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# Inventing Asian American

Neil Gotanda\*

Like so many others, the loss of Keith affected me deeply. Immediately after learning of his death, I wanted to post something, but others told Keith stories better than I could. I was also a little puzzled as to why I felt such a personal sense of loss. I haven't been in close contact with Keith for many years. His work in intellectual property meant that I didn't see him as often at conferences. I reflected over the next few days, reading the many moving comments, when a post by Sumi Cho reminded me that Keith once taught a course on Asian Americans and the Law at Oregon. That triggered a recollection that I had once visited Keith at Oregon. So I thought I would write a nostalgic history-oriented note about how Keith was there at the beginning as we invented being Asian American law professors.

When I looked through his (amazingly) long list of articles on the Davis faculty website, I found an early article that I had completely forgotten. Keith had already written part of my reminiscence — in the form of an article about the two of us: *Critical Legal Studies, Asian Americans in U.S. Law & Culture, Neil Gotanda and Me*.<sup>1</sup> I re-read the article from 1997 and found myself in a mixed state of mind.

A little explanation is in order. In 1996, only a few years after the founding of the (now) Asian American Law Journal, Bob Chang caught the journal editors at a moment when they really needed some articles and convinced them to sponsor a symposium in my honor. I wasn't yet dead, but once the project began, most of the articles, including Keith's, read like obituaries. So, in writing my obituary, Keith discussed his own background and our encounters in the 1990s. He did so in greater detail than anything I could reconstruct today.

Keith began with reflections on his identity, including details about his parents' lives, his relatives, and how he came to develop his own

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<sup>1</sup> Keith Aoki, *Critical Legal Studies, Asian Americans in U.S. Law & Culture, Neil Gotanda, and Me*, 4 ASIAN L.J. 19 (1997).

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understanding of his being “Asian American.” What Keith and I shared was the difficult experience of trying to be engaged and involved but also being different. I also realized, as I re-read his comments and looked at some of his amazing creative work in Detroit and New York, that Keith triggered recollections of my younger brother Philip. After describing his very Nisei father and sort-of Kibei mother, and several racial moments from his youth (his high school math teacher calling him Rice Paddy Daddy against the backdrop of the Vietnam War), Keith says the following:

Why do I float out these disordered fragments? Are they merely an extended exercise in Proustian naval gazing? I believe they have a point. They remain as childhood indicators that, even in an apparently assimilated context, such as middle-class white suburban Midwestern America there was something *different* about me in a way I was unable to identify until much later. This difference, being Japanese American, became obscured to varying degrees by vigorous (too vigorous to my father) involvement in antiwar protests, sex, drugs and the rock n’roll culture of the late 1960s and early 1970s. [Footnote 20]

[20.] In terms of describing myself as Japanese American or Asian American, it is my impression that I was not really politicized in the pan-ethnic sense of the late 1960s Asian Power movement that sprang from the 1969 Third World Student strikes at San Francisco State University and U.C. Berkeley. That is partly because I wasn’t living in an area of demographic ‘critical mass’ of Asian Americans.<sup>2</sup>

So here is perhaps a part of my feeling of loss. Keith — like me — was of a generation *before* Asian Americans. He grew up and was in high school in the midst of racial comments and racial encounters. Born in 1955, he would have been 12 during the Detroit uprising of 1967, and by the time of the Vietnam peace accords of 1973, he would have been 18 and graduating from high school. In the footnote just quoted, Keith notes that he was politicized but not as an Asian American. This is a sentiment I understand. The idea of Asian American as a social and political construction was invented in the student strikes at San Francisco State and U.C. Berkeley. And the idea of Asian American culture was invented by artists and activists in that same era. Included among those artist-activists was Chris Iijima in his

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<sup>2</sup> *Id.* at 23-24, n.20.

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“Chris and Joann” Asian American troubadour days before law school. I was working in San Francisco as a computer programmer when I read of the San Francisco State strike. I sought out the S.F. State students and joined the Asian American Political Alliance. A year after the S.F. student strike, I entered Boalt Hall.

For Keith, being Asian American and claiming Asian American identity was not absorbed from those around him while growing up. Nor was an Asian American identity available to be “discovered” as in the phrase “discovering one’s identity.” Under the challenge of Sumi Cho, then a colleague at Oregon, Keith took on teaching a course in Asian Americans in U.S. Law & Culture. In his now familiar fashion, he attacked the question, gathered an enormous collection of materials, and prepared an extensive reader for his students. Somewhere, in one of my boxes of saved materials, I think I still have his reader.

Keith’s teaching one of the first courses in Asian Americans and the Law was part of the creative project of inventing “Asian American.” He gathered materials, organized them intellectually, and claimed them as his own. He transformed the materials and himself in the process. Keith always would have been outrageous and brilliant. But his own personal transformation made him into an *Asian American* who was outrageous and brilliant.

I had another personal reflection upon Keith as I viewed pictures of his work in Detroit and New York and especially the picture of Keith in a band in Jamie Boyle’s blog.<sup>3</sup> The posts by Phil Nash and Tom Joo of Keith’s work in the Cass Corridor art movement are quite amazing.<sup>4</sup> But Keith, for reasons others may know better, turned away from art and went to law school. I can’t help but think that the very familiar model-minority pressure to become a professional played an important part.

In this erratic early life trajectory of Keith, I can see moments of my younger brother Philip’s career. Philip, now a successful Asian American playwright, had a garage band in high school, dabbled in painting and seriously studied pottery. Philip was in Japan for over a year as a student and then potter. Philip felt the family pressure to become a professional. So he went to two different U.C. campuses to qualify as a pre-med student but couldn’t quite make it past the

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<sup>3</sup> See *RIP, Keith Aoki*, THE PUB. DOMAIN (Apr. 27, 2011), <http://www.thepublicdomain.org/2011/04/27/rip-keith-aoki/>.

<sup>4</sup> See WayneStateUniversity, *University Art Collection - Wayne State University*, YOUTUBE (June 7, 2010), [http://www.youtube.com/watch?v=NQmtbXweUWM&feature=player\\_embedded](http://www.youtube.com/watch?v=NQmtbXweUWM&feature=player_embedded) (featuring Keith’s contribution to the Cass Corridor art movement).

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science requirements. His fall-back was to go to Hastings (his friends blamed me) where he actually graduated. Somewhere during this time, Philip also worked as a musician in San Francisco. But in the middle of studying for the bar, he gave up on law, finished his first play, and has never looked back.

Keith turned away from a life as a painter and performance artist. But in embracing his professional life, he has remained artist, professor, performer, political provocateur, and Asian American activist.

Regardless of the description, the younger generation is not supposed to go first. I'm slowly coming to terms with the fact that I'm no longer middle aged. Part of that process is to look back and reflect on one's life. Keith's death has been a rude reminder of how quickly our lives can turn. Reflection is not something that can be put off until later, when we have more time.

Writing and thinking about Keith has been helpful. It's clear now that my memories and recollections are of an earlier version of Keith. Memory and loss are deeply interwoven and never simple. But whatever its source and however much my loss is self-indulgence, I still miss him. The little Keith corner in my mind that I had thought would always be around, is now gone.