September 2000

Redefining Security: Women Challenge U.S. Military Policy and Practice in East Asia

Gwyn Kirk
Carolyn Bowen Francis

Follow this and additional works at: https://scholarship.law.berkeley.edu/bglj

Recommended Citation

Link to publisher version (DOI)
http://dx.doi.org/https://doi.org/10.15779/Z38W669768

This Article is brought to you for free and open access by the Law Journals and Related Materials at Berkeley Law Scholarship Repository. It has been accepted for inclusion in Berkeley Journal of Gender, Law & Justice by an authorized administrator of Berkeley Law Scholarship Repository. For more information, please contact jcera@law.berkeley.edu.
Redefining Security: 
Women Challenge U.S. Military Policy and Practice in East Asia

Gwyn Kirk and Carolyn Bowen Francis†

I. INTRODUCTION

There is a core contradiction inherent in U.S. military policy and practice in East Asia. The security treaties and the Status of Forces Agreements (SOFAs) that provide for U.S. bases, military operations, and port visits in South Korea, Japan, and the Philippines also compromise the security of local people. Negative social effects of the U.S. military presence on host communities include military prostitution, the abuse of local women, and the dire situation of mixed-race children fathered by U.S. military men. Grassroots organizations in South Korea, Japan, and the Philippines are trying to assist women and children in these communities by providing services and pushing for reform of the SOFAs. This article begins by examining the history and current status of U.S. military bases in South Korea, Japan, and the Philippines, and the U.S. justifications for maintaining a strong military presence in East Asia. It will then discuss the effects of military training and culture on the host communities. The article will go on to provide a critique of the SOFAs. Finally, this article reviews grassroots activism and its efficacy. The article urges that significant changes in U.S. military policy and practice are necessary to safeguard host communities in East Asia from crime committed by U.S. military personnel, and to provide for the needs of mixed-race Amerasian

© 2000, THE REGENTS OF THE UNIVERSITY OF CALIFORNIA.
† Gwyn Kirk is a member of the San Francisco Bay Area Okinawa Peace Network. Carolyn Francis is a member of Okinawa Women Act Against Military Violence. Both are founding members of the East Asia-U.S. Women's Network Against Militarism. The authors thank the organizations that comprise this Network whose work provides the basis for this article, and to Don Mee Choi, Martha Matsuoka, Nobuyo Tomita, and Wesley Uenten for their insights and help with source materials. Grateful thanks to Julia Dickinson, Kristin Strohmeyer, and others at Hamilton College Library, and to the editors at the BERKELEY WOMEN'S LAW JOURNAL, especially Tia Brotherton and Judith Shimm, for working on this article. Margo Okazawa-Rey deserves particular appreciation and thanks for all her help and support.

BERKELEY WOMEN'S LAW JOURNAL
children who are a result of relationships between East Asian women and U.S. military men.

II. U.S. MILITARY BASES AND OPERATIONS IN EAST ASIA

A review of the history of U.S. military bases in South Korea, Japan, and the Philippines is necessary to provide context for a discussion of the legal agreements that currently govern U.S. military operations in each of the three countries.

The U.S. government supports nearly 2,000 U.S. military bases and facilities located strategically around the globe. The Pacific Command is part of this network and comprises an integrated system of bases, warships, planes, and submarines that link Hawaii, Micronesia, Japan, South Korea, the Philippines, and Australia. The three countries that are the subject of this article have hosted U.S. bases for many years.

The United States has positioned bases across the Pacific and in Asia for the purpose of extending the reach of U.S. troops and weaponry into Asia and, more recently, into the Middle East. U.S. bases in the Philippines played a key role in U.S. interventions in the Boxer Rebellion (China) in 1900, and in Siberia during the Russian Civil War (1918-20). Philippine bases were used “for clandestine supply drops to U.S.-backed right-wing rebels in Indonesia” (in 1958), and the U.S. naval force from the Philippines was deployed to the Bay of Bengal during the India-Pakistan-Bangladesh War (1971). Dozens of U.S. bases in Okinawa, mainland Japan, and the Philippines were used as forward bases during the Korean War and the Vietnam War. U.S. troops in East Asia are also deployed outside the region, as was the case in the Persian Gulf War. According to a U.S. Defense Department report, “Asian nations provided

---

5. Id.
6. See Wing, supra note 3, at 130-32.
WOMEN CHALLENGE U.S. MILITARY POLICY IN EAST ASIA

access to ports, airfields, and maintenance facilities for personnel, ships and aircraft en route to the Mideast.\footnote{8}

The details of U.S. military operations in foreign countries are governed by Status of Forces Agreements (SOFAs). These agreements, discussed in Part IV, govern such issues as regulation of military personnel and of crime. Due to the inequality of bargaining power between the United States and host governments and their disregard for local communities, many SOFAs fail to adequately address problems created by military presence in host communities.

A. U.S. Bases in South Korea

The presence of U.S. bases in South Korea dates back to the end of World War II and the defeat of Japan.\footnote{9} The U.S. and Soviet Allied military forces liberated the Korean peninsula from thirty-five years of Japanese colonial rule. U.S. troops were stationed in the southern half of the peninsula while Soviet troops occupied the northern territory.\footnote{10} The Soviets blocked a United Nations (U.N.) plan for nation-wide elections, and the country was formally divided into two parts: the capitalist South, the Republic of Korea, and the communist North, the Democratic People's Republic of Korea.\footnote{11} A U.S. military government administered the southern half of Korea from 1945 through 1948.\footnote{12} In 1950, Soviet-backed North Korea invaded South Korea. The rival Korean states and their superpower allies fought the Korean War (1950-53) for control of the peninsula. Together with South Korean forces and U.N. support, the United States reversed the Soviet-backed attack. A formal peace treaty has yet to be signed to conclude the Korean War, so South Korea is still technically at war with North Korea.\footnote{13}

The United States and the Republic of Korea signed the Mutual Defense Treaty in 1953, at the end of the Korean War. In 1967, the SOFA updated the treaty, granting the United States permission to operate bases


10. See id. at 55.


12. See Lee, supra note 9, at 55.

13. See James Hoare & Susan Pares, Korea: An Introduction 74-75 (1988). Another researcher, Bruce Cumings notes:

   The true tragedy was not the war itself, for a civil conflict purely among Koreans might have resolved the extraordinary tensions generated by colonialism, national division and foreign intervention. The tragedy was that the war solved nothing: only the status quo ante was restored, only an armistice held the peace.

in South Korea for an indefinite period, without U.S. compensation to the landowners whose land had been appropriated.14 Now, forty-seven years after the end of the Korean War, there are ninety-five U.S. bases and approximately 37,000 U.S. troops located on 73,000 acres of U.S.-held land in South Korea.15 Another distinct example of U.S. military dominance in South Korea is the fact that the U.S. Commander-in-Chief commands both U.S. troops and the South Korean army.16

South Korea maintains a close relationship with the United States due to the two countries' military relations and the ongoing fear of war between North and South Korea.17 This political and military alliance has been an important factor in South Korea's economic development.18 The rapid growth of the post-war South Korean economy is partly due to the $12 billion in U.S. economic aid granted between 1945 and 1965.19 In the 1950s, the United States contributed food, raw materials, and development loans for economic infrastructure.20 The United States also benefited from providing this assistance because it helped develop markets for U.S. agriculture and promoted foreign relations with South Korean nationals.21 Successive authoritarian South Korean governments have been staunch allies of the United States, and have repressed political opposition and labor organizing.22 This has provided U.S.-based companies and their

---

14. See IL SOON AHN ET AL., GREAT ARMY, GREAT FATHER: MILITARIZED PROSTITUTION IN SOUTH KOREA 23 (Kyoung S. Hong trans., 1995). Art. 5, cl. 2 of the Mutual Defense Treaty between the Republic of Korea and the United States of America states: "It is agreed that the Republic of Korea will furnish for the duration of this Agreement without cost to the United States and make compensation where appropriate to the owners and suppliers thereof all facilities and areas and rights of way." Id. at 24.


17. See CLAUDE A. BUSS, THE UNITED STATES AND THE REPUBLIC OF KOREA: BACKGROUND FOR POLICY 63 (Richard F. Starr ed., 1982) (noting that "[t]he American objective is to preserve peace and stability not only because this benefits the ROK, Japan, and other friendly nations but also because Korea is the place most crucial in East Asia and the western Pacific to the security of the United States in its worldwide confrontation with the Soviet Union"). See generally Ronald D. McLaurin & Chung-in Moon, U.S. Foreign Policymaking Toward South Korea: Issues, Structures, and Processes, in ALLIANCE UNDER TENSION: THE EVOLUTION OF SOUTH KOREAN-U.S. RELATIONS (Manwoo Lee et al. eds., 1988) (explaining that after 1945, a primary U.S. interest was to "contain" the Soviet Union, which overlapped with Republic of Korea concerns; after the end of the Korean War, that confrontation with North Korea would lead to further war).

18. See generally CUMINGS, supra note 13, at 299-309 (discussing various factors contributing to Korea's post-war economic boom).

19. See id. at 306.

20. See BUSS, supra note 17, at 122.

21. See id.

22. See HART-LANDSBERG, supra note 11, at 183-86; Manwoo Lee, Double Patronage Toward South Korea: Security vs. Democracy and Human Rights, in ALLIANCE UNDER TENSION: THE EVOLUTION OF SOUTH KOREAN-U.S. RELATIONS, supra note 17, at 35, 29-45. This article discusses the overthrow of Chang Myon's government in 1961, by General Park Chung Hee, explaining that:

Americans believed that only the Korean military was capable of preventing a radical change from the status quo, blocking the rise of leftist or other radical
subcontractors operating in South Korea with a cheap and relatively unorganized labor force.  

As the South Korean economy expanded, the United States pressed the South Korean government to share the costs of maintaining U.S. bases. Since 1995, South Korean taxpayers have contributed $300 million per year toward funding these bases. In 1999, under the Cost Sharing program, South Korea provided approximately $334 million equivalent of direct contributions and $441 million in indirect contributions to U.S. forces' non-personnel stationing costs. Following the 1997-98 economic crisis, described as the country's "worst economic crisis since the Korean war," this sharing of the costs of U.S. bases became particularly onerous. This was due to International Monetary Fund (IMF) requirements that South Korea restructure its economy as a condition of
IMF loans to re-float the economy;\textsuperscript{28} and because the Korean \textit{won} has lost value against the U.S. dollar.\textsuperscript{29}

**B. U.S. Bases in Japan/Okinawa**

The United States first established military bases in Japan at the end of World War II after forcing Japan to surrender by dropping atomic bombs on Hiroshima and Nagasaki in August of 1945.\textsuperscript{30} U.S. administrators framed the post-war Japanese constitution and supervised Japan's early reconstruction, which included the establishment of U.S. bases that continue to be located primarily in Okinawa.\textsuperscript{31}

The 1951 Japan-U.S. Mutual Security Treaty provides regulations for U.S. troops and bases in Japan. There are currently 63,000 U.S. military personnel stationed in Japan.\textsuperscript{32} The islands of Okinawa, the southernmost prefecture located midway between Tokyo and Manila, house seventy-five percent of U.S. military facilities in Japan although Okinawa comprises only 0.6\% of Japan's total land area.\textsuperscript{33}

Today, Japan's relationship with the United States continues to be shaped by its defeat in World War II and the U.S. control of Japan's post-war reconstruction, including the U.S. military administration of Okinawa until 1972. Article 9 of the post-war Japanese Constitution "forbids Japanese participation in formal, collective-defense arrangements and prevents Japanese forces from engaging in military operations overseas."\textsuperscript{34} Although the Japan-U.S. Security Treaty limits Japan's autonomy, successive Japanese governments have shown support for the agreement on the grounds that "it is an essential component of national security; a contribution to the stability of East Asia; the core of Japan-U.S. relations; and the basis of Japan's international and regional diplomacy."\textsuperscript{35} New guidelines provide for increased Japanese logistical support for U.S. military operations in the region.\textsuperscript{36} As the Japanese economy has strengthened, Japan has acquiesced to continued U.S. pressure to share the economic

\textsuperscript{28} See Steven Butler et al., \textit{As Seoul Struggles With Reforms, Capitol Hill Takes Aim}, U.S. NEWS \& WORLD REP., Jan. 12, 1998, at 42.

\textsuperscript{29} See Carr, supra note 27, at 11 (stating that in 1997, the \textit{won} decreased in value by more than half against the dollar; by mid-1999 it had recovered some of this loss, but was still two-thirds its 1997 value).


\textsuperscript{31} See id. at 167-196.


\textsuperscript{33} See \textit{Anti-U.S. Outrage Boils Over in Okinawa, Japan Times}, Sept. 20, 1995, at 3.

\textsuperscript{34} \textit{International Institute for Strategic Studies, The Military Balance} 170 (1996/97) [hereinafter \textit{International Institute}].


\textsuperscript{36} See \textit{International Institute}, supra note 34, at 170.
burden of basing U.S. troops in the country. Japan currently pays roughly seventy-five percent of this cost.\textsuperscript{38}

Japan’s economic strength is an important factor in its contemporary relationship with the United States. The United States wants to open up Japanese markets to U.S.-made goods and to strengthen its trading position while relying on Japan’s continued support for a joint military policy.\textsuperscript{39} The U.S. policy “has been disjointed, alternating its focus from trade to security issues. The United States has demanded change in trade relations while upholding the current security relationship.”\textsuperscript{40}

Once an independent kingdom with its own language and culture, Okinawa was annexed by Japan in 1879. The Japanese consider Okinawans inferior to the mainland Japanese, and many Okinawans continue to resent their second-class status in the country.\textsuperscript{41} In 1945, Okinawa was used as a shield to protect mainland Japan from invasion by U.S. and Allied forces. In the ensuing bloody Battle of Okinawa between Japan and the Allies, roughly 200,000 Okinawans were killed, and the southern part of the main island was reduced to rubble, its agriculture and industry decimated.\textsuperscript{42} The United States took over the administration of Okinawa in 1945, and immediately expropriated land for military bases before allowing people to leave the detention camps and return to their homes. These bases were highly contentious from the start, and many landowners have always opposed this use of their land.\textsuperscript{43} The landowners’ permission, however, was unnecessary because, under Japanese law, if owners of the land that was needed for bases were unwilling to lease their land to the U.S. military, the prefecture governor could sign a lease agreement on their behalf.\textsuperscript{45} This situation led to a significant legal and political confrontation in 1996 and 1997, when a number of land leases came up for

\textsuperscript{37} See id.
\textsuperscript{38} See Tenuko Kuwae, U.S. Military Crimes and Treaties/Agreements: Citizen Campaign for Revision of U.S.-Japan Status of Forces Agreement 3 (May 11-16, 1999) (unpublished manuscript, on file with authors) (noting that in 1997, the sum was 370 billion yen, at an exchange rate of 120 yen to $1; this amounted to roughly $85,000 a year for every member of the U.S. military stationed in Japan).
\textsuperscript{39} See Cristina Davis, Japan: Trade and Security Interdependence, 2 FOREIGN POL’Y FOCUS 1, 1 n.18 (1997).
\textsuperscript{40} Id.
\textsuperscript{41} See Doug Bandow, Okinawa: Liberating Washington’s East Asian Military Colony, POL’Y ANALYSIS 4 (1998) (describing the history of relations between Okinawans and mainland Japanese; noting how Okinawans are considered “insufficiently patriotic” and untrustworthy and how tensions between the two groups remain).
\textsuperscript{42} See Nicholas D. Kristof, Exploring the Darker Side of Okinawa, N.Y. TIMES, Jan. 21, 1996, §§5, at 19.
\textsuperscript{43} See Bandow, supra note 41, at 2-5; Gavan McCormack, Okinawan Dilemmas: Coral Islands or Concrete Islands?, in OKINAWA: COLD WAR ISLAND 264 (Chalmers Johnson ed., 1999).
\textsuperscript{44} See David Holley, Okinawa Governor Forcing Tokyo to Renew U.S. Bases, S.F. EXAMINER, Nov. 5, 1995, at A2.
\textsuperscript{45} See Murayama Fails to Sway Ota, May Sign Base Contracts Himself, JAPAN TIMES, Nov. 5, 1995, at 1; Holley, supra note 44.
renewal.\textsuperscript{46} Okinawan Governor Masahide Ota, who had campaigned for office on an anti-base platform, refused to sign leases as a proxy for non-compliant landowners.\textsuperscript{47} Ota was called to Tokyo several times for top-level discussions.\textsuperscript{48} As a way of defusing Okinawan opposition to U.S. bases, then Prime Minister Tomiichi Murayama proposed a forum between the central and prefectural governments to address issues surrounding U.S. bases.\textsuperscript{49} But Governor Ota persisted in refusing to sign the leases, and continued to call for a phased withdrawal of U.S. bases from Okinawa.\textsuperscript{50} The Japanese government resolved this matter by circumventing Ota's opposition through the passage of new legislation that made the Governor's signature unnecessary on the grounds of national security.\textsuperscript{51} In September 1996, eighty-nine percent of Okinawans voting in a local referendum supported base reduction.\textsuperscript{52} This was the first prefecture-wide citizen referendum in the history of Japan. While not legally binding, it represents an important indication of public opinion. Regardless, the Japanese government has continued to insist that Okinawans bear the major burden of the U.S. military presence in Japan.\textsuperscript{53} In the gubernatorial election in November of 1998, Ota was ousted in favor of a businessman and newcomer to Okinawan politics, Keiichi Inamine, who had the support of the ruling Japanese Liberal Democratic Party.\textsuperscript{54} Inamine promised a “more moderate stance” toward the U.S. military.\textsuperscript{55} During the election campaign, the Japanese government brought heavy pressure to bear on Okinawan officials and voters on behalf of Inamine’s candidature.\textsuperscript{56} Public sector employees were pressured to distribute his campaign literature and to vote for him.\textsuperscript{57} After Inamine’s election as governor, Okinawa re-

\textsuperscript{47} See sources cited supra note 46.
\textsuperscript{48} See Interview with Suzuyo Takazato, Naha City Assembly member, in New York, N.Y. (Feb. 26, 1999).
\textsuperscript{49} See Holley, supra note 44; Easing of Burden Vowed: Panel on Bases Meets, JAPAN TIMES, Nov. 21, 1995, at 1.
\textsuperscript{50} See Hashimoto Plans to Sign Okinawa Land Papers, supra note 46; Shibasaki, supra note 46.
\textsuperscript{52} See Andrew Pollack, Okinawans Send Message to Tokyo and U.S. to Cut Bases, N.Y. TIMES, Sept 9, 1996, at A3.
\textsuperscript{56} See Interview with Suzuyo Takazato, supra note 48.
\textsuperscript{57} See id.
ceived a generous budget allocation from the central government, similar to the amount "when ex-governor Masahide Ota was cooperating with the government on base issues."  

C. U.S. Bases in the Philippines

The U.S. bases in the Philippines date back to 1898, when the United States won the Spanish-American War and took over the Philippines from Spain, the former colonial power. The long-standing colonial relationship between the United States and the Philippines began with the Philippine-American War of 1899, when the United States opposed Philippine nationalism with brutal force. The U.S. government "played a key role in suppressing peasant protest and upheavals in the 1930s, '40s and '50s," by training and arming Philippine police and military forces.

The U.S. influence over Philippine politics was strong even after the country became independent in 1946. The United States supported pro-U.S. presidential candidates, including President Ferdinand Marcos, a military dictator who imposed martial law for more than a decade. The poverty of the Philippines, caused by centuries of colonial exploitation and extraction of raw materials, as well as the corruption of Filipino elites since independence, has meant that the country has relied on U.S. economic support for decades. The United States also indirectly influences the Philippines through its key role in the IMF and the World Bank

58. The Faucet Turned On Full, OKINAWA TIMES, Dec. 26, 1998; see also Takehiko Nomura, Okinawan Rev Up Against U.S. Base, CHRISTIAN SCI. MONITOR, Oct. 7, 1999, at 8 (reporting that after Inamine's election the Tokyo government promised to pour more money into Okinawa if the governor keeps a flexible stance on U.S. military base issues); Sasaki, supra note 54, at 247 (noting that after Inamine's victory the Tokyo government promised to include an item for Okinawan development in the budget for the coming year).


60. See Simbulan, supra note 59, at 3-4. See generally Leon Wolff, Little Brown Brother: America's Forgotten Bid for Empire Which Cost 250,000 Lives (1961) (describing how the U.S. purchased and pacified the Philippine Islands at the turn of the century).

61. See Simbulan, supra note 59, at 4; see also Richard Kessler, Rebellion and Repression in the Philippines 34 (1989) (arguing that the U.S. aided the Philippines army in defeating the Hukbalahaps—a peasant rebel movement—by providing weapons, training, and funds to the military, and by organizing the military's psychological warfare and public relations program).

62. See, e.g., Stanley Karnow, In Our Image: America's Empire in the Philippines 43-58 (1989) (describing President Reagan's willingness to recognize Marcos as the winner of the 1986 Philippines election, despite massive evidence of election fraud); Kessler, supra note 61, at 116-131 (describing measures adopted by Marcos to strengthen the Philippines military, to centralize political and military control, and to impose martial law); Aida Santos, Gathering the Dust: The Bases Issue in the Philippines, in Let the Good Times Roll: Prostitution and the U.S. Military in Asia, supra note 2, at 35 (arguing that in the 1950s the U.S. military trained and equipped the Philippines military to dismantle all forms of opposition to the government); James Burkholder Smith, The CIA in the Philippines, in The Philippines Reader: A History of Colonialism, Neocolonialism, Dictatorship, and Resistance, supra note 4, at 149, 151-52 (arguing that the CIA was involved in an effort to assure the defeat of Senator Claro Recto, a Philippines nationalist, in the presidential election of 1957).

(WB)—two international financial institutions on which the Philippines depends for loans.64

Over the years, there have been as many as twenty-three bases in the Philippines, the largest two of which were Subic Bay Navy Base and Clark Air Force Base, both located in Central Luzon.65 The Philippines became independent in 1946, but the following year, the Philippines-U.S. Military Bases Agreement was signed, granting the United States unhampered use of Philippine territory for military bases and facilities.66 With the overthrow of President Ferdinand Marcos in 1986, a vigorous pro-democracy, anti-base movement campaigned to close the bases.67 In December, 1991, the Philippine Senate voted not to renew the base agreement with the United States, and the U.S. military was forced to withdraw from the Philippines.68 The two governments, however, began to negotiate a new military agreement almost immediately.69 This Visiting Forces Agreement (VFA), detailed below, was not ratified by the Philippine Senate until May 1999.70

The VFA is short and vague, containing even less detail than the SOFAs with Japan and South Korea. It grants the U.S. military access to unspecified Philippine ports for refueling, supplies, repairs, and rest and recreation (R & R).71 This arrangement potentially grants the United

64. See Marion Jimenez, Beasts of the Adjustment Burden, reprinted in Womanviews (Apr.-June 1993) and reprinted in Connexions 1994), at 24-26 (noting that the Philippines "continues to follow a development model based on a debt-driven, export oriented strategy," which is "in line with the IMF-WB's prescriptions"), see also E. San Juan, Crisis in the Philippines: The Making of a Revolution 21-22 (1986) (describing World Bank-IMF-imposed export-oriented industrialization on the Philippines, based on intensified exploitation of labor and periodic devaluations of the currency, this led to severe impoverishment of workers and enormous foreign debt, estimated at $27 billion in 1983, then the sixth highest in the world); Aida Fulleros Santos & Lyn F. Lee, The Debt Crisis: A Treadmill of Poverty for Filipino Women 4-61 (1989) (arguing that the Philippines foreign debt has created a cycle of poverty, and that onerous conditions attached to World Bank-IMF loans affect Filipino women in particular); Walden Bello & Robin Broad, The International Monetary Fund in the Philippines, in The Philippines Reader: A History of Colonialism, Neocolonialism, Dictatorship, and Resistance, supra note 4, at 261-67 (characterizing the U.S. government as "the decisive voice in the IMF," and describing IMF and World Bank interventions into the Philippines economy to open it up to foreign trade, to push it in the direction of export-led growth, and to require structural adjustment programs as a condition of loans).

65. See Wing, supra, note 3, at 129, 137.
66. See id. at 129.
67. See Walden Bello, Moment of Decision, in The Sun Never Sets... Confronting the Network of Foreign U.S. Military Bases, supra note 3, at 149, 154-56.
69. See id.
70. See New Military Agreement Opens Archipelago to Greater Exploitation, Human Rights Violations and Sex Trafficking, KawomenAN (Gabriela Network), Fall/Winter 1998, at 4-7 [hereinafter Gabriela Network] (discussing the "intolerable provisions" of the VFA).
71. See Agreement Between the Government of the Republic of the Philippines and the Government of the United States of America Regarding the Treatment of United States Armed Forces Visiting the Philippines, Feb. 10, 1998 (stating at Article 1 that these "activities [are] approved by the
States far greater access to the country than it had before 1991, when it maintained major bases in the Philippines. Under the VFA, the United States also benefits by saving the cost of maintaining a permanent work force and port facilities. Vociferous opposition to the VFA has been expressed by left-wing and nationalist organizations, student activists, feminists, constitutionalists, and the Catholic Bishops Conference of the Philippines. The opposition protests that the VFA compromises Philippine sovereignty and self-determination; contravenes the nuclear-free constitution of the Philippines; and will very likely increase environmental contamination, military prostitution, and violence against local women.\textsuperscript{72}

In South Korea, Japan, and the Philippines, the presence of U.S. troops often affects local people in a negative way. Women organizers in East Asian host communities are particularly concerned about women and children who are the victims of disrespect, crime, and violence by U.S. military personnel.\textsuperscript{73} In addition to the sexist patriarchy of their own societies, women in host countries who come in contact with troops are also victimized by the sexism and misogyny of U.S. military training and culture.

\section*{III. Problems Created by U.S. Military Presence and Culture}

Many of the problems created by U.S. military presence in East Asia stem from the sexist attitudes and hyper-masculine culture that pervade the military. Different branches of the U.S. Armed Forces have developed this hyper-masculine culture to varying degrees, with the Air Force at the lower end of the spectrum and the Marines at the higher end.\textsuperscript{74} This phenomenon has had far reaching effects in places such as

\begin{thebibliography}{999}

72. \textit{See, e.g.}, BAYAN: BAGONG ALYANSANG MAKABAYAN OR NEW PATRIOTIC ALLIANCE, \textit{JUNK VFA MOVEMENT} (News Release, July 22, 1998) (encouraging Filipinos and all Asian peoples to work together and resist ratification of the VFA); Catholic Bishops Conference of the Philippines, Pastoral Statement on the Visiting Forces Agreement (VFA) (1998) (unpublished report on file with authors) (stating that the VFA does not foster the independence of the Philippines, but instead, will \\
y promote sexual adventurism and promiscuity, HIV-AIDS, and the exploitation of the Filipinos," and that it will \\


73. \textit{See} \textit{Yayori Matsui, Women in the New Asia} 178-80 (1999); \textit{Yayori Matsui, Women's Asia} 72-4 (1989); \textit{San Juan, supra note 64, at 151-75}; \textit{Santos & Lee, supra note 64, at 38-44}.

74. \textit{See} Buklod Center, Coalition Against Trafficking of Women-Asia Pacific, WEDPRO, Women and Children, Militarism, and Human Rights, at 10 [hereinafter Buklod Center et al.] (presented to the first international meeting of the East Asia-U.S. Women's Network against militarism, Okinawa, May 1-4, 1997) (discussing how bar women who worked in Olongapo noted that "the Marines were particularly bad clients, prone to rough or violent behavior"); \textit{Rita Nakanoshima Brock & Susan Brooks Thistlethwaite, Casting Stones: Prostitution and Liberation in Asia}...
Okinawa, where Marines account for sixty percent of the U.S. troops. Young boys in the United States, as in many parts of the world, develop their masculine identity during early childhood through a combination of adventure stories, comics, cartoons, competitive team sports, war toys, computer games, news reporting, ads, television shows, and films. This routine gender socialization is taken further in basic military training where new recruits are pushed to the limits of their strength and stamina and are trained to follow orders without question, no matter how nonsensical or humiliating. As part of military training, servicemen learn how to use highly sophisticated weaponry and equipment; they are socialized as warriors. A key aspect of this training and socialization process is the way recruits are insulted and reviled by drill sergeants as "women" and "queers" as part of the military promise "to make a man" of them.

According to feminist scholars of military systems and international relations, militarism depends on a clearly gendered division of labor and the maintenance of hierarchy, including sexism and violence against women. Military socialization involves the construction of a militarized masculinity that emphasizes heroism, physical strength, emotional de-
This view of masculinity involves the construction of male sexuality as assertive and controlling, and results in three consequences: the need for the institutionalization of military prostitution, U.S. military abuse of women in host communities, and sexual abuse of women in the military.

A. Military Prostitution

In all three East Asian countries under discussion here, prostitution is officially forbidden but practiced under such euphemisms as the “hospitality industry” or “entertainment.” The SOFAs do not refer to military prostitution even indirectly. However, its existence is an important element in the “GI Towns” that contributes to a general atmosphere of disrespect and objectification of women.

U.S. military commanders and administrators view sexual activity as one of their troops’ basic needs. In “Central America, Vietnam, the Philippines, South Korea, Japan, Puerto Rico, the mainland United States, Germany, and Italy the Pentagon has operated as if prostitution were a necessary and integral part of U.S. military operations,” suggesting that militarized masculinity requires regular sexual release. Military prostitution is built into U.S. military operations—not as a perk, but as a necessary component. Bases are refueling and repair depots for warships and planes; military personnel are also “refueled” by local women and girls. Host governments have agreed to allow the establishment of “recreation zones” near military bases or at military ports to be used by U.S. troops.

80. See REARDON, SEXISM AND THE WAR SYSTEM, supra note 79, at 57 (describing the view that misogyny is “the taproot of the war system,” paralleled by the objectification and dehumanization of “the enemy” that is essential to military training and combat).

81. See Saundra Pollock Sturdevant & Brenda Stoltzfus, Disparate Threads of the Whole: An Interpretive Essay, in LET THE GOOD TIMES ROLL: PROSTITUTION AND THE U.S. MILITARY IN ASIA, supra note 2, at 300, 324-26 [hereinafter Sturdevant & Stoltzfus, Disparate Threads]. The authors explain that:

Upon entering the bar areas around the bases, the guys enter a subculture where anything can be bought and the senses are bombarded with pornographic consumables. Hats and t-shirts revel in graphic detail. In the bar areas the misogyny of militarized masculinity can be lived out to whatever degree and in whatever way the individual male chooses. This may be the hypermasculinity of ever-ready phallocentric domination. It may be the paid-for-rape, for the line between rape and purchase is as thin as a fine membrane: It may be having sex with a variety of partners and no attachments. It may be the power high of having the youngest and cheapest woman. It may be some form of sexual violence against a woman whose sexual labor has been purchased . . . . The bar area is one place where the militarized masculinity of the guys may be taken to its logical conclusion.

Id. at 325-26.

82. See ENLOE, THE MORNING AFTER, supra note 79, at 142-60, 183.

83. See ENLOE, BANANAS, BEACHES & BASES, supra note 79, at 81-92; BROCK & THISTLETHWAITE, supra note 74, at 76-8. See generally Sheila Coronel & Ninotchka Rosca, For the Boys: Filipinas Expose Years of Sexual Slavery by the U.S. and Japan, Ms., Nov./Dec. 1993, at 12 (describing the abuse of Filipina “comfort women” by American and Japanese servicemen).
for R & R, or as it is sometimes jokingly called, I & I (intoxication and intercourse).  

South Korea serves as a good demonstration of the impact of military prostitution. The U.S. military insists that women who work in the clubs, bars, and massage parlors of the "GI Towns" be tested regularly for sexually-transmitted diseases. In South Korea, women must obtain a weekly ID number from an official clinic as proof of their "clean" health status before being allowed to enter such bars. If they do not pass this test, they are quarantined until they do so. As further protection for U.S. military personnel, clubs and bars that employ women without ID numbers are deemed off-limits by U.S. military officials. The assumption is that the women are the source of sexually transmitted diseases, not the men.

In 1989, roughly 18,000 women in South Korea were registered with the local health authorities, and, thus able to work in the bars and clubs. In 1999, it was estimated that "over 10,000 domestic women and 2,000 immigrant women serve[d] as sex providers in Kijich'on" [GI Towns] in South Korea. Typically these are women who come from poor, rural families and who move to urban areas to work in factories. They are drawn to the bars as a way of making more money than they could at factory jobs. Military prostitution "[buys] off women . . . with higher wages than they can earn in the industrial wage labor sector," and is, in effect, "a dumping ground . . . between the patriarchal family structure and the industrializing labor force."

---

84. See BROCK & THISTLETHWAITE, supra note 74, at 5; ENLOE, THE MORNING AFTER, supra note 79, at 159-60 (commenting on how "[g]overnments in Seoul, Tokyo, and Manila have made no moves to cancel the R and R agreements they have with Washington, agreements that spell out the conditions for permitting and controlling the sort of prostitution deemed most useful for the U.S. military"); Carolyn Bowen Francis, Introduction to the Comparative Study of the Status of Forces Agreements Between the U.S. and Japan, Korea and Germany, and the Proposed U.S.-Philippines Agreement Regarding the Treatment of U.S. Armed Forces Visiting the Philippines (Oct. 1998) (unpublished manuscript, on file with authors) (noting that there is no mention of R & R in the SOFAs between the U.S. and the three East Asian countries under discussion here).

85. See KATHARINE MOON, SEX AMONG ALLIES: MILITARY PROSTITUTION IN U.S.-KOREA RELATIONS 131-37 (1997); BROCK & THISTLETHWAITE, supra note 74, at 74.


87. See MOON, supra note 85, at 131-37; Sturdevant & Stoltzfus, Tong Du Chun, supra note 86, at 176.

88. See sources cited supra note 87.

89. See My Sister's Place, Will You Join Hands? (undated) (unpublished brochure, on file with authors) [hereinafter My Sister's Place].

90. Kim, supra note 15, at 1.

91. See Margo Okazawa-Rey, Amerasian Children of GI Town: A Legacy of U.S. Militarism in South Korea, ASIAN J. WOMEN'S STUD. 71, 74 (1997).


93. Id. at 163.
Sex between South Korean bar women and U.S. troops is "the most common form of Korean-American interaction" and is "the primary memory of South Korea for generations of young Americans who have served there." Since South Korea is considered a war-zone and thus, a hardship posting, tours of duty are limited to one year. It is the first posting after basic training for many recruits and a significant step in their military socialization. Soldiers train constantly and undertake long marches carrying heavy packs. Dongduchon, near the Demilitarized Zone that divides North and South Korea, is continually "on the highest state of alert in the U.S. military," a designation that leads to high levels of stress as well as physically demanding work. When the troops have time off it is usually spent in the GI Town near the gates of the base. As Sturdevant and Stoltzfus note, "[t]his arrangement provides the military with complete control over the guys: they are either busting ass while on duty, or drunk and/or in bed with a purchased sexual reward when off."

The women work from early evening until dawn, encouraging the men to buy drinks, and making arrangements for sex. The sexual arrangements may last for what is referred to in the bars as a "short time," meaning an hour or two, or they may last overnight. Some women work on contract to one man for his tour of duty and live that entire time in a room that he rents. A woman involved in prostitution may take on a soldier's homesickness, frustration, alienation, boredom, or fear, and, at the same time, deal with his sexism and racism. She may drink or do drugs as a way of coping with the job. Militarized prostitution has had very serious effects on women's health, including HIV/AIDS, sexually transmitted diseases, unwanted pregnancies, unsafe abortions, drug and alcohol dependency, and mental illness. Women who work in the bars, massage parlors, and brothels near U.S. bases are also particularly vulnerable to physical and sexual violence.

These women who, forced by poverty and lack of meaningful alternatives, work in the sex trade near the bases are unprotected by the military system and their own cultures. Speaking about military prostitution in South Korea, Yu Bok Nim, co-founder and former director of Du Rae Bang (a center for bar women and their children), cites "a deeply-rooted..."
patriarchal family system that encourages families to reject these women," and notes that many of those involved with Du Rae Bang are survivors of rape, incest, or domestic violence.\textsuperscript{104} From the sexist perspectives of the host governments, women in military prostitution are to be disparaged and stigmatized. From the perspective of the U.S. military, Asian women may be caricatured and disparaged, as they are in the Philippines, for example, as "little brown fucking machines."\textsuperscript{105}

The East Asian and U.S. governments attempt to limit the sexual demands of U.S. military personnel to specific locations and specific women—the "bad" women who are available for sexual servicing, as opposed to the "good" women back home (mothers, sisters, wives).\textsuperscript{106} For many people in the host communities, military prostitution is a national disgrace. Despite the low opinion many people have of bar women, their work is the lynchpin of the sub-economy of the GI Towns.\textsuperscript{107} Many others, including store owners, salespeople, bar owners, restaurateurs, cooks, pimps, procurers, cab drivers, and security men are in business as a result of their work. If the United States were to withdraw from these East Asian countries, many people would be left unemployed.

This was the case when the U.S. military withdrew from the Philippines. Women who worked in the GI Towns had to find alternative sources of income, with no help from the government.\textsuperscript{108} Some women went to South Korea or Guam to continue to service U.S. troops; others moved to bars and clubs patronized by Filipino men; still others tried to make a go of small businesses.\textsuperscript{109} After the bases closed, U.S. ships continued to pull into Philippine ports. In March 1996, for example 2,500-3,000 U.S. service personnel took shore leave in the Philippines, creating such a high demand that the mayors of Angeles City and Olongapo quickly collaborated to increase the number of women available for prostitution.\textsuperscript{110} The United States suspended major military exercises and port visits to the Philippines in December 1996 after the Philippines government "closed a loophole shielding U.S. military personnel from prosecution for crimes committed in the country."\textsuperscript{111} In January 2000, more than 2,300 U.S. military personnel arrived in the Philippines for the first large-scale joint military exercises under the Visiting Forces Agreement, "setting off old concerns—including fears of a rise in prostitution—that

\begin{itemize}
  \item \textsuperscript{104} Nim, supra note 16, at 20.
  \item \textsuperscript{105} Santos, supra note 62, at 40 (referring to a popular Olongapo tee shirt that bore the racist message, "Little Brown Fucking Machines Powered With Rice").
  \item \textsuperscript{106} See Brock & Thistlthwaite, supra note 74, at 77-78; Kim, supra note 15, at 1.
  \item \textsuperscript{107} See Sturdevant & Stoltzfus, Disparate Threads, supra note 81, at 313.
  \item \textsuperscript{108} See Buklod Center et al., supra note 74, at 3.
  \item \textsuperscript{109} See Enloe, The Morning After, supra note 79, at 149.
  \item \textsuperscript{110} See Okinawan Study Group Tours Philippines, OKINAWA NEWSL., Jan. 3, 1997, at 2, 6.
  \item \textsuperscript{111} Jim Gomez, U.S. Troops Arriving in the Philippines, ASSOCIATED PRESS ONLINe, Jan. 28, 2000.
\end{itemize}
stem from nearly a century of earlier U.S. military involvement. Major General James Donald, deputy commanding general of the U.S. Army Pacific Command, was quoted as saying that U.S. troops were under strict orders to behave. Philippines Defense Secretary, Orlando Mercado, said, "[w]e have agreed that they will be provided with alternative activities, mostly sports activities, in the camps to keep their testosterone levels down."

B. Abandonment of Amerasian Children by Military Fathers

The high incidence of sexual relations between military personnel and local women has resulted in the birth of thousands of Amerasian children. Amerasian children in East Asia are a particularly stigmatized group. They live with severe prejudice and discrimination due to their physical appearance and the stigma of their mothers' work, servicing U.S. troops. Most of these children are raised by poor, single Asian mothers with little or no support from their fathers. Others are raised by relatives, and a small percentage are in institutions. Madelin, a bar woman who worked in Olongapo, had two Amerasian children because she did not believe in abortion. These children, however, were not supported by their American fathers. She said:

There are many children born to U.S. servicemen, but the Americans abandon the children. There are no possibilities for many of those children. They are to be pitied. I'm very angry with the U.S. servicemen because of what happened to me... The servicemen are afraid of their responsibility as fathers, so they turn their back on it. They say they are not their children. They have children all over the world that they don't know about. Or, maybe they know about but do not support.

Amerasian children experience prejudice and hostility in school, to the point where they may refuse to go to school. Later in life they ex-

112. Id.
113. See id.
114. Id.
115. See generally Okazawa-Rey, supra note 91, at 85-90 (illustrating examples of the severe stigmatization and discrimination of Amerasians living in South Korea).
116. See generally id. at 80 (explaining how most Amerasians live with their single mothers or are cared for by their maternal grandmothers).
117. See Buklod Center et al., supra note 74, at 5 (describing how in a 1994 study conducted by the Task Force on Amerasian Children (Philippines) the mean age of Amerasians was 12 years; nine out of ten children were born out of wedlock; roughly two-thirds were raised by single mothers, 28% were raised by relatives and non-relatives, 5% lived on their own, and 1% lived in institutions).
119. See Okazawa-Rey, supra note 91; Buklod Center et al., supra note 74, at 5 (mentioning how the Philippines Task Force study estimated that one third of Amerasians were out of school).
perience discrimination in employment due to stigma, and their lack of education and opportunities for training. In South Korea, some estimates project that “about 30% are jobless and the rest hold menial jobs such as peddling and rough labor in construction sites.” Amerasians are thought of as foreigners and “half-persons” who can only half-belongs to Korean or to U.S. society. In general, Amerasian children with African-American fathers face worse treatment than those with white fathers. This is due both to U.S. racism and the ethnocentrism of East Asian cultures, which are relatively homogenous and place high value on racial purity.

C. Abuse of Women in Host Communities

Most military personnel do not violate women in host communities, but women’s advocates in East Asia believe that “the many acts of violence committed by U.S. military personnel against local women and children . . . happen far too often to be overlooked or accepted as random occurrences or aberrations.” Suzuyo Takazato, Naha City Assembly

120. See Okazawa-Rey, supra note 91, at 88-90.
123. See Kim, supra note 15, at 4 (describing that although formal segregation in the military is a thing of the past, separate bars and clubs tend to cater to troops along race lines); Saundra Pollock Sturdevant & Brenda Stoltzfus, Olongapo: The Bar System, in LET THE GOOD TIMES ROLL: PROSTITUTION AND THE U.S. MILITARY IN ASIA, supra note 2, at 45, 47 [hereinafter Sturdevant & Stoltzfus, Olongapo] (referring to “the Jungle,” a section of the Olongapo bar area patronized by African-American servicemen); Sturdevant & Stoltzfus, Tong Du Chan, supra note 86, at 178 (noting the presence of African-American servicemen in Korea’s “Dark Man’s Zone” (DMZ)); see also Interview with Kazuko Okazawa, Japanese war bride, in San Francisco, CA (November 26, 1998) (remembering how following World War II, white U.S. service personnel in Japan told local people that African-American troops were dangerous and “no good”).
125. American women in the military environment are also sexually abused by male personnel. The two different groups of women, military personnel and spouses of military men, find it very difficult to obtain acknowledgment of and redress for violence committed by military personnel. See e.g., ENLOE, THE MORNING AFTER, supra note 79, at 182, 190 (discussing the treatment of an American woman sexually assaulted by her own sergeant during Operation Desert Storm); Elizabeth Gleick, Scandal in the Military, Time, Nov. 25, 1996, at 28-31 (discussing specific examples of sexual abuse in the U.S. military); Carol Burke, Dames at Sea: Life in the Naval Academy, in GENDER VIOLENCE: INTERDISCIPLINARY PERSPECTIVES 146-150 (Laura O’Toole & Jessica Schiffman eds., 1997) (focusing on the perpetuation of violence against women in the Navy). The treatment of these women is important as it supports the point that sexual harassment and objectification of women are a systemic part of military training and culture. If U.S. troops abuse the women they are close to as partners and colleagues, it is hardly surprising that they also abuse women in East Asian host communities who are separated from them in terms of race, culture, language, and nationality.
Member, Co-chair of Okinawa Women Act Against Military Violence, and a forthright spokeswoman on this issue for many years, blames the military system for incidents of violence against women:

These young troops go out into the field all day and are trained to be aggressive and to kill. In a very real sense they are brainwashed, and it doesn’t stop when they take a shower. They may change out of uniform and into a T-shirt and jeans, but their attitude does not change.127

Complete data on the number of violent acts committed by U.S. military men against women and children of host communities are not available for several reasons. Some activists believe that military violence against women is seriously under-reported due to victims’ shame, fear, or belief that perpetrators will not be apprehended or punished.128 Also, official statistics in the host countries are often incomplete,129 perhaps reflecting the government’s lack of serious concern for the issue. Another reason for incomplete or unavailable statistics on military violence against women is that, in some cases, records are kept in such a way that violence against women is not noted as a separate category. In South Korea, for example, official estimates of crimes committed by U.S. military personnel combined statistics for murder, rape, sexual abuse, theft, smuggling, fraud, and traffic offenses.130 Similarly, the Okinawa government reports crimes committed by U.S. troops as one totaled number.131 "Americans in Okinawa accounted for 4.2 percent of the population but 11.5 percent of the felonies like murder, rape and robbery."132 According to Christine Hansen of the Miles Foundation, a non-profit organization dedicated to promoting awareness of interpersonal violence (especially in the U.S. Armed Forces), data related to crimes of violence occurring overseas and perpetrated by U.S. military personnel are at best a guess due to

128. See Kim, supra note 15, at 4; Buklod Center et al., supra note 74.
129. See Okinawa Women Act Against Military Violence, Postwar U.S. Military Crimes Against Women in Okinawa (undated) (unpublished manuscript, on file with authors) (describing how members are constructing a record of U.S. military violence against women in Okinawa using published reports and oral testimony from survivors and other local people as sources; that members have information concerning 104 incidents, starting in 1945, some of which involved several women or several men; and that, when presenting this material publicly, they emphasize this is an incomplete record, limited by the data available); Yu-jin Jeong, Director of the National Campaign to Eradicate Crime by U.S. Troops in Korea, Memo (Aug. 13, 1999) (on file with authors). Jeong notes that the Campaign does “not have any separate data on crimes against women.” Id. Official crime figures identify “violent crime,” which includes murder, rape, injury and severe cases of armed robbery and injury. See id. Jeong adds that “the data issued by the South Korean government vary from one department to another—in numbers and how the crimes are identified.” Id.
“underreporting, slippages, confusion over definitions, lack of a tracking system and inability to ascertain specific installation data.”

From a U.S. perspective, the crime figures cited here may seem too low to merit the degree of anger and bitterness generated in East Asia. In fact, U.S. military officials argue that, in general, crime rates are reduced compared to past figures. However, this deep resentment is partly due to the fact that these are crimes committed by U.S. military personnel, whom many local people see as intruders, continuing to occupy their country since World War II. In addition, it is important to place these violent crimes in a cultural context. In South Korea and Japan, crime rates are generally very low compared to the United States and other Western industrialized countries. Thus these cultural norms further highlight atrocities committed by U.S. military personnel.

D. Separation of Cultures and Objectification of Local People

U.S. troops based in East Asia are separated from local people physically, occupationally, economically, legally, and culturally. Military personnel live on U.S. bases—sprawling, fenced-off enclaves that are virtual islands of American life and culture. Their housing is usually much more spacious than that of the surrounding host communities, with American-style lawns, swing sets, and golf courses. Ms. Pak, a bar woman in Korea, contrasted the living standards of many Koreans with that of U.S. military personnel:

Since I’ve dealt with Americans, I’ve noticed that we Koreans are still poor and many go hungry. But Americans come here and they can eat whatever they want . . . they can buy whatever they want . . . . When you go to Itaewon, the commissioned officers have their own homes. Poor people like us feel like we’ve walked into a castle . . . . When you go to the U.S. Army base, everything is automatic. They can use as much electricity or water as they need.

133. E-mail communication from Christine Hansen, Miles Foundation/National Task Force on Violence Against Women, to Gwyn Kirk (Oct. 11, 1999) (on file with authors).
135. See Kristof, supra note 32 (citing an article in a Japanese magazine in the fall of 1995, entitled “Japan Is Still a Colony,” discussing the rape of a 12-year-old girl in Okinawa by three U.S. military men).
Meanwhile, the government tells us to save electricity and water. It’s a world apart.\textsuperscript{138}

Ms. Pak and Nan Hee, another Korean bar woman, quote their wages, costs, and debts in Korean \textit{won} but give the prices of drinks and sex in U.S. dollars.\textsuperscript{139} U.S. troops can pay with U.S. dollars and buy U.S. groceries and household goods from the base stores.\textsuperscript{140} They can see American television shows via satellite and listen to English-language armed forces radio stations.\textsuperscript{141} Despite some basic orientation regarding local history and culture, their knowledge of the country in which they are based is usually minimal.\textsuperscript{142} In contrast, in Japan, U.S. troops do not have the buying power they once did, as the \textit{yen} is now relatively strong against the dollar, and local prices are high.\textsuperscript{143} U.S. personnel cannot afford to patronize off-base restaurants as much as they used to, and are more confined to the base than they were in the past.\textsuperscript{144}

This physical, economic, and cultural separation reinforces the emotional separation that troops learn as part of their training for war. This training relies on their being able to objectify and dehumanize "the enemy."\textsuperscript{145} This emotional distancing process, as well as the experience of combat, can make troops edgy, fearful, frustrated, alienated, and aggressive.\textsuperscript{146} These negative feelings are displaced onto the people in host communities through the actions of the U.S. military personnel, including

\textsuperscript{138} See Ms. Pak, \textit{Ms. Pak, in Let the Good Times Roll: Prostitution and the U.S. Military in Asia}, supra note 2, at 208, 209.

\textsuperscript{139} See Nan Hee, \textit{Nan Hee, in Let the Good Times Roll: Prostitution and the U.S. Military in Asia}, supra note 2, at 180, 192.

\textsuperscript{140} See Jordan, supra note 137.

\textsuperscript{141} See id.

\textsuperscript{142} See generally Sturdevant \& Stoltzfus, \textit{Disparate Threads}, supra note 81, at 323 (commenting that U.S. troops in East Asia do not know the language, do not use language phrase books, do not use public transportation except taxis, and know little about economic, political, social, cultural, or historical realities of the host country).

\textsuperscript{143} See Jordan, supra note 137.

\textsuperscript{144} See id.

\textsuperscript{145} See Reardon, \textit{Sexism and the War System}, supra note 79.

\textsuperscript{146} See generally Buklod Center et al., supra note 74. Other authors note the significance of having combat-ready troops in their communities: The U.S. military forces stationed on the Okinawa bases were deployed to the Korean War in the 1950s, the Vietnam War in the 1960s and 70s and the Persian Gulf War in 1991 ... resulting in the warriors returning to Okinawa from the battlefield on each occasion carrying with them their pent-up battlefield aggression. This aggression was released on women in the vicinity of military bases in Okinawa.

Takazato, supra note 75, at 2.
IV. SOFAS AND THEIR FAILURE TO ADDRESS PROBLEMS CAUSED BY U.S. MILITARY BASES IN HOST COMMUNITIES

As previously discussed, U.S. bases and troops in foreign countries are governed by security treaties. The details are itemized in SOFAs which set out the basis for U.S. military operations overseas. The particularities of the SOFAs vary from country to country, but they generally include such topics as how land will be secured for U.S. military use, whether the U.S. military is responsible for clean up of contamination when it returns land to the host country, procedures for dealing with U.S. personnel who commit crimes against people in host communities, and other such issues that might arise between the two countries. The relative bargaining power of and degree of care taken by the host governments negotiating the SOFAs affect not only the length of the SOFA documents, but the forms of substantive protection for the host countries that are written into the agreements. The implementation of the SOFAs is determined by base commanders.

The SOFAs are essential to a discussion of relations between U.S. military personnel and host communities because they are generally the only law governing the actions of the U.S. military personnel stationed in foreign countries. The SOFAs are criticized by East-Asian activists for two basic reasons: (1) they reflect the inequality of bargaining power between the U.S. and host governments that leads to provisions that inade-

---

147. See, e.g., David Allen, Marine Admits Guilt in Fatal Oki Crash, PAC. STARS & STRIPES, Apr. 14, 1996 (discussing a marine stationed in Japan who killed a mother and her two children in an automobile accident); David Allen, Student, 18, Dies of Injuries From Hit-and-Run Accident, PAC. STARS & STRIPES, Oct. 16, 1998 (regarding a marine stationed in Japan who killed a young girl while driving drunk); Jan Wesner Childs, Fatal Accident Spurs Stand-Down: Marines Discuss Prevention of Alcohol-Related Accidents, PAC. STARS & STRIPES, Oct. 18, 1998 (describing the Marines' attempt to prevent further alcohol-related accidents).


149. See, e.g., GI Faces Attempted-Rape Charge in Korea, S.F. CHRON., Jan. 10, 1996, at A8 (describing specific acts of violence against women); Yu Chong Kyu, Another Mysterious Death of a U.S. Soldier's Live-In-Female, TONGTUCHON NEWS, Sept. 10, 1999 (highlighting the suspicion that a soldier killed the woman with whom he lived); Murder of Barmaid Reignites Debate over SOFA, KOREA TIMES, Feb. 23, 2000 (reporting the murder of a bar hostess by a U.S. soldier); Police Looking for Murders of S. Korean Prostitute, PAC. STARS & STRIPES, Feb. 2, 1999 (discussing the murder of a prostitute near a U.S. Army base).

150. See generally Francis, supra note 84 (providing article-by-article summaries of various agreements between countries).

quately protect the host communities, and (2) they fail to address certain essential issues.

SOFAs are bilateral agreements between sovereign nations, which might suggest that the two countries involved are on equal footing. Officials of the East Asian and U.S. governments regularly invoke a rhetoric of alliance and friendship. However, this rhetoric hides the fact that citizens of East Asian countries are not protected by the SOFAs to the same degree as the Western European countries of the NATO alliance.

Differences in the SOFAs can be explained in terms of legal, political, and economic considerations. SOFAs depend in part on the laws of the host countries. Host governments can argue that U.S. military operations must conform with their national laws. Although there is a power differential among East Asian governments, none of them negotiates with the United States as an equal partner. The governments of South Korea, Japan, and the Philippines see their national security as intertwined with that of the United States, partly because they continue to depend on the United States militarily, politically, or economically. They are willing

152. See National Campaign, supra note 148, at 4. When a Korean woman, Yoon Geum Yi, was brutally murdered by a U.S. serviceman, Kenneth Markle, in 1992, Commander Robert W. Ricassi hurried through his apology to emphasize the long-standing friendship between South Korea and the U.S.: “Finally I ask you to keep in mind that the U.S. Army has been here as a part of a close relationship between the two countries. In facts, hundreds of thousands of U.S. soldiers have been here away from their homes to contribute to the defense of South Korea in a friendship that has lasted for more than forty years.” Id. at 4.

153. All three countries entered into security treaties with the U.S. in the post-World War II era. See Joo-Hong Nam, America’s Commitment to South Korea: The First Decade of the Nixon Doctrine 152 (1986). Nam provides one description of the significance of the American influence on South Korean foreign policy:

South Korea’s foreign policy in general, and its security policy in particular, have always been susceptible to American influence because of the asymmetrical relationship between the two countries . . . . It is axiomatic that South Koreans of every political persuasion have regarded an American predominance in the country’s external relations as “tolerable,” for they have recognized that the frustrations of an equal alliance are preferable to the dangers of Communist intimidation.

Id. See also Claude A. Buss, The United States and the Republic of Korea: Background for Policy 63 (1982). Buss notes that “[i]t is not easy to distinguish the interests of the ROK [Republic of Korea] and those of the United States” and that the United States has been “identified with the security and welfare of the ROK, first as an American client and subsequently as an American ally.” Id.

Baldwin provides an overview of U.S.-Korea relations since 1945:

After . . . 1950 . . . the limited and uncertain commitment of U.S. assistance and prestige was replaced with almost total American involvement. South Korea’s security was guaranteed by the 1954 Mutual Defense Treaty wherein the United States recognized that an attack on the Republic of Korea would be “dangerous to its own peace and safety” and declared that “it would act to meet the common danger.” Baldwin, supra note 22, at 18. See also McLaurin & Moon, supra note 17, at 135, who note that what is now subsumed under the issue of security has broadened significantly:

Security no longer refers simply to the security of South Korea from North Korean attack. It involves the ROK’s role in regional security; the U.S. role in regional defense; bilateral cooperation in intelligence collection and analysis; anti-subversive operations and coordination; the nuclear issue; the question of the presence of U.S. troops in Korea; arms sales to the ROK and the terms and restrictions of such sales; support for the Korean defense industry; modernization of Korea’s armed forces; the role of Japan in regional security; the still evolving impact of increasing U.S. de-
to maintain local conditions that will support U.S. military bases and operations in their countries, even if this means going against public opinion, or paying scant attention to military violence against women or the treatment of Amerasian children.

There is an obvious discrepancy between the length of U.S. SOFAs with Western European countries and the length of U.S. SOFAs with East Asian countries. The German SOFA includes eighty-three articles. The SOFAs for Japan and South Korea include twenty-eight and thirty-one articles respectively. The U.S.-Philippines Visiting Forces Agreement (VFA), which has provisions that are comparable to SOFAs, includes nine articles.

In addition to the length of the documents, there are more vital discrepancies in how the host countries are protected through these agreements. A memorandum attached to the U.S.-German SOFA states that the U.S. military must assist and cooperate in advising American troops who have fathered children with German women to pay child support. This clause addressing children fathered by American military personnel is completely absent from the U.S. SOFAs with Japan and South Korea.

In general, East Asian governments have been prepared to accept SOFAs despite their inadequate protections for host communities from

---

154. See Francis, supra note 84, at 1.
155. See id.
156. See id. at 1-4.
157. See id. at App. xi-xii. The Summary of Discussions between the United States and German Delegations on Maintenance Claims for Illegitimate Children is a response to a formal request from the German Delegation that the United States assist the German authorities to require fathers of illegitimate children to contribute to the maintenance of illegitimate children. See id.
158. See id.
U.S. military crime and violence. Governor Ota's strenuous efforts to revise the SOFA with regard to the U.S. military in Okinawa are notable. He discussed this matter with the Japanese government many times and also visited the United States to press the case. In November 1995, he presented the Japanese government with a petition for the revision of the U.S.-Japan SOFA. In April 1997, he submitted a petition to the U.S. government. One of the objectives sought was "to impose strict discipline on U.S. military personnel and give instructions on good behavior."

In 1995, South Korean officials also sought changes in the SOFA, after "a series of highly publicized incidents involving U.S. soldiers." Several rounds of talks ensued, the last of which was held in November 1996. The Korean government sought to take custody of U.S. servicemen accused of murder, rape, or other serious crimes before their indict-

159. See Masahide Ota, Governor Ota at the Supreme Court of Japan, in OKINAWA: COLD WAR ISLAND, supra note 43, at 213 (quoting Governor Ota's testimony before the grand bench of the Supreme Court in Tokyo on July 10, 1996: "In searching for the solution to the base problem, beginning with as many as five trips to the United States, I have seized every opportunity to ask the governments of Japan and the United States for realignment and reduction of bases as well as the prevention of damages due to them").

160. See Okinawa Prefectural Gov't, Military Base Affairs Office Report 10-11 (1995) (unpublished document, on file with authors). The petition made ten main points summarized as follows: (1) the Japanese government may request the return of land used for U.S. military purposes if local municipalities complain that these facilities are impeding local development plans; (2) Japanese domestic law shall be applied inside U.S. military facilities regarding aircraft noise pollution and environmental protection; (3) the use of civilian airports by U.S. military aircraft shall be prohibited except for emergency cases, and marching in civilian areas shall be prohibited; (4) air traffic approaching Naha Airport shall be regulated by the Japanese; (5) Japanese domestic law shall be applied to matters concerning health and hygiene; (6) license plates that are easily recognizable for Okinawans shall be installed on U.S. military personnel; (7) Japanese authorities shall be able to take into custody any suspects even if they are members of civilian employees or the U.S. Armed Forces; (8) if local residents are victimized by U.S. personnel, the U.S. government shall be responsible for giving compensation whether or not the injury was inflicted while the assailant was on official duty; (9) and concerned municipalities shall be heard during discussions of the U.S.-Japan Joint Committee, and agreements of this committee shall be announced promptly. See id.

161. Okinawa Prefectural Gov't, Reduction and Realignment of U.S. Military Bases in Okinawa 5, 14 (1997) (on file with authors) (presenting a petition submitted to the U.S. government by Governor Masahide Ota and the Okinawa Prefectural Government). Other objectives sought were: planned and phased return of military bases in Okinawa; reduction of U.S. troops stationed in Okinawa; reduction of aircraft noise pollution; prevention of accidents and enforcement of safety measures during military exercises; enforcement of measures to prevent environmental destruction by the U.S. military, and removal of unexploded shells following live firing exercises. See id.

162. See Okinawa Rape Case May Help ROK's Effort to Change Pact, MAINICHI DAILY NEWS, Oct. 2, 1995; see also Department of Defense, The United States Security Strategy for the East Asia-Pacific Region 1998, Maintaining Overseas Presence: Bases, Access and Good Neighbors, section 6.0 (report on file with authors) (admitting the importance of cooperation and good will on the part of the host communities as if responding to local opposition to the presence of U.S. troops: "Cooperation with host nations and communities will remain critical not only between base commanders and local officials, but between every soldier, sailor, airman and Marine, and every local citizen. We will engage in greater dialogue and consultation with host nations on measures to reduce the local impact of our forces").

163. See Murder of Barmaid Reignites Debate over SOFA, supra note 149.
ments. The U.S. government has rejected these provisions as they are not allowed by the U.S. legal system. Korean officials continue to request further talks to revise the SOFA, but, according to Song Bong-hon of the Korean Foreign Affairs and Trade Ministry, U.S. officials "only say they are examining the issue."

In South Korea, the Philippines, and Japan, grassroots organizations have publicly criticized the SOFAs, especially women's groups, who claim that the SOFAs protect the legal rights of U.S. troops overseas rather than providing security for people in host communities. These organizers identify two problematic aspects of the SOFAs: the confusing and inconsistent jurisdictions over U.S. military personnel who commit crimes against local civilians, and the failure to address the issue of Amerasian children fathered by U.S. military personnel.

A. Confusing and Inconsistent Jurisdiction in Cases of Crimes Committed by U.S. Troops

The issue of crime committed by U.S. service personnel against civilians in East Asia is a highly charged one for people in host communities. Although significant portions of the SOFAs are devoted to details of who has jurisdiction over U.S. personnel who commit crimes—the host government, the U.S. military, or both—actual jurisdiction is still confusing. Under the SOFA between the United States and Japan, there is a system of exclusive and concurrent jurisdiction: "[T]he sending state... exercise[s] primary criminal jurisdiction over its personnel for official duty offenses... The receiving state maintains primary jurisdiction in all other cases." As one researcher explains,

This [system] is not to immunize a serviceperson from criminal sanctions in the host nation, but to protect individual rights and liberties. SOFA's are intended to strike a balance between the jurisdictional rights and demands of the sending and receiving states. There is the balancing of the justification of stationing troops abroad against the possibility of any deprivation of constitutionally protected rights when a serviceperson is subjected to foreign local law which does not conform to American law.

164. See id.
165. See id.
166. See id.
167. See id.
169. Id. at 734.
During some SOFA negotiations, receiving states including Japan and Korea agreed to waive their jurisdiction in certain cases. The point at which the suspect is turned over to the host government is also a critical issue. The SOFA with Japan states that “members of the American armed forces suspected of crimes will not be turned over to Japanese authorities until after they are formally indicted by Japanese prosecutors.” In South Korea, “U.S. military suspects are not handed over to Korean authorities until they are actually found guilty in a Korean court and all appeals are exhausted.”

When three U.S. military personnel raped a 12 year-old Okinawan girl in September, 1995, U.S. military authorities refused to turn over the three suspects to the Japanese police during the investigation phase, in accordance with the Japan-U.S. SOFA. This incident generated enormous public outcry in Okinawa and internationally, which influenced U.S. military officials to ensure that the suspects were available to Japanese investigators on a daily basis. The fact that the three suspects did not need to be turned over to Japanese authorities immediately angered many Okinawans who saw it as a manifestation of U.S. arrogance and high-handedness. Governor Ota called for a revision of the SOFA between Japan and the United States on this point. The subsequent rape trial was closely watched by Okinawans and Americans. The young men stood trial in Okinawa, were found guilty, and are serving sentences of seven years and six and one-half years in Japan.

Neither U.S. nor Japanese authorities thought the situation merited a major revision of the SOFA, but they agreed to give Japan the option to request that the United States turn over service personnel suspected of committing crimes like rape or murder before issuing any indictments. The United States does not have to agree to this request, only to give it “sympathetic consideration.” This brings the Japanese SOFA into line with the NATO SOFA, and rectifies the complaint that the United States was not treating Japan in the same manner as it treats European nations.

---

170. See id.  
171. Id. at 717-18.  
175. See Norman, supra note 131, at 724.  
177. See 3 U.S. Servicemen Get Up to 7 Years, DAILY YOMIURI, Mar. 8, 1996, at 1.  
178. See Norman, supra note 131, at 736-37.  
179. See id.  
180. See id.
From a U.S. perspective, because the Japanese criminal system is very different from the U.S. system, the SOFA is necessary to provide some protection for U.S. troops in Japan. The Japanese system emphasizes the confession of guilt and allows for lengthy, unrestricted interrogation without a right to legal counsel during the investigative phase of the case (thought of quite separately from the trial phase).\(^\text{181}\) A confession of guilt and an indication of genuine remorse for disrupting the harmony of the community and shaming one's superiors is thought of as a key step in the process of being re-integrated into the group.\(^\text{182}\) By comparison, the U.S. legal system emphasizes principles based on individual rights and due process.

The current system of exclusive and concurrent jurisdiction means that U.S. military personnel are not always tried by local courts for crimes against people in host communities. To further complicate matters, if a U.S. citizen is punished by U.S. military authorities, such punishment is often not made public.\(^\text{183}\) In addition, the punishment or resolution adopted may be simply to move the U.S. military servicemember to another posting or back to the United States.\(^\text{184}\) When people in host communities learn of the light punishment given to U.S. troops who violated their laws, there is often deep resentment due to repercussions they believe are trivial and unfair.\(^\text{185}\)

The very nature of this overlapping system of jurisdiction exacerbates the resentment many Okinawans and South Koreans have for the U.S. military presence. By allowing military personnel who commit crimes against local people to avoid prosecution, the SOFAs are seen as protecting U.S. troops at the expense of local people.\(^\text{186}\) In addition, where jurisdiction is concurrent between the United States and the host government, the SOFAs allow for negotiation on a case-by-case basis.\(^\text{187}\)

---

181. See id. at 727-28; see also Daniel H. Foote, The Benevolent Paternalism of Japanese Criminal Justice, 80 CAL. L. REV. 317, 379 n.2 (1992) (arguing that the Japanese criminal justice system allows the state considerable discretion by giving authorities "free reign to investigate without regard for the duration and conditions of questioning").

182. See Komiya, supra note 136, at 387.

183. See National Campaign, supra note 148, at 1-2; ENLOE, MANEUVERS, supra note 151.

184. See id.

185. See National Campaign, supra note 148, at 2, for statistical data gathered to investigate crimes committed by U.S. troops in Korea. The campaign reports: The most shocking thing is that the annual average of crimes where the Korean government exercises jurisdiction is just 10 cases . . . . In 99% of crimes committed by U.S. troops the criminals are handed over to the U.S. military authorities. However almost all of the crimes are treated lightly . . . . Only 5% are charged or imprisoned by U.S. Army authorities. Id at 1-2.

186. See id. at 1 (discussing statistics of crimes committed by military persons in Korea in proportion to minimal number of prosecutions of these crimes).

187. See id. (describing several cases of crimes committed in Korea by U.S. servicemen resulting in no prosecution, or inconsistent punishment, based on negotiations between the United States and the host government, Korea).
Because of the inequality of bargaining power between the United States and the host governments, allowing for individual case negotiation does not ensure that local interests will be met; in fact, it is more likely the reverse will occur. The specifics of the local political circumstances and the need for both governments to safeguard their relationship also affect the negotiations for jurisdiction. Though the system of concurrent jurisdiction may be useful for governments, it is seen as a source of inequality and inconsistency by organizers in host communities.

In South Korea, resentment regarding the question of jurisdiction is high. A few incidents in particular have helped to fuel this feeling of injustice. In October 1992, the brutal murder of a South Korean bar woman by a U.S. soldier galvanized strong public protest and inspired the founding of a new human rights organization. Then, in May 1995, a demonstration of over one hundred people outside the U.S. Forces Headquarters in Seoul, Korea, protested two incidents where U.S. servicemen allegedly attacked South Korean citizens. A U.S. soldier reportedly beat and raped a South Korean woman working in a club in Dongduchon. He was held in custody at a U.S. military jail and the woman was hospitalized. A spokesman for the U.S. military strongly disputed the media account of this incident and described “our soldiers” as victims. A Korea Times editorial noted, however, that “the U.S. is reluctant to expose its military personnel to Republic of Korea courts because of a lack of trust in that country’s criminal justice system,” and that without a “just and rightful disposition” of cases involving the U.S. military, mutual trust is impossible between the two allies. These editorial comments are noteworthy in their suggestion of equality between the United States and South Korea as allies, and in their complaint that the U.S. military does not treat South Korea as an equal when it comes to criminal jurisdiction. In February, 2000, a U.S. serviceman, Christopher MacCarthy, confessed to murdering Ms. Kim, a bar hostess in Itaewon (Seoul). A spokesman for the U.S. Army CID said that MacCarthy “repeatedly demanded abnormal sexual activities after one sexual intercourse with Kim in a bar room. Upon having his demands rejected, he beat and strangled her to death.” The relatively light sentencing of U.S. servicemen who kill Korean women can be contrasted with the case of Jacob Bowley, a U.S. soldier who was sentenced to

---

189. See sources cited supra note 188.
190. See sources cited supra note 188.
192. Id.
194. Id.
fifty-six years in prison for killing a U.S. army policewoman in South Korea.195

South Korean women's groups urge the Korean government to "end the humiliation of crimes by U.S. troops," and make it clear "that if U.S. troops commit a crime they will be severely punished."196 Even if jurisdiction is handed over to U.S. military authorities, "the Korean government should prevent the criminals escaping punishment, and should let victims know the punishment of the offenders."197 Women's groups also bring attention to the fact that Korean police are not fluent in English and do not have a full understanding of the SOFA, making it difficult for them to investigate crimes fully.198 Some of these groups recommend that special investigating authorities be set up in military base towns to look into the commission of crimes by U.S. military personnel.199

B. Failure to Address the Issue of Amerasian Children

The SOFAs in East Asia make no reference to Amerasian children fathered by U.S. military personnel.200 Most Amerasian children are abandoned by their fathers and grow up facing societal condemnation as well as hardships stemming from the lack of economic and/or emotional support from their fathers. These children are not automatically considered U.S. citizens, even though their fathers are U.S. nationals.201 Under U.S. law, a child who is born out of wedlock abroad must be acknowledged by the father before the age of eighteen in order to claim U.S. citizenship.202

Amerasian children are a legacy of U.S. military operations in Asia, especially in Korea, the Philippines, and Vietnam.203 In the Philippines,

U.S. service personnel have fathered an estimated 30,000 to 50,000 Amerasian children since the U.S. occupation in 1898. The Korean Amerasian Association estimated that between 400 and 500 Amerasian adults were living in Korea in the mid-1990s. In 1997, there were an estimated 6,000 Japanese Amerasians.

Human rights activists have pursued two main strategies in support of Amerasian children. The first strategy is to lobby for changes in U.S. immigration law in order to allow such children to enter the United States. The second is to work toward providing direct financial, educational, and emotional support to Amerasian children living in East Asia. Both strategies have achieved only limited results.

There have been a number of efforts to change U.S. immigration law to address this issue. In the 1970s and early ‘80s, human rights activists and others in the United States and East Asia generated support for the view that the U.S. government should take official responsibility for Amerasian children. In 1982, legislators succeeded in passing the Amerasian Immigration Act to help facilitate immigration for qualified Amerasian children from Korea, Vietnam, Laos, Kampuchea, or Thailand. Children from these countries who were born between 1950 and 1982 were assigned the highest preference category for immigration if they could establish that a U.S. serviceman had fathered them and if they had a financial sponsor in the United States. Although a positive step, the bill’s restrictions have limited the number of Amerasian children able to immigrate to the United States under the bill, and children from the Philippines and Japan were not included in the act at all. In addition, preferential immigration treatment was not extended to family members of qualified children, meaning that mothers had to choose between keeping their families together or sending their Amerasian children to the United States.


204. See Kolby, supra note 203, at 61.
205. See Okazawa-Rey, supra note 91, at 80.
207. See, e.g., Bass, supra note 203, at 33-46 (describing successes and challenges faced by people trying to bring Amerasian children to the United States); McBee, supra note 124, at 49 (stating that “[p]ublicity about the plight of these youngsters in Indo-China prompted Congress to pass, with great fanfare, its 1982 law aimed at easing their way to the United States”).
212. See Levi, supra note 203, at 485-86. Some limitations in the Act were addressed in the 1984 Amerasian Initiative and the Indochinese Refugee Resettlement and Protection Act. See id. at 486-93 (discussing implementation of both laws).
In the 1990s, there were several attempts to amend the Immigration and Nationality Act to extend its application to Filipino Amerasians. In June 1993, Representative Lucien Blackwell (D-PA) introduced a bill (H.R. 2429) to “extend preferential admissions treatment to certain children born in the Philippines and fathered by U.S. citizens.”

In 1997, Senator Daniel Inouye (D-HI) introduced such a bill in the U.S. Senate specifically amending the Immigration and Nationality Act. In March 1999, Representative Juanita Millender-McDonald (D-CA) introduced a similar bill, the American Asian Justice Act (H.R. 1128), to “facilitate the immigration to the United States of certain aliens born in the Philippines or Japan who were fathered by United States citizens.” As currently drafted, it would limit eligibility to Filipino Amerasians born between 1950 and 1992, and Japanese Amerasians born between 1950 and the date the bill becomes law.

Attempts to provide direct aid to Amerasian children have been moderately successful. Pearl S. Buck, Nobel and Pulitzer Prize-winning novelist who coined the term “Amerasian,” campaigned vigorously in the United States on behalf of mixed-race children whose U.S. military fathers abandoned them or were not aware of their existence. The Pearl S. Buck Foundation has been a major U.S.-based source of funding for direct support services. The Foundation was established through private fundraising, including contributions from Pearl S. Buck. In the 1960s, the Foundation was accused of financial mismanagement and overspending on administrative costs. More recently, Korean Amerasian activists have criticized the Foundation’s approach, arguing that the focus has been on characterizing Amerasian people as unfortunate victims, instead of on empowering them.

Local non profit organizations operating on very small budgets currently offer various practical services for Amerasian children. These services include child care, healthcare, educational programs, and counseling. Organizers from Sae Woom Tuh, a center for bar women and their children in Dongduchon (Korea), argue that the South Korean government should ensure that every Amerasian child has access to education, job training, basic livelihood, and medical care. These organizers also

216. See id.
218. See Okazawa-Rey, supra note 91, at 78.
219. See Conn, supra note 217, at 357.
220. See Okazawa-Rey, supra note 91, at 100.
advocate giving U.S. citizenship and educational opportunities to Amerasian children and U.S. visas to their mothers.222

Another example of local support of Amerasians occurs in Olongapo, where the Filipino-Amerasians Association has conducted meetings with the city’s mayor about employment and immigration to the United States.223 By 1996, the organization had registered roughly 2,000 members and documented that the Subic Bay Metropolitan Authority, which is responsible for redevelopment of the former Subic Bay Naval Base, employed 239 Amerasians.224

In March of 1993, activists in the Philippines filed a class action lawsuit seeking child support from the U.S. government for education and medical care for an estimated 8,600 Filipino children in Olongapo allegedly fathered by U.S. servicemen stationed at Subic Bay Naval Base.225 The activists, as plaintiffs, argued that the United States created an implied-in-fact contract for continued support when it “provided basic services to the sex workers and their children” and “indirectly indicated this assistance would continue indefinitely.”226 The lawsuit illustrated the need for U.S. government support by pointing out that Amerasian children and their mothers do not have the resources to bring private, international lawsuits for child support.227 Although the suit was dismissed after a motion by the U.S. Navy in November of 1993,228 it was not a complete loss. One of its advocates reported that the suit was settled after an appeal to a federal appellate court in the United States, resulting in “direct U.S. aid to the children.”229

V. GRASSROOTS ACTIVISM

Grassroots organizations have adopted a range of strategies to call public attention to the limitations they have identified in the SOFAs and to demand changes to address these inadequacies. These strategies include: providing direct services; breaking the silence on relevant issues through

222. See id.
223. See Memorandum from the Filipino-Amerasians Association, Inc. (1996) (on file with authors). The organization “visualizes that in the near future, Filipino-Amerasians would be given respect, equality and individual’s dignity . . . and be truly recognized persons in a community that they presently belong as well as in other places.” Id. at 1.
224. See id. at 2.
225. See Kolby, supra note 203, at 80-81.
227. See Kolby, supra note 203, at 81.
228. See id. at 62 n.10.
229. See Joseph W. Cotchett (visited Nov. 10, 1999) <http://www.cpslaw/cps/profileset.html> (mentioning the settlement in the context of Mr. Cotchett’s pro bono work). But see E-mail communication from Cecilia Hofmann, Chair of the Board of Buklod, to Gwyn Kirk (Oct. 12, 1999) (noting that although some funds were paid, marking some achievement, they were much less than originally claimed).
public education and protest; lobbying; promoting alternative economic development; establishing a base of knowledge; networking at regional and international levels; and pursuing litigation.

Underlying these grassroots activities is a desire for genuine security for ordinary people of host countries. While the host governments often center their attention on military security, causing enormous resources that could be allocated to useful social programs to be absorbed by U.S. military operations, local activists focus on the people living in the host communities. Women from East Asia have built upon the work of U.N. conferences in Vienna and Beijing that began to address military violence against women in war and armed-conflict situations as a human rights issue. They argue that military violence against women also occurs in situations of military occupation, colonial domination, military political control, and even U.N. military forces' peacekeeping activities, and that all military activity must be analyzed and challenged from a gendered perspective.

There are six organizations throughout South Korea, Japan, and the Philippines that have addressed these issues, five of which are women's organizations. Du Rae Bang (My Sister's Place) in Uijongbu, Korea, near Camp Stanley Army Base, was established in 1986, as a missionary outreach center of the Korea Presbyterian Church. Sae Woom Tuh (Little Sprout) in Dongduchon, Korea, adjacent to Camp Casey Army Base, was founded by young Korean feminists ten years later. Both centers provide support services for local women who are involved with the U.S. troops as wives, girlfriends, or bar-workers in the GI Towns adjacent to the bases. The National Campaign for Eradication of Crime by U.S.

230. See, e.g., Takazato, supra note 75, at 1. The Vienna Declaration, adopted at the World Conference on Human Rights in June 1993, focused on mass rape and forced impregnation of women as strategies of "ethnic cleansing" in Bosnia-Herzegovina:

Violations of the human rights of women in situations of armed conflict are violations of the fundamental principles of international human rights and humanitarian law. In particular, it is essential to effectively engage in addressing all forms of human rights violations, including murder, systematic rape, sexual slavery and forced impregnation.

Id. The Beijing Platform for Action, adopted by the U.N. Fourth World Conference on Women, 1995, urged the international community to "undertake a full investigation of all acts of violence against women committed during war, including rape, in particular systematic rape, forced prostitution and other forms of indecent assault and sexual slavery, prosecute all criminals responsible for war crimes against women and provide full redress to women victims." Id. (quoting Article 233h of the Beijing Platform for Action).

231. "The purpose of My Sister's Place is to provide a spiritual community among Korean women married to, living with or serving American soldiers. Through group interaction education and counselling [sic], we encourage women [sic] in bicultural relationships to retain an appreciation of their Korean culture and selfworth. We also educate American and Korean church people on the issues of U.S. military presence overseas, prostitution and unification of two Koreas." My Sister's Place, supra note 89.

232. The Sae Woom Tuh brochure describes the aims of the center: "to work for the women and children who live an existence of poverty and isolation in the camptowns of Korea . . . to solve the problems they face [and] . . . for the camptown women to raise their voices together in order to change the realities of their lives step by step."
Troops in Korea (The Campaign) was formed in 1993 by a coalition of human rights activists, feminists, students, and labor organizers to protest a particularly brutal murder of a Korean woman by a U.S. soldier in October 1992. The Campaign documents crimes against Korean civilians committed by military personnel and seeks compensation and redress for victims. Okinawa Women Act Against Military Violence is a grassroots organization established in 1995, to oppose the U.S. military presence in Okinawa, Japan, because of the negative effects of the military bases on the lives of women and children. The Buklod Center and the Women’s Education, Development, Productivity and Research Organization (WEDPRO) support women in the Philippines who have serviced or currently service U.S. troops, and also provide assistance to the Amerasian children of these women.

A. Programs, Services, and Support

In Korea, Du Rae Bang and Sae Woom Tuh provide counseling services, child care, and educational and cultural programs for women involved with U.S. troops. Du Rae Bang broke new ground by establishing a bakery as an alternative means of livelihood for older women who could

---

233. See SooN AHN ET AL., supra note 14, at 48. The Campaign states as its purpose “to search and investigate all kinds of crimes by U.S. [ ] troops committed against Koreans as well as to work for the revision of SOFA that guarantees equal rights [and] . . . to work for full autonomy as a nation.” Id.

234. Okinawa Women Act Against Military Violence started in November 1995 as an outgrowth of the participation of 71 Okinawan women in the Beijing Women’s Conference Non Governmental Organization (NGO) Forum in September 1995. See Okinawan Woman Act Against Military Violence, America Peace Caravan I (Feb. 3-17, 1996) (unpublished report on file with authors), which explains the positions of the organization:

We base our position on the section of the Platform of Action approved by the Beijing Women’s Conference that clearly states: “Rape that takes place in a situation of armed conflict constitutes both a war crime and a crime against humanity.” We are proceeding on the premise that the same holds true for Okinawa, which has long suffered a foreign military [ ] presence. Okinawan women have resolved that we will no longer tolerate this violence and violation of human rights, and have thus petitioned the Japanese government to consolidate the U.S. bases and withdraw U.S. military personnel, review the Japan-U.S. Security Treaty and the Status of Forces Agreement, and award full compensation to all victims.

Id.

235. “Buklod (Tagalog for “unity”) is a joint project of the National Council of Churches of the Philippines and GABRIELA (a progressive women’s organization).” Tom Montgomery-Fate, Awaiting Justice, SOJOURNERS, July 1993, at 22, 23 (describing the Buklod Center and describing the impact of Subic’s closing on women in prostitution and their Amerasian children). The Buklod Center’s purpose was explained by Emma Catayong, the center director, as follows: “What we try to do is empower and support the women in Olongapo’s entertainment industry—prostituted women. We have programs like health education and job training, child care assistance, and now, sewing and soap-making cooperatives. We’re also trying to do some of our own research and advocacy.” Id.

WEDPRO’s brochure cites the organization’s “core issues” as dealing with “women’s human rights, with special attention to prostitution and trafficking, reproductive and sexual rights and other areas which demand both immediate and strategic interventions.” WEDPRO, Women’s Goals Are Our Vision 1 (undated) (unpublished brochure, on file with authors).
no longer work in bars. Sae Woom Tuh started the Women's Center, another venture to create an alternative source of income, a collective workplace in which women grow, make, and sell fresh herb plants, potpourri, cards, and paper made from dried herbs and recycled milk cartons.

In the Philippines, the Buklod Center initially functioned as a drop-in center for women working in the bars that catered to U.S. troops. It also offered night care services for children of bar women, temporary shelter, counseling, referrals, and other crisis interventions. Since 1992, when U.S. bases in the Philippines were closed, the Center has focused on informal education and training for urban poor women, including some former bar women, with an emphasis on alternative economic opportunities. The Buklod Center sponsors sewing courses, trains women in business skills, and provides loans for micro-enterprise. It also provides educational scholarships for some Amerasian children of members and maintains a community clinic.

B. Breaking the Silence through Public Education and Protest

All the organizations mentioned here are speaking out about U.S. military violence against women in their communities and the dire situation of Amerasian children. An underlying purpose of this work is to challenge militarized notions of security and to advocate for genuine security for women and children.

The Campaign coordinates a weekly vigil in Seoul, Korea. In downtown Naha, the capital of Okinawa, women held a 12-day street vigil in November 1995, to draw worldwide attention to the rape of a 12-year-old girl. The Okinawan women also organized a rally in September, 1995, and played a key role in organizing a major demonstration of 85,000 people (out of a population of 1.2 million) in October, 1995. These women activists have continued to organize press conferences and public protests, as well as undertaking scores of speaking engagements in Okinawa and mainland Japan.

236. See My Sister's Place, supra note 89.
237. See Kim, supra note 15, at 5.
238. See Buklod Center et al., supra note 74, at 13.
239. See id.
240. See id.
241. See id.
244. See Chronology, supra note 243.
cooperation, WEDPRO and the Buklod Center campaigned against the VFA, and have been involved in public forums exposing the extent of prostitution in the Philippines and its negative effects on women’s lives.245

C. Lobbying

Okinawa Women Act Against Military Violence has undertaken extensive letter-writing campaigns, lobbied politicians in Okinawa and Tokyo, and organized two women’s delegations to speak to U.S. audiences, including Congressional aides.246 The group had a close relationship with former Governor Ota who took up their demands for troop reductions in his own lobbying efforts in Tokyo and Washington.247

This kind of political activity is not easy in South Korea, where the National Security Law of 1948 still severely restricts opposition to government policy.248 Organizers risk being labeled communist or unpatriotic, which is a serious charge in a country where many social activists have served jail sentences for opposing the government.249

D. Promoting Alternative Economic Development

In 1990, women activists and researchers established WEDPRO to create a redevelopment plan for the conversion of former U.S. bases in the Philippines and provide for local people who were dependent on the bases for their livelihood.250 President Aquino’s government approved proposals, including those made by WEDPRO, that addressed the needs of the base-dependent communities. Unfortunately, despite intense lobbying and advocacy by concerned organizations, nothing was implemented.251

246. See Chronology, supra note 243.
248. See ROBERT T. OLIVER, A HISTORY OF THE KOREAN PEOPLE IN MODERN TIMES: 1800 TO THE PRESENT 217, 321, 327 (1993) (explaining that “[t]he 1948 Communist uprisings led to passage, in November of that year, of a National Security Law that defined treason so broadly and so ambiguously as to give the government virtually unlimited power to arrest its critics”); DONALD STONE MACDONALD, THE KOREANS: CONTEMPORARY POLITICS AND SOCIETY 123 (1990) (noting that in 1989, the restrictive legislation of previous regimes were still largely unchanged, and were vigorously enforced against students, workers, and other groups challenging the regime in power).
249. See Environmental Degradation Perpetrated by American Military Forces Based in Korea, a report presented to the International Grassroots Summit on Military Base Cleanup, Washington, D.C., Oct. 25-29, 1999, at 1 (on file with authors) (quoting the Secretary of the National Coalition for the Eradication of Crime by U.S. Troops in Korea, Dongshim Kim: “[I]n a divided nation with a strong anti-Communist, anti-North sentiment, efforts to improve conditions by criticizing the actions of the Korean based U.S. forces are made difficult in that the actual[ ] raising of questions is in itself difficult”). See generally MACDONALD, supra note 248; OLIVER, supra note 248; GEOFF SIMONS, KOREA: THE SEARCH FOR SOVEREIGNTY (1995) (noting repression, beatings, and arrests of students and workers protesting in most major Korean cities by the later 1970s).
250. See Buklod Center et al., supra note 74, at 3.
251. See id.
The Philippine government preferred to attract investment from Japan, Taiwan, Korea, the United States, and Europe by using local people as a source of cheap labor. Most new jobs in the former base areas are in hotels, duty-free shops, casinos, and factories. These positions are part-time or temporary and low-paying, sometimes paying less than the minimum wage. WEDPRO promotes alternative economic development in Angeles City and Olongapo by training women in business skills, helping them set up micro-enterprises and co-ops, and assisting them in accessing loans.

E. Establishing a Base of Knowledge

The activist organizations are involved in ground-breaking research on the issues related to U.S. military presence in East Asia. This research has included analysis of a wide array of issues, including: the circumstances of former bar women in the Philippines; the scale of prostitution and sex trafficking in several Asian countries; the long-term traumatic effects on women who absorbed the aggression and fear of U.S. service personnel returning from combat in Vietnam to bases in the Philippines and Okinawa; a history of military violence against women in Okinawa; the personal stories of bar women; and exploratory quantitative work on the conditions of GI Towns in South Korea. While their work has provided a rich basis for academic research and policy-making, more extensive and systematic research is clearly needed, as shown by the gaps in the data on violence against women currently available, as previously noted.

F. Regional and International Networking

The organizers involved in such efforts view participation in regional and international networks as an important way to create pressure on their own governments. They also seek to involve people in the United States, who will, in turn, press Congress to take action on these issues. In 1997, the East Asia-U.S. Women's Network Against Militarism was formed for this purpose. Network members made presentations at...

254. See Buklod Center et al., supra note 74, at 7-8.
255. The East Asia-U.S. Women’s Network Against Militarism brings together women activists and academics from Korea, Japan, the Philippines, and the United States. It was founded in Okinawa in May 1997, to strengthen women’s organizing around the issues discussed in this article. Network members are former bar women, mothers of Amerasian children, teachers, students, writers, policy makers, and community organizers. See Gwyn Kirk and Margo Okazawa-Rey, Making Connections: Building an East Asia-U.S. Women’s Network Against U.S. Militarism, in Women and War Reader 308-22 (Jennifer Turpin & Lois A. Lorentzen eds., 1998).
the Hague Appeal for Peace in May, 1999, and plan to hold a women’s summit entitled “Redefining Security” with Okinawa Women Act Against Military Violence in June, 2000. This event will precede the G-8 Summit scheduled to take place in Okinawa the following month.256

G. Litigation

Finally, as previously discussed, in 1993, Filipino activists filed suit unsuccessfully on behalf of Amerasian children. The plaintiffs did not appeal the court of claims decision. In 1994, “a congressional resolution asked USAID to allocate $2 million for 3 years [to] programs for Filipino Amerasian children.”257 In the end, $650,000 was made available to a coalition of local non-governmental organizations (NGOs), including the American Chamber of Commerce Foundation and the Buklod Center.258 The suit also gave rise to renewed efforts to amend the Immigration Act to facilitate the immigration of Filipino Amerasians to the United States.259 It remains to be seen whether other organizations will pursue litigation to address these issues.

VI. EFFICACY OF GRASSROOTS ACTIVISM

Unfortunately, the efforts by grassroots activists have not resulted in significant changes to the SOFAs between the U.S. and East Asian gov-

256. See Planning Meeting, East Asia-U.S. Women’s Network Against Militarism, Claremont, Cal., Aug. 1, 1999 (notes on file with authors).
257. See id.
258. See id.
259. See id; supra Part IV.B.
ernments. Their efforts, however, have been very effective in making the issues more widely known, and their protests have forced some concessions from both the U.S. military and host governments.

For example, the uproar caused by the rape of the 12-year-old Okinawan girl and the ensuing media coverage forced changes in U.S. military practice in Okinawa. U.S. military officials raised the legal age for drinking alcohol in Japan to twenty-one years old, and designated a large entertainment district near Kadena Air Base off-limits to U.S. personnel after midnight for several months. The Japanese government proposed a forum for regular discussions of problems raised by the bases between officials from Tokyo and Okinawa. The Japanese government has also found alternative sites in mainland Japan for live-firing drills, moving some of the activity away from Okinawa, although U.S. troops who take part in these drills are still based in Okinawa. President Clinton, U.S. Ambassador to Japan Walter Mondale, and military commanders offered profuse apologies to the 12-year-old rape victim and her family. Marines in Okinawa took up a collection for the victim and her family, and the U.S. government provided some monetary compensation. Yet, four-star Admiral Macke, Commander-in-Chief of U.S. forces in the Pacific, embarrassed the U.S. Navy by condemning the young men involved in this incident with the comment: "I think it was absolutely stupid. I’ve said several times, for the price they paid to rent the car, they could have had a girl." He resigned abruptly, however, after these tactless and sexist remarks fueled the anger of Okinawans and provided bad press for the Navy. One researcher claims that: "The growing resistance of the women’s movement in the Philippines and Japan to the sexist attitudes evident in the ranks of the U.S. military from top to bottom, from the high command to the enlisted personnel, was a direct cause of Admiral Macke’s dismissal." Having first declared that there was no need to revise the SOFA, Japan and the United States agreed “to set up a working
group to explore ways to improve the criminal jurisdiction procedures” under the SOFA, after sustained protests in Okinawa and Tokyo. As previously discussed, the outcome of this working group was to give Japan the option to request that the United States turn over personnel suspected of committing crimes like rape and murder before issuing an indictment, and the United States agreed to give such requests “sympathetic consideration.”

In the Philippines women’s activism and lobbying contributed to delays in the approval of a new military agreement with the United States, following the removal of permanent U.S. bases from the Philippines in 1992. The Acquisition and Cross-Servicing Agreement (ACSA), announced in 1994, would have “threatened deeper encroachments on Philippine sovereignty, providing for ... repair and supply of U.S. warships, rest and recreation for U.S. troops, and the conversion of the Philippine military into a virtual subsidiary of the U.S. military.” It was not ratified, however, due to opposition from some Filipino politicians and much public protest, including some by women working with the Buklod Center, WEDPRO, and the Coalition Against Trafficking in Women-Asia Pacific. The ACSA was superseded by the VFA, which was ratified by the Philippine Senate in 1999, despite massive public opposition.

To make significant changes, women activists from East Asia will need to continue their current strategies in their own countries, but they rightly identify Washington, D.C. as the locus of power regarding these issues. In addition to their efforts, there is a need for increased awareness of these matters and a vigorous campaign to generate public interest and concern in the United States, which would lead to a demand for changes in U.S. military practices in East Asia.

VII. CONCLUSION

Women activists in Korea, Japan (especially Okinawa), and the Philippines have identified the SOFAs that govern U.S. military conduct overseas as blocks to security for women and children who live near U.S. bases. The SOFAs are negotiated in the context of economic, political,

268. See U.S. Agrees to Transfer Suspects Before Indictment, supra note 173.
269. See Norman, supra note 131, at 724-25.
270. See Schirmer, supra note 245, at 2-4.
271. Id. at 1.
272. See id. at 2-4.
273. See Gabriela Network, supra note 70, at 4-7.
274. See East Asia-U.S. Women’s Network, supra note 126 (describing the agenda of a five day meeting held in Washington, D.C. during Oct. 9-13, 1998).
and military inequalities between host governments and the United States. The host governments believe their national security is closely intertwined with that of the United States, and are willing to maintain local conditions that will support U.S. bases and operations in their countries, despite considerable public protest by their own people. From the perspective of women organizers in host communities, the U.S. military and the East Asian governments show a sexist disregard for women and children who suffer disrespect, crime, and violence by U.S. military personnel. Organizers see sexism and misogyny as inherent in U.S. military training and culture, which involves prostitution and abuse of women in host communities by U.S. military personnel. Women's organizations argue that the SOFAs protect only the legal rights of U.S. troops overseas: they involve confusing and inconsistent jurisdictions over troops who commit crimes against civilians in host communities, and they fail to address the plight of Amerasian children. Organizers have adopted a range of strategies to call public attention to the limitations of the SOFAs. While these strategies have been somewhat effective, there is a need for increased awareness of these issues and a vigorous campaign in the United States to generate sufficient public interest and concern to demand changes in U.S. military practices in East Asia.
For more information or to get involved please contact:

- Asia Pacific Center for Justice and Peace, 110 Maryland Avenue NE, Suite 504, Washington, DC, 20002, (202) 543-1094 (phone), apcjp@igc.apc.org.
- Central Committee for Conscientious Objectors, 1515 Cherry Street, Philadelphia, PA 19102, (215) 563-8787 (phone), (215) 567-2096 (fax), ccco@libertynet.org.
- East Asia-U.S. Women’s Network Against Militarism, 353 30th Street, San Francisco, CA 94131, (415) 550-7947 (phone), gwyn@igc.org.
- The Miles Foundation, P.O. Box 934, Waterbury, CT 06271-0934, (203) 270-0688 (phone/fax), milesfd@yahoo.com.
- Survivors Take Action Against Abuse by Military Personnel (STAMP), 500 Greene Tree Place, Fairborn, OH 45324, (888) 231-2226 (phone).
- The Buklod Center, 23 Rodriguez Street, Mabayuan, Olongapo City 2200, Philippines, (63 47) 223-5826 (phone/fax), buklod@svisp.com.
- Coalition Against Trafficking in Women-Asia Pacific, Room 406, Victoria Plaza, 41 Annapolis St., Greenhills, Metro Manila 1500, Philippines, (63 2) 722-0859 (phone), (63 2) 722-0755 (fax), catwap@skyinet.net.
- Du Rae Bang (My Sister’s Place), 116 Ko San Dong, Kyungki Do, Uijongbo, Korea, (82 351) 41-3586 (phone).
- National Campaign to Eradicate Crime by U.S. Troops in Korea, Room 307, Christian Building, 136-46, Yunchi-Dong, Chongno-Ku, Seoul, Korea, 110-470, (82) 2-744-1211 (phone), (82) 2 3673-2296 (fax), usacrime@chollian.net.co.kr, Contact: Yu Jin Jeong.
- Okinawa Women Act Against Military Violence, Kumoji, Naha, Okinawa, Japan, (405) 3-29-41 (phone), (81) 98-864-1539 (fax), suzuyo@mxw.meshnet.ne.jp, Contact: Suzuyo Takazato.
- Sae Woom Tuh, 43-034 Kyunggi-do, Saeng-yun 4 dong 541-39 11/4, Dongduchon City, Korea, (82) 351-867-4655 (phone), (82) 351-867-3031 (fax), swoom@chollian.net, Contact: Hyun Sun Kim.
- WEDPRO, 14 Maalalahanim St., Teachers Village, Diliman, Quezon City 1101, Philippines, (63 2) 433-6045 (phone), (63 2) 921-7053 (fax), wedpro@qinet.net.
- Central Committee for Conscientious Objectors, 1515 Cherry Street, Philadelphia, PA, 19102, (215) 563-8787 (phone), (215) 567-2096 (fax), ccco@libertynet.org.