

The American Response to Amerasian Identity and Rights

Diana H. Yoon

Faculty Mentor: Professor Charles McClain

He will have his own world to make.
Being of neither East nor West purely,
he will be rejected of each, for none
will understand him. But I think, if he
has the strength of both his parents, he
will understand both worlds, and so
overcome.

Pearl S. Buck, *East Wind: West Wind* (1930)

I. Introduction

Author Pearl S. Buck, by weaving a story about a union of a Chinese man and an American woman in her novel *East Wind: West Wind*, foreshadowed an issue that was to arise in the aftermath of the Vietnam War: the growth of Amerasian populations. Born in the particular context of U.S. military presence in Asia throughout the century, Amerasians are children of Asian mothers and American servicemen who father these children while stationed abroad. In *East Wind: West Wind* Buck acknowledges that the child of dual Chinese and American parentage faces a life of rejection, but she also suggests that he has the opportunity to transcend the rigid categories of national and racial identity. Contrary to her fictional world, reality has left little room for such optimism. Buck herself affirmed Amerasians' harsh reality in 1964 when she created the Pearl S. Buck foundation, an organization to improve the lives of Amerasians. Expressing the foundation's commitment to help them, she stated, "I am compelled to the conclusion that the most needy children in the

world today are those born in Asia, whose mothers are Asian but whose fathers are American. Our present project, therefore, is the Amerasian” (qtd. in Robesar, 1989: 125).

Buck first coined the term “Amerasian” when referring to Korean children fathered by American servicemen during the Korean War (1950-1953), but the term came to apply to children of mixed American and Asian parentage from other Asian countries with a history of an American military presence. These include Japan, the Philippines, Thailand, and Vietnam. It was estimated in 1988 that there were 100,000 Amerasians worldwide, with 20,000 of them being of Vietnamese origin (Lynch, 1988: 18). After the Vietnam War, Amerasian children living on the streets of Vietnam received considerable attention from the American media. Represented as a tragic legacy of war, their suffering developed into a significant issue in American public discourse. How did the public and policy makers address the plight of Amerasians? This study examines the American response to Amerasian identity and rights.

Other studies have examined the outcomes of Amerasian legislation and argued that various dimensions of these policies were flawed (Valverde, 1992: 150-154; Levi, 1993: 486-493). This analysis attempts to shed light on a different aspect of this issue by focusing on the process by which Amerasian policies took shape. In the course of formulating a policy response to the plight of Amerasians, U.S. legislators faced the issue of Amerasians’ illegitimacy—a status that severely undermined their ability to acquire citizenship under both Asian and American laws. The ensuing policies, I argue, were a product of efforts to circumvent the problem of Amerasian citizenship. As a result, assistance to Amerasians have largely neglected the primary source of their hardships—their inability to establish a legitimate national identity.

II. The Amerasian Experience in Asia

In Korea, as in many Asian countries, a record is made of all births and deaths in one’s hometown. If a child is born out of wedlock, especially to a foreign

soldier who has disappeared, the mother may not register the child. However, this means that the child does not have a legally documented existence—he or she is stateless and cannot attend Korean schools. Typically, these children are forced to work around the bars, join gangs and engage in illegal activity. Most women are unable to track down the children's fathers. When they do—few fathers are willing to acknowledge their children. (Kim, 1997: 11)

This portrait of Korean Amerasians informs us about how certain aspects of Amerasians' parentage structure their marginal existence. While this writer focuses on Korean Amerasians, her comments are appropriate for Amerasians elsewhere because the common obstacles for Amerasians render one group similar to the others. Being the illegitimate children of foreign soldiers, these individuals encounter myriad forms of legal, social, and economic discrimination throughout their lives.

A. Problematic Legal status of Amerasians

“At present, the Socialist Republic of Vietnam views Amerasians as U.S. nationals. The U.S. Government views Vietnamese Amerasians as SRV [South Republic of Vietnam] nationals” (Hearing before the Subcommittee on Immigration and Refugee Policy, 1982: 67): this statement points to the problem of Vietnamese Amerasians' nationality. Fathered by foreigners and born out of wedlock, Amerasians face extreme difficulties in establishing their legal identities under the laws of the Asian countries of their birth. In the modern configuration of nations and states, most individuals are born with a concrete legal identity. However, Amerasians' paternity renders the basic foundation for their legal existence ambiguous and problematic.

In Vietnam, it is customary for fathers to claim legal paternity, register births, and take care of school enrollment (DeMonaco, 1989: 641, 648). Legal discrimination of illegitimate Amerasians has even excluded Amerasians from “many basic government services, such as medical care, welfare, and education” (Levi, 1993: 461). From

difficulties in registering birth to the hardships of navigating one's existence in a society where the father mediates all public affairs, being an illegitimate child of a foreigner plagues Amerasians with numerous social and economic disabilities.

B. The Material Consequences of Amerasians' Illegitimacy and Pariah Status

The inability to establish a legitimate legal identity severely restricts Amerasians from fully participating in mainstream society. Their exclusion from mainstream society begins at an early age, when Amerasians are often prohibited from entering schools. This places them on a path of poverty, since education is usually a prerequisite for financial stability. Even when they manage to enroll in schools, many Amerasians find the harsh treatment from students and teachers unbearable and subsequently stop attending (DeBonis, 1995: 123; *The Women Outside*, 1995; *Camp Arirang* 1995). Even with a proper education, one Amerasian states that he will "not be able to get a job because [he is] not pure Korean" (Hearing before the Subcommittee on Immigration and Refugee Policy, 1982: 48). The net result of the multiple layers of discrimination and limited resources is that an overwhelming majority of Amerasians in Asia struggle for survival through low-skilled, unstable, and often illegal work (DeBonis, 1995; *The Women Outside*, 1995; Levi, 1993).

C. Amerasians' Negative Self-Perception: Internalization of Stigma and Non-Belonging

Perhaps the most destructive dimension of the Amerasian experience is that Amerasians often internalize the negative attitudes directed at them. Bombarded from childhood with comments and actions that point to their subordinated difference, many Amerasians display extremely negative conceptions of themselves. While collecting oral histories of Amerasians at the Philippines Refugee Processing Center, Steven DeBonis noticed that an alarmingly significant population of Amerasians had dramatic scars on their bodies:

[74] *The Berkeley McNair Research Journal*

Self-inflicted burns and slashmarks are common among Amerasians, but never had I seen them to this extent. The young man's torso, arms, and legs had been terribly mutilated. Raised lines of scar tissue overlay his body, one slash criss-crossing into the next. (1995: 98)

What accounts for such traces of self-inflicted violence among Amerasians? Their voices give testimony to how the discrimination they face from birth saturates their self-perception, and how they externalize the resulting mental distress through self-mutilation.

One individual explains his scars: "You want to know about these scars on my arms and my legs? Well, in Vietnam I was suffering and depressed, and I would take some pills and take a razor and just cut myself. I was just feeling sad and disappointed" (DeBonis, 1995: 75-76). The source of this anguish can be traced to his lack of a secure national identity—"I don't know what nationality I am. I'm Amerasian" (DeBonis: 1995, 76). Thus we see a direct correspondence between his ambiguous national identity, his sense of non-belonging, and the expression of that anguish in the form of self-inflicted razor cuts.

Another individual gives similar testimony:

All my life people despised me, they called me a "bastard," a "nigger." I didn't care about myself, I wanted to die. So I took a razor and slashed myself all over. People see my scars and they think, "Oh, he's a tough guy, he's a trouble maker." They judge me. But it's not like that, I just wanted to die. (DeBonis, 1995: 7)

It becomes apparent in this statement that this individual's Amerasian identity was a source of stigmatization and discrimination. Fatherless ("a bastard") and with an obviously racialized identity ("a nigger"), his self-mutilation is an expression of his emotional pain. A lifetime of being ostracized and punished because of one's parentage—an unchangeable aspect of one's identity—takes its toll on Amerasians'

self-perception. Self-mutilation and suicide attempts are the most severe symptoms of their internalization of how mainstream society perceives them.

III. Bringing the Children “Home”: The Policy Response to Amerasians

Throughout the 1980s, major newspapers published stories about suffering Amerasian children (McGrory, 1981; Crossette, 1985; Esper, 1989), indicating the emergence of Amerasians in international and U.S. human rights discourse. Private and religious organizations responded to the Amerasian issue in various ways. For the purposes of this study, we examine the policy response to this issue.

A. The Orderly Departure Program in Vietnam

Prior to the enactment of the first U.S. Amerasian policy in 1982, Amerasians from Vietnam could apply for immigration under the Orderly Departure Program (ODP). Under the administrative leadership of the United Nations High Commissioner for Refugees, Vietnamese and American governments began processing Amerasian applicants for the ODP in 1982 (Valverde, 1992: 150). Designed to regulate the exit of refugees, the program gave Amerasians a chance to immigrate to the U.S. The admissions process required Amerasians to “provide evidence that they had American paternity, but they did not need to prove their father’s identities” (Valverde, 1992: 151). In effect, the program focused strictly on transporting Amerasians to the U.S. and avoided the issue of Amerasians’ paternity. Moreover, the ODP failed to adequately facilitate the exit of refugees due to various logistical problems (Levi, 1993: 484-485). The first piece of Amerasian legislation was in part an attempt to resolve these problems.

B. Situating Amerasians in Existing Codes

At the time when U.S. Amerasian policy was first being formulated, certain existing laws applied to the identity and rights of Amerasians. The question of Amerasians’ legal status extends beyond establishing a legitimate paternity; under the *jus sanguinis* (rule

of blood) principle of transferring citizenship, Amerasians ostensibly have a claim to American citizenship. In accordance with *jus sanguinis*, 8 U.S.C. § 1401 declares that the following individuals are U.S. citizens upon birth:

g) a person born outside the geographical limits of the United States and its outlying possessions of parents one of whom is an alien, and the other a citizen of the United States, who, prior to the birth of such person, was physically present periods totaling not less than five years, at least two of which were after attaining the age of fourteen years.

This statute would seem to resolve the legal status of Amerasians; born abroad in Asia, they have one U.S. citizen parent. However, the lack of a legal connection to their American fathers renders American citizenship virtually unattainable for them.

8 U.S.C. § 1409 addresses the situation of Amerasians more directly, as it applies to foreign-born, out-of-wedlock children of citizen fathers. It grants citizenship to such individuals under the following conditions:

- (1) a blood relationship between the person and the father is established by clear and convincing evidence,
- (2) the father had the nationality of the United States at the time of the person's birth,
- (3) the father (unless deceased) has agreed in writing to provide financial support for the person until the person reaches the age of 18 years, and
- (4) while the person is under the age of 18 years—
 - (A) the person is legitimated under the law of the person's residence

- or domicile,
- (B) the father acknowledges paternity of the person in writing under oath, or
- (C) the paternity of the person is established by adjudication of a competent court.

While 8 U.S.C. § 1409 sets forth the process by which such individuals may acquire American citizenship, its conditions almost completely prevent Amerasians from securing that status. It poses legal burdens on the children of American fathers that are not required of American mothers' children. Considering that most of the men who father these children during their military service abroad and do not claim paternity, how likely is it for an Amerasian to fulfill the legal requirements of § 1409? In *Vietnamica: The War Comes Home*, Thomas Bass comments on the Department of Defense Privacy Program's policy of withholding names of military personnel to Amerasians searching for their fathers: "this oath of silence is why no more than a couple of hundred Amerasians, out of the twenty-five thousand airlifted to the States, have found their fathers" (1996: 190). For the typical Amerasian living with limited resources and facing tremendous obstacles in finding their father, it is nearly impossible to satisfy the requirements for establishing American nationality. Despite the adverse impact of § 1409 on a class of individuals, Congress did nothing to change this policy when formulating a response to the Amerasian issue.

C. Amerasian Legislation: Circumventing Legal Problems of Amerasians' Illegitimacy

With the purpose of "amend[ing] the Immigration and Nationality Act to provide preferential treatment in the admission of certain children of United States Armed Forces personnel," Alabama Senator Jeremiah Denton introduced a proposal to ease the immigration of Amerasians in the 1982 Hearing before the Subcommittee on Immigration and Refugee Policy. As codified

[78] *The Berkeley McNair Research Journal*

under Title 8, § 1154 of the Immigration and Nationality Act, this policy states the conditions under which Amerasians may qualify for the first preferential category of immigrants:

The Attorney General may approve a petition for an alien under paragraph (1) if—

(A) he has reason to believe that the alien (i) was born in Korea, Vietnam, Laos, Kampuchea, or Thailand after 1950 and before October 22, 1982, and (ii) was fathered by a United States citizen;

(B) he has received an acceptable guarantee of legal custody and financial responsibility described in paragraph (4); and in the case of an alien under eighteen years of age, (i) the alien's placement with a sponsor in the United States has been arranged by an appropriate public, private, or State child welfare agency licensed in the intercountry placement of children and (ii) the alien's mother or guardian has in writing irrevocably released the alien for emigration.

Establishing that an Amerasian was fathered by a U.S. citizen, the proposal stated, would include a consideration of the "physical appearance of the alien," as well as "birth and baptismal certificates, local civil records, photographs of, and letter or proof of financial support from a putative father who is a citizen of the United States, and the testimony of witnesses."

As a remedy to the suffering of Amerasians, this policy had many flaws. This policy excluded Amerasians from Japan and the Philippines, despite the fact that the American troops in those countries generated Amerasian offspring. In addition, family

members of Amerasians did not receive preferential immigrant status. In fact, it mandated that guardians “irrevocably release[d]” the Amerasian and in effect forced Amerasians to choose between moving to the United States or being with their families. In addition, the absence of diplomatic relations between the U.S. and Vietnam made the processing of applications very difficult and inefficient (Valverde, 1992: 150).

Aside from the specific provisions and outcomes of this legislation, the treatment of the Amerasian legal status deserves close scrutiny. When legislators took action to help Amerasians in the context of existing legal codes, they circumvented the issue of paternity and its implication for citizenship altogether. The Amerasian Act of 1982 provided that the biological relationship to their citizen fathers would be considered only in qualifying them in the first preferential category of immigrants as children of U.S. citizens. In other words, the acknowledgement of paternity would qualify them for the first preference category for immigration, but it would not establish their citizenship. During the Congressional Hearing, Representative McKinney stated that “the effort will not be to identify the actual father. The effort will be to establish only that the young person is the offspring of a U.S. citizen” (Hearing before the Subcommittee on Immigration and Refugee Policy, 1982: 26). His statement clearly implies that the policy question would be one of their immigration as aliens, and not one of their legal identity as U.S. citizens. By categorizing Amerasians as immigrants, the question of their citizenship was no longer left for contestation; they would simply be treated as aliens.

The Homecoming Act, implemented five years after the 1982 Act, was a considerable improvement in Amerasian legislation. It set forth provisions for Amerasians born in Vietnam between January 1, 1962 and January 1, 1976 to emigrate with their immediate family members. With a two-year program deadline intended to speed up the processing, the 1987 Act exempted these individuals from immigration quotas (Levi, 1993: 488). Despite its improvements, however, this Act also ignored the problems of Amerasians’ citizenship status.

A careful consideration of large numbers of Amerasians being born as a result of the U.S. military personnel being stationed in Asia, as well as of the near impossibility of Amerasians fulfilling the requirements for citizenship, lead to the conclusion that a thoughtful policy would reform 8 U.S.C § 1409. The requirements of this statute, in practice, make it nearly impossible for Amerasians to acquire American citizenship through their fathers. The critical importance of changing these provisions so that Amerasians have reasonable avenues to establish American citizenship becomes clear when their statelessness is considered. Amerasians' marginal existence—from their poverty to their sense of non-belonging—derives from their inability to establish, in the absence of their fathers, a legitimate legal status. An effective solution to these problems, then, would facilitate their claim to establishing American nationality.

The failure of Amerasian policies in effectively assisting Amerasians becomes evident when compared to the French example. The French occupied various parts of Indochina from 1885 to 1945 (Levi, 1993: 476). Before withdrawing its forces, the French government acknowledged the French Eurasian population that resulted from its presence in Indochina and planned for their immigration to France. In addition, it reformed nationality laws to enable Eurasians to acquire French citizenship:

First, a child legally recognized by her father automatically acquired French nationality. Second, a child not recognized by her father could acquire French citizenship through a decision by a justice of the peace. Finally, if a French Eurasian signed a statement of place of residence in accordance with the provisions of article 55 of the earlier nationality code, stating that her place of residence was France, she would receive citizenship. In 1955 the French government signed an agreement with Vietnam granting children of

French fathers French nationality, with the option to elect Vietnamese or French nationality at age eighteen. Under the agreement, French Eurasians over eighteen have French nationality with the option to elect Vietnamese nationality. (Levi, 1993: 477)

The French treatment of Eurasians illustrates a careful consideration of the Eurasian experience in Indochina, as well as of the French responsibility for these individuals. The French government effectively assisted this population to exit the site where they faced rejection and discrimination. Most importantly, it granted Eurasians a sense of belonging by giving them full citizenship.

IV. Amerasians as an Issue of the Past?: Implications for the Present

The Amerasian question remains politically significant because Amerasians continue to be born in Asia. Currently, more than 36,000 U.S. troops reside in South Korea, and Japan hosts almost 43,000 troops (Sturdevant and Stolfus, 1992). The sex industry around these bases fosters systematic sexual exchanges between American servicemen and Asian civilian women, an exchange that inevitably results in some births. Although current Amerasian birthrates in Japan and Korea are indeterminate, documentary films—among them *The Women Outside* (1995) and *Camp Arirang* (1995)—illustrate how Korean Amerasians lead a marginalized existence in towns surrounding the U.S. military bases. American bases are no longer in operation in the Philippines, but a long history of U.S. military presence has left a legacy of Amerasians on the islands as well.

During the hearing on the first Amerasian Act, Department of State official Diego Ascension argued, “we would have to take the effects of stationing troops abroad as a given and adjust [policies dealing with those effects] accordingly” (Hearing before the Subcommittee on Immigration and Refugee Policy, 1982: 44). This stance is highly problematic because it completely ignores the

conditions that produce Amerasian populations. Beyond transporting Amerasians from Asia to the U.S., a truly effective response to the Amerasian issue would also target the sexual behavior of overseas American servicemen and seek to prevent more Amerasians from being born into a life of illegitimacy and poverty.

The jurisdiction of Amerasian identity and rights also calls into question ruling notions of American citizenship. Amerasians, because of their parentage, are not born into a definite national membership. Through negotiations pertinent to their ambiguous identity and rights, ideas about national identity and citizenship rights are created and reinforced. The history of injustice in America's past jurisdiction of citizenship rights should inform current practices so that both in design and in practice policies do not impinge on legitimate claims to American citizenship.

References

- Amerasian Immigration Proposals. Hearing before the Subcommittee on Immigration and Refugee Policy. June 21, 1982. Washington, D.C.: U.S. Government Printing Office, 1982.
- Camp Arirang. Dir. Diana S. Lee and Grace Yoon Kyung Lee. National Asian American Telecommunication Association, 1995.
- The Women Outside. Dir. J.T Takagi and H. Park. Third World Newsreel, 1995.
- Bass, Thomas. Vietnam: The War Comes Home. New York: Soho Press Inc., 1996.
- Buck, Pearl S. East Wind: West Wind. (1930) 2nd Printing. Wakefield: Moyer Bell, 1997.
- Crossette, Barbara. "Hanoi Asks to End Amerasians' Issue." New York Times 20 October 1985. Final ed.: 15.
- DeMonaco, Kim. "Disorderly Departure: An Analysis of the United States Policy Toward Amerasian Immigration." 15 Brooklyn Law Journal. 641.
- Debonis, Steven. Children of the Enemy: Oral Histories of Vietnamese Amerasians and Their Mothers. North Carolina: McFarland, 1995.
- Esper, George. "Amerasians: Vietnam's Misbegotten Legacy." Los Angeles Times 30 April 1989. Bulldog ed.: 2.
- Kim, Hyun S. "The Women Outside: Study Guide" New York: Third World Newsreel, 1997.

- Levi, Robin S. "Legacies of War: The United States' Obligation Toward Amerasians." 29 *Stanford Journal of International Law*. 459.
- Livingston, Gordon. "A Look at Interracial Adoption: An Act of Hope." *The Washington Post* 30 June 1996. Final ed.: C3.
- Lynch, John. "A World of Difference; Product of Two Cultures and One War, Amerasian Danny Larson Stands Out As Much for His Heritage as His Talent." *Los Angeles Times* 23 September 1988. Valley ed.: 18.
- McGrory, Mary. "Bring Home Our Children of War." *The Washington Post* 22 November 1981. Final ed.: C1.
- Moon, Katherine H.S. *Sex Among Allies*. New York: Columbia University Press, 1997.
- Robesar, Ernest. "The Dust of Life: the Legal and Political Ramifications of the Continuing Vietnamese Amerasian Problem." 8 *Dickinson Journal of International Law*. 641.
- Sturdevant, Sandra and Brenda Stoltzfus, eds. *Let the Good Times Roll*. New York: The New Press, 1992.
- Valverde, Kieu-Linh Caroline. "From Dust to Gold: The Vietnamese Amerasian Experience." Ed. Maria P. P. Root. *Racially Mixed People in America*. Newberry Park: Sage Pub. Inc., 1992. 144-161.