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# The Amerasian Problem Blood, Duty, and Race

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## Abstract

The concept of 'mixed blood' is not a new one; however, it was not until 1982 that an unprecedented policy entitled 'The Amerasian Act' was created by the US government. Focusing on the author's ethnographic fieldwork in South Korea and the US, this article will unpack the assumptions underlying the seemingly religious statement 'the American thing to do' in terms of US policy, where ostensibly scientific notions of 'race', blood and identity are employed.

*Keywords: Amerasian, identity, immigration, international relations, media, NGOs, policy, race*

The United States military presence in certain Asian countries and around the globe does not predate the notion of 'mixed blood'. I will address a group of 'mixed blood' people in Asia that is tied directly and indirectly to the US military, specifically focusing on the rationale behind the creation of a US law called the 'Amerasian Act of 1982' or Public Law 97-359. Here, I begin with a quote from former President Ronald Reagan made on 22 October 1982, the day the Amerasian Act was written into law.

This is a happy occasion, I think, for all of us here. Today I'm signing into law a legislation that comes to grips with a problem that I think should touch every American's heart. During the last three decades, when tens of thousands of our airmen, soldiers, marines, and sailors went to Southeast Asia and Korea to prevent aggression and protect the vital interests of our country, a number of Amerasian children were born. When the fathers returned to the United States, far too often innocent children were left without parent or without a country. Through no fault of their own, these children have frequently lived in the most wretched of circumstances and often have been ostracized in the lands of their birth.

Ronald Reagan<sup>2</sup>

President Reagan's choice of words suggests that the plight of Amerasians outside US borders is not necessarily a US American 'problem', but one that should concern all US Americans. Reagan used the concept of Amerasians as homeless children 'without parent or without a country' to reach out to the US American heart; his statement never addresses who is responsible. Although Reagan mentioned the last



30 years of US military presence in Asia, moreover, he neither recognizes the history that goes as far back as the 1880s, nor suggests the responsibility of individual fathers. In this way, the limitations of the new law are legitimized. The Amerasian Act of 1982 specifically gives immigration visas (first and fourth visa preferences or single or married sons and daughters of a US citizen) to Amerasians who were fathered by a US citizen between 1 January 1950 and 1 October 1982 in Korea, Vietnam, Laos, Kampuchea, or Thailand, not citizenship.<sup>3</sup>

What does it mean to be 'fathered by' in the context of 'race', nation and politics? The troublesome notion of 'fathering' is complicated by the Department of Defense's informal sanctioning of prostitution near US military installations overseas. Several countries, particularly in Asia, have had a long history of US and UN military presence and along with this a system of prostitution catering to soldiers' 'entertainment'. Katharine Moon argues in her book *Sex Among Allies: Military Prostitution in US–Korea Relations* that 'private relations among people and foreign relations between governments inform and are informed by each other'.<sup>4</sup> She explores how and why women became symbols of Korean–US assurances and commitments of the US military presence in South Korea. With this structural set-up of 'legal/illegal' prostitution, many male soldiers thought of themselves as having sexual relations with local women and in many cases nothing beyond that, not imagining themselves as fathers.

Given the history, why was it not until 1982 that a US policy was created concerning children of US military servicemen and civilians born elsewhere, particularly in Asian countries? In addition to the question of why such a policy was created, other questions remain as to why only these certain states are included and not others, and why no consideration is given to those born after the date of the Act, as well as how the notion and symbol of 'blood', specifically 'US American blood' and the power of the state to define such, comes into play. My goal is to illuminate these issues and explore how 'race' and identity are constructed in US international politics.

The imaginings of authenticity and legitimacy of race, blood and citizenship are simultaneously entangled and denied within the history and context of this law. Fredrik Barth states that membership is never stable or consistent, but rather situational.<sup>5</sup> Similarly, according to Martha Finnemore, states cannot be understood without reference to the changing international structure of international and transnational social relations 'that shape their perceptions of the world and their roles in that world'.<sup>6</sup> I will address these questions and issues by showing how transnational actors, specifically NGOs and the media, can affect US policy by constructing and framing an issue to gain support; in this case, how certain US-connected NGOs effectively persuaded enough members of Congress to broaden US immigration criteria to include 'Amerasians', by citing the tight relationship between ethics and politics with regard to the lives and bodies of Amerasians. I am sure that alternative explanations exist and other factors contributed, but they appear to be less helpful. The present research attempts to show that the creation of the first Amerasian policy by the US reveals how the question of race and identity is shaped by these perceptions.

The US military has been present in Korea and Japan for over half a century. Local protests against US military presence there continue to occur and are publicized frequently by such media as the BBC and national newspapers such as *Korea Times*.<sup>7</sup> Negotiations to decrease the number of US troops stationed in these two countries has also become a reality.<sup>8</sup> Despite this downsizing, US troops will in all likelihood continue to stay in Korea and Japan to allegedly 'help ensure stability in the region'.<sup>9</sup> While the perceived need for ensuring 'stability' in Asia is often viewed today as a consequence of 9/11 and threats from North Korea, prior to the 'War on Terrorism',<sup>10</sup> US military presence was more actively questioned by both sides. As Moon states, women 'entertaining' the troops overseas continue to be 'instruments in the promotion of two governments' bilateral security interests'.<sup>11</sup>

Many Amerasians are affected by anti-US American sentiments that stem from reactions against the US military presence and US government actions in inter-national politics. Notions of 'race', the ascribed identity of Amerasians as 'Americans' or as outsiders (because of the importance of patriarchy in most Asian countries), and previous US laws of citizenship have structured and institutionalized many of their negative social experiences, hence stimulating NGO advocacy. This research suggests that it was not until media coverage of the humanitarian efforts of specific NGOs and those NGOs' lobbying efforts, which brought together the ethical and political aspects of Amerasian lives, that US public and governmental attention was given to the issue. Dates and information from NGOs assisting Amerasians, US policies and hearings, presidential and congressional reports, news articles and news reports, as well as the history of US-Asian relations reveal if this is correct.

### Representations of Amerasian identity

Who are Amerasians? The stereotypical US image of the Amerasian is like the scene from the film *Braddock – Missing in Action 3* with Chuck Norris returning to Vietnam to find his Amerasian son and other 'orphans' and 'return' them to their true home, the United States. This film includes the scene of a pitiful, thin, blond-haired child in tattered clothing with blue almond-shaped eyes and speaking broken English who is in need of rescue and safe return to his true country, 'America': a place where he can express his true self and no longer be an orphan, 'orphan' being defined in terms of abandoned paternity and defined by his 'whiteness'. This is just one of many pop-culture and media examples of how the image of Amerasians is conveyed.

While NGOs do not necessarily always make changes happen, nor are they always catalysts for such a chain of events, specific combinations of governmental and non-governmental individuals and groups, social movements, and processes may ultimately change state behavior and policy.<sup>12</sup> We must also take into account that such framing and constructing of issues may sometimes promote the fixing of identities for populations that these organizations attempt to represent. Barth discusses how ethnicity is beyond cultural difference; rather it is the 'social organization of

cultural difference'.<sup>13</sup> In this specific case, it was the political and social organization of difference that categorized these individuals as 'almost American' and ascribed identities to them that included being born of Asian women and US men in Asia as 'orphans', 'innocent children', and 'war victims', and the men who fathered them as 'American'.

The politically recognized definition of 'Amerasian' is based on the Amerasian Act of 1982. However, the term 'Amerasian' was conceptualized in the early 1930s by Pearl S. Buck, Nobel Prizewinner in Literature and civil rights activist. In her novel, *East Wind: West Wind* (1930), she first discusses the marginal positions of Amerasians in China. In an interview she reiterated this by stating:

I am compelled to the conclusion that the most needy children in the world are those born in Asia whose mothers are Asian but whose fathers are American. They are a new group of human beings, a group that Asians do not know how to deal with, illegitimate as well as mixed in race. Our present project, therefore, is the Amerasian.<sup>14</sup>

The Occupation of Japan by the Superior Commander of the Allied Powers (1945–8) and the outbreak of the Korean War (1950–3) solidified the identities of these individuals born of Asian mothers and US male military personnel and civilians throughout Asia as 'Amerasian'. This construction of an identity was then framed by these advocacy groups to make the issue 'comprehensible to target audiences, to attract attention and encourage action'<sup>15</sup> particularly via the media, to garner the attention of the US public and government. However, the framing of an identity for Amerasians began with Pearl S. Buck's organization. If we examine her words, Buck solidified an identity for Amerasians as 'illegitimate' 'children' who are 'mixed in race', an identity that continues to be ascribed to this population today.

US citizenship laws have been based on birthplace and blood. While place of birth cannot be easily contested, blood ties can be denied simply by lack of official acknowledgment. Rules of US citizenship were first established in 1790 with the 'Act of March 26th' stating that:

children of citizens of the United States that may be born beyond the sea, or out of the limits of the United States, shall be considered as natural born citizens: Provided, that the right of citizenship shall not descend to persons whose fathers have never been resident in the United States.<sup>16</sup>

This suggests that not only did rules of blood (*jus sanguinis*) apply, but also rules of paternity to designate the child as 'American', as well as the assumption of *jus soli* or rule of place of birth as a designation of official state membership. Citizenship was and is often based on paternity, although US citizenship laws had previously been based on maternity since the 1600s. Paternity had to be acknowledged by the father and full citizenship was denied on the basis of race into the 1900s. Today, citizenship requires the processing of formal paperwork with

the local US embassy acknowledging paternity and maternity. In many instances, this paperwork is/was never filed for various reasons and sometimes never even considered. The US Status of Forces Agreements (SOFA) has no guidelines for exceptions.

States have laws of citizenship; however, when an individual does not or is not registered as a member of that state resources are not allotted and national identification is insecure. Citizenship is a legal construct, but it also refers to living everyday life or the social aspect of membership. National insecurity in terms of legal and social citizenship for many Amerasians began prior to conception. Gal and Kligman discuss how the biological and economic domains intersect with regard to a nation's interest in the health of the state, particularly through the reproduction of its citizens.<sup>17</sup> Many countries that housed US military installations did not consider the possibility of 'mixed' US Americans born as a result of this presence, creating a complicated relationship between all parties involved, but more specifically between the women and the state. The notions of 'our women' as vessels of the nation-state or mothers of the citizens of the nation-state responsible for the health of the nation are violated in this regard. The women who violated the laws of state membership, by willingly or unwillingly having liaisons with foreign non-Asian men, are no longer considered full-fledged members of the state. This national insecurity is then extended to their children. In many ways, this lack of national identification and national security justified the adoption of Amerasians for all parties involved, even if the mother did not want to give up her child. Unconsciously or consciously many mothers felt that their children would have none of their needs of safety or security met by a mother who also lacked security, particularly on the national level.

International adoption agencies<sup>18</sup> were used in a political fashion by the governments involved as mediums for dealing with unwanted populations so that governments did not have to take on that responsibility. The violation of rules of membership resulted from exchange of blood and human fluids with non-Asian men, especially US American men. Such considerations constituted push factors: as emigration via adoption was seen as the answer to the state's problem population, wiping the slate clean. Mothers were 'encouraged' to give up their children, particularly by social workers and representatives from adoption agencies. Social workers from in-country adoption agencies were sent out 'baby hunting' to find children who looked 'American'.<sup>19</sup> The pull factors were obligations felt by Americans in efforts to wipe the slate clean for their own nation: that is, 'cleaning up' their boys' messes.

The Displaced Persons Act of 1948 was the first legislation aimed at addressing children of war,<sup>20</sup> not specifically the Amerasian populations. The fate of this latter category in Japan and South Korea was more tenuous than in Europe due to social attitudes towards patrilineal family structures and notions of 'race'. 'Mixed-race'<sup>21</sup> children, as well as those born out of wedlock, were generally objects of shame and stigmatization, which in many instances relegated them to the lowest rungs of the social hierarchy. Mothers were told that their children would be 'better off' in the United States; they would have freedom, education, and be

in the country of their fathers. Rumors spread. Some mothers feared North Korea would attack again and Amerasian children would be scapegoated and killed. One mother I met, who had given up her son for adoption, tried throughout her life to find him to remind him that she loved him. When I met her at her house, which was basically a closet in an old run-down building, she showed me the picture of her and her son sitting on her vanity. Through the help of the Director of the Sunlit Sisters' Center and a lot of research and writing, she found and was reunited with him two years ago. Many mothers felt the pressure to adopt out their children and for many this was out of love and concern, but it was also a result of notions of the purity of 'race' and because Amerasians symbolized the inequalities of power between the US and Asian nations.

### Transnational advocacy networks prior to the 1980s

During the war-torn years of the Korean War and the Vietnam War, the need for transnational actors to cushion the trauma, make the experiences known to the international community, and press the US and the international community to establish policies to address these humanitarian issues intensified. Some non-governmental organizations assisting mixed Asians and war orphans were in place in Japan and South Korea prior to the Vietnam War. In Japan these agencies included the Elizabeth Sanders Home (1948) and Our Lady of Lourdes Home (1948).<sup>22</sup> In Korea agencies included Pearl S. Buck's Welcome House (1949), World Vision (1950), Child Placement Services (1954), Catholic Relief Services (1955), the Seventh Day Adventist Adoption Services (1955), the Holt Adoption Program (1956), St. Vincent's Home for Amerasians (1950s), International Social Services (1957), Catholic Relief Services, and the US Catholic Conference.

Sawada Miki, founder of the Elizabeth Sanders Home, established the home for Amerasians in Japan after witnessing a corpse of a 'GI baby' left on a train. She created a separate home and school, wanting the children to be bilingual and eventually to 'send them back' to the US.<sup>23</sup> Pearl S. Buck became interested in helping Amerasians because she had witnessed the hardships of Amerasians throughout Asia during her travels there. She established the Welcome House Adoption Agency in 1949, which later became the Pearl S. Buck Foundation in 1964. Initially, the goal of this foundation was to integrate Amerasians into Korean society and later to place 'mixed-race' children with adoptive families at a time when it was illegal to place such children in some states because of US segregation and anti-miscegenation laws. The Foundation later expanded to include more educational and social services for Amerasians in their countries of birth. The Holt Adoption Program, which began in 1956, was stimulated by a 1954 incident when the Holt family attended a screening of a documentary of the Korean War at a local high school. The Program was presented by Dr Bob Pierce of World Vision, who had been a missionary in Korea since 1949. Of these original organizations, the Pearl S. Buck Foundation is the only active one still in existence in Korea today. Many of these organizations had a

mission to locate Amerasians for adoption by US American families and searched specifically for 'American-looking' children with blonde hair and blue eyes.<sup>24</sup> With the exception of the latter established goals of the Pearl S. Buck Foundation and St Vincent's Home for Amerasians to integrate Amerasians into Korean society, these other transnational actors were primarily interested in placing Amerasians as adoptees in the US and they were not organized to the extent of pushing to form a US policy.

Little media attention to these actors and little recognition of Amerasian individuals as 'American' was given until the Vietnam War era. Margaret Keck and Kathryn Sikkink argue that it was not until 1968 that transnational actors established advocacy networks linking civil societies, states, international organizations, branches of government, and the media that helped to create changes in policies and policy making through information exchange and strategic use of information.<sup>25</sup> Keck and Sikkink's statement appears to concur with the increase of civil liberties brought about by the civil rights movements. Networks were made possible with the broader cultural shifts of the 1960s in the United States.

While timing seems to have played a role, Keck and Sikkink note four tactics of persuasion that networks utilize. First, by linking testimonial information with statistical information, networks can make a stronger argument for their case and exert more profound pressure on governments. This is a key feature and outcome of 'information politics'. Second, 'framing' the issue to generate more support for their cause is part of the 'symbolic politics' of a network's tools. Third, 'leverage politics' involves gaining the support of more powerful institutions to strengthen the network's power and effect. This tool can also involve moral leverage, 'where the behavior of target actors is held up to the light of international scrutiny'. Finally, 'accountability politics' is a method networks use to expose the gap between discourse and practice if a government's policy is not faithfully being enacted.<sup>26</sup> In all, the social meaning of 'race', specifically what constituted being of 'American' stock, was also important to consider in an era of anti-segregation and the establishment of a more 'pluralistic society'. Kenan Malik reminds us of the continuing importance that the notion of 'race' has played in the US: as not being about biology, but about the social aspect of identity. It is the 'contradiction between an ideological commitment to equalize and the persistence of inequality as a practical reality'.<sup>27</sup>

We can see these four tactics in action in the Amerasian case beginning in 1968 with the expanded media coverage of the plight of Amerasians and the advocacy networks attempting to aid these populations in Southeast and Northeast Asia. One of the first articles in the *New York Times* dated 30 April 1968 is entitled 'Thai Children Fathered by US Troops Helped by Pearl Buck Foundation'. While the article places responsibility on the Thai government by stating they are 'Thai children', it also recognizes that their fathers were from the US. This article and the others that followed it utilized all of the four techniques of informational, symbolic, leverage, and accountability politics to gain the support of the US American public. Other articles in the *New York Times* in 1969 and 1970 scrutinize Pearl S. Buck and her foundation for mismanagement of funds and misconduct, for which they were

denied licensing. Despite this tendency to weaken those efforts and politics of the Foundation, these reports also solidified the issue as one in need of attention. The *Washington Post* article of 11 December 1977 entitled, 'Thais to Make GIs' Babies Stateless', is an explicit example of how 'accountability politics' through wording was utilized by the media. We can see the shift in language from 'Thai children' in 1968 to 'GIs' babies' in 1977. While the phrasing is also ambiguous and does not place responsibility on the US government or individual fathers, it opens up a public discussion of who is responsible.

In 1978, Senator Edward M. Kennedy of Massachusetts proposed a resolution, later known as the Kennedy Resolution, which authorized \$2 million for the US Agency for International Development (US AID) to be used by US non-profit organizations in Asia for programs to help Amerasians,<sup>28</sup> particularly the Pearl S. Buck Foundation which had received most of the media's attention. The Senator also supported the revision of immigration law to permit greater ease in the adoption of Amerasian children. There had been a precedent adjustment to immigration law with the efforts made by Holt, but there was a time restriction placed on that adjustment. Kennedy had the opportunity to visit orphanages in Vietnam in 1965 and 1968 and witness the number of Amerasians after being presented with the issue by various volunteer agencies. In 1982 Kennedy was still presenting this issue to Congress and conveying the importance of the 'leverage politics', or the role of transnational actors, to remind the US of its responsibilities. He stated:

I think all of us must recognize that it has been the voluntary agencies that have been knocking on the doors of Congress ... The voluntary agencies have presented us with this issue. The Congress has taken very small steps, although not unimportant ones, but we have not had the kind of support from past administrations, whether they have been Democrat or Republican, to really express the true humanitarian concern.<sup>29</sup>

Prior to 1982, US policy only acknowledged 'Amerasians' as orphans in need of adoption and domestic social services.

### Amerasian policy formation

In April 1979 Father Alfred Keane from the St Vincent's Home for Amerasians in Incheon, South Korea, approached Congressman Stewart B. McKinney, who had served in the US Air Force during the Korean War era. McKinney was known for his humanitarian efforts in Congress. Father Keane requested that a bill (later to be known as H.808) be written to help Amerasians obtain visas to come to the US.<sup>30</sup> While Father Keane was lobbying in Washington, Father Benedict Zweber and Pio Suh continued their work and efforts in Korea, assisting Amerasians and Korean orphans at St Vincent's. The French had established open citizenship laws for French Eurasians born in Indo-China from 1885 to 1945, which they initiated immediately

after the takeover of Vietnam. Citizenship laws were based bilaterally for French Eurasians from Indo-China, allowing either the mother or the father to establish citizenship.<sup>31</sup> Many Amerasian advocacy groups were hoping the US would utilize the French as a model.<sup>32</sup> Prior to the formation of the Amerasian Immigration Act of 1982, the Department of Defense Directive 1344.3 of 1 February 1978, 'Paternity Claims and Adoption Proceedings Involving Members and Former Members of the Armed Forces', was only applicable if the father *acknowledged* paternity and thereby was '*encouraged* to render necessary financial support to the child and take any other action considered proper under the circumstances' (my emphasis).<sup>33</sup> This directive continues to be the only documented instruction for US military personnel who have children overseas with non-US Americans.

In 1980, Bill Curtis, reporter and anchorman for WBBM-TV in Chicago who reported from Vietnam in 1975, returned to Saigon (Ho Chi Minh City). In his article featured in the *New York Times* on 2 March 1980, entitled 'The Plight of the Children Abandoned in Vietnam',<sup>34</sup> he recalled memories of Vietnamese street children begging from US Americans in the 1970s. During this return visit, he was stirred by the hundreds of Amerasians and their mothers secretly pleading with him to deliver letters to organizations such as the Red Cross and the United Nations High Commissioner for Refugees to find lost fathers and help with their social situation. Curtis gave the letters to a foreign consular official who had them sent to the US State Department. The effects of the emotional turbulence from the loss of the Vietnam War left it as a war to be forgotten in the 1980s. Curtis concludes his article by asking the US public to reconcile and create new emotions:

with the knowledge that wives and children of Americans are still there and asking to be reunited ... Perhaps a new picture will color Americans' memories of the war – the picture of children who are unable to go to school, condemned to live their years in the streets of Saigon because they have the wrong face – an American face.

With the growing lobbying power at this time of Vietnam veterans who wished to resolve several issues, including the Amerasian issue,<sup>35</sup> McKinney gained more support within Congress from Alabama Senator Jeremiah Denton, who heard about the plight of the Amerasians from Jody Darragh of Americans for International Aid, an adoption agency, after his release from a POW camp in Vietnam in 1973,<sup>36</sup> and Paul Laxalt of Nevada, President Reagan's personal friend on Capitol Hill.<sup>37</sup> McKinney's H.808 bill requested that Amerasians abandoned in Korea, Vietnam, Thailand, and Laos receive first preference as sons and daughters of US citizens and fourth preference as married sons and daughters of US citizens, categories of the Immigration and Nationality Act,<sup>38</sup> not as citizens, but as immigrants. This bill contradicts previous laws on citizenship, since children of US citizens in any other situation would be US citizens, despite place of birth. A similar bill, H.R.3405, had been introduced by Congressman Barney Frank, which allows for a willing father to petition for his illegitimate children to immigrate as citizens to

the US. Less fortunate individuals without a presenting father hoped to be assisted through H.808 and its complementary Senate bill S.1698, proposed by Senator Jeremiah A. Denton and Senator Carl Levin. Denton's bill aimed to facilitate the immigration of Amerasians born in Vietnam, Laos, Thailand, Korea, Japan, the Philippines, Taiwan, and Kampuchea (later added) after 1950 to an Asian mother and a US military serviceman father (later to be amended to US citizen father) as first preference sons and daughters of a US citizen. Representatives from the Pearl S. Buck Foundation, Jody Darragh, and Father Alfred Keane are credited with coordinating and keeping the public and Congress interested in the plight of Amerasians.<sup>39</sup> Denton stated that he hoped this bill would set precedence for others, particularly if the bill was successful. 'The program, when demonstrated to be successful, would easily be expanded to include children from any other country where there is discrimination against those with American blood.'<sup>40</sup> However, it has not had such an effect. Why? It appears, as we shall see, that this specific law was created to alleviate some form of 'guilt' and responsibility, not as a law to set a precedence for others. It was an exceptional case that was allowed to come to the forefront of US international relations in a post-Cold War and post-Vietnam era.

Amerasians born after 1950 were a focal point of discussion during the hearings. One reason stated was the 'fact that our largest troop commitment to Korea' began in 1950,<sup>41</sup> despite the fact that the US military had a presence in certain Asian countries prior to 1950. During the initial hearing, Senator Denton requested advice from the Judiciary Committee to limit the countries acknowledged in the bill. No reason is given as to why the advice was requested, why McKinney's bill was restrictive, or why the subsequent changes to exclude Japan, Taiwan, and the Philippines were made. There were concerns about a mass influx of immigrants and a desire to have some form of 'proof' that the individuals who would be taking advantage of this law were of 'American' descent. Despite the fact that the NGOs involved in the hearings (the Pearl S. Buck Foundation and St Vincent's Home) urged the inclusion of all the countries, they primarily presented information and testimonials of Amerasians from Korea, Thailand, and Indo-China – places where these organizations had offices. Although McKinney critiqued his bill by stating that it 'fail[ed] to recognize that US soldiers are still stationed in Korea, the Philippines, and Japan, and they are still fathering babies',<sup>42</sup> there is inconclusive evidence on why Japan and the Philippines were not included. McKinney makes no mention of Taiwan. During the same hearing, a panel from the Department of State, specifically Ambassador Diego Ascencio, presented the view that the 'countries concerned *should* be Korea, Vietnam, Laos, Kampuchea, and Thailand'<sup>43</sup> (my emphasis). Whether the statement represents lingering Cold War issues or other reasoning is difficult to grasp because he does not go on to explain why. However, in an earlier hearing in 1981, the Ambassador stated that the individuals born in Europe in a similar context do not experience discrimination as they do in Asia, hence confirming their exclusion from the bill on the basis of 'race', and with his presumption that only 'white' American and 'white' European mixtures exist.<sup>44</sup> The Ambassador presented no evidence for his words, only his authority. It seems ironic that discrimination would not be an issue

for 'Bermans' or 'Black Germans' born from African American US military men and German women in post-Nazi Germany. Do not all 'mixed' Americans born overseas deserve equal rights?

It is difficult to argue that the exclusion of certain countries was because of population numbers, as it was estimated at that time that there were 2000 affected Amerasians in Korea, 1500 in Japan, 1000 in Taiwan, 5000 in Thailand, 1000 in Laos, and a total of 25,000 in Vietnam and the Philippines.<sup>45</sup> A US spokesman in Manila stated that the US distinguishes Filipino Amerasians from others because 'it is widely perceived that mixed-race Filipino children do not suffer racial discrimination', although contradicting information exists.<sup>46</sup> An article featured in *Time* on 14 December 1981 stated that Amerasians in the Philippines and Japan 'have attained a measure of acceptance ... once scorned as "Madame Butterfly tots" or "souvenir babies," mixed-descent children have capitalized on their exotic looks and gained success in the entertainment and fashion worlds'.<sup>47</sup> While the history of Amerasians in the Philippines and Japan goes farther back than Amerasians in Korea or Vietnam, their existence is not noted or recognized in US policy or legislative history. However, research shows that Japanese and Filipino Amerasians did and do experience racism and discrimination.

McKinney's H.808 bill and Denton's S.1698 bill were presented jointly before the Judiciary Committee in 1982 after nearly four years of attempts to get the bills passed into law. Congressman McKinney stated that the Carter and Reagan administrations had been 'chilly' to his proposal to assist the estimated 80,000 Amerasians because they were concerned about fraudulent activities and an uncontrollable mass migration. These fears may also explain why the Amerasian Act accepted only individuals born between 1950 and 1982. Many recommended certain requirements be enforced such as a blood test to ensure that the 'true' Amerasians would benefit from this act.<sup>48</sup> This is contradictory to the actions of the law because if they could prove they were 'true' Amerasians, they would be 'true' Americans and have rights to US citizenship, instead of the possibility of immigration which takes seven to ten years. According to Paul Siegel of the Pearl S. Buck Foundation:

Even if citizenship was granted, there would not have been a mass influx because there aren't many Amerasians who would qualify. Since 1982 anybody that's a full-blooded Amerasian – that's an oxymoron – they would be well over 21 years of age and the legislation does not apply to the offspring of Amerasians.<sup>49</sup>

The news media at this point had focused only on the advocacy organizations and the Amerasians in Korea, Thailand, and Vietnam, although some had acknowledged the presence of Amerasians in other countries through interviews with Amerasian advocacy groups.

After the first efforts were made to amend immigration law for Amerasians, the media began covering more testimonials of Amerasians pleading for this bill, for public and governmental recognition of their 'American' status, and for public and governmental recognition of their 'home' as America. Titles such as

'Nobody's Children: Forgotten Americans',<sup>50</sup> 'Priest Fights on Behalf of Half-American Children',<sup>51</sup> and 'Bring the Dust Children Home'<sup>52</sup> filled the media landscape and called for the public's attention and action.

After three years of failing to pass, the bill was approved on 1 October 1982 and signed by Ronald Reagan on 22 October 1982, officially making it Public Law No. 97-359. The major revisions made it strikingly different from the original bill. P.L.97-359 officially amended the Immigration and Nationality Act:

[T]o give first or fourth visa preference (sons and daughters of US citizens) to an alien who was fathered by a US citizen after 1950 in Korea, Vietnam, Laos, Kampuchea, or Thailand. Requires in the case of an alien under 18 years old that sponsorship has been arranged through a licensed welfare agency and that written emigration permission has been given by the mother or guardian. Requires a five-year financial support guarantee (or until the applicant is 21 years old, whichever is longer) signed by a US citizen or permanent resident who is at least 21 years old and of good moral character. Requires a sponsor to assume legal custody of an applicant under 18 years old until such applicant's eighteenth birthday. Allows the Attorney General to enforce such guarantee against the sponsor in a civil suit in US district court unless such sponsor dies or is adjudicated bankrupt.<sup>53</sup>

This law has very specific conditions – restrictions on countries and dates (1 January 1950 to 1 October 1982), emphasis on sponsorship, requires mother to give up parental rights, and only allows for immigration as a 'special immigrant', not as a citizen. Interestingly, assistance or acknowledgment of American paternity is not addressed or offered, which would automatically grant these individuals citizenship. A letter to Senator Kennedy on immigration reform regarding Senate Bill S.222 from the US Committee for Refugees on 10 July 1982 asked to keep immigration and human rights as separate policies. The letter states that 'general immigration largely relates to family reunion, the rescue and resettlement of refugees is a human rights effort'. The connection between the two cannot be denied, specifically with regard to the Amerasian issue which falls in the midst of both immigration and human rights. Because of US immigration policy to keep the two processes and populations separate, a policy that does not really do either was created for Amerasians.

## Conclusion

The creation of the first Amerasian policy by the US illustrates how transnational actors, specifically US-connected NGOs and the US media, recently engaged in social and civil rights movements, collaborated to affect US policy. They accomplished this by constructing and framing the issue through the four tactics of persuasion without undermining the US military or the US military's unofficial sanctioning of prostitution, and without pressing the responsibility of individual fathers or

threatening US 'citizenship'. By utilizing the key feature of 'information politics', the actors presented testimonials and population numbers to make a strong argument for Amerasians. These actors utilized 'symbolic politics', by framing the issue as an 'American' and 'humanitarian' one to connect Amerasians to the American public. Actors utilized the tool of 'moral leverage' by comparing the lack of a US policy concerning Amerasians to the French example of open citizenship to French Eurasians. And they made the state accountable through exposing the inefficiency of previously existing policies concerning illegitimate children born overseas to US citizens.

The amendments made by the Subcommittee on Immigration and Refugee Policy and by the Committee on Judiciary excluded Japan, Taiwan, and the Philippines, and the amended version was passed by the Senate and the House by unanimous consent. No explanations are provided of why the amendments were made. The decision to exclude these countries, which most likely occurred behind closed doors, has continued to deny all Amerasians equal rights. A Filipino Amerasian assistance organization called Preda filed a complaint in 1993 regarding rights of Filipino Amerasians to immigrate under the Amerasian Act. Congress rejected their complaint by stating that the mothers of the Amerasians in the Philippines were prostitutes and the illegality of prostitution prohibited the court from trying the case.<sup>54</sup> More recent attempts to amend the bill have been made by Senator Inouye of Hawaii who reintroduced P.L.97-359 unsuccessfully from 1997 to 2001 for amendment to include Japan and the Philippines. On those three occasions the Judiciary Committee stated that Amerasians in the Philippines and Japan were not subject to discrimination, prejudice or hatred, the mothers were prostitutes, and these countries were not war zones, although these reasons are not included in the original discourses of the legislation.

Accounts created and represented by media and NGOs covering Amerasian issues in Japan and the Philippines conflict with the Judiciary Committee's statements. Many Amerasians in these countries do experience discrimination, prejudice, and hatred. Moreover, the 'war zoning' of Japan and the Philippines can be contested because of the strategic use of the territories for the purposes of the Korean, Vietnam, and Gulf wars, as well as the continued efforts of 'stabilization' in Asia and the Middle East. And research has demonstrated the ties between local government and the US government in the regulation of prostitution for 'entertainment' purposes<sup>55</sup> in certain Asian countries. One could argue that the transnational advocacy networks in these countries were not in place or were too weak in their representation to explain why they are excluded from the original bill. Testimony given in support of the bill that was later made into law was given primarily by non-governmental organizations and Amerasians in Korea and Vietnam.

If the argument that the lack of transnational advocacy networks correlates with lack of policy formation can be supported, it gives hope to present and future efforts to amend the law. With the stronger presence and activity of more transnational actors in the Philippines, Japan, and the US today, including not only NGOs and the media, but also the growing number of Amerasian adults in the US and in Asia,

efforts toward change may be more plausible. Currently, Congresswoman Juanita Millender McDonald is gathering support to reintroduce a bill she introduced in the 106th Congress, H.R.1128, the American Asian Justice Act. This bill hopes to amend P.L.97-359, the Amerasian Immigration Act, to include children born in the Philippines and Japan and fathered by United States servicemen as eligible applicants.<sup>56</sup>

In March 2004, Congressman Jim Moran, Virginia Democrat, with Congressman Lane Evans, Illinois Democrat, introduced legislation in the US House of Representatives providing full citizenship for Amerasians who immigrated under the Amerasian Act of 1982 or the Homecoming Act of 1988.<sup>57</sup>

This legislation makes it explicitly clear that these Amerasians are not simply 'permanent residents,' but are citizens of the United States and are entitled to all of the rights and privileges – and responsibilities – that come with it,' Moran said. 'This country has a moral duty to grant them citizenship and welcome them with open arms.' Unlike other children born overseas to American fathers, these children – most of whom are now adults – are not given the right of American citizenship. And in their home country they face discrimination and segregation because of their heritage. Moran said this legislation would ensure that if they come to the US, they would become citizens and part of their new country. 'America has a rich history of accepting immigrants from foreign lands. We must do all we can to be accepting of those persons who already have links to this country through their birth and are entitled to be citizens.

Jim Moran, United States Congress<sup>58</sup>

The Amerasian case serves as a model for how identity politics, race and blood politics, and notions of humanness, as well as who is deserving of protection and citizenship, are constructed, particularly with the example of the Amerasian Act of 1982 and its limited application. The law is one of many examples of how the 'American race' continues to be reconstructed and redefined in times of ambiguity and fear of the mass immigration of unwanted populations, compounded by primordial notions of 'race' and US patriotism and ethnonationalism. For many, the Amerasian Act of 1982 is a law of inequality – a law that continues to be contested by those who feel it is merely a gesture, not a law that accomplishes much of anything.

## Notes

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- 2 Ronald Reagan, 'Remarks on Signing a Bill Providing for the Immigration of Certain Amerasian Children', in *Public Papers of the Presidents of the United States: Ronald Reagan* (Washington DC: US Government Printing Office, 1983), p. 1372.
- 3 Public Law 97-359 states the following: '[T]o give first or fourth visa preference (sons and daughters of US citizens) to an alien who was fathered by a US citizen after 1950 in Korea, Vietnam, Laos, Kampuchea, or Thailand. Requires in the case of an alien under 18 years old that sponsorship has been arranged through a licensed welfare agency and that written emigration permission has been given by the mother or guardian. Requires a five-year financial support guarantee (or until the applicant is 21 years old, whichever is longer) signed by a US citizen or permanent resident who is at least 21 years old and of good moral character. Requires a sponsor to assume legal custody of an applicant under 18 years old until such applicant's eighteenth birthday. Allows the Attorney General to enforce such guarantee against the sponsor in a civil suit in US district court unless such sponsor dies or is adjudicated bankrupt.' See Public Law 97-359, S.1698, Bill Summary and Status. 'First preference' refers to unmarried adult sons and daughters of US citizens (21 years of age or older). 'Fourth' preference' refers to married sons and daughters of US citizens and their spouses and minor children.
- 4 Katharine H. S. Moon, *Sex Among Allies: Military Prostitution in US-Korea Relations* (New York: Columbia University Press, 1997), p. 2.
- 5 Fredrik Barth, *Ethnic Groups and Boundaries: The Social Organization of Difference* (Prospect Heights: Waveland Press, 1969).
- 6 Martha Finnemore, *National Interests in International Society* (Ithaca, NY: Cornell University Press, 1996), p. 2.
- 7 'Okinawans Protest Against US Troops', *BBC News*, 20 July 2000. Seo Soo-min, 'US Officer's Return Home Leaves Many with Doubts', *Korea Times*, 19 July 2002.
- 8 See 'Koizumi Seeks Global Context to Realign US Forces in Japan', *Kyodo*, 19 October 2004. See 'US Extends Troops' Exit from South Korea', *New York Times*, 7 October 2004.
- 9 'Powell: US Troops Will Stay in Asia', *Korea Times*, 30 July 2002.
- 10 South Korean Defense Minister Cho Young-kil diverged from the South Korean majority and requested that the US military stay in South Korea until the tense situation with the North is resolved. Don Kirk, 'South Korea, in Surprise, Demands US Forces Stay in Place', *New York Times*, 7 March 2003.
- 11 Moon, *Sex Among Allies*, p. 2.
- 12 Andrea Bianchi, 'Globalization of Human Rights: The Role of Non-State Actors', in Gunther Teubner (ed.), *Global Law without a State* (Brookfield, VT: Dartmouth, 1997), p. 185.
- 13 Barth, *Ethnic Groups and Boundaries*, p. 17.
- 14 Pearl S. Buck Foundation, International, 'Facts about Amerasians in Korea' (Perkasie, PA: Pearl S. Buck Foundation, 1984), p. 4.
- 15 Margaret E. Keck and Kathryn Sikkink, *Activists Beyond Borders: Advocacy Networks in International Politics* (Ithaca, NY: Cornell University Press, 1998), p. 2.
- 16 Act of 26 March 1790, 1 Stat. 103.
- 17 Susan Gal and Gail Kligman, *The Politics of Gender after Socialism: A Comparative Historical Essay* (Princeton, NJ: Princeton University Press, 2000), p. 18.
- 18 The concept of inter-country adoption has its origins in the late 1940s, during the aftermath of World War II, when the disruption of families in war-torn countries resulted in large numbers of abandoned and orphaned children. Religious organizations sent 'white' children from Germany, Greece, and the Baltic states to other European countries and to the US for adoption. From the late 1940s, in an era of US laws against miscegenation, large numbers of orphaned or abandoned children from the Korean War and Occupied Japan were adopted overseas. In many cases, particularly in Japan and Korea at this time, the offspring of US and UN men and Asian women were not orphans; however, the identity of 'orphan' was relegated to these populations. The humanitarian efforts made for 'orphans' by US military personnel in these times of conflict were reported by the news media. The US American public was socially aware of 'orphans' from World War II. However, the way 'orphan' was and is defined by the US American public expanded to 'fatherless' children, in addition to its other definitions, when the concept of the Amerasian came into the discourse. One particularly well-publicized effort was 'Operation Kiddy Car' organized by US Air Force Colonel Dean Hess during the Korean War in 1951: Crais S. Coleman, *American Images of Korea* (Seoul: Hollym, 1997), pp. 149-50. Another during the Vietnam War (1961-70), known as 'Operation Baby Lift', was initiated by President Gerald Ford for the transport of 70,000 'orphans' to the US for adoption. Servicemen from US occupying forces in Europe and Japan also began fathering children

- with local women, creating new pools of presumed illegitimate children. Thus, war orphans and children of US/UN servicemen in postwar Europe and Asia became the first wave of international adoptees bound primarily for the United States.
- 19 Personal interview with former social workers and former adoption agency representatives.
  - 20 Displaced Persons Act of 1948, US Statutes at Large, 80th Congress 2nd Session, Ch. 647, pp. 1009–14.
  - 21 Because ‘race’ is a socially constructed concept, so is the notion of ‘mixed race’. The quotation marks around such concepts are to designate this point.
  - 22 Yukiko Koshiro, *Trans-Pacific Racisms and the US Occupation of Japan* (New York: Columbia University Press, 1999), p. 163.
  - 23 Yukiko Koshiro, *Trans-Pacific Racisms*.
  - 24 Personal interview with a former Social Welfare Society social worker.
  - 25 Keck and Sikkink, *Activists Beyond Borders*, p. 1.
  - 26 Keck and Sikkink, *Activists Beyond Borders*, pp. 22–4.
  - 27 Kenan Malik, *The Meaning of Race: Race, History and Culture in Western Society* (New York: New York University Press), p. 6.
  - 28 Emilie Tavel Livesey, ‘Amerasian Children: In Search of a Father’, *Christian Science Monitor*, 15 May 1980.
  - 29 Amerasian Immigration Proposals, Hearing before the Subcommittee on Immigration and Refugee Policy of the Committee on the Judiciary, United States Senate, 97th Congress 2nd Session on S.1698, 21 June 1982 (Washington DC: US Government Printing Office, 1982), p. 2.
  - 30 Amerasian Immigration Proposals.
  - 31 Marilyn T. Trautfield, ‘America’s Responsibility to Amerasian Children: Too Little, Too Late’, *Brooklyn Journal of International Law*, 10(1), 1984, pp. 55–82 at p. 69.
  - 32 Robin S. Levi, ‘Legacies of War: The United States’ Obligations Toward Amerasians’, *Stanford Journal of International Law*, 29, 1993, p. 459.
  - 33 Letter from the Office of the Assistant Secretary of Defense to Ramano L. Mazzoli, Chairman of the Subcommittee of Immigration, Refugees, and International Law, 8 January 1982. In Amerasian Immigration Proposals, p. 871.
  - 34 Bill Curtis, ‘The Plight of the Children Abandoned in Vietnam’, *New York Times*, 2 March 1980.
  - 35 ‘Vietnam Veterans of America Grow in Size and Lobbying Power’, *New York Times*, 11 December 1983.
  - 36 Statement of Hon. Jeremiah Denton, US Senator from Alabama. In Amerasian Immigration Proposals, p. 12.
  - 37 Brad Knickerbocker, ‘Amerasian Children: Congress May Open more Doors for Them’, *Christian Science Monitor*, 18 January 1982.
  - 38 Testimony of Hon. Stewart B. McKinney, Representative in Congress of the US from the 4th District of the State of Connecticut. In Amerasian Immigration Proposals, p. 898.
  - 39 Congressional Record, Proceedings and Debates of the 97th Congress 2nd Session, Volume 128-Part 20, 1 October 1982 to 30 November 1982 (Washington DC: Government Printing Office, 1982), 1 October 1982, 27271.
  - 40 Legislative History, 11 February 1982 (Washington DC: Government Printing Office, 1982).
  - 41 Statement of Hon. Jeremiah Denton, in Amerasian Immigration Proposals, p. 13.
  - 42 Statement of Hon. Stewart B. McKinney, in Amerasian Immigration Proposals, p. 27.
  - 43 Statements of a Panel Consisting of Ambassador Diego Ascencio, Assistant Secretary for Consular Affairs, Department of State, and Commissioner Alan Nelson, Immigration and Naturalization Service, Department of Justice, in Amerasian Immigration Proposals, p. 29.
  - 44 Immigration Reform. Hearings before the Subcommittee on Immigration, Refugees, and International Law of the Committee on the Judiciary, House of Representatives, 97th Congress 1st Session on Immigration Reform, 12, 17, and 19 November 1981 (Washington DC: Government Printing Office, 1981), p. 882.
  - 45 Statement of Reverend Alfred Keane, in Immigration Reform, pp. 901–2. These numbers are difficult to support, considering that many Amerasians were not registered with any agency, organization or states of birth. The exact numbers of Amerasians today is still a contested issue.
  - 46 Susan Ferriss and Brenda Rhodes, ‘The Children Left Behind’, *San Francisco Examiner*, 28 February 1993. The authors interviewed women’s rights advocates and mothers of ‘black Amerasians’ who stated that ‘white Amerasians’ were accepted, but ‘black Amerasians’ were discriminated against.
  - 47 *Time Magazine*, 14 December 1981.

- 48 Washington Talk, 'Briefing', *New York Times*, 1 January 1982. What is interesting about the 'blood tests' proposed was that these tests were not necessarily believed to confirm the actual father, but that the Amerasian's blood was truly 'US American' blood.
- 49 Phone interview with Paul Seigel, Vice President of the Pearl S. Buck Foundation, International, 4 June 2003.
- 50 A WPIX-Channel 11 documentary aired on 18 December 1981 featured in John J. O'Connor's article, 'From Rock to Music at the White House', *New York Times*, 18 December 1981.
- 51 Bernard Weinraub's article featured on 22 March 1982 in the *New York Times*.
- 52 *New York Times*, 12 July 1982.
- 53 Public Law 97-359, S.1698, Bill Summary and Status.
- 54 Preda is a not-for-profit organization in the Philippines that assists Amerasians and their mothers financially, socially, and politically. Preda filed a class action suit against the US government to seek redress for the Amerasians and their mothers. The case was filed to the Court of Complaints in Washington DC and dismissed. See [www.preda.org/filam/fil-am.htm](http://www.preda.org/filam/fil-am.htm) (accessed 1 May 2002).
- 55 Moon, *Sex Among Allies*; Cynthia Enloe, 'Bananas, Bases, and Patriarchy', in Jean Bethke Elshtain and Shelia Tobias (eds), *Women, Militarism, and War: Essays in History, Politics, and Social Theory* (Totowa, NJ: Rowman and Littlefield, 1990); Elaine Kim, 'Sex Tourism in Asia: A Reflection of Political and Economic Inequality', in Eui-Young Yui and Earl H. Phillips (eds), *Korean Women in Transition: At Home and Abroad* (Los Angeles, CA: Center for Korean-American and Korean Studies, 1987).
- 56 Personal communication with Pearl S. Buck Foundation, International, 26 April 2003.
- 57 The Homecoming Act of 1988 was open only to Vietnamese Amerasians and is not discussed in detail in this article.
- 58 Press release from the office of Representative Jim Moran, United States Congress, Eighth District of Virginia, 31 March 2004, available at: <http://www.moran.house.gov/issues2.cfm?id=8530>.