

NATION, NATIONALISM AND CITIZENSHIP IN THE FILIPINO WORLD WAR II VETERANS EQUITY MOVEMENT, 1945-1999¹

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The U.S. Immigration and Naturalization Act of 1990, which contains a special provision giving “Filipino World War II veterans” the right to acquire U.S. citizenship (Section 405, Pub. L.101-649), soon brought about a large wave of elderly Filipino immigrants, twenty-eight thousand of whom had become U.S. citizens by 1998. The *San Francisco Chronicle* featured the patriotic moment of an oath-taking ceremony held at the San Francisco Marriott Hotel in September 1992, where some five hundred newly naturalized Filipinos, mostly in their 70s and 80s, proudly swore allegiance to the United States (*San Francisco Chronicle*, 1992/9/25: A23).

In December 1993, however, the *Chronicle* reported a shocking story from Richmond, California, where seventeen Filipino war veterans had been put in *de facto* captivity, locked up in houses owned by a man named Castalino Dazo, who called himself a Filipino-American immigration and naturalization consultant, allegedly held the old men in virtual slavery by chaining, beating, or otherwise abusing them as the occasion demanded (*San Francisco Chronicle*, 1993/12/19: A1). Thanks to this article, the seventeen veterans were rescued the following month by Contra Costa County local authorities and Filipino-American volunteers (*Asian Week*, 1994/1/28: 1). The veterans later filed suit against Dazo and were granted damages (*Filipino Express*, 1995/3/5: 1). This incident, however, is just the tip of the iceberg, as soon after the Richmond Incident, the *L.A. Times* and other major Pacific Coast newspapers began reporting the sufferings of elderly and poverty-stricken Filipino veterans throughout the region. It also became known that in spite of the fact that they were naturalized as recognized U.S. veterans, these Filipinos were not eligible for benefits from the U.S. Department of Veterans’ Affairs (hereinafter DVA), and thus had been given little choice but to live on scanty Supplementary Security Income (hereinafter SSI) payments. In November 1999, after years of consistent lobbying for equal treatment of Filipino veterans, Congress finally passed a remedial bill called the “SSI Extension Act,” which will be discussed in the final section of this article.

The long struggle staged by Filipino veterans demanding equity in their treatment by the United States has gone on for more than half a century, and derives from an unusual history of de-colonization during and after World War II. Such a struggle may allow one to draw diverse or even conflicting conclusions regarding entangled relationships between nation, nationalism and citizenship. This article is an attempt to sketch the history of the Filipino WWII veterans equity movement and discuss what historical lessons we can possibly learn from this life-long struggle for equal recognition.

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I. *The U.S. Veterans Benefits*

Today in the United States, the principle that “America will never forget nor abandon those who fought or fight for America” is indispensable in maintaining that country’s national integration and achieving military recruitment levels necessary to keep the nation as the world’s one and only superpower. Consequently, veterans benefits has thus naturally developed in step with America’s emergence as a super military power. The “GI Bill of Rights” of 1944 is regarded as an especially commemorable step in that development by establishing a number of new benefits, including educational financing. It is said “to have more impact on the American way of life than any law since the Homestead Act” of 1862 (http://www.va.gov/About_VA/history/vafhis.htm).² The DVA numbers the veteran population of the U.S. at 25.6 million as of July 1, 1997 and estimates the total population potentially eligible for veterans benefits, including bereaved families, approximately at 70 million (http://www.va.gov/About_VA/history/popstats.htm). 43.7 billion dollars was allotted from federal budget for veterans affairs in 1999, and the DVA is currently the largest federal agency next to the Department of Defense (<http://www.va.gov/pressrel/FSVA2000.htm>).

The lion’s share of federal spending for veterans and their families is used for education, death and disability compensation, old age pensions, burial costs, and medical care, which would otherwise be categorized into social security and welfare spending. However, it is financially important for the aged veterans, especially those living in poverty, to receive the \$722 a month payment granted to them in 1998 as veterans old age pensions and free medical care at veterans hospitals throughout the nation and in many foreign countries. In contrast, the SSI payments amounted to only \$505 a month in 1998 (HCWM, 1999). It is also emotionally important for many veterans to receive payments not as welfare, but as an honorable reward for their past contributions to defending their country. In this sense, government support for funeral and burial expenses (when necessary) are considered especially important for many veterans for securing an honorable, dignified end to their lives. The government is also expected to provide plots in a national veterans cemetery and funeral flags, if requested. According to the DVA, American flags distributed annually to veterans funerals currently amount to 484 thousand (<http://www.cem.va.gov/bflags.htm>).

In principle, the benefits system for U.S. veterans is applicable regardless of nationality, provided that one is a former member of some branch of the U.S. military. One important benefit for non-U.S. citizen veterans, which is not under DVA discretion, is a package of certain privileges to acquire permanent residency or even citizenship. Other veterans benefits in the narrow sense of those under DVA discretion are also indiscriminately applied to foreign-born veterans who are citizens of 66 countries around the world (HCVA, 1998, p.34).

II. *Filipino World War II Veterans*

Among the non-citizen veterans of the U.S. military, only the “Filipino veterans of World War II” (hereinafter Filipino veterans) have been categorized into a separate benefits status in

² All of the URL addresses cited in this article were valid as of October 10, 2000.

both the above broad and narrow senses. Just who are these “Filipino veterans” anyway?

Of the soldiers of Asian ancestry who served the United States on the battlefield during World War II, the Japanese-American “Nisei” soldiers are probably the best known; but they are of course not the only ones. Chinese-Americans and other people of Asian ancestry fought alongside Caucasian, Black and Latino soldiers during the War, including the First Filipino Infantry Regiment, which was mostly composed of first-generation immigrants living along the Pacific Coast who volunteered after the Japanese attack on Pearl Harbor in 1941 (Gonzalves, 1995). These Filipinos who enlisted in the U.S. Army were to be granted U.S. citizenship if they so desired, and later many second-generation Filipino-American soldiers joined the Regiment from Hawaii. All of them have received full veterans benefits since the time they were honorably discharged from the military. They should therefore be thought of as Filipino-American, rather than Filipino, veterans, even though some of them remained non-U.S. citizens even after the War.

On the other hand, the Filipino veterans under examination in this article have been defined under U.S. law as former soldiers, who were born in the Philippines and, unlike the members of the Filipino Infantry Regiment, were residing in the Philippines when they enlisted in military service. To be considered veterans of World War II, they are all required to have served in active duty and been honorably discharged at any time between 1 September 1939 and 31 December 1946. They have been further broken down into four general categories, the distinction of which has sometimes been both ambiguous and fluid. The categories are (1) veterans of the Philippine Scouts, which was established in 1901 by the U.S. colonial government as an auxiliary force, (2) veterans of the Philippine Commonwealth Army, which was established by the Commonwealth government in 1935 as the future national defense force after the United States granted independence scheduled for 1946, (3) veterans of the recognized anti-Japanese guerrilla units in the Philippines active during the Japanese Occupation; (4) veterans of the New Philippine Scouts, which was newly recruited by the U.S. Army after October 1945. Standing outside than these four categories are a small number of Filipinos directly inducted into the U.S. Armed Forces.

Of the above four groups, the Philippine Scout veterans are naturally closest to the status of U.S. military personnel in legal terms, since they were directly recruited by the U.S. Army, while the New Philippine Scouts, most of whom overlap with the other three groups, were recruited under special contracts that specifically limited their veteran status. The majority of the remaining “Filipino veterans,” however, belonged to the Philippine Commonwealth Army and the anti-Japanese guerrilla units, neither of which were directly formed or recruited by the U.S. military. However, it is the Philippines’ encounter with the Pacific War on the way to national independence that makes their legal status a unique and controversial one.

In 1934, the U.S. Congress passed the Philippine Independence Act of 1934, called the Tydings-McDuffie Act (48 Stat.463), which established a provisional autonomous government (the Commonwealth) in the Philippines preparing full-fledged independence to be realized in 1946. The Philippine Commonwealth Army was established on this occasion to assume responsibility for national defense after independence. The same Act, however, still required all the citizens of the Philippines to pledge allegiance to the United States until independence, and authorized the President of the United States to order the induction of the Commonwealth Army into the U.S. Armed Forces at any time during pre-independence period. The latter provision made it possible for President Franklin D. Roosevelt to order the Commonwealth

Army and U.S. Armed Forces stationed in the Philippines to be merged in July 1941, forming the U.S. Army Forces in the Far East (hereinafter USAFFE) under the command of Douglas MacArthur.

After the Japanese invasion in December 1941, Filipino and American troops literally shared the same fate at Bataan, Corregidor, and the "Death March." In May 1942, USAFFE Commander General Jonathan Wainwright surrendered to the Japanese Army, but a considerable number of American and Filipino officers and enlisted men stationed around the Islands refused to surrender and went on fighting. Under extremely severe occupation policies imposed by the Japanese, it was not long before the anti-Japanese resistance movement drew more and more Filipinos to its side, as the Philippines became the stage for most stubbornly fought resistance movement in Southeast Asia. Through 1943 many of these anti-Japanese guerrillas recovered or newly established liaisons with the U.S. Army Command of the Southwest Pacific Area and placed themselves under the command of General Douglas MacArthur, who personally pledged to liberate the Philippines with his now famous "I shall return" statement.

Both the U.S. and Philippine governments praised these anti-Japanese guerrilla forces scattered all over the Philippine Islands as strategically indispensable to the Allied war effort in the Pacific. On 28 October 1944, Commonwealth President Sergio Osmena issued Executive Order No.21 inducting "recognized guerrilla units" into the Commonwealth Army. This Order was generally understood as inducting qualified guerrillas into the U.S. Army, thus making them eligible to receive military salaries and full veterans benefits, since the Commonwealth Army was then a part of the U.S. Army, whose members were guaranteed salaries paid by the U.S. Army. Not surprisingly, many Filipinos in expectation of salaries and benefits rushed to register as members of authorized guerrilla bands during the latter days of the battle for the Philippines. When the war was over, the Philippine Government was left with the difficult and hectic task of distinguishing in-earnest enlistees from the "Johnny-come-lately" as well as establishing a fair distinction between "authorized" and "unauthorized" guerrilla groups. "Guerrilla authorization" continued to be a very serious political issue until the end of 1948. It should be noted here that Hukbalahap, the anti-Japanese leftist peasant guerrillas in Central Luzon that grew out of the agrarian movement and thus exerted strong influence over the peasants population there, was not recognized in spite of its outstanding contribution to winning the war for the Philippines.

Although there are no official statistics, the figure 200,000 has often cited as a rough estimate of the total World War II Filipino veteran population that survived the War (HCVA 1998, p.26). Of that number, 12,000 belonged to the "old" Philippine Scouts and 120,000 were "original" members of the Commonwealth Army (*Asian Week*, 1997/11/19: 13). The remainder, or around 70,000 persons, were members of authorized guerrilla groups and the New Philippine Scouts. As military personnel, all of them had sworn allegiance to both the U.S. and Philippine governments. They considered these two allegiances as entirely compatible with each other and they risked not only their lives but also those of their families, not to mention their native soil, for an ultimate U.S. victory. More than 1.1 million Filipino people lost their lives during the War, more often as victims of Japanese atrocities, but also in bombardments by U.S. heavy artillery. The physical damage done by the War is estimated as \$ 5.8 billion in 1950 prices (Nakano 1997, pp.278-9).

Given such facts and figures, the Filipino veterans have good reason to believe that they deserve U.S. veterans benefits as much as anyone else. After the War, however, they met with

the stark reality that among the foreign U.S. military veterans of 66 countries, only they would be discriminated against in veterans affairs. The first proof of this was the denial of veterans immigration privileges to them.

III. *The Denial of Immigration Privileges*

Before the outbreak of Pacific War, the Asians had been an explicit object of racial discrimination under U.S. immigration and naturalization law, which declared all new comers or first-generation immigrants of Asian ancestry ineligible for U.S. citizenship. This unequal treatment was abolished with regard to the Chinese in 1943, Indians and Filipinos in 1946, and the Japanese and others regardless of national/ethnic origins in 1952. Even before the War, however, there were two ways open for the Asians to acquire U.S. citizenship. One was the principle of "citizenship by birth" derived from the Fourteenth Amendment to the Constitution (U.S. vs. Wong Kim Ark, 1898); the other was citizenship under U.S. veterans immigration privileges. The former way embraces the idea that attaches importance to qualification as a citizen of the republic over any rights attained by birth and being raised in the United States over one's national or ethnic origins. The latter way place utmost importance on loyalty to the United States shown by risking ones' life in military service, especially on the battlefield. Both may well be a reflection of the ideological disposition of the U.S. citizenship system.

There are two kinds of immigration privileges given to foreign-born U.S. military veterans: one for military personnel in general, and the other is for those who have served in wars. The latter loosens the conditions of naturalization more than the former. In the case of World War II veterans, on 27 March 1942 Congress enacted the Second War Powers Act (Pub.L. No.77-507, 56 Stat. 182), a section of which amended the Nationality Act of 1940 (Pub.L. No.76-853, 54 Stat. 1137) to provide for the naturalization of non-citizens serving in the U.S. Armed Forces "during the present war." The law exempted certain non-citizen servicemen from some of the usual naturalization requirements, such as a specified period of residence in the United States or literacy and educational testing in English. The law also enabled those servicemen presently on active duty in the U.S. military to be naturalized without appearing before a naturalization court in the United States and directed the Commissioner of the Immigration and Naturalization Service (hereinafter INS) to send authorized officers to overseas military posts to do everything necessary to naturalize non-citizen members of the U.S. Armed Forces on the spot. The cut-off date for applying for such privileges was later set at 31 December 1946 (Ch. 199, 56 Stat. 182).

According to the official accounts, which were later submitted to the court, the law was at first interpreted by the U.S. Government as applicable to the Filipino veterans. On 1 August 1945, the INS authorized George H. Ennis, Vice Consul of the United States stationed in Manila, to naturalize alien servicemen in the Philippine Islands pursuant to the law. Immediately after his appointment, however, the Philippine Government repeatedly "expressed to the Department of State its concern" regarding the risk of a mass emigration of newly naturalized Filipinos to the United States, which would be harmful to its postwar reconstruction efforts. In response to this official concern on the part of the Philippine Government, on 13 September INS Commissioner Ugo Carusi proposed cessation of conferring citizenship in the Philippine Islands to Attorney General Tom C. Clark, who on 26 September revoked the authority

previously granted to the Vice Consul at Manila. The decision was received by Ennis on 26 October. Since the INS knew the situation was "rather anomalous," on 1 August 1946, soon after the independence of the Philippine Republic, they sent P. J. Phillips as an authorized officer to naturalize alien servicemen in the Philippine Islands. Some 4,000 Filipinos applied and were granted U.S. citizenship by the end of the year.³

These official accounts have been generally accepted as facts in later naturalization suits, but several questions remain unclear. Strangely enough, the official who conveyed the fear on the part of the Philippine Government for mass emigration has yet to be identified. The official explanation is also very questionable for it attributes cessation of conferring U.S. citizenship only to the fear of another government and justifies the policy as a simple response to their request. The United States at that time was still acting under the very restrictive immigration and naturalization laws enacted in 1924, which practically forbade immigration of Asians categorized as "aliens ineligible for citizenship." Filipinos, as U.S. nationals under the American colonial regime, were exceptions and free to immigrate, but faced severe racial discrimination and a strong exclusion movement in the Pacific Coast region during 1920s to 30s. Then Filipino immigration was virtually stopped in 1934 by the above-mentioned Tydings-McDuffie Act, which defined Filipinos as resident aliens and set an annual immigration quota of fifty (Nakano, 1989; Hing, 1993, pp.62-63). In addition, the postwar mass demobilization and repatriation of young soldiers was expected to cause a serious unemployment problem, or "Government Issue," which is the origin of the term "GI." Under these circumstances, it is very unlikely for the U.S. Government to have been unconcerned about a possible mass migration of Filipinos, even if the immigrants were veterans of the U.S. military.

Certain State Department records show that Vice Consul George Ennis may not have accepted any Filipino applicants because he thought it necessary to avoid mass emigration and made a strict interpretation of the 1942 Second War Powers Act. His logic was that "a resident of the Philippine Islands" could not be qualified because the law required the applicant to have been at the time of his enlistment or induction a resident of the United States, or who was lawfully admitted into or entered the United States, including its territories and possessions prior to 1 September 1943.⁴ In September 1945, the INS repealed this narrow interpretation and qualified Filipino veterans as eligible for immigration privileges. However, the repeal is assumed to have reached Ennis almost at the same time as his authorization as a naturalization officer was revoked [*Olegario v. U.S.*, Note 5, 629 F.2d 204 (1980)].

Such authorization was resumed in August 1946, as mentioned above, but the INS still refused to accept applications from members of the Commonwealth Army and authorized guerrilla units, who constituted the majority of all possible applicants. Refusal was based on the "Rescission Act" of February 1946 withholding the right to receive veterans benefits from those falling into these two categories. Later the INS was forced to abandon this narrow interpretation once again, when in a 1957 naturalization suit, the court denied the legality of applying the Rescission Act to immigration policy [*Petition for Naturalization of Munoz*, 156 F.Supp. 184 (1957)]. These facts seem to indicate that despite the appointment of two

³ Ugo Carusi, Commissioner, INS, to Tom C. Clark, Attorney General, September 13, 1945; Edward J. Shaughnessy, Special Assistant to the Commissioner of the INS, to Ugo Carusi, October 19, 1945. Quoted in 629 F.2d 204 (1980).

⁴ George Ennis, "Memorandum," August 7, 1945. 811B.00/8-1345. State Department Central Files, 1945-1949. RG59, NARS.

authorized naturalization officers, the U.S. Government deliberately controlled the acceptance of veterans' applications for naturalization based on legal interpretations that would be overruled later.

It was in the middle of 1960s, after almost twenty years after the cut-off date for application, that Filipino veterans finally began their struggle to recapture the immigration privileges once denied them. One may ask why it took so long to launch this campaign. There seems to be several reasons. From 1947, after the cut-off date, they should first go to the United States and appear in naturalization court to file applications. In 1952, Congress formally abolished the special naturalization clauses in the 1942 Second War Powers Act and they should have been ready for filing naturalization suits from the beginning but most of the veterans who wanted to exercise their immigration privileges lacked both education and financial sources. It was not easy for them to come and stay in the United States to sit through a long lawsuit.

However, the situation was dramatically changed by the 1965 Immigration Act, which abolished the national quota system and opened the door for immigrants through family-sponsored and employment-based preferences. The new immigration law was advantageous for Filipinos, who possessed similar and compatible educational and licensing systems transplanted from the colonial period and had plenty of immediate relatives who had come to the United States in recent years. Since the late 1960s, Filipino immigration to the United States has been constantly recording a figure only second to Mexican immigrants.

These new circumstances may have re-stimulated the desire to emigrate among the Filipino veterans, who were already in their middle years, and made it much easier for them to come to the United States using family-sponsored preferences, in the case their children or immediate relatives had immigrated previously, to obtain permanent residency or citizenship. The INS, however, dismissed all application of Filipino veterans submitted twenty years after the cut-off date. Therefore, the issues were finally ready to be argued in court.

IV. *Twenty-four Years of Naturalization Suits*

The first Filipino veteran to petition in a naturalization suit was Hibi, a pioneering plaintiff of sorts, since he entered the United States in 1964 on a visitor-for-business visa and filed for naturalization before the enactment of new immigration law. Hibi complained that the government had failed to inform him about the right to naturalization and to provide authorized personnel while he was eligible for naturalization, arguing that since these actions violated his rights, the Court should now grant his petition for naturalization. In 1967, U.S. District Court of Northern District of California agreed with his contentions, and its decision was upheld by the Court of Appeals for the Ninth Circuit. However, in October 1973, the Supreme Court summarily reversed the decision without hearing oral argument in the case, finding that the INS' administration of the Act did not constitute "affirmative misconduct." The Court never directly decided whether "affirmative misconduct" could estop the government from reliance on the expiration date and thus justify it to grant his petition for naturalization. Three justices including Thurgood Marshall dissented and criticized the decision for ignoring "the deliberate - and successful - effort on the part of agents of the Executive Branch to frustrate the congressional purpose and to deny substantive rights to

Filipinos" [*INS v. Hibi*, 414 U.S. 5 (1973)].

Because *INS v. Hibi* failed to establish definitive criteria as a precedent case, lower courts continue to decide on petitions by relying on case-by-case comparisons, and thus reach diverse conclusions. Among them the most noticeable case is *Naturalization of 68 Filipino War Veterans* [406 F. Supp. 931 (1975), hereinafter *68 Veterans*] in December 1975. In this class action, the U.S. District Court of Northern District of California again decided in favor of the Filipino veterans. The Court classified sixty-eight petitioners into three different categories, which would continue to play a significant role in cases that followed. First, seven petitioners were classified as Category I veterans, who submitted applications or pursued naturalization while they were eligible under the Act. The Court found that the government actions against Category I veterans constituted "affirmative misconduct" and ruled that their petitions should be granted.

Then the Court classified fifty-three petitioners as Category II veterans, who were eligible under the Act, but took no steps to be naturalized prior to 31 December 1946. Of the vast majority of the Filipino veterans placed into this category, most of them were ignorant of their right to naturalization at the time because both the U.S. and the Philippine Governments gave out virtually no information about it. Moreover, since the process of registering authorized guerrilla groups was not completed until the end of 1948, most veterans falling into that category did not have authorization to exercise their right even if they knew about it.

With regard to these Category II veterans, the District Court examined to what extent the petitioners should be protected by the due process clause in the Fifth Amendment of the U.S. Constitution. Although the Philippines established its own government and constitution in 1935 and would soon to be an independent foreign country, the petitioners, as the citizens of the Philippines, continued to owe allegiance to the United States during the relevant time period and in fact were "loyally defending this country through service in our armed forces."⁵ The Court found that the petitioners were therefore entitled to the same judicial determination of their constitutional claim as "resident non-citizens" of the United States. Here the Court, interestingly enough, referred to *Korematsu v. United States* [323 U.S. 214 (1944)] and other decisions regarding the constitutionality of Japanese interment camps during the War, emphasizing that only the presence of "circumstances of direct emergency and peril" or the grave "danger of espionage and sabotage, in time of war and of threatened invasion" could justify governmental action of discrimination based on alienage or ethnic origin. Since the concern for the maintenance of amicable relations between the United States and the Philippines was, even if it is reasonable, insufficient justification for violating petitioners' rights, the Court ruled that Category II veterans' petitions should also be granted. The remaining eight petitioners were classified as the Category III veterans, who were unable to show that they had served in the U.S. Armed services. The Court also granted their petitions with condition that they should provide proper evidence of their eligibility within 90 days of the decision.

The U.S. Government's reaction to the decision wavered between appeal and acceptance. After the decision, the INS immediately filed an appeal, but Lionel Castillo, the newly appointed INS Commissioner under Jimmy Carter's Democratic administration, ordered the appeal revoked on 30 November 1977, stating that such a course "would be in keeping with the

⁵ *Naturalization of 68 Filipino War Veterans*, 406 F. Supp. 931 (1975), p.950.

policy of the [new] Administration,” described as “a course of compassion and amnesty.”⁶ Afterwards, however, the INS changed its policy again and decided only to accept without reservation Category I veterans’ applications, while only Category II veterans’ applications filed before 30 November 1977 would be accepted to avoid being swamped with new applications.

As naturalization suits between new petitioners and the INS resumed, the Association of Immigration and Nationality Lawyers demanded the application of offensive collateral estoppel, stating that once the INS revoked their appeal in 1977, the *68 Veterans* became a final decision, so the petitioners could estop the government from re-litigating the constitutional issues decided in *68 Veterans*. The INS argued that collateral estoppel would be grossly unfair and that their policy revision could be justified in view of unexpected repercussions to the consequences of the *68 Veterans* decision. In *Olegario v. United States* [629, F.2d 204 (1980)], the Second Circuit Court accepted the government’s argument and dismissed the Filipino veterans’ petition; but in 1984 the Ninth Circuit in *Mendoza v. United States* [672 F.2d 1320 (1984)] found that the issue involved in Filipino veterans’ cases were not of such great significance as to create a crucial need for the government to relitigate the issues, and approved the application of offensive collateral estoppel. Because all the lower court decisions showed substantial differences and conflicts in their opinions, the time had come for the Supreme Court to settle the issues.

The Court first responded in 1984 with *United States v. Mendoza* [464 U.S. 154 (1984)], which denied the application of offensive collateral estoppel in such cases as the Filipino veterans, in which a litigant (petitioner) was not a party in the first suit. The decision in effect undid *68 Veterans* as a final decision (Sherman, 1985). Then in 1988, the Supreme Court put an end to years of Filipino veterans naturalization suits with *INS v. Pangilinan* [486 U.S. 875 (1988)]. The decision held that neither the application of collateral estoppel, nor by invocation of equitable powers, “nor by any other means does a court have the power to confer citizenship in violation of the limitations imposed by Congress in the exercise of its exclusive constitutional authority.” The Court also rejected the possibility of a violation of equal protection, since the approximately seven-month presence of a naturalization officer not only met the applicable standard of equal protection but indeed compared favorably with the merely periodic presence of such officers elsewhere in the world. It held that “the historical record does not support the contention that the actions at issue here were motivated by any racial animus.”

INS v. Pangilinan rather forcibly closed the door in the face a further litigation by the Filipino veterans by siding entirely with the government’s argument. However, the unanimous opinion joined by justices having dissented in *INS v. Hibi* was also tacitly sending a message to the U.S. Congress that “the congressional command here could not be more manifest.” In sum, the Court’s opinion said that it should be the Congress to correct the law if it was wrong, since the Filipino veterans’ right was explicitly deprived by Congressional acts (Murphy, 1988). The U.S. judiciary thus gave the Filipino veterans their final answer after having spending twenty-four years in litigation from the time *Hibi* filed his application for naturalization.

⁶ Quoted in *U.S. v. Mendoza* 464 U.S. 154 (1984).

V. *The 1990 Immigration Act*

The U.S. Congress quickly responded to *INS v. Pangilinan*. Although there were no congressmen or senators of Filipino ancestry, such members as Senator Daniel Inouye (Democrat, Hawaii), and Congressmen Tom Campbell (Republican, California) and Benjamin Gilman (Republican, New York) sponsored Filipino veterans naturalization bills. House Hearings were held on 21 September 1989, at which the government made no argument against the issue (HCJ, 1990). The bill to permit Filipino veterans special naturalization was then incorporated into the 1990 Immigration Act, which became law in November 1990. One may wonder how the U.S. Congress was able to solve the issue so easily. The implicit message to it in the Supreme Court decision may have been clearly received and understood. The timing may also have been very appropriate for this kind of single-issue bill to be passed as a built-in to the omnibus immigration Act. The favoritism shown by George H. Bush's Republican administration towards veterans issues may also have helped to establish bipartisan support for the bill.

However, time was probably a more decisive factor than anything else. The majority of the Filipino veterans had already reached their 70s around the year 1990, and their population was steadily diminishing. At the 1989 House Hearings, Congressman Campbell emphasized "It's unlikely that many of these veterans will choose to move to America in the twilight of their lives. Rather, they will choose to remain in their homeland with family and friends (*Ibid.*, p.44)." In other words, aging and dwindling numbers made it possible for the U.S. Congress, which had once closed the door to Filipino veterans, to settle the issue as "a matter of justice and honor."

It is also very important that the sponsors of the bill tried to separate the naturalization issue from other veterans benefits equity issues. At the same Hearings, Campbell stated that giving these veterans citizenship will not "make them eligible for federal benefits which they do not already receive (*Ibid.*, p.43)." The 1990 Immigration Act also spelled out that the law "shall not be construed as affecting the rights, privileges, or benefits of" Filipino veterans coming to the United States (Section 405, Pub. L. 101-649). Later developments would lead to criticism leveled at unawareness on the part of Congress of the possible serious consequences of aged veteran immigration invited by this legislation, while one is impressed with the ideological disposition concerning citizenship shared throughout U.S. society allowing aged veterans from the Philippines naturalization regardless of numerous concerns.

It was one of the best moments in the life of Patric Ganio, a Filipino veteran fighting for the restoration of his benefits, when he attended the 29 November 1990 White House ceremony where President George H. Bush signed the 1990 Immigration Act. From the time he had immigrated to the United States sponsored by his daughters who previously immigrated using employment-based preferences as nurses, Ganio had been lobbying for a naturalization act, while working as a lobby operator in a tiny building in Washington, DC. It was certainly a triumph of justice and honor for him, since he himself had acquired U.S. citizenship without having to rely on veterans naturalization privileges.⁷ The "promise kept" after almost a half-century, however, would soon be articulated with the realities of Philippine society and

⁷ Interview with Patric Ganio (President, ACFV), August 13, 1999.

cause a wave of elderly “adventurous” veteran immigrants far beyond expectation.

Soon after the 1990 Immigration Act came into effect, the book titled *How the Filipino Veteran of World War II Can Become a U.S. Citizen* (Lewis, 1992) appeared on shelves of bookstores in the Philippines. Though the author duly pointed out there would be many risks and advised veterans to deliberate the advantages and disadvantages of applying for U.S. citizenship, the publication of this kind of how-to book was a reflection of the emigration fever expected to spread among veterans. The fever was remarkable indeed. By 1998, over twenty-eight thousand out of seventy thousand surviving veterans eligible for immigration privileges became naturalized and some seventeen thousand veterans came to live in the United States (HCVA, 1998, p.192).

Why did these people already in their 70s want so much to become Americans? In interviews appearing in newspaper articles on veteran naturalization, most probably conducted in English, the Filipino veterans spoke in unison about their joy of being recognized as veterans and realizing their “dreams” of becoming citizens of the United States, the country which they had loved since their childhood (*Los Angeles Times*, 1992/2/2: B1). However, it was unlikely that they wanted to be naturalized only for the sake of becoming Americans. A Filipino American journalist at the *San Francisco Chronicle*, being a recent immigrant himself and apparently capable of conducting interviews in Tagalog and/or other native Philippine dialects, was successful in capturing the real voices of these aged veterans, who were enduring poverty and other difficulties of everyday life in the United States in order to apply for immigrant visas for their families or reducing their living expenses to send home a part of their SSI allotments. Most had come to the United States to open a way out of poverty for their families in the Philippines (*San Francisco Chronicle*, 1997/12/14: Z1).

One can hardly deny that the Philippines is still a poor country, even though its economy seems to have bottomed out from years of economic slump. Per capita income was only \$1,184 even before the Asian economic crisis of 1997 (HCVA, 1998, p.255). On the other hand, Filipino Americans, which numbered 1.4 million in the 1990 census, are one of the most economically successful ethnic groups in the United States. Although their per capita income in 1989 (\$13,616) was slightly under the national average, they have highest ratio of employed workers to total population (75.4%) and more employed persons per household (29% of total households had more than three working persons, which is more than twice of the national average). Therefore, average income per family was \$46,698, which is 30% higher than the nation’s average. Their poverty rate (6.4%) was even less than Japanese Americans and much under the nation’s average (13%). In addition, the ratio of those who were born in the Philippines to total population is very high (64%, 0.91 million), almost half of them entering the United States during the 1980s (USBC, 1993; 1993a). These figures show that Filipino income is very high, considering most entered the country rather recently, meaning emigration to the United States can probably provide the average Filipino family with a rapid increase of its standard of living.

The lure of America is also shown in the following figures. As of January 1997, Filipino applicants for U.S. immigrant visas amounted to 0.57 million, second only to Mexican (1.05 million), out of a total of 3.62 million around the world (U.S. Dept. of State, Bureau of Consular Affairs, 1997). Though the duration of waiting for admission depends on which category of immigrant visa one applies for, it may take more than ten years if we calculate a simple average based on the annual admission quota for Filipino immigrants of around 50,000.

Furthermore, applicants are usually required to have designated skills or immediate relatives possessing permanent residence or citizenship if they want to use any preferential categories. This means there may be many more Filipinos who want to apply, but don't because they are currently unable to satisfy the conditions for such preferential categories. It is therefore no wonder why the immigration privileges given to Filipino veterans seem like such a dream story. Especially for those who do not have immediate relatives in the United States, fathers or grandfathers who are World War II veterans suddenly become angels leading their family to heaven's gate. A number of Filipino veterans who are spending their twilight years in exile came to stay in the United States in order to meet the expectations of their families waiting for exodus out of poverty.

However, life for Filipino veterans in the United States has been hard beyond expectation and their immigration fever has been fully exploited by crooks. For many of the Filipino veterans had neither enough legal knowledge nor savings to come and stay in the United States, immigration agents willingly take care of them and even advanced money for their voyage and accommodations. This is good business even if the veterans have no prospect of income after settling in the United States, since the agents can lend them money at high interest rates holding a mortgage on their SSI checks, which are payable to the bearer on demand (*Los Angeles Times*, 1995/1/1: B1; *Sacramento Bee*, 1995/8/20: A10). Such crooks as Castalino Dazo, mentioned at the beginning of this article, even turned to locking up veterans in order to secure their SSI checks.

Even if they have not been victimized by crooks, most aged veterans have had to face common financial difficulties. It was indeed surprising to many veterans that they were not eligible for such U.S. veterans benefits as old age pensions or Medicare, in spite of the fact they acquired citizenship as veterans. Without any other means of support, they cannot but depend on SSI allotments. One more catch is that as long as they depend on SSI, they are not eligible to sponsor their immediate relatives, even their wives, for immigration status. Even for those who are eligible as sponsors, it will surely take several years for their families to receive immigrant visas. As of September 1999, Filipino immigrant visas for family-sponsored categories were finally being issued to those who applied twelve years previous, both in cases of married and unmarried children. Though there is no limitation for admission of spouses and children under twenty years of age, sponsors have to provide a certificate of income showing amounts at least 20% more than the federal poverty line (U.S. Dept. of State, Bureau of Consular Affairs 1999). If a veteran dies before all this paper work is processed, all his efforts will end in vain.

The U.S. Congress, facing such an "unexpected" situation, has passed several bills to amend the Immigration Act, making it possible for veterans to naturalize in the Philippines and extending the cut-off date for application, currently to February 2001, in order to prevent such risky voyages by aged veterans to the United States (8 CFR 329.5). As a result of these measures, more than ten thousand veterans have applied for naturalization in the Philippines. However, the vast majority of the naturalized veterans residing in the United States have not gone back to the Philippines, while more veterans have emigrate to the United States after being naturalized in order to receive SSI benefits (*San Francisco Examiner*, 1993/12/19: B5). Since prospects of certain remedial bills regarding veterans benefits are looking up in Congress recently, most veterans have chosen to stay in the United States to await the outcome.

VI. *The Veterans Benefits Issue and Postwar Philippine-U.S. Relations*

Like the immigration benefits issue, discriminative status regarding financial benefits for Filipino veterans in the United States dates back to the end of World War II. In September 1945, the then Federal Bureau of Veterans Affairs officially stated that Filipino veterans were eligible for the U.S. veterans benefits (USHC, 1947, p.65). However, in February 1946, Congress passed a section of the Supplementary Appropriation Rescission Act of 1946 that stated services in the Philippine Commonwealth Army or authorized guerrilla units "were not to be considered as active military service for the purposes of veterans benefits." However, members of the Philippine Commonwealth Army had already paid a certain amount from their salaries for the purpose of veterans insurance, which would be paid in the form of service-connected survivor's pensions and disability pensions in case of their death or disablement. Regarding these pensions, Congress enacted that these pensions should be paid, but only at half their value; that is, as if one dollar were equivalent to one Philippine peso at a time when one U.S. dollar was equivalent to two pesos. Although the Rescission Act has been amended several times, its basic provisions still stand (38 USC. 107). Since the Act distinguishes veterans not by nationality but by specific military career during the war, according to which military organization they belonged to, Filipino veterans would still not be eligible for full benefits, even if they changed their nationality and became U.S. citizens.

As mentioned in Section III, despite the fact that an officially authorized naturalization officer was present in Manila from August to December 1946, the INS rejected applicants who had been denied veterans benefits under the Rescission Act, which means they accepted only applicants from the "old" Philippine Scouts. Therefore, the contradiction between the Rescission Act and immigration privileges did not surface in the United States until the 1990s.

Therefore, for decades the veterans benefits equity issue was exclusively the concern of Filipino veterans in the Philippines, who were demanding the repeal of or revisions in the Rescission Act. There was also fierce reaction expressed in Filipino public opinion to the insulting nature of the Act, which states that fighting against the Japanese during the War was "not to be considered as active military service" and cut pension payments in half. U.S. Government was also concerned that the issue may jeopardize post-colonial Philippine-U.S. relations. President Harry S. Truman stated on the occasion of signing the Rescission Act "they fought with gallantry and courage under the most difficult conditions during the recent conflict" and "I consider it a moral obligation of the United States to look after the welfare of the Filipino Army veterans," promising the matter would be deliberated by the two governments (USHC, 1947, pp.65-69).

The manner in which Congress passed the Rescission Act may have been influenced by other bills under consideration to finance the post-independent reconstruction of the Philippines. The Philippine Rehabilitation Act, enacted in April 1946, authorized appropriations of \$620 million, while the Rescission Act itself was combined with an appropriation of \$200 million to pay unpaid salaries to Filipino veterans. There was a deep-rooted feeling in Congress against further federal spending for the Philippines, since it would soon be politically independent from the United States. All through the colonial period, Congress had tended to be paternalistic in attitude, considering the U.S. possession of the Philippines to be an economic liability rather than a strategic asset. In the legislature's view, the United States had

always been too generous a donor, and the Philippines an insatiable recipient.

The Philippine-U.S. government-level talks on veterans affairs, which began with the Truman's promise, were to drag on for many years. Immediately after the enactment of the Rescission Act, the two governments agreed that the U.S. side would consider providing medical care and funeral benefits. In 1948, Congress approved the construction of a veterans hospital in Manila (62 Stat. 1210). The Philippine Government and Congress then decided to provide the kind of veterans benefits not being provided by the U.S. government, but at reduced rates, with the passage of the Philippines GI Act (78 Phil.Code §§1-15). However, the Philippine Government soon fell into chronic fiscal trouble and, becoming hard-pressed to maintain the benefits system, repeatedly asked U.S. Government for assistance to finance the system in addition to a number of other fiscal requests. In 1950, the U.S. Government, frustrated by the repeated financial requests by President Elpidio Quirino's administration, whose corruption and financial irresponsibility had become a serious issue between two governments, actually threatened to end assistance for veterans benefits.⁸ The Philippine Government, however, did not withdraw its demand all that easily and in 1951 funeral benefits and burial flags were provided (65 Stat. 32-33; Meyer, 1965, pp.18-20, 43-44, 100-101). In 1962, further economic crisis and inflation made it impossible for the Philippines to maintain its exchange rate, as the peso was devaluated from 2 to 3.9 pesos to the U.S. dollar. This resulted in a sharp decrease in World War II veterans survivor and disability pensions, which were paid at the rate of one peso to the U.S. dollar. Then the Philippine Government demanded that the calculation be changed from one-peso-to-the-dollar to fifty-cents-on-the-dollar. The U.S. Government met President Marcos' demand in 1966, out of a desperate desire of "more flags" to join and support the U.S. struggle in the Vietnam war, and later Congress enacted a revision of the calculation, which stands at the present day. The two countries also continued to discuss such issues as the maintenance of Manila Veterans Hospital.

The veterans benefits issue is therefore different from the immigration privilege issue, since the former was hammered out through plenty of bilateral government talks and congressional actions. Through this process, the consensus between the two governments about the unfairness of the Rescission Act gradually faded away, and the U.S. Government also came to consider the issue as just one more an item of Philippine Government's endless demands for assistance, putting it in the context of the paternalistic image of the United States as permanent donor and the Philippines as permanent goodwill-seeker.

VII. *The Filipino Veterans Equity Movement: The Emergence of a Civil Rights Issue*

During the 1990s, the Filipino veterans benefits issue was revived in a quite unexpected way. The new turn taken is symbolically represented by a demonstration staged in front of the White House on 12 July 1997. Before loud applause and cheers, elderly Filipinos in veteran's uniforms and caps marched in parade shouting such slogans as "WE ARE AMERICAN CITIZENS!" "WE WANT JUSTICE!" "EQUITY NOW!" Then a dozen of them chained themselves to the iron fences in front of the White House Garden, being joined by young

⁸ The Secretary of State to the Ambassador of the Philippines, March 13, 1950. *FRUS*, 1950, Volume VI, pp. 1419-1422.

Filipino American activists as well as Congressman Bob Filner (Democrat, California). All of them were soon gently arrested by the police. The sensational nature of the scene and the fact that a Congressman was arrested made the demonstration a must for major TV network news programs that evening (ACFV, 1999).

The above scene demonstrates that the destitute claimants for benefit equity, who appeared on the TV screen and from that time on before the U.S. Government and Congress, are Filipino veterans who are at the same time U.S. citizens. In other words, the issue suddenly turned into a civil rights matter, in which the essential equality of citizens in U.S. society became the focus.

Congressman Bob Filner's involvement is a clear sign of this change. Filner is a "veteran" of the Freedom Rides of 1961, who wrote an important page in Civil Rights Movement during the era of Martin Luther King. After teaching history at San Diego State University for more than twenty years, Filner ran for Congress in the 50th Congressional District of California and was elected in 1992, two years after the enactment of the 1990 Immigration Act. His district covers the southern end of San Diego, U.S. Pacific Fleet Base in National City, and the city of Chula Vista, which lies on the border with Mexico and faces Tijuana on the Mexican side. The population of the district is uniquely divided into Latinos, Blacks, Asians, and Whites, and Filipino-Americans account for as much as 15%, the largest percentage in any continental states' congressional districts and second only to Hawaii's. Like Filner, many of his colleagues in Congress sponsoring Filipino veterans equity bills have relatively large Filipino constituencies in their respective voting districts.

Filner found out about the Filipino veterans issues during his door-to-door election campaign. Upon election, he chose to join the House Committee on Veterans Affairs, out of consideration for large veteran population residing in the San Diego area.⁹ This decision was, as expected very successful in expanding support for Filner, an outspoken liberal, among non-partisan and moderate voters in the district. That is to say, the Filipino veteran issue is an ideal item for Filner's agenda, since it is not only an important local issue in his district, but also a national issue through which he can demonstrate his image as a civil rights activist. Civil rights is a very patriotic issue that touches the heart of every American, and this particular civil rights issue concerns a group of veterans who fought in the foreign war that almost every American believes was a "good war."

The circumstances surrounding the issue were significantly changed by the amazing public exposure of the Filipino veterans residing in the United States. At the time when naturalization privileges were the focus of the issue, the stage of activity had been largely confined to the courts and Congress and the veterans themselves were unable to voice their own opinions very effectively due a lack of legal knowledge or familiarity with congressional politics. In striking contrast to the silence of those days, naturalized Filipino veterans residing in the United States became very vigorous campaigners in the late 1990s and successfully publicized the issue with a touring "Equity Caravan," performing "die-ins" in front of DVA headquarters and its branches around the nation, tearing up food stamps before crowds, going on hunger strikes, chaining themselves to fences, and so forth.

Most of these senior citizens themselves, who otherwise would be living in calm retirement, were not particularly adept at such flamboyant performances, but they got plenty of help

⁹ Interview with Sharon Shultze (Senior Legal Assistant to Rep. Bob Filner), August 13, 1999.

from experienced Filipino-American activists, who saw veterans' demands as a potential "empowerment issue." In spite of being one of the largest Asian groups in the United States, Filipino-Americans lag far behind Japanese- and Chinese-Americans in the number of public offices held and their presence in other public spheres of influence, being often labeled "an invisible minority." In recent years, though, keen interest in political, economic and cultural empowerment has arisen within the Filipino American community (*Washington Post*, 1998/10/18: A6). Though little had been known about the Filipino veterans issues before their mass immigration began, some community activists felt that the issue may present an opportunity to make their political presence felt in U.S. society, just as the Japanese American redress movement demanding apologies and compensation from the U.S. Government for their wartime internment had done. It is also important for newly naturalized Filipino veterans to establish closer ties with the Filipino-American community, not only because they need support for the equity movement, but also because many of them have no immediate relatives in the United States who can support them in their daily lives.

The Filipino veterans equity movement is the first time a group of Filipino ancestry has attracted considerable attention in the United States since World War II. In Congress, Filipino veterans equity bills have been repeatedly introduced by Senator Daniel Inouye and Congressmen Filner and Gilman and have increasingly gained endorsements. The number of co-sponsors in the House reached 209 in the 105th Congress (H.R. 386, 1997-1998), and congressional hearings were held in 1997 before the Senate Committee on Veterans Affairs and in 1998 before the House Committee on Veterans Affairs (SCVA, 1997; HCVA, 1998). During the 1998 election, the Democrat Party officially supported a Filipino veteran equity bill in its party platform. The number of Republican endorsers in Congress was also increasing, while all of the major national veterans organizations, such as the American Legion and Veterans of the Foreign Wars had already endorsed the bill.

Presently, the final obstacle to passing a Filipino veterans equity Act is said to be opposition from House Veterans Committee Chairperson Bob Stump (Republican, Arizona), since it is generally very difficult to send a bill to a plenary session of the Congress overriding opposition of the committee chairperson. As a senior member of Congress familiar with the history of the Filipino veterans benefits issue, Stump has argued the United States has already given considerable benefits to Filipino veterans and "while Filipino forces fought bravely and certainly aided the U.S. in the war effort, in the end they fought for their own and soon to be independent Philippine nation." This statement questioning the essential motivation of the Filipino veterans poses a serious question. At the House Hearings, Filner and other advocates of the equity Act countered Stump's argument by emphasizing that the Filipino veterans defended the Philippines as a U.S. territory, which means they defended the United States for the sake of the United States (HCVA, 1998, pp.3, 37, 55).

This debate suggests that the equity movement has attracted attention and support in the U.S. Congress especially by the "Americanization" of the issue. It should be shocking for the American public today to know that American citizens naturalized because they were veterans who risked their lives in battle for America cannot receive veterans benefits as Americans. Today in the United States, both the principles of equal opportunity and fair treatment for veterans could be very well become emotional issues cutting to the core of national integration. However, the more the "Americanization" of the Filipino veterans issues advance in this direction, the more likely will the naturalized veterans residing in the United States become the

sole object of relief, despite the fact that the Rescission Act is still affects them because it was indiscriminately applied to Filipino veterans regardless of nationality. Thus, it was only a matter of time that cracks would begin to appear within the coalition movement originally aiming at fairness to all Filipino veterans. Since their initial introduction, Filipino veterans equity bills have tried to repeal sections in the Rescission Act that block equal benefits regardless of the veterans' nationality. However, it has become increasingly difficult for these congressional advocates to maintain this position, despite the fact that congressional interest regarding this issue has been successfully increased, but only as a matter of maintaining civic equality among U.S. citizens. Given the fact that almost nearly five veterans die everyday in the United States (*International Examiner*, 1998/6/17: 10), most of the naturalized veterans groups and their advocates for an equity bill in Congress lean toward compromise in the case that any substantial relief measures could be hammered out.

The cracks in the coalition movement surfaced in early 1998, when Alex Esclamado, the owner of *Philippine News* and an outspoken advocate of veteran's rights since the years of the naturalization suits, proposed a lump sum settlement of \$20,000 (the same amount granted to the Japanese redress movement) for each of the 70,000 surviving Filipino veterans, regardless of their nationality (*Filipino Reporter*, 1998/2/19: 16). The proposal was severely criticized as an "all-or-nothing" solution lacking in principle by such former allies as the American Coalition for Filipino Veterans, (hereinafter ACFV) the largest national lobbying organization in the equity benefits movement (ACFV, 1998), and other advocates for the equity movement in the Congress, including Gilman and Filner. A letter to a community paper jointly signed by the veterans movement leaders stated that "the overwhelming consensus on Capitol Hill and in the White House is that American veterans should get American benefits". While they had "not abandoned the RP [Republic of the Philippines] veterans," the naturalization cut-off date had then been extended to February 3, 2001 and "there would be no excuse for citizenship 'discrimination' in obtaining U.S. benefits" (*Filipino Reporter*, 1998/4/2: 21). As these reactions show, Esclamado's proposal only strengthened the mainstream's realistic approach limiting possible recipients of relief measures to naturalized veterans residing in the United States.

Once it became certain that the Filipino Veterans Equity Bill would die in the 105th Congress out of failure to override Stump's opposition, the SSI Extension Act (H.R. 4716) was introduced during the last days of the session in October 1998 and then re-introduced in the newly elected 106th Congress early in the next year. The Extension Act would allow "Filipino-American" World War II veterans currently receiving SSI to continue to receive those payments in the Philippines with certain reductions. The Act was then incorporated into the Foster Care Independence Act (H.R.1802) and substantially discussed in the Subcommittee on Human Resources of the House Committee on Ways and Means. At House Hearings held in February 1999, Eric Lachica, director of the ACFV and a Filipino-American activist, who is the son of a naturalized Filipino veteran, argued that the Act would provide humanitarian relief for an estimated 7,000 elderly Filipino-American veterans "who are poor, lonely, and isolated in the United States, and are financially unable to petition their families to immigrate to the United States, and therefore, want to rejoin them in the Philippines." He also put emphasis on the effects of reducing the current SSI payment for those veterans, saying "it would save the American taxpayers millions of dollars annually in SSI, Medicaid, and food stamp payments (HCWM, 1999)." The Act was welcomed as "a very rare opportunity" for the

Congress and the Government to have “a chance to do the right thing and save money at the same time (Ibid.)”

With a strong endorsement of Subcommittee chairperson Nancy L. Johnson (Republican, Connecticut), the bill was presented on the floor of the House and passed on 25 June 1999 by an overwhelming majority (380 to 6), including Congressman Stump (*USCR*, 1999, p.H4987). The bill was then referred to the Senate, and on 19 November 1999 the final form of the Foster Care Independence Act (H.R.3443) passed both Houses, was signed into law (Pub.L.106-169) by President Bill Clinton on 14 December at the White House, in a ceremony proudly attended again by Patric Ganio and other Filipino veterans (*ACFV*, 1999/12/17). On 1 May 2000, the first payment pursuant to the Act was made to the naturalized Filipino veterans who had returned from the United States. *ACFV* currently estimates about 2,000 veterans are expected to avail of the benefit (i.e., SSI payment in the Philippines) in the year 2000. The reduction in SSI payment is set at 25%, resulting in a monthly sum of \$380 per month, which is certainly “a dignified income in Manila” today (*ACFV*, 2000/5/5).

VIII. *Conclusion*

The reasoning behind veterans benefits together with immigration/naturalization privileges being indiscriminately applied in the case of “foreign” members of the U.S. Armed Forces stems from a necessity to integrate a multi-ethnic nation formed by continuing waves of immigration from abroad. Keeping the historical background to such reasoning in mind, one may find the discriminatory treatment Filipino veterans of World War II to be just one more episode in the saga of the Philippines as a rare exception in U.S. history by virtue of its position as a heavily populated Asian colony. Although it is by no means unusual for colonial empires in modern times to de-enfranchise nationals of ex-colonies from citizenship categories or even expel them from the “fatherland” after de-colonization, in the case of the United States, such actions would have violated the subsuming principles of national integration strengthened by urgent necessities imposed by war underlying such measures as naturalization privileges and other veterans benefits for “foreign” nationals.

The exclusion of Filipino veterans from such benefits naturally antagonized Filipino nationalist feelings. In general, this kind of discrimination works to further colonial nationalism; and the process by which a colony’s demand for equal treatment is rejected by the suzerain will finally lead to the separation of that colony from the suzerain. In the case of the Philippines, however, such separation was preset by the U.S. Congress years before the Pacific War, while certain “special relations” continued for nearly half a century after the War until the withdrawal of U.S. military bases in 1992. This peculiar situation could only result in persistent Philippine demands for justice, equality, conveniences and compensations while these “special relations” continued. The Filipino veterans issue should be considered as part of the process of such an unusual post-colonial relationship.

The issue seems to be especially colonialist in nature since it concerns the right of Filipinos to become U.S. citizens or claim rights as veterans of the U.S. military. Since the 1960s, certain nationalistic discourses around the world have indicted U.S. colonial rule as a significant cause of poverty, oppression, and social evil, and have gained support in the Philippines as a matter of course. From such perspectives, Filipino World War II veterans, who speak about their love

and loyalty to the former suzerain without hesitation, are considered lamentable people unable to overcome the colonial past. However, the majority of Filipino and Filipino-American intellectuals active both in the Philippines and in the United States have been curiously silent on the Filipino veterans issues. This may indicate some difficulty for those intellectuals to discuss the issues, whether positively or negatively, in the context of the nationalist agenda, which has overwhelmingly influenced them to the present.

It may be wrong, however, to chalk up the movement of Filipino veterans over the last half-century to claim what should be rightfully theirs to mere "colonial mentality." One thing that should be kept in mind is that in the United States today almost every appeal for legal and social justice is generally understood as "all-American," since "America," as the core symbol of subsuming national integration, is represented as the ideal of justice and freedom. Conversely, to be successful, any movement demanding legal and/or social justice in the United States has to be represented as "all-American." This goes for veterans to an even greater extent, since they are generally assumed to be heroic, patriotic people. A hymn to America sung by the Filipino veterans, which may seem an anachronism in contemporary Philippine society, is a song everyone demanding justice in the United States today should be singing. It is not easy for anyone to resist assimilation pressures applied by a society with such a strong system for creating and integrating a nation as the United States.

It may also be wrong yet to portray the Filipino veterans as a group of weak people helplessly absorbed into a maelstrom of assimilation. A comparison with the Japanese redress movement may be useful in discussing this point. Takezawa (1994, p.327) points out that the redress movement had the dual effect of activating ethnic identity while assimilating Japanese American community into the U.S. society. One may find a similar aspect in the Filipino veterans equity movement. Filipino Americans, though, have already had dual identities as colonial people long since the annexation, so assimilation itself does not mean a significant change of their ethnic consciousness. In addition, this dual identity will probably continue for the time being. The 58% ratio of naturalized citizens to first generation immigrants is far beyond the national average (35.1%) and in fact the highest among the major ethnic groups in the United States (USBC, 1997). This trend has been pointed to by a non-Filipino-American scholar that "Filipinos are the group most likely to make quick strides toward fuller assimilation. Their citizenship rate suggests they have a commitment to the United States (Jiobu, 1988, p.105)." Nevertheless, like heads and tails of a coin, the high ratio of naturalization should be also considered as in the light of incentives for immigrants to place themselves in a more advantageous position to sponsor their families for citizenship.

Recent studies on Filipino-Americans tend to see their attempts at finding themselves as kind of "Diaspora," scattered around the world, while they maintain their ties with "home" (San Juan, 1998; Okamura, 1999). It may be too early to decide if this is essentially a Filipino experience or a universal phenomena stemming from the current U.S. immigration and naturalization system. However, the images of many, if not all, of the Filipino veterans who came to the United States in order to send part of their SSI allotments back home, now being perfectly happy to return home and receive their SSI checks there, reflects a group of people who do not seem to have been absorbed by either the Philippine or U.S. system of national integration, despite being neatly attired with the emblems of patriotism identifiable in either country.

ABBREVIATIONS

ACFV American Coalition for the Filipino Veterans;
 HCJ House Committee on the Judiciary;
 HCVA House Committee on Veterans Affairs;
 HCWM House Committee on Ways and Means (Subcommittee on Human Resources);
 SCVA Senate Committee on Veterans Affairs;
 USBC U.S. Bureau of the Census;
 USHC U.S. High Commissioner to the Philippine Islands.

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