him to stay overnight. And then they would have one of those far-ranging, all-night talks that the President was so fond of having. Tiger had always talked his ears off, from the first time they met at the Tenth Annual Cablinasian conference. Tiger was the President of the Cablinasian Society, a term he invented to stand for Caucasian/Black/Indian/Asian.<sup>49</sup> Bob was autographing the third edition of his award-winning AsianCrit anthology when Tiger barged in and said, "Hey prof, I got to talk to you. I am tired of you always trashing me in your books like I'm some kind of *kimin* or something." Bob's dear friend, Berkeley Law School Dean Sumi Cho, was autographing copies of the latest edition of her Critraceasianfeminism reader right next to him at the time, and she echoed his own inchoate thoughts. "Maybe it's time, Bob, for you to hold the tiger by the tail!"

So Bob and Tiger went to a nearby diner after the autographing session was finished, and they talked and talked and talked. By the end of the marathon session, Tiger decided to give up golf as a profession even though he was on an eight-year winning streak and enter politics. Despite Bob's protestations, Tiger said, "Just watch, prof. I'll prove you wrong and become the multiracial icon for this century — a

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49. Denene Millner, *In Creating a Word to Describe His Racial Makeup, Golfer Tiger Woods has also Stirred Up a Round of Controversy Among Blacks*, DAILY NEWS, June 8, 1997, at 2.

unifying force for equal opportunity.” They eventually became great friends and endless conversationalists as Tiger was elected to higher and higher office on the Green ticket. “Reverse racism!” a Chang-ism that had become popular when one of his books became a smash movie, was one of Tiger’s favorite political slogans.

Now Tiger’s legacy as the Great Acculturator was threatened as a U.S. race war loomed imminent. Europe had never recovered after the Holocaust of ‘08, in which nuclear weapons of the former Soviet Union were fired within the fifteen new republics and then against their various other European allies. The narrow version of ethnic cleansing practiced in the Balkans in the 1990s was nothing compared to the decimation of entire ethnic groups throughout Europe in this nuclear holocaust. The United States of Africa was a lost cause as ethnic cleansing coupled with the AIDS pandemic had destroyed over 70% of the 2000 population, and richer uninfected Africans emigrated to the U.S. Palestine-Israel had united the Arab League, but was unable to bring the democracy it still tenuously enjoyed to the other states.

The United States of the Americas remained the only beacon of potential stability on the planet. Its nearly eighty states had cooperated for a number of years under the Woods Administrations, a miracle considering the fears of conflagration when Quebec insisted on being a separate state from the rest of Canada. Chiapas had tried to make the same move to become a separate state of the union from Mexico, but cooler heads prevailed. American democracy had remained fragile, though, ever since the Debacle election of 2000.

Massive demographic shifts meant that Caucasians, or Gringos as they were now called, were only 20% of the U.S. population, but they still controlled most of the expanded nation’s wealth and political positions. The Chinese civil war of 2010 had led to a massive flood of wealthier Chinese to what was then Canada and United States under laws passed as a result of the Bush depression of 2007. These laws encouraged immigration of foreigners who could create twenty high-tech jobs for Americans. Once these Chinese were no longer under the One Child policy that limited their reproductive options,<sup>50</sup> there was a massive surge in the Chinese birthrate. Indian immigration to high-tech Silicon valleys across the nation helped relieve demographic pressures in India as their population surpassed China, whose size was diminished by civil war and immigration. The Latino population surged with the admission of all of the former Latin American countries into the Union. So now the country was almost equally divided between the main ethnic groups: Gringos, Blacks, Latinos, who were now

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50. For a discussion of the Chinese one child policy, see Ellen Keng, Note, *Population Control Through the One Child Policy in China: Its Effects on Women*, 18 WOMEN’S RTS. L. REP. 205 (1997).

called Latins, Asians, and a mixed race group currently called Mestizos.

Race war loomed imminently, since the newly reconstituted central Chinese government resented the continued political discrimination against Chinese Americans, who were economically successful but still frozen out of U.S. political power. Tiger, as the first panethnic President of partial Asian descent, was being pressured diplomatically to do something. China was threatening to withdraw most favored nation status if the situation did not improve dramatically. China also was threatening to rile up the U.S. Black and Latin prison population, who made up nearly ninety percent of all inmates, and a large portion of the prison labor that produced many of the goods exported out of the United States at “competitive” prices. Since anyone with a felony conviction was disenfranchised in all eighty states, Tiger was not too worried about the political ramifications of ignoring the Blacks. Most of them could not vote in any event. But the National Guardia, which had replaced local police forces some years ago, often had some difficulty keeping the Black reservations, formerly known as ghettos, in check. Riots or Uprisings could be counted on periodically in those seething caldrons of poverty and despair. The Powell-Ventura Administration’s New Deal policies continued to help those Blacks who could help themselves, but this part of the Black population, mockingly referred to as “Uncle Colins” by those on the reservations, apparently had no ability to keep their poorer brethren in check. The poor Blacks even called themselves “Niggahs,” to distinguish themselves from the Uncle Colins. Tiger could never bring himself to use a term like Niggah, which had had a derogatory meaning in his youth until Rap and Hip Hop Music at the turn of the century popularized it with Generations X and Y.

The economic ramifications could not be ignored if this large percentage of the U.S. labor force went on labor slowdowns. Many of the private sector companies that owned the prison industries were joint ventures of China or Japan and various Black and Latin entrepreneurs under government-sanctioned small business programs begun during the Powell-Ventura administration. China could have great influence on this sector. Quelling previous major prison riots known as Attica II, III, and IV over the past forty years had resulted in a high number of prisoner and guard fatalities, not to mention destruction of the industrial infrastructure. Of course, the Big Quake of '20, which destroyed the New Alcatraz Island federal prison and the 10,000 prison laborers there, had not helped, either. America’s economic strength depended on maintaining the stream of cheap goods to the rest of the world.

Bob knew Tiger would want advice about how to defuse this latest Asian crisis. In addition to his many former domestic hats, Bob had been an ambassador to China in the Hillary Clinton Administration —



a rare bonus, since so many former ambassadors to China had been assassinated in the past.

After the wonderful festivities for the Korean New Year ended, Bob did take up Tiger's offer to spend the night. As anticipated, Tiger came in and said, "I've got to ask you a couple of quick questions, prof. Help me out here with this Asian thing, will you?" "Okay, Mr. President," Bob responded. "I know you are going to do your own thing anyway, but I appreciate you asking your old mentor for some guidance. I know you're too busy to dust off old books from the turn of the century — but the answers are right there, Tiger, and it's much bigger than this particular Asian crisis." The two men talked all night, as was their custom.

In the morning, the President asked his staff to schedule a national holocaust conference that evening in prime time. Tiger, the Great Acculturator, intended to make the speech of his life. He asked his daughter, Senator Bush Woods, and her wife, Representative Lieberman Nader, to stand next to him along with Supreme Court Chief Justice Ché-Cabral Robeson Wing Melson. He needed all three branches to be represented. Chief Justice Melson, son of the late Secretary of State and Stanford president Adrien Wing, a major RaceCrit scholar, was a founder of PanfilmLawcrit scholarship prior to becoming a judge. The three public servants waited along with the rest of the nation. None of them knew what Tiger would say.

"My fellow Americans, buenas noches," Tiger's image shimmered, projected from the tiny emitters behind the optic nerve of every American over twelve. "You know we face a grave crisis at this very moment with China. I have a way to solve this crisis and also many others that continue to plague this great democracy. You call me the Great Acculturator, but up to now I have been afraid to live up to this honorific. If you follow me as you have in the past, I will lead America to a new dawn. If the other branches as represented here today work with me as they have in the past, I will lead America to a new beginning.

"One hundred years ago, Blacks, or Niggahs, had no rights the Gringos were bound to respect. They were legally segregated and politically impotent. The Indios lived on barren reservations and were well on their way to the extinction that they suffered in this century. Asians were vilified as the yellow peril, and 120,000 Japanese had been held in concentration camps only the decade before. Latins were called wetbacks, or *greñuda*,<sup>51</sup> and Spanish was suppressed, unlike the national teaching of Spanglish required today. Racial mixing was forbidden, so the Mestizo group did not even exist as a recognized entity.

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51. *Greñuda* means "uncombed." See Margaret Montoya, *Máscaras, Trenzas, y Greñas: Un/Masking the Self While Un/Braiding Latina Stories and Legal Discourse*, 15 CHICANO-LATINO L. REV. 1 (1994).

Si, we've come a long way in some senses, but we still have a long way to go mañana, amigos.

"Once upon a time, Chief Justice Melson's mother, Profesora Wing, coined a term, 'spirit injury,' to characterize the psychological and emotional effect of racism, sexism, and other isms on an individual or a group.<sup>52</sup> America continues to suffer from such spirit injuries, and it is time to heal her. If we are going to have true radical pluralistic democracy, instead of a sham of tokenism, I must take a stand to truly reverse racism. As the great scholar Yamamoto once said, Interracial justice must be based upon cuatro R's — recognition, responsibility, reconstruction, and reconciliation.<sup>53</sup>

"As for recognition, we need a system of race apologies.<sup>54</sup> I know some of you will continue to think there is no need to apologize for the alleged sins of our ancestors, but as a 20th century president once said, the peso stops here. It is too late to apologize to the American Indios. They are all gone now, exterminated or assimilated within other groups. Even though they are not here as distinct tribes any more, I, as leader of the unipolar world order, hereby apologize to all their ancestors and descendants, for the genocide that was committed against them for centuries. We can finally apologize to the descendants of American slavery, of the de jure and the de facto slavery. Although this nation did apologize officially to the Japanese Americans and their descendants through the 1988 Reagan Administration Civil Liberties Act,<sup>55</sup> we as a nation have never apologized to all the other PanAsian groups, including the Chinese, whom we have mistreated and excluded from the full fruits of our great democracy over the years despite their great contributions. We must also apologize to our Latin brothers and sisters for their continued suppression and exploitation, which was only partially alleviated by the addition of the Caribbean and South American regions to the United States. These citizens remain politically secondary in our republic.

"Apologies, although critically important for racial healing, are not enough. Responsibility and reconstruction mean we must finally provide various forms of reparations to those groups who have remained too politically powerless to extract them. For too long, we have treated these groups as *kimin*. The details will have to be worked out by bipar-

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52. See Patricia J. Williams, *Spirit-Murdering the Messenger, The Discourse of Fingerprinting as the Law's Response to Racism*, 42 U. MIAMI L. REV. 127 (1992); Wing, *Brief Reflections*, *supra* note 38.

53. Eric K. Yamamoto, *Race Apologies*, 1 IOWA J. GENDER, RACE & JUST. 47, 53 (1997).

54. *Id.*

55. Brooks, *supra* note 3, at 6-10. See Part 4 on Japanese Americans for an interesting collection of materials. *Id.* at 157-228. See also Joint Symposium, *The Long Shadow of Korematsu*, 40 B.C. L. REV. 1 and 19 B.C. THIRD WORLD L. J. 1 (1998).

tisan support of both the Green and Repubocrat parties, and supported by the courts. I will mention just a few examples in tonight's speech.

"By Executive Order, in memory of the American Indios, I hereby designate the Amazonia region in the state of Brazilia a natural monument under the supervision of the indigenous cousins of our lost North American Indian peoples. All manufacturers of medicines made from plants found in Amazonia must pay royalties to the Indigenous Peoples Fund for the next ten years. Since the vaccine and cure to the AIDS pandemic, the most devastating disease of the last one-hundred years, was found in Amazonia, and every newborn in the world must be vaccinated, these ongoing royalties should help ensure that the native peoples of our southern region do not suffer the same fate as their northern cousins did.

"As I too have Black blood in my veins, I call for a slavery memorial and museum to be erected in the water near the MalcolmMartin Memorial in Washington. I also call for an end to the system of disenfranchisement for felons, so that most Blacks, especially Niggahs, and many Latins, will be able to vote again.

"For the Asians, the long-awaited Vincent Chin Memorial Center and Museum in Detroit will now be a cosponsored project of NissanFord, the United States, and China. For Latins, Español must not be totally subsumed by Spanglish. Children will be allowed to take Spanglish as a second language course, with Español as their first language of instruction throughout elementary school. If we have permitted Français as a first language in parts of our fine republic, porque no Español?

"Through recognition, responsibility, and reconstruction, perhaps we will get to racial reconciliation in our great nation — if not in my lifetime, perhaps in the lifetime of our last clones' children.

"As the great Hing once said, 'we need to promote constant awareness of interethnic group relations, elimination of conscious and unconscious racism, and social acceptance of people of color. We must reach a new level of consciousness, strive to develop a new inclusive vocabulary, explore new ways of being American, and recognize the variety of racial and ethnic issues that face our society.'<sup>56</sup> We need to develop a set of core values that 'repudiate racism, sexism, heterosexism, and class distinctions in our daily activities; to be open, caring, and fair; and to be accepting of diversity and respectful of others.'<sup>57</sup>

"To further these goals, I call upon the Congress and the eighty states to expeditiously consider the passage of the Thirty-Third Amendment to the Constitution, which is modeled after Article 9 of

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56. HING, *supra* note 3, at 178.

57. *Id.* at 180.

the 1996 South Africa Constitution. It states: "The state may not unfairly discriminate directly or indirectly against anyone on one or more grounds, including race, gender, sex, pregnancy, marital status, ethnic or social origin, colour, sexual orientation, age, disability, religion, conscience, belief, culture, language, and birth."<sup>58</sup>

"Affirmative action is needed to ensure that the various panethnicities of color and other multiply discriminated groups do not remain frozen out.<sup>59</sup> While these provisions were not able to be effective in the former nation South Africa due to the AIDS Holocaust there, we have every reason to hope that they will be effective in the United States of the Americas.

"I intend to go even further. I want to use the new amendment to call for affirmative action in voting for a limited number of years, perhaps twenty. I want to see each of the five major panethnic groups with an equal number of representatives on the national level. Congress can work out the details under the leadership of the fine ladies behind me.

"While I look forward to meeting with the Chinese government officials shortly to resolve the immediate crisis, I look forward even more to committing the remainder of my administration to working on these issues. Viva America!"

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Retired Princeton President Bob Chang woke up on the morning of the Korean New Year celebration at the White House in his honor. "Boy, what a strange dream I think I had. I must put it in my next *Chronicles of the Asian Century*."

#### IV. CONCLUSION

Professor Bob Chang's first volume in the AsianCrit genre potentially has profound political implications for race relations in the new century. Despite its idealistic flavor, I hope that policymakers will give it a careful read, if not in this administration, perhaps in the next. I look forward to seeing the development of some of the issues he raises here in his future work.

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58. S. AFR. CONST. art. 9 (1996).

59. "To promote the achievement of equality, legislative and other measures designed to protect or advance persons, or categories of persons, disadvantaged by unfair discrimination, may be taken." *Id.* art. 9(2).