

**Intimate Encounters, Racial Frontiers:  
Stateless GI Babies in South Korea and the United States, 1953-1965**

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I came to this country and the University of Minnesota, wishing to be a journalist covering all the economic, military, and political unrest around the globe. I quickly fell out of love with journalism, more precisely business of newspapers; but I never thought that I would get a doctoral degree in American Studies. Nevertheless, the years I spent on my PhD education were the best years of my life. I thank all the individuals whom I met during the last ten years and profited from, but my short encounters with them were forgotten.

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## Introduction

Nellie from Little Rock, Arkansas who was deployed as a Navy nurse to a remote island in south Pacific, falls in love with Emile, a white French plantation owner in the island. Nellie shuns his proposal without explanation however, when Emile proposes to her and tells about his previous marriage to a native woman and the resulting two mixed race children. Emile confronts Nellie that she rejects him because of his previous relation with the “Polynesian” woman. Likewise, a Marine lieutenant Joe also stationed in the island falls in love with Liat, a young native woman. But when Liat’s mother blesses the couple by saying, “You have special good babies,” he blurts out that he can’t marry Liat.

South Pacific (1958), a film adaptation of Rogers & Hammerstein’s 1949 Broadway musical of the same title, narrates these two parallel love stories of an American military man and woman deployed to an island in the Pacific during World War II. Two intimate encounters of American military personnel in the racial frontier of U.S. empire are about to transform. Before Joe is sent for dangerous reconnaissance missions, Joe and Nellie, who are frightened by realization of their own racism, confide in each other. Joe courageously overcomes his own prejudice and decides to marry Liat while Nellie confesses in tears that she “can’t help it.” In the end however, ironically Joe can’t legitimize his relationship with Liat because he dies in the missions whereas Nellie, shaken by the sudden death of Joe, changes her mind to embrace Emile and his mixed race children. The film ends with the scene of a united interracial family where Emile and



Nellie firmly holding hands are accompanied by Emile's two adorable mixed race children with the spectacular view of the Pacific.

The parallel setup in South Pacific resonates with how the nexus of sex, race, and the war transformed the lived experiences of American public in the mid 20th century. With messages of racial tolerance, education, and integration, the film appealed to Cold War liberals who embraced racial Others and promoted racial harmony, but at the same time reflected limits of Cold War racial liberalism. For instance, Nellie's acceptance of Emile's children posed little threat to those who opposed racial mixing, especially after the possibility of interracial marriage between Joe and Liat was dashed. Moreover, Nellie's embracing of racial others encouraged and reaffirmed the belief in postwar racial pluralism as a paragon of American democratic values in the midst of Cold War. What better ways to form an interracial family without racial mixing than "adopting" one? While Nellie's symbolic adoption of mixed race children and forgiving of Emile's miscegenation was celebrated as personification of racial tolerance, a white soldier Joe's romance with a non-white woman could not materialize. The film could not have come at a better time in a history of American global expansion. The story of the formation of a redemptive interracial family without interracial sex in South Pacific resonated closely with the way mixed race children born in Korea became central part of promoting American racial liberalism to the world as adopted "Korean" orphans.

Since the end of Korean War (1950-1953), South Korea hosted one of the largest U.S. military installations in Asia. Around the military bases were officially sanctioned camptowns where Korean women provided various domestic services for the soldiers,

from laundry to sex. Most of the GI babies in the 1950s and the 1960s were born out of wedlock in camptowns between Korean women and U.S. soldiers. They were born stateless because in Korea only a Korean citizen father transmitted citizenship, while in the United States citizenship followed birth on U.S. soil unless the mother of the child born abroad was an American citizen. A countless number of GI babies were given up to orphanages in Korea by their destitute mothers, and more than 4,000 mixed race children were adopted by American families between 1953 and 1965.

This dissertation explores the policy implications of statelessness by examining “G.I. babies,” born of non-marital sexual relations between U.S. soldiers in South Korea and Korean women between 1953 and 1965. Using English and Korean language documents about adoption and immigration of stateless GI babies, my work shows that statelessness reveals a racially exclusionary vision of national belonging that shaped citizenship policies of both nations. The GI babies’ presence challenged the myth of racial purity and confounded racial categories in both nations. The dissertation seeks to elucidate some limits of Cold War racial liberalism informed by humanitarian concerns for abandoned “Korean war orphans” but helped maintain racially exclusionary strategies on citizenship conferral that made the children stateless.

### **Statelessness: A Precondition for Adoption**

Between 1953 and 1962, more than 4,000 mixed race children born in Korea, the largest group among unaccompanied minor immigrants for these periods, entered the United States as children for adoption.<sup>1</sup> Many mixed race children were born stateless

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1. Richard Weil, “International Adoption: The Quiet Migration,” International

since the 1950s as the United States expanded its military ambitions around the globe and deployed a large number of troops, especially to countries like South Korea, Japan, and Vietnam where citizenship was accorded only through citizen fathers. In Korea, the existence of stateless GI babies alluded to the sexual conquest of Korean women by U.S. soldiers, suggesting that Korean men were weak and effeminate because they acquiesced to prostitution in order to advance national security. This crumbling gender order was believed to be the cause of defiled “racial purity,” the threat to the ideological foundation of national unity that supported the anticolonial struggle against Japan (1909-1945).<sup>2</sup> This perceived crisis in racial and gender order was exacerbated by the loss of national sovereignty by U.S. military occupation of Korea (1945-1948) and the presence of U.S. troops afterwards. The triple obstacles imposed on GI babies—the children of prostitutes,

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Migration Review 18.2 (Summer 1984): 280-81. The second largest group of children was from Japan (2,987); third largest from Greece (3,116); fourth from Italy (2,575); and fifth from Germany (1,845). INS’s records indicated that 4,126 visas were issued to the children born in Korea who were coming to the United States for adoption. But there were other programs such as a parole program that did not require entry visas for GI babies. Including such measure, the total number of GI babies admitted to the United States for adoption could well exceed 4,000 for the periods. Not all 4,162 children were GI babies but based on other statistics given by ISS’ internal documents, overwhelming majority of children adopted between 1953 and 1962 were children of mixed race.

2. Note on Korean translation: I used the translation of Korean to English provided by authors in the books and primary documents whenever available. Otherwise translation is done by me: for Korean names, in order to avoid confusion, I listed first name first and last name. Chungmoo Choi, "Nationalism and the Construction of Gender in Korea" in Dangerous Women: Gender and Korean Nationalism, ed. Elaine J. Kim. (New York: Routledge, 1998). Among many others, see discussion about bloodties as the basis of Korean national identity in Andre Schmid, Korea Between Empires, 1895-1919 (New York: Columbia University, 2002). Sheila Miyoshi Jager, Narrative of Nation Building in Korea: A Genealogy of Patriotism (Armonk: M.E. Sharpe, 2003). Michael E. Robinson, Cultural Nationalism in Colonial Korea, 1920-1925 (Seattle : University of Washington Press, 1988). Gi-Wook Shin and Michael Robinson ed., Colonial Modernity in Korea (Cambridge: Harvard University Press, 1999).

“Yankee” whores, and the lowest of the low—rendered them social pariahs.

Therefore, GI babies and their mothers had to be erased from public consciousness. That there were no official statistics and no welfare programs for GI babies and the mothers marked their status non-existence. The Korean Ministry of Social Affairs collected statistics of the women involved in camptown prostitution only to control venereal diseases. Likewise, the Ministry kept figures about GI babies in order to make sure that they were sent to the United States for adoption. Korean government officials, court officials, and public believed the progeny of mixed unions unassimilable racial stock and embraced the efforts of U.S. social workers and missionaries for international adoption.

That the Korean Nationality Act of 1948 granted citizenship to children only through Korean fathers attests to the fear of racial contamination. In principle, an out-of-wedlock child was to gain citizenship through a Korean mother; in reality, however, conferring citizenship was regulated through family registry that granted only a Korean man the right to be a head of household and register a child. The GI babies, without Korean fathers or male heads of households who could register their birth, were not Korean nationals. By conflating nationality with ostensible “*minjok* (Korean race),” the 1948 Act formalized racialization of the GI babies under the pretext of the development of an independent nation-state.

In the United States, the GI babies fueled Congress’ anxieties about an influx of undesirable immigrants from Korea that could undermine the racial order at home; Section 205 of the Nationality Act of 1940 and Section 309 of the Immigration and

Nationality Act of 1952 accorded citizenship to a foreign-born child of an unwed citizen father only after the father legitimated the child in court. An unwed citizen mother automatically transmitted citizenship to her foreign-born child at birth. The law was unprecedented because the right to transmit citizenship had been largely a citizen father's prerogative. By not obligating U.S. soldiers who fathered children in Korea—or anywhere else, for instance in Vietnam in the 1960s and the 1970s—to transmit citizenship and assume paternal responsibility, the law tacitly allowed continuation of unchecked male sexuality and the use of prostitution in camptowns. The lawmakers excluded foreign-born children of unwed citizen fathers because they were not “American in character and sympathies.” Then foreign-born children of mixed race unions were marked with indelible racial otherness, and, in so doing, the law created a category of children whose racialized identities were used to set the ideological boundary of nation.

### **Racialized Adoption: Demystifying “Korean” Adoption**

Adoption of non-citizen children by American citizens began as a small provision within special refugee immigration legislations and programs initially intended to aid people in Europe displaced by wars and the spread of Communism after the World War II. The first noteworthy scale of transnational adoption of non-citizen children by American families took place immediately after the World War II when media campaigns about the wretched lives of displaced people in Europe including orphaned children and

GI babies born in Germany mobilized American public to take sympathy.<sup>3</sup> International adoption of children born in Asia was impossible until 1952 because of the Asian exclusion provision in the Immigration Act of 1924. Even after the Immigration and Nationality Act of 1952 technically ended the exclusionary provision, racialized immigration policy continued through a new global race quota system, “Asia Pacific Triangle.” Korea was given a quota of 100 under a new global race quota with the total 2,000 caps on the Asia triangle.<sup>4</sup> Only when the problem of GI babies necessitated international adoption as the only desirable solution, temporary legal measures were passed in Congress to enable the entry of a large number of GI babies to the United States. The Refugee Relief Act of 1953 and the Act of September 11, 1957 facilitated the most admission of GI babies born in Korea and Japan.<sup>5</sup>

The Refugee Relief Act (RRA) authorized the issuance of 4,000 nonquota visas to eligible orphans under 10 years of age. It was the first refugee legislation that contained an explicit adoption provision in the “orphan section.”<sup>6</sup> When the Act expired in December 31, 1956, the validity of the visas already issued but not executed was extended two more years. With the additional extension, the Act lasted through June 30,

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3. Richard Carlson, “Transnational Adoption of Children,” Tulsa Law Journal 23.3 (Spring 1988), 322-323.

4. Immigration and Nationality Act of 1952 (P.L.87-301) 75 Stat. 650

5. Refugee Relief Act of August 7, 1953 (P.L. 83-203) 67 Stat. 400. Act of September 11, 1957 (PL 85-316) 71 Stat. 639

6. Act of August 7, 1953, P.L. 83-203, 67 Stat. 400. Previous refugee immigration legislations—such as the Displaced Persons Act of 1948 and Act of July 29, 1953—limited adoption of alien orphans by citizen parents already residing in foreign countries. But the RRA and subsequent amendment to the RRA allowed any prospective adoptive citizen parents residing in the United States to adopt alien children.

1961.<sup>7</sup> The Act of September 11, 1957 authorized until June 30, 1959 an unlimited number of nonquota visas to orphans under 14 years old who were adopted by American families abroad or coming to the United States to be adopted. with two more temporary extensions, the Act of 1957 expired on June 30, 1961, after which a provision of the INA of 1952 was permanently amended to grant a nonquota status to eligible orphans.<sup>8</sup>

The study of GI babies reveals how the rhetoric of “Korean” adoption was used to avoid discussions of statelessness of the GI babies and the fact that their fathers were U.S. soldiers. The “Korean” adoption in the 1950s and the 1960s is a misnomer because U.S. welfare institutions’ records show that most children adopted by American families during these decades were stateless mixed-race children living in orphanages in Korea. The American social workers, aid workers, and missionaries believed that they had to intervene on behalf of GI babies who would be ostracized, beaten, and eventually dead, if left in Korea. Through adoption and immigration of GI babies, the United States was able to maintain control over not only the volume of arriving immigrants but also the number of foreign-born children of unwed citizen fathers who could become U.S. citizens.

The contradiction between the reality and the rhetoric was evident in the way that the children were at once welcome and unwelcome: as Korean War orphan adoptees, their existence was instrumental in promoting the official claim for racial pluralism of postwar America. As foreign-born children of unwed citizen fathers, however, Congress regarded

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7. Gertrude D. Krichesky, “Immigrant Orphans,” I & N Reports (October 1958): 19-20.

8. Edith Lowenstein, ed., “Act of September 11, 1957 ‘To Amend the Immigration and Nationality Act, And for Other Purposes’ PL 85-316 Part I” Interpreter Releases: An Information Service on Immigration, Naturalization and Related Problems, 34. 37 (September 17, 1957): 251.

them a “liability” and undesirable candidates for citizenship. The adoption narrative exposes the tension between ideals of inclusion and practices of exclusion in how the children were legally categorized and culturally imagined.

Furthermore, an examination of the problematic notion of “Korean adoption,” as appeared in adoption policies and social workers’ narratives at the time, reveals particular processes of racialization of the children. In the United States, the GI babies were adopted on the pretext of rescuing “Korean War orphans” and hence the adoption was regarded “cross-racial.” The 1950s and the 1960s’ American families who adopted “Korean War orphans” did not view the children as out-of-wedlock stateless children of American citizen fathers but as deserted wards of Korean War to be rescued, rehabilitated, and civilized. Such identification of GI babies further obscured the political origin of the children while motivating American families to take “responsibilities” for the aftermath of Korean War.

Nevertheless, the adoption workers’ systematic attempts at making clear racial categories of the children as either “half-white” or “half-Negro” testified that the children were treated everything but “Korean.” Despite the fact that many GI babies’ racial backgrounds were often indeterminable, the racial binary of black and white was strictly applied to the children ostensibly referred to as Korean War orphans. An overwhelming majority of adoption workers voluntarily conformed to the racial divide and placed “half-Negro” children with black families and “half-white” with white families only. Such categorization and placement not only betrayed the notion of “cross-racial” in the context of the black-white struggle of the time, but also intensified the racial divide. Asianness of



half-white children was absorbed into whiteness of American middle class domesticity and celebrated as racial diversity to white middle class. On the other hand, blackness of half-black children was used to reinforce the existing color line, undermining the very claim about how this cross-racial adoption enabled racially plural postwar American society.

The dominant literature about Korean adoption has been focused on adoptees' psychological adjustments. Burgeoning adoption studies in humanities have begun to explore formation of racial identities of Korean adoptees in memoirs, films, and community-building activism. This emerging scholarship examines meanings of Koreanness within the context of transnationalism, nation-state, and global culture through ethnography, cultural analyses, and textual readings of autobiographical work, cultural productions, and transnational activism of adoptees' network around the world.<sup>9</sup>

These works, however, perpetuate the term "Korean adoption" without questioning how and why it began, thereby obfuscating the political origin of the adoption and statelessness of the very first generation of "Korean adoptees." Therefore, the international political forces, and the legal and administrative architecture behind adoption and immigration of the GI babies are not examined. I argue that the GI babies had to be rendered "Korean adoptees" because the adoption discourse circumvented the

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9. See for instance, Eleana Kim, "Wedding Citizenship and Culture: Korean Adoptees and the Global Family of Korea," *Social Text* 21.1 (2003): 57-81 and "Our Adoptee, Our Alien: Transnational Adoptees as Specters of Foreignness and Family in South Korea," *Anthropological Quarterly* 80. 2 (Spring 2007): 497-531. Jane Jeong Trenka, Julia Chinyere Oparah, and Sun Yung Shin ed., *Outsiders Within: Writing on Transracial Adoption* (Cambridge: South End Press, 2006). Tobias Hubinette, *Comforting an Orphaned Nation: Representations of International Adoption and Adopted Koreans in Korean Popular Culture* (Seoul: Jimoondang, 2006).

public discussion about both states' accountability for the problem. Through adoption, the United States turned the problem of illicit interracial sex into the act of Christian benevolence and racial pluralism, while Korea removed the mixed-race children from Korean society and reinstated the patriarchal order and its façade of racial purity.

Unlike the peoples conventionally categorized as stateless who are “refugees” of war-torn regions, the GI babies were born stateless because of U.S. Cold War foreign policy and its use of Korean women’s sexual services. Despite the problems of GI babies confronting the two nations, neither the United States nor Korea enforced the law against prostitution because both governments deemed sex critical to the morale of the soldiers and the U.S.-Korea alliance. Scholarship of U.S.-Korea relations has been disinterested in sex and marriage as a lens through which to examine the development of foreign policy and international relations.<sup>10</sup> A few scholars have shown that prostitution and gender roles were integral to U.S.-Korea alliance and international politics.<sup>11</sup> Nevertheless, these works do not explore the problem of the children of interracial sex and their impact on

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10. Although comprehensive and impressive in scope and detail, dominant scholarship on Korea-U.S. relations abides by the belief in a dichotomy of private and public. See for instance, Bruce Cumings, The Two Koreas (New York: Foreign Policy Association, 1984) and Korea’s Place in the Sun: Modern History (New York: Norton, 1997). Gregg Brazinsky, Nation Building in South Korea: Koreans, Americans, and the Making of a Democracy (Chapel Hill: University of North Carolina Press, 2007). Jae-Jung Suh, Power, Interest and Identity in Military Alliance (New York: Palgrave Macmillan, 2007). Victor D. Cha, Alignment Despite Antagonism: The United States-Korea-Japan Security Triangle (Stanford : Stanford University Press, 1999)

11. A few great exceptions exists. See Katharine Moon, Sex Among Allies: Military Prostitution in U.S.-Korea Relations (New York: Columbia, 1997). Jager, Narrative of Nation Building in Korea: A Genealogy of Patriotism. For the role of sex and gender in international relations in general, see Cynthia Enloe, Bananas, Beaches and Bases: Making Feminist Sense of International Politics (Berkeley: University of California Press, 1989)

the development of patriarchal citizenship regimes in the early Cold War period. I argue that the stateless GI babies were the product of the Cold War foreign policy.

### **Race and Sex in the U.S.-Korea Cold War Alliance**

As soon as U.S. military landed in Inchon, a port city located west of Seoul, Korea, on September 8, 1945, numerous makeshift brothels and bars were immediately established in the city. With the onset of Korean War in 1950, brothels went mobile: the women became “camp followers” and a “blanket squad” as they followed troops movements and conducted business whenever and wherever possible. Between the late 1950s and the mid 1970s were the heydays of camptown prostitution. Clubs and bars in nationwide camptowns expanded rapidly, employing around 37,000 women. Especially camptowns in Kyungki province where the largest U.S. bases were aggregated employed some 19,000 women. Before the Nixon Doctrine of the early 1970s—U.S troops withdrawal policy intended for Vietnam but also applied to Korea—withdrew about 20,000 troops from Korea, approximately 64,000 soldiers were stationed. In these decades, camptown prostitution was so much prosperous as to become corporatized: there was a town named “American Town” in a city of Kunsan in North Cholla province, complete with board members and a president. The corporation managed “health” of prostitutes (free of VD infection), owned and operated housings for the women, and enjoyed tax break for their liquor sales. The town, whose sole existence was to sell sex and entertainment to U.S. soldiers, was hailed as an invaluable source of foreign currency and a major contributor to national economy as well as national security.<sup>12</sup>

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12. Moon, Sex Among Allies. See also chapter 1 in Ji-Yeon Yuh, Beyond the

Notwithstanding, the acceptance of interracial sex and prostitution in camptowns was an impossibility. Unlike Korean “comfort women” for the Japanese Imperial Army during the World War II, who were recruited on the false premise or coerced into “sexual slavery,” Korean public considered that camptown women, the “yankee whores,” were engaged in voluntary prostitution. Despite the fact that camptown prostitution was deemed necessary for national security and U.S.-Korea Cold War alliance, transgressing racial lines was regarded as willful racial mixing that threatened the national unity.

Korea’s deep-seated aversions toward GI babies emerged from the U.S.-Asia Cold War alliance, founded on racialized and gendered hierarchical relations between Korea and the United States. Statelessness of the GI babies reveals how shared colonial racial consciousness is manifested in citizenship policies in the United States and Korea. The white-black color line was immediately established when U.S. military occupation of Korea began in 1945 and strictly observed in Korea ever since: American social workers narrated that, although all GI babies were abhorred, the expressed hatred and ostracization against half-black children was far worse than that against half-white children. Likewise, camptown clubs and prostitutes were strictly segregated so that Korean women who consorted with black soldiers became “black” by association and their business was strictly confined to “black-only” establishments.

Although U.S. military landed on Korean soil as the “liberator,” friction emerged soon after the American Military Government (AMG) begun the occupation of Korea in 1945. As the occupation of Korea was decided unexpectedly, most civil affairs officers

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Shadow of Camptown: Korean Military Brides in America (New York: New York University Press, 2002).

who were hastily transferred from Japan to Korea received no background knowledge about Korea or detailed plans of action. Some of its policies were crucial in turning Korean public sentiments against the new occupier. Most of all, the AMG's unwillingness to dismantle Japan's colonial structures and systems in Korea brought much resentment and animosities that gradually turned into racialized antagonism.

For instance, Korean newspapers reported in 1945 that the AMG was not only uninterested in eliminating the licensed prostitution system instituted by Japan in 1916, but also took advantage of the system. The U.S. military occupation leadership condoned privately-run brothels gearing toward U.S. soldiers and furthermore utilized the precedents already established by the system in regulating prostitutes for American soldiers, even after it outlawed the state-run Japan-instituted prostitution system in 1946. As the majority of U.S. military bases took over Japanese army posts and colonial administration buildings, they also inherited prostitution districts that formed nearby. Instead of abolishing the districts, the AMG thought the aggregated red light districts advantageous in controlling venereal diseases to better serve the soldiers' needs. Upon liberation, licensed prostitution that serviced Japanese soldiers before 1945 was transformed into camptown prostitution servicing U.S. soldiers. Using Korean women's sexual services with the help of colonial structures demonstrated to Korean public that U.S. military was yet another occupier that merely replaced Japan. The camptown prostitution was not just newly formed business in the post-independent era but a continuation of the colonial era's prostitution, established and regulated by Japan. Korean racial consciousness, initially a bulwark against colonizing Japan, transformed in the

post-independent era as a result of imperial presence of U.S. military.<sup>13</sup>

Moreover, as the General Headquarters of Allied Powers in Japan gave directions to the AMG, the Allied Powers' collaboration with Japan had a significant impact on the lives of Koreans. The Allied Powers and political elites in Japan collaboratively imagined and constructed a notion of Koreanness that was informed by consensual racism, upon which other Asians like Koreans, along with blacks, were ranked lower than Japanese and whites in their vision of a hierarchy of race. This particular racial consciousness among Japan, Korea, and the United States ultimately shaped racial thinking in Korea, through which the GI babies were excluded from national polity and community in Korea, and differential treatments of half-white and half-black GI babies ensued in the United

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13. For AMG's policy on women in general, see Bae-yong Lee, "Migunjeongki Yeoseong Sanegwhalui Pyunhwa Yeoseong Uisik (Changes in Women's Lives and Thoughts during U.S. Military Occupation)," Yoksa Hakpo 150 (1996): 159-214. Kyungran Moon, "Women's Movement during the American Military Government Occupation Era" (M.A. thesis, Ehwa Womens University, 1988), especially Chapter 4 Section B. Haejeonng Yu, Iljae Shikminjihauui Yeoseongjoengchek (Policy on Women During the Japanese Occupation Era) (Seoul: Hankook Yeoseong Yeongooso, 1999). Na Young Lee, "The Construction of Military Prostitution in South Korea during the U.S. Military Rule, 1945-1948," Feminist Studies 33.3 (Fall 2007): 453-481. For the general explanatory work on the AMG's establishment, see Wanbum Lee, "Mikunjeongkwa Minjokjui (American Military Government and Democracy, 1945-1948)," Hyundeasa Yeongu Kunhyundaesa Kangjwa 8 (1996): 69-102. Kwangwook Kim, "Haebang Jikhoo Mikunjeongui Yuiljeongchijeok Kwonwiui Hwaklipkwajeong (Processes through which the American Military Government Established Its Sole Authority Immediately Upon Liberation [of South Korea])," Hankook Kundaesa Yeongoo 9 (December 1998): 284-314. Haesook Lee, "Structure and Nature of the American Military Government," Hankooksahwehakhwe Sahwehakdaehwe Nonmoonjip (December 1993): 157-162. E Grant Meade, American Military Government in Korea (New York: Columbia University Press, 1951). For Japan instituted licensed prostitution system see, Youn-ok Song, "Japanese Colonial Rule and State-Managed Prostitution: Korea's Licensed Prostitutes," Positions 5:1 (Spring 1997).

States.<sup>14</sup>

Historians of U.S.-Korea relations and colonial Korea have presumed colonialisms of Japan and the United States disparate.<sup>15</sup> Although some have argued that the United States is an empire, American empire is still regarded as an “exceptional” entity in the way that its exercise of global power is distinguishable.<sup>16</sup> Hence both scholarships have not been concerned with the U.S.’s collaboration with Japanese colonialism in post-1945 Korea and its consequences in the development of Korean racial consciousness. My study indicates that the racial logic embedded in both nations’ citizenship policies have a colonial origin, and the two colonialisms’ collaboration was critical in shaping racial thinking in Korea.

The dominant scholarship about Korea’s racial consciousness has been produced

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14. A study that examines notions of race among Korea, Japan, and the United States, as they are shaped by and shaped one another, is yet to be done. For an examination of racial consciousness of Japan and the United States as they converge and collaborate, see Yukiko Koshiro, Trans-Pacific Racisms and the U.S. Occupation of Japan (New York: Columbia University Press, 1999). A study of the notion of race and racial difference between Korea and the United States during the Cold War era is yet to be done. One exception might be, Gordon Chang’s “Whose ‘Barbarism’? Whose ‘Treachery’? Race and Civilization in the Unknown United State-Korea War of 1871,” Journal of American History 89.4 (March 2003): 1331-1365.

15. A wealth of studies on Japan’s colonial rule of Korea exists within modern Korean historiography, especially in relation to examination of Korean nationalism and national identity. See for instance, Gi-Wook Shin, Ethnic Nationalism in Korea: Genealogy, Politics, and Legacy (Stanford: Stanford University Press, 2006.). Shin and Robinson, ed., Colonial Modernity in Korea. Theodore Jun Yoo, The Politics of Gender in Colonial Korea: Education, Labor, and Health, 1910-1945 (Berkeley: University of California Press, 2008). Robinson, Cultural Nationalism in Colonial Korea, 1920-1925. There is also a large body of scholarship on U.S.-Korea relations (see footnote 5). But these two scholarships rarely converge.

16. See Michael Hardt and Antonio Negri, Empire (Cambridge: Harvard University Press, 2000), for instance.

within the nationalist reading of Korea's colonial past. This nationalist scholarship has viewed Korea's early 20th century history as the manichean struggle between the oppressive colonial state and national resistance. With a staunch anti-Japanese stance, the nationalist historians have argued that uniqueness of Korean race, a historical a priori, was not only the primary source of anticolonial struggle but also the genesis of national identity. The historians have been mostly concerned about differentiating pure Koreanness from impure Japanese elements to preserve purity and uniqueness of Korean race and therefore serving the national interests.<sup>17</sup>

Recent postnationalist historians have challenged such narrative and shown that "Korean race" was a modern construct, imagined and articulated by the intellectuals in the early 1900s in response to Japan's colonial rule. Nevertheless, this new stream of scholarship operates under the belief that the Japanese colonial period was the nexus of Korea's modern racial and national identity formation, thereby leaving the post-liberation era unexamined.<sup>18</sup> A few studies of U.S.-Korea relations have briefly addressed particular

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17. Tonggeol Cho, "Kundaechogiui Yeoksainsik (Historical Consciousness in Early Modern Period)" in Tonggeol Cho, Yeongu Han and Chansung Pak, ed., Hankookui Yeoksagawa Yeoksainsik (Historical Consciousness and Thoughts of Korea) (Seoul: Changjakkwa Pipyung, 1994).

18. Michael E. Robinson, "National Identity and the Thought of Sin Ch'aeho; Sadaejuui and Chuch'e in History and Politics," Journal of Korean Studies 5 (1984): 121-142. Henry Em, "Minjok as a Modern and Democratic Construct: With a Focus on Sin Ch'aeho's Historiography," Colonial Modernity in Korea, ed., Shin and Robinson. Hyung Il Pai, Constructing "Korean" origins: A Critical Review of Archeology, Historiography, and Racial Myth in Korean State-Formation Theories (Cambridge: Harvard University Press, 2000). Yongu Han, Hankook Minjokjuui Yeoksahak (Korean National Historiography) (Seoul: Ilchogak, 1993). The Organization of Korean Historians, Hankook Kodaesa Sanchek (Ancient History of Korea) (Seoul: Yeoksawapipyung, 1994).



racial problems between Koreans and blacks in Korea, but they tend to describe Korean racial consciousness as either an imitation or a spillover of “American racial ideology.”<sup>19</sup> According to the argument, Koreans’ racism against blacks in camptowns was motivated by defending livelihood of camptown residents or emulating white racism against blacks that they had seen in real life or films. In the aftermath of 1992 Los Angeles riot, the issue of race between Korean immigrant communities in the United States and blacks received much scholarly attention. These works implicitly and explicitly point toward the U.S. military presence in Korea as a likely source of Korea’s racism.<sup>20</sup>

Korean racism is a particular case where gender and sex played a decisive role. Korean racial consciousness was not simply a defensive or an imitating behavior: complete ostracization of GI babies, and particularly of half-black, existed before the rise of racial tensions around camptown in the late 1960s. Korean racial consciousness in the post-independent era, though originated from the colonial era, was an amalgamation of Korea’s gendered and racialized responses to Cold War alliance-building in Asia, in which Korea shaped its own thinking about race.

My work examines documents at state levels as well as correspondence between social workers in the United States and Korea, written in both English and Korean languages. Neither Korean nor Western scholars have used the combination of sources in both languages to examine the significance of the GI babies and the question of their

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19. Although an exceptional study, Katharine Moon’s Sex Among Allies does not examine fully the issue of race and racism in Korea.

20. Among many, one interesting work is Nancy Abelmann and John Lie’s, Blue Dreams: Korean Americans and the Los Angeles Riots (Cambridge : Harvard University Press, 1995). More recent work would be Nadia Y. Kim’s Imperial Citizens: Koreans and Race From Seoul to LA (Stanford: Stanford University Press, 2008).

citizenship. More specifically my work uses correspondence between the United States—the State Department, welfare institutions, Congress—and the Korean Ministry of Social Affairs (KMSA) as well as American and Korean media accounts about the GI babies. I also examine Korean media narratives about the mixed race in the 2000s. Through examining legislative decisions on citizenship and immigration policies, and welfare institutions' records on adoption, each chapter explores legal and administrative architecture behind adoption and immigration of the children, through which racial identity of the children was shaped in the United States and Korea.

This dissertation hopes to contribute to a number of scholarships in women's history, U.S. immigration history, U.S.-Korea relations, empire studies, and Cold War history. First, weaving a set of associations among beliefs about gender roles, racial mixing, and morality, the dissertation brings new inquiries into the nexus of sex, race, and nation-states. Scholars of women's history in the 20<sup>th</sup> century U.S. have shown that the domestic race relations shaped the state's policy on miscegenation and immigration.<sup>21</sup> The preferential treatment given to legally wed couples, especially of intra-racial marriages, was one way to channel state resources and benefits to married couples and their children.

However, the scholarship pays little attention to how the state dealt with interracial sex across national borders and the problem of mixed-race offspring. The

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21. Candice Bredbenner, *A Nationality of Her Own: Women, Marriage, and the Law of Citizenship* (Berkeley: University of California Press, 1998). Nancy Cott, *Public Vows: A History of Marriage and the Nation* (Cambridge: Harvard University Press, 2000). Linda Kerber, *No Constitutional Right to be Ladies: Women and the Obligations of Citizenship* (New York: Hill and Wang, 1998).

channeling of state benefits became problematic in a transnational context in the 1950s when American soldiers' marriages were largely discouraged through discretion of the Army commanders and miscegenation laws that were active in more than 30 states in the United States. Fraught with a racial dimension, military regulations on soldiers' marriage, immigration laws of the United States, and individual states' laws on miscegenation had disparate effects on "war brides" of Asian national origins on one hand, and of European national origins on the other hand. My study provides a new understanding of why and how transnational intimate sites—interracial sex taking place outside the United States and the resulting children—became a vital tool that enabled U.S. empire building in Asia.

Second, this dissertation illuminates human dimensions of imperial encounters between the United States and Korea, reconstituted as Cold War alliance-making in Asia, while tracking the shared racialized principle of colonial governance across national borders. Scholars of U.S. history and empire studies have shown that empire is a gendered history of power, where intimate matters not only take center stages but also are the grammar of imperial rules.<sup>22</sup> "Gradations of sovereignty" in the U.S.'s geographical

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22. Ann Laura Stoler ed., Haunted by Empire: Geographies of Intimacy in North American History (Durham: Duke University Press, 2006) and Carnal Knowledge and Imperial Power: Race and the Intimate in Colonial Rule (Berkeley: University of California Press, 2002). Ann Stoler and Frederick Cooper, ed., Tensions of Empire: Colonial Cultures in a Bourgeois World (Berkeley: University of California Press, 1997). Julia Clancy-Smith and Frances Gouda, ed., Domesticating the Empire: Race, Gender and Family Life in French and Dutch Colonialism (Charlottesville: University Press of Virginia, 1998). Amy Kaplan and Donald E. Pease, eds., Cultures of United States Imperialism (Durham: Duke University Press, 1993). Amy Kaplan, The Anarchy of Empire in the Making of U.S. Culture (Cambridge: Harvard Press, 2002). Anne McClintock, Imperial Leather: Race, Gender and Sexuality in the Colonial Contest (New York: Routledge, 1995). Other scholars—Laura Wexler and Mary Renda—also demonstrate that U.S. imperialism in the early 20<sup>th</sup> century was not only cultural but also

and ideological expansion in the mid 20th century is not a sign of unconsolidated American empire. On the contrary, new kinds of imperial rule required new kinds of technologies and variations of diverse space where different degrees of U.S. sovereignty apply. Ann Stoler, scholar of colonial studies, notes that uncertainties between imperial and colonial, and frontier and empire in the United States context are not “conceptual liabilities.” Rather the ambiguity embedded in the U.S.’s relations with other nations as in “dependencies,” “trusteeships,” and “unincorporated territories” helped American empire invisible. This lack of clear distinction between a frontier and an empire enables “the deep grammar of restricted rights and entitlements in the imperial world.”<sup>23</sup>

Statelessness of the GI babies, the result of U.S. soldiers’ intimate imperial encounters, embodies the very “grammar of restricted rights and entitlements” on the racial frontier of American empire. The children ambiguously straddled imperial divides as their existence challenged the distinctions that were crucial to maintain the imperial presence. Nevertheless, the resolution to the problem of GI babies defied very racist policy that made the children stateless in the first place. Adoption of the GI babies, largely driven by Cold War morality, reveals the U.S.’s imperial vision collided with a reality where a new humanitarian liberal concern for abandoned mixed race children contradicted its continuation of exclusionary strategies in a citizenship conferral. This dissertation shows that empire-building through management of GI babies depended on a gendered way of life. Laura Wexler, Tender Violence: Domestic Visions in an Age of U.S. Imperialism (Chapel Hill: University of North Carolina Press, 2000). Mary A. Renda, Taking Haiti: Military Occupation and the Culture of U.S. Imperialism, 1915-1940 (Chapel Hill: University of North Carolina Press, 2001).

23. Stoler ed., Haunted by Empire: Geographies of Intimacy in North American History, 9.

and reaffirmed the strictures of governance and social space where notions of race and racial categories were redefined. In so doing, my work illuminates tensions of empire in other nations as well, such as the Philippines, where U.S. soldiers' consorting with local women continues to produce mixed-race children whose ambiguous racial identity triggers imperial anxieties. At the same time, the dissertation foreshadows how adoption and immigration of the GI babies born in Korea became models and shaped solutions to the problem of the mixed-race children born in Vietnam in the 1960s and the 1970s.

Third, this dissertation contributes to emerging studies of transnational adoption. Burgeoning interests in Korean adoption and studies about adoptees' racial politics are long overdue. Nevertheless, dominant literature about racial matters adoption of children from Korea ironically precludes biracial heritage of the earliest adoptees, the GI babies. The mixed racial heritage of a truly first generation of adoptees has been largely unexplored as the majority of adoption studies often define "transracial" as the racial difference between an adoptee of full Korean parentage and adopting parents of other race.<sup>24</sup>

My work problematizes the notion of Korean adoption by revealing historical and political origins of adoption as it was first initiated in the 1950s. Although the notion of Korean adoption, as we know it today, began with adoption of full-blooded Korean children born in Korea since the late 1960s, the small number of GI babies in the 1950s had a disproportionately larger impact on both Korea and the United States than full-blooded Korean orphans. It was the case where a small exception threatened larger

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24. See for instance, Kim, "Wedding Citizenship and Culture: Korean Adoptees and the Global Family of Korea," 57-81.

established norms and beliefs such as racial purity. Without legal precedents and procedural architecture first established through adoption of the GI babies, the story of Korean adoption could have been otherwise. My work on adoption of mixed race stateless children and their racialization in the United States further complicates the notion of “transracial” adoption as my work demonstrates that the GI babies were treated as neither Korean/Asian nor American, in terms of their nationality and racial categories.

Fourth, my work contributes to racial history of both the United States and Korea in post-1945 years. In the United States, most postwar scholarship of U.S. history considers that the United States has been moving toward a more racially inclusive nation. The series of civil rights acts and immigration reforms exemplified the change, including the 1952 Immigration and Nationality Act that technically ended exclusion of Asians. The unprecedented number of international adoption of GI babies from Korea may be viewed as part and parcel of the United States’ commitment to racial pluralism. The postwar era was widely hailed as the era of unprecedented improvement in race relations at home, even though the commitment for change was mainly motivated by the U.S.’s global Cold War politics.<sup>25</sup>

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25. Christina Klein, Cold War Orientalism: Asia in the Middlebrow Imagination, 1945-1961 (Berkeley: University of California Press, 2003). Penny Von Eschen, Race Against Empire: Black Americans and Anticolonialism, 1937-1957 (Ithaca: Cornell University Press, 1997). Mary Dudziak, Cold War Civil Rights: Race and the Image of American Democracy (Princeton: Princeton University Press, 2000). Thomas Borstelmann, The Cold War and the Color Line: American Race Relations in the Global Arena (Cambridge: Harvard University Press, 2001). These works show how the Cold War and American race relations had mutual influences over each other. Cold War liberalism was said to have driven much improvement in domestic race relations.

However, when considering racially mixed children of unwed citizen fathers, the U.S.'s racial history tells a different story. Under the surface of celebration of racial diversity and openness is an exclusionary principle in nationality law reform, largely motivated by fears of racial differences of the children. The postwar era was not merely to be celebrated for its beginning of the era of multiracialism; to the contrary, it was the time of the constricted passage to birthright citizenship and bifurcating racial lines. For those able to enter the nation and be naturalized to become a citizen (for instance "ethnic whites" of Eastern Europeans), racial lines blurred to forge what many considered "American" identity. But those born outside state-sanctioned marriages to citizen fathers residing abroad were increasingly cast outside nation-state boundaries as they were considered un-American racially, ideologically, and legally. Likewise, internment of Japanese American citizens tells us that certain racial restrictions remained and even were strengthened.<sup>26</sup> Then the postwar era is the time of not just racial pluralism, but also hardening racial lines.

My dissertation research reveals that we need to rethink some common presumptions about notions of race, statelessness, and universal citizenship, especially in relation to making of U.S.-Korea Cold War alliance. Scholars of citizenship have regarded statelessness largely applicable to politically unstable others. They tend to consider the United States a receiving country, not a producer, of stateless people. Many have also presumed that all people in the political community are *formal citizens* and

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26. Mae Ngai, Impossible Subjects: Illegal Aliens and Making of Modern America (Princeton: Princeton University Press, 2004). Caroling Chung Simpson, An Absent Presence: Japanese Americans in Postwar American Culture, 1945-1960 (Durham: Duke University Press, 2001).

therefore there has been little interest in examining the “mere legal status” of citizenship.<sup>27</sup> Instead, the scholarship is concerned with the nature, quality, and substantive character of citizenship: some have explored citizens’ right to social, cultural, political, and economic equality while others are concerned with citizenship as civic virtue. The scholarship then obscures from view not only the existence of stateless people, but also how the boundaries of nation-states are defined and reinforced through statelessness. My work suggests that statelessness exposes the limits of premise of universal citizenship while challenging the notion of statelessness as exclusively belonging to politically unstable others.

In Korea, a notion of nationhood has been historically shaped by its struggle against the presence of various empires: China, Japan, and the United States. Constructing national identity away from various colonial powers heavily depended on the production of the notion of a masculine nation. While Korean public considered camptown prostitutes a disgraceful living testament to Korea’s neocolonial status vis-à-vis the United States, it also deemed prostitution necessary evil because the militarized conception of national security required Koreans to endure U.S. military presence on Korean soil and to make compromise on national pride. The camptown women were the political apparatus that made possible a gendered notion of national identity and sustained a militarized notion of national security.

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27. Linda Bosniak, “Universal Citizenship and the Problem of Alienage,” Northwestern University Law Review 94.3 (2000) Rogers Smith, Civic Ideal: Conflicting Visions of Citizenship in U.S. History (New Haven: Yale University Press, 1997) Judith Shklar, American Citizenship: The Quest for Inclusion (Cambridge: Harvard University Press, 1991)



Despite the overwhelming identification of GI babies as a race apart from Korean proper, dominant scholarship on Korean “*minjok* (race)” tends to focus on racial consciousness that emerged as a source of powerful mobilization under Japan’s colonial rule and a seed of the 20th century Korean nationalism.<sup>28</sup> Scholarship on Korean history and studies of U.S.-Korea relations have been disinterested in Korean racial consciousness vis-à-vis white and black Americans (as most Koreans perceive Americans in terms of white and black). The scholars do not seem to think that race issues are applicable to Korea. Even when the scholars discuss anti-Americanism in U.S.-Korea relations, many presume hostile feelings toward the United States as a struggle against imperial power encroaching on Korean sovereignty, not as racial animosities towards Americans. The ubiquitous slogan of the 1980s and the 1990s, “Yankee [i.e. U.S. military specifically] Go Home,” was regarded as a condemnation against the U.S. imperialist impulse, not a racial slur. Hence a large body of literature about Korea’s anti-Americanism is produced within the perspectives of international relations that rarely examine Korean racial consciousness.<sup>29</sup> Some of the literature implicitly deem anti-American feelings justifiable because of the unequal and unilateral nature of U.S.-Korea

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28. Shin, Ethnic Nationalism in Korea: Genealogy, Politics, and Legacy.

29. Hun Oh Chang and Celeste Arrington, “Democratization and Changing Anti-American Sentiments in South Korea,” Asian Survey 47.2 (March/April 2007): 327-350. Megan N. Kerr, “Anti-Americanism in South Korea: A Threat Looming over the Future of the US-ROK Security Alliance” Conference Papers--American Political Science Association 2007. Katharine H.S. Moon, “Resurrecting Prostitutes and Overturning Treaties: Gender Politics in the ‘Anti-American’ Movement in South Korea,” Journal of Asian Studies 66 (2007): 129-157. Juergen Kleiner, “A Fragile Relationship: The United States and the Republic of Korea,” Diplomacy and Statecraft 17 (2006): 215-235. Hong Ki Won, “South Korean Students’ Attitudes Towards Americans” Social Science Journal 42 (2005): 301-312.

relations. “Anti-Americanism” is not synonymous with Korean racism against Americans: it is motivated by multiple factors, one of which is a long-term U.S. military presence. However, anti-American sentiments, more specifically anti-U.S. military sentiment, did lead to racial animosities and take the form of racism against “Americans” in general and blacks in particular.

The lack of interest in race in scholarship about Korea resonates with a widespread unspoken assumption among Korean public that “race problems” do not exist in Korea, and Koreans are not “racists” in the sense that the United States has a racial history of black/white conflicts. The public tends to attribute racism as exclusively belonging to other nations that have populations of discernible physical differences, precisely because Korea is a nation of single race and racial problems could not exist. Likewise, for nationalist historians and scholars who have been arguing that five thousand years of Korean racial purity was a unique source of Korean empowerment, acknowledging racial history of Korea would nullify their work.

Although Korea has long assumed a position of the victimized, the table is turned in the 21st century. Korea received much criticism in recent years as the United Nations cracked down on Korea’s racism and horrendous discriminatory practices against mixed race and people who came to Korea for work and marriage from Korea’s “Other Asia” such as Bangladesh, Indonesia, Uzbekistan, the Philippines, Vietnam, etc. Some talk about undesirability of these “illegal immigrants” in terms of domestic economy: they come and stay illegally, steal jobs from Koreans, and devalue labor cost as they are

willing to work for much lower wages. Underneath this argument are undeniable racial animosities invariably implicated in most issues associated with recent immigrants.<sup>30</sup> Race does matter in Korea and it always had mattered in the past. Korea's racial conflicts vis-à-vis the United States existed ever since U.S. military landed on Korean soil in 1945. Moreover, racial strife in Korea defies the simple black-white binary when the recent wave of Southeast Asian migrants were considered. This dissertation hopes to bring Korea's racial history to public and open up constructive discussion about racism, under which mixed race children of GI babies had become stateless, adoptees, and outsiders. Likewise, ostracization of mixed race children of non-Korean Asian parents requires urgent and genuine attention to racism and racial matters in Korea.

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30. See excellent news article by Sang-Hun Choe, "South Koreans Struggle With Race," New York Times November 2, 2009. Choe's article specifically talks about racism targeted at foreigners residing in Korea who were seen in public with Korean women. Although Choe's article contains cases of Indian and Pakistani men, this kind of racially motivated assault in public is not limited to men of dark skin color. Many foreigners of light skin color also have reported to be attacked verbally and physically in public because they were seen with Korean women.

## **Ties That Bind: Making of the Origin of Korean Race**

In October 1955, a “chocolate-colored” 3-year-old “Korean-American” girl, Young Sun Lee, was adopted by Mr. and Mrs. Robert Franklin of Michigan. Lee was one of first 12 “Korean War orphans” to enter the United States as adoptees under the Refugee Relief Act of 1953.<sup>1</sup> Lee, with two living biological parents, however, was neither an orphan nor a Korean nor an American. Lee and more than 4,000 mixed race children adopted between 1953 and 1965 were stateless GI babies born in South Korea of South Korean women and U.S. servicemen stationed in Korea. Many mixed race children like Lee were given up to orphanages in Korea by their destitute mothers not only because the mothers, already stigmatized as “yankee whores,” could not afford raising the babies as single mothers, but also because of unspeakable social, cultural, and legal ostracization befell the mixed racial heritage of the children.

Six months before Korean War broke out, Korean National Assembly members gathered to discuss a bill for Korean nationality law on December 1, 1948. Lawmakers debated advantages and disadvantages of various provisions; but the debate was invariably centered on how to preserve “purity of Korean race (*minjok*).” The majority of the lawmakers argued for the centrality of Korean blood to national identity and its positive effects on national betterment after 36 years of colonial rule by Japan. A few dissenting assembly members called for a “liberation from blood” that Korea’s obsession with bloodlines had to be overcome in order for Korea to move forward:

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1. Gene Kramer, “‘Pied Piper’ Corrals 12 Korean Babies, Files Them to America for Adoption,” Washington Post October 14, 1955.

The international exchange of culture and commerce became more frequent and interracial marriage became not uncommon. Each race that has called for purity of race now turned to liberation from bloodties. . . . Notwithstanding [such trend], Korea is going backward by discriminating others based on their race and blood and it is against the rule of law of this nation.<sup>2</sup>

But the consensus was on the need for keeping Korean blood “pure.” A lawmaker named Youngkyu Cho expressed that Korea’s need for keeping its racial stock uncontaminated was vital to the survival of Korea, and the burden of preserving Korean blood was placed on women.

Today the lawmaker Kang Wookjung called for liberation from blood, but what our *minjok* (race) needs is not liberation from blood but purity of blood. We condemned lecherous women who followed Yankees’ behinds and gave birth to *kkamdungyi* (niger) [half-black children] and *yanko* (western-nosed) [half-white children] because we want to preserve purity of our *minjok* (race). . . . Look at European history. . . . Mixed marriage with foreign women destroyed nations. Therefore, weak countries with weak *minjok* like us needs to defend ourselves against foreigners’ invasions [of our pure blood].<sup>3</sup>

This chapter explores how the Korean Nationality Act of 1948 symbolically institutionalized gendered and racialized Koreanness and how family law of 1957 provided a specific means to reach the goal of forging and maintaining a racially pure nation. The master narrative about the origin of Korea as a single racial collective not only defined the cultural notion of Koreanness as a historically and biologically-bound community, but also delineated the legal boundary of Koreanness as a “politico-legal” membership to state. Specifically, the chapter examines Korean National Assembly debates about the nationality law of 1948 and family registry system instilled in family law of 1957. Although the Assembly members devoted little time discussing the fate of

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2. National Assembly Stenographic Record. 1st Assembly 119th session (December 3, 1948): 279.

3. *Ibid.*, 280.

GI babies, their concern for purity of Korean race as a driving force of the debate effectively cast the children outside the national boundary.

I suggest that the Korean Nationality Act of 1948 established the legal basis for racial discrimination and exclusion while the family law of 1957 provided specific mechanisms by which mixed blood children were excluded. The bureaucratic obstacles embedded in the family law blocked anyone who did not have a Korean citizen father from being registered as a legitimate member of family. By extension, those who had no familial ties lacked ties to the nation. The family registry system (the house-head system, *hojuje*) within the family law, a patriarchal and patrilineal pedigree, allows a registration of a newborn child only by a Korean male house-head. A GI baby of an American father could not acquire family registry as the child's Korean mother had no right to register, unless a Korean male house-head of the mother's family agreed to register the child under his own family registry. Despite the detailed prescription of gendered and racialized notion of Koreanness into family law and citizenship law, legal scholars have insisted family as a "natural" institution and family law as a traditional Korean legal system. Likewise they argue that maintaining purity of bloodlines, as extended to the national family, was a historical imperative as part of our "natural" desire to propagate and form a family of nation.<sup>4</sup>

Not only was the house-head system not natural, but also it was largely the product of Japan's implementation of its colonial legal system, which was uncritically

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4. Kwang-hyun Chung, Hankuk Chinjok Sansokbup Yeongu (Study of Korean Law of Family Relations and Succession) (Seoul: Seoul National University Press, 1955). Ju-Soo Kim. Chinjok Sangsokbup (Family Succession) (Seoul: Pubmoonsa, 1994).

embraced by both the American Military Government (AMG) during a brief period of occupation of South Korea (1945-1948) and by the then newly-elected President Syngman Rhee's administration. The AMG used the family registry to determine who had the right to vote in the first presidential election in 1948. A family registry record became a permanent fixture ever since as a prerequisite for acquiring citizenship and in deciding how nationality was to be defined and transmitted. Although both laws were legislated when the first modern republic emerged with Constitution as an independent nation-state vis-a-vis colonial powers of China, Japan, and the West, the colonial legacies have never been questioned until 1997 when both family law and citizenship law were questioned and later revised to accord a citizen woman the right to register a child born out of wedlock and transmit citizenship.

### **The Genesis of Korean Identity**

The question of citizenship of racially mixed children born to Korean women and U.S. soldiers stationed in Korea should be understood in a larger context of history of Korea's racial consciousness. Korean subjectivity and a search for national identity emerged in the wake of a first major upheaval in a modern Korean history in the late 1890s: Japan's gradual imperial expansion. The notion of Korea as a distinctive "race" of people was a relatively recent concept that gained currency in the late 19th century as a response to the emerging conflict with Japan. Eventually, the belief in "purity of Korean race" has become an unquestioned truth throughout the 20<sup>th</sup> century. It was not just public and politicians who supported such belief. Modern Korean historiography written by intellectuals-cum-anticolonialists in the early 1900s played a crucial role in making the

assertion into a historical “fact”: they have argued and supposedly “proved” that the existence of Korean race dated back to five-thousand years ago. Korean historiography has been written that racial purity of Korean people was inherited from *Tangun*, the progenitor of Korea, deriving their “historical facts” from the founding legend.<sup>5</sup>

Contrary to popular belief that Korean race had existed long before a history of a Korean independent state, other historians argue that the discourse about Korean racial consciousness emerged only in the 1890s and the 1900s. Korean race-thinking was used to unite the people living in Korean peninsula against imperial domination of China and Japan and to build national consciousness. There was nothing inherent about racial consciousness that supposedly became the fundamental basis of “true” subjectivity of Korea. Until the 19th century, Korea did not regard itself as unique and independent in racial, cultural, or political terms: on the contrary it believed China the “Middle Kingdom” of human civilization and prided itself to be part of it.<sup>6</sup>

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5. There were two competing narratives of the origin of Korea: one written by a Buddhist monk recounted the tale of *Tangun* who descended from Heaven around 2333 B.C. onto Mount *Paektu* (in the northern border of North Korea), settled on the peninsula, built the first Korean state, *Kochosun*. The other written by a Confucius scholar told the tale of *Kija*, a Chinese official of the Shang dynasty, who fled China, took refuge on the peninsula around 1122 B.C., and established a Korean nation-like entity. The majority of historians rejected the founding myth of *Kija* and embraced the myth of *Tangun* in an effort to decenter China. With the national territory annexed and national spirit subject to aggressive assimilation under Japan’s colonial rule, some historians believed preserving *Tangun*’s bloodline the most important task in maintaining the spirit of the *minjok* and a sense of belonging without a state. See chapter 5 in Schmid, *Korea Between Empires, 1895-1919* (New York: Columbia University Press, 2002). The founding myth of *Tangun* narrates the establishment of sovereign nation of *Kochosun*, the origin of Korea, and the internal racial unity of its people. *Tangun*’s status as a grandson of God sanctifies the political power and all people in Korea supposedly inherited this single bloodline of *Tangun*.

6. Em, “Minjok as Modern and Democratic Construct: Sin Ch’ae-ho’s



The reformer intellectuals believed that the aristocrat and their dependence on China caused “spiritual malaise,” plunging the nation into the downward spiral of demise.<sup>7</sup> Instead, the intellectuals who were also nationalists called for the notion of enlightenment and civilization rooted in “purely indigenous practices and beliefs” as a way of retrieving unique Koreanness.<sup>8</sup> They placed the future of Korea at the hands of “virile” commoners whom, however, must learn to foster national consciousness in order for them to relate their personal fates to the fate of the nation. It was not an easy task as the population living in the peninsula was deeply stratified and divided by class, regional interests, religion, and clan.<sup>9</sup>

One particular historian, Chaeho Sin, fostered the growing awareness of *Tangun* and the *minjok* through his newspapers columns written in a vernacular language for commoners, instead of Chinese *hanja* that could be understood only by educated elites. The term *minjok* itself was neither new nor uniquely Korean because it was derived from two Chinese characters and used in both Japan and China. The term is translated as “race” or “ethnicity” in English, with “*min*” as “people” and “*jok*” as “family” or “clan.” The historian Sin has argued that the existence of the *minjok* was an objective natural entity not bound by a temporal and spatial phenomenon of State. Sin’s conceptualization of the *minjok* was an egalitarian notion that placed the people, not State or a court, as the “Historiography” in Colonial Modernity in Korea, eds. Gi-Wook Shin and Michael Robinson (Cambridge: Harvard University Press, 1999).

7. Robinson, “National Identity and the Thought of Sin Ch’aeho: Sadaejuui and Chuch’e in History and Politics,” 121-142.

8. Schmid, Korea Between Empires, 1895-1919. Jager, Narratives of Nation Building in Korea: A Genealogy of Patriotism.

9. Em, “Minjok as Modern and Democratic Construct: Sin Ch’aeho’s Historiography.”

historical subject. In his thoughts, State was merely an organic body composed of “the spirit of the *minjok*” and therefore, historians must preserve the national spirit that would enable the *minjok* to truly transcend time, space, and other external forces that held the nation back (for instance, the colonial rule). Especially after Japan’s annexation of Korean territory in 1910, the people-centered approach to national history was well received as Sin’s concept enabled historians’ desire to write the national history independent of existence of a state or a territory at a time when Korea had neither political sovereignty nor a territorial claim under Japan’s colonial rule.<sup>10</sup>

However, Sin’s egalitarian concept of the *minjok* that identified the commoners as the historical actors resisting the authoritarian state power, was erased from the nationalist discourse after the 1930s. Subsequently, his conceptualization of Korea as an inherently people-centered entity has been misappropriated by many. Although his politics blurred the boundary between race and nation as he believed that the appearance of the *minjok* coincided with the appearance of *Tangun*, it was not an exclusionary concept. While his writing and scholarship was remembered and celebrated as “nationalist” historiography, and his conceptualization of the *minjok* as the children of *Tangun* gained prominence, the radical nature of his discourse that sought to empower people and later his politics of anarchism had to be omitted in modern Korean historiography in the 1940s and the 1950s.<sup>11</sup>

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10. Robinson, “National Identity and the Thought of Sin Ch’aeho: Sadaejuui and Chuch’e in History and Politics,” 121-142.

11. Em, “Minjok as a Modern and Democratic Construct: Sin Ch’aeho’s Historiography,” 46. Robinson, “National Identity and the Thought of Sin Ch’aeho: Sadaejuui and Chuch’e in History and Politics.” While witnessing various factions within

The problem of mixed race children emerged precisely when the Korean subjectivity was threatened by the second wave of an upheaval in the aftermath of liberation from Japan: the peninsula divided by civil war, strife among political factions, and the American Military Government's occupation. The post-1945 was the time of confusion, chaos, and distrust among Koreans. Factional disunity among various nationalist anti-colonial groups was further divided by whether to embrace or reject socialist ideals. Some welcomed the AMG occupation and its anticommunist ideology. Others looked toward North Korea as one true legitimate Korea because of the AMG's unwillingness to purge South Korea of former sympathizers and collaborators of Japan's colonialism. The AMG leadership with little to no background on Korean society and politics actively recruited the former collaborators into establishing a provisional government, which then led to the permanent power structure that accommodated those who worked for the colonial power of Japan.

Most of all, the Cold War ideology of anticommunism struck a final blow to already distraught Koreans. If many atrocities committed against Koreans—because of one's real or perceived support of communism—by both Koreans and U.S. military

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the independence movement engaging in nasty political fights, Sin was greatly disappointed and became critical of legitimacy of nation-state. By the early 1930s, Sin left the mainstream nationalist movement circles that compromised for the expediency sake (he considered them "collaborators") and became an anarchist and began to advocate people's armed resistance against state-centered nationalism and national entity. However, his death at the hands of Japan's colonial government made him into a martyr by the nationalist whom Sin despised for their compromise at the expense of the suffering of the masses. Taedon No, "Tangunkwa Kochosunsaesa Taehan Yeehae—Sasilkwa Sangjingui Byunjookok (Understanding Tangun and the History of Kochosun—A Variation of Fact and Symbol," in Taedon No, ed., Tangunkwa Kochosun (Tangun and Ancient Chosun). (Seoul: Sagaejeol, 2000), 11-38.

before and during Korean War were any indication, the post-independence era was truly a time of mistrust and complete mayhem. The widespread suspicion and fears of one another was the zeitgeist of the time. One needed no proof of participating in or aiding anyone or any organization whose activities remotely related to socialism or communism in order to persecute someone as a traitor to national security. Many political dissidents, with or without socialist ideals, were detained and executed under the AMG and the Syngman Rhee regime. Some were not even political dissenters but innocent people who were rounded up by the national police by some inconceivable mistakes and secretly executed. Sometimes an entire village was incinerated and people killed by the national police merely because of hearsay.<sup>12</sup>

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12. See factional divides amongst diverse groups of nationalists and the bitter struggles between “leftist” and “rightist” in Bruce Cumings ed., Child of Conflict: The Korean-American Relationship, 1943-1953 (Seattle : University of Washington Press, 1983) and the second volume of The Origins of the Korean War. Perhaps the best known Korean War atrocities committed by U.S. soldiers would be Nogunri massacre by U.S. troops. See Sang-Hun Choe, Martha Mendoza, and Charles J. Hanely, The Bridge at No Gun Ri: A Hidden Nightmare from Korean War (2001). Since then, South Korea’s Truth and Reconciliation Commission confirmed widespread suspicion that many other atrocities were committed by South Korean troops as well. See Sang-Hun Choe, “Unearthing War’s Horrors Years Later in South Korea” New York Times December 3, 2007; “Times Presses on Koreans Digging Up A Dark Past” New York Times September 4, 2009; and “South Korean Commission Details Civilian Massacres Early in 1950s War” New York Times November 27, 2009. But not all atrocities were done by U.S. soldiers: recently it was discovered that Koreans were also deeply involved in killing and torturing of innocent civilians. See a novel, Sok-Young Hwang, The Guest, trans. Kyung-Ja Chun and Maya West (New York: Seven Stories Press, 2005), which is based on a massacre committed against innocent Koreans in Sincheon, Hwanghe province Korea in 1950. Upon its publication in Korea in 2000, Hwang immediately became a center of debates for his candid and sobering account of murders and torture of left-leaning Koreans (or even the ones with no political stand whatsoever) by Christian Koreans. The massacre in Sincheon in Hwanghe province was believed to be done by U.S. military until Hwang’s novel outed Korean complicity.

Uncertainty of GI babies' racial identities compounded suspicion and fear of unknown future widely spread among public. In this time of uncertainty and deeply felt disruption and anxieties, President Rhee turned to politics of blood that has successfully mobilized people against colonizing Japan in the past. The visceral notion of belonging helped bring together the people again in the post independent era. Like "Saxondom" in English nationalism or "Aryanization" in German Nazism, "*the minjok*" came to mean in Korean nationalism specifically racial unity and superiority of Korean blood. In such political and cultural milieu, children of mixed racial heritage were no doubt disavowed and excluded from the national community. The children were the element that could threaten an already tenuous basis of Korean subjectivity. Statelessness of GI babies must be understood in the historical, political, and cultural context in which Korean citizenship law and family law emerged.

### **The Korean Nationality Act of 1948**

The Nationality Act of 1948 (No. 16) prescribed acquisition of Korean nationality by birth (Article 2), legal acknowledgement (Article 4), marriage (Article 3), naturalization (Article 5, 6, and 7) and recovery (Article 14). The 1948 Act is governed by three principles: First, the nationality must be prescribed by statute. Second, the father's lineage takes precedence in determining one's nationality and the father takes the central role in determining one's nationality. Third, one should have only one nationality and the family members should have the same nationality.<sup>13</sup> The bill of citizenship law was first introduced to the Judiciary Committee in National Assembly on November 29,

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13. The Korean Constitutional Court Decision, August 31, 2000, 97 Heonga 12, Constitutional Court Report, Vol.12 No. 2, 176.

1948. The bill was discussed for only three days before the final draft was passed on December 20, 1948.

After the Korean War (1950-1953), the American Military Government began its brief occupation of Korea (1945-1948) while the Soviet occupied North Korea. In the divided peninsular, each Korea proceeded with separate elections. Syngman Rhee was elected as Chairman of the Assembly on July 17, 1948 and the President of first Republic on July 20, 1948. The establishment of the Republic of Korea in south was controversial from the very beginning as many believed that Rhee accepted the national division uncritically “in order to satisfy his own ambition to become president of at least half the nation.” The communist propaganda charged that Rhee was a puppet leader handpicked by the U.S. Likewise, South Korean newspapers also charged that Rhee was out to “seize power” for himself while disregarding considerations for unification of Koreas or alternative political system other than the American model of democracy and presidential system.<sup>14</sup>

It is important to situate the legislation of citizenship and family law within the Rhee regime’s struggle for dominion—to maintain, legitimize, and naturalize its authoritarian power. There is continuity, albeit twisted and mangled, between the anti-colonial discourse of the *minjok* and the regime’s ruling ideology of *ilminjuui* (one people-ism). Taking full advantage of the historical legitimacy of Sin’s historiography, Rhee established himself as “the will of the nation” and an ultimate father figure to

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14. Robert T. Oliver, “United States Involvement in Asia: Syngman Rhee and the Establishment of the Republic of Korea,” in U.S. Foreign Policy in Asia: An Appraisal of America’s Role in Asia, ed. Yung-hwan Jo (Santa Barbara: ABC-Clio, 1978), 41, 57.

people.<sup>15</sup> Rhee appointed In Lee as the Justice Minister and Byung-no Kim as the Chief Justice.<sup>16</sup> Lee drafted Korean Nationality Act and Kim drafted family law in Korean Civil Act of 1957.<sup>17</sup> The citizenship law and family law were legal manifestations of the Rhee's ruling ideology, combined with militant authoritarianism, belief in eugenics akin to German and Japanese model of eugenics, and the notion about masculine nation.

The assembly members were unanimous in their decision on patrilineage as the central principle under which citizenship was to be granted to a child of a citizen father. The discussions on statelessness and mixed race descendants were minimum; however, framing and defining Koreanness as the nation of one *minjok* (race) left little room for the mixed race within the national community. The assembly members implicitly expressed their anticipation that the number of mixed race children in Korea would only increase as the U.S. military presence was likely to be a long-term commitment. Besides, no assembly members raised issues with the fact that citizenship bill was already in violation of Constitutional principle of equality between sexes (Article 11 Section 1).

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15. Rhee never acknowledged Sin's contribution, however. Both Rhee and Sin were involved in the independence movement but with drastically different approaches. Sin criticized heavily the Rhee's approach to diplomacy compromised by his own desire for power, arguing that freedom and independence earned by other country's power (through diplomacy) would render Korea a slave to other country. Rhee's diplomacy would only switch the ruling hand from Japan to the U.S. See detail in Chung Suk Seo, Hankuk Kunhyundaeui Minjokmunje Yeongoo (Study of Minjok Question in Modern Korean History), (Seoul: Chisiksanupsa, 1989).

16. Youngsul Kwon, "Yisungmankwa Taehnminkuk Hunpup (Syngman Rhee and Constitution of the Republic of Korea) in Yisungman Yeongoo: Tongnyupwondongkwa Taehanminkuk Gungook (Studies on Syngman Rhee: His Independence Activities and Establishment of the Republic of Korea), ed Young Ick Lew. (Seoul: Yonsei University Press, 2000).

17. Pyong-jun Choung, Unam Yi Sung-man Yeongu (A Study of Unam Syngman Rhee) (Seoul: Yeoksa Pipyungsa, 2005), 418.

On December 1, 1948, the Minister of Justice, In Lee, who drafted the nationality bill, was summoned to present his vision of citizenship to the National Assembly members. Lee listed three fundamental principles on which his bill was based: patrilineage, prevention of double citizenship and prevention of statelessness. He explained that central to his vision of citizenship was “jus sanguines,” (principle of descent) saying, “. . . all people with Korean patrilineage are Korean citizens” and:

we are of a single racial group of people, unlike people of other countries made up of hodgepodge of many races. Therefore, the fundamental principle upon which the citizenship law was based came out of the respect for patrilineage and this will ensure that every single person [i.e. only the one who is a direct descendent of Korean male] acquires citizenship<sup>18</sup>

In order to prevent people from obtaining more than one citizenship or no citizenship at all, Lee explained that the bill also employed a birthright citizenship component. He added apologetically, “If we only adopt jus sanguines, it may create stateless people. Out of necessity and as an exception, I had to include jus soli (principle of place of birth).”<sup>19</sup>

Anticipating questions about the effective date of citizenship law, Lee argued that no nation was created with citizenship law already written, and that only after a nation established itself and a state was organized, a citizenship law could be written. Many assembly members asked how the law planned to include those born of Korean fathers but were displaced in China and Japan during Japanese colonial era as laborers or freedom fighters. As we will see later, the members were interested in finding ways to include the people born of Korean fathers but not present in South Korean territory at the

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18. South Korea, National Assembly Stenographic Record. 1st Assembly, 118th session. (December 1, 1948): 243.

19. Ibid.



time while anxious to restrict citizenship rights to those born of foreign fathers and Korean mothers on Korean soil. Lee assured them by saying that a nation could exist without a state, and hence, while Korea was not a state before and during the colonial rule, Korea was a nation. Therefore the displaced people of Korean descent would be counted as Korean.<sup>20</sup> Lee's comment relates to the Sin's argument on the *minjok* preceding a nation and a state. While many states in ancient Korean history composed of the *minjok* emerged and disappeared in the history of the peninsula, the *minjok*, Korean people itself survived, according to Sin. Likewise, Lee defined Koreanness not as a temporal and spatial phenomenon of a state; rather he defined Koreanness as an identity centered on Korean blood, thereby freeing the national identity from the territorial boundary.

More specifically, Lee's bill prescribed that a person who qualified any section of Article 2 was a Korean national:

- (1) A person whose father is a national of the Republic of Korea at [the time of his or her birth.
- (2) A person whose father was a national of the Republic of Korea at the time of his death, if his or her father is dead before his or her birth,
- (3) A person whose mother is a national of the Republic of Korea, if his or her father is uncertain or stateless
- (4) A person who is born in the Republic of Korea but whose father and mother are uncertain/ or stateless
- (5) A person who is abandoned and found in the Republic of Korea.<sup>21</sup>

Many assembly members raised doubts and questions about anything that did not conform to the *jus sanguines* because they thought such provisions would compromise

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20. Ibid., 244.

21. Ibid., 246.

the racial integrity of the nation. One particular member, Sungduk Hong, raised a question about section (4):

It seems that the bill equally combined the principles of jus soli and jus sanguines. When we read the section, it becomes clear that the law would grant citizenship even to those with westernized features [orphaned or abandoned mixed race children] simply because their fathers are unknown. It must be made clear whether the bill adopts jus soli or jus sanguines.<sup>22</sup>

The chair of Legislation and Judiciary Committee, Insoo Pack, responded to the question and reassured members like Hong who did not wish that Korean citizenship law combined jus sanguines and jus soli and opposed to granting citizenship to the people of different skin color and facial features:

A fundamental principle that informs the bill is still jus sanguines. We only added the principle of jus soli because it was necessary. . . . In this day and age where foreign affairs and international trades become more frequent and important than ever before, it may be viewed as narrow-minded [by other nations] if we only apply jus sanguines.<sup>23</sup>

Another member, Uphwe Kim, was skeptical about how to legislate Section (3), “A person whose mother is a national of the Republic of Korea [is Korean national] if his or her father is unknown or stateless.” First, Kim asked the Minister of Justice whether Korean citizenship would be granted to a child of a Korean woman who gave birth overseas and came back to Korea. But as it will become clear later, Section (3) is impossible in reality because a Korean woman was not allowed to be a house-head. Only a Korean man can be a house-head and only a house-head can register a child in his family registry. Unless a Korean mother knew a male house-head who was willing to

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22. Ibid., 248.

23. Ibid., 249.

register the child in Section 3 situation, such provision was unrealizable.

Notwithstanding, Kim insisted that the child born abroad should not acquire Korean citizenship through the mother.

Second, Kim raised even more skepticism toward Section (5) that was to grant citizenship to children deserted and found in Korea because he believed that the child might or might not have been born of a Korean father. Kim's questions show anxieties about the children whose familial background was unknown and whose racial identity was uncertain: a father was a foreigner or, if the father was purportedly Korean, he was absent. As reflected in the patrilineal personal genealogy of *chokpo*, knowing where a person comes from—geographical origin of the clan, as well as detailed background on his/her extended family including parents and siblings—was deemed central to one's social status vis-à-vis other clans and communities. Because Korea was defined as a family-like entity, a great emphasis was placed on establishing and maintaining a relational hierarchy. When the Korean father of the child is absent, it is often viewed that the child literally has no history. The history of the child's mother was insignificant at best and non-existent in reality because, if the mother was legally wed, her family history must be completely absorbed into that of her husband. Moreover, when the father of the child was a foreigner, without a question the child did not and could not belong to Korea because it violated the central tenet of the *minjok*.

Upon close reading, it becomes clear that Kim's questions had more to do with racial heritage of bloodties than with a place of birth of deserted children. Kim stated,

I am not sure how to legally define the term 'abandoned children.' I think the term

refers to [young] deserted children who are incapable of supporting themselves. Because of the presence of foreign army [i.e. U.S. military] here, we often see deserted children who have different skin colors. It is one thing if children [of Korean male descent] were born, abandoned, and found in Korea [but it is quite another if a child is born in Korea of non-citizen father]. If we do not have a clear legal definition of ‘abandoned children’ and loosely apply the term to seven or eight year-old children [of different races], I think the section (5) is dangerous. . . because the problem with abandoned children [who have different skin colors] cannot be solved diplomatically with foreign countries. What would we do with them [mixed race children] if the children were deserted in Korea [intentionally]?<sup>24</sup>

To be precise, Kim was stirred by “abandoned mixed race” children, not simply “abandoned” children although he did not explicitly say so. The way Kim expressed his skepticism toward Section 5 alluded that the abandoned children of mixed race were found frequently and became visible, already in 1948. Judging from his disapproval of the term “abandoned children” that did not specify the racial background of the term, Kim’s comment shows his belief that Korea could not and should not take a risk by not specifying “abandoned children” as “abandoned children of only full Korean parentage.” Without naming which foreign army (it was obvious to everyone), Kim also did not spell out what he really intended to say; the mixed race children he referred to were the GI babies fathered by U.S. soldiers. He never expressed that Korea should do without such mixed race abandoned children and that citizenship must not be accorded to them. However, he made it clear that Section (5) would accord citizenship indiscriminately to abandoned children of full Korean parentage and mixed race heritage alike, and therefore the section was “dangerous.”

Why was granting citizenship to mixed race children “dangerous,” and to whom?

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24. Ibid., 250

Would it not be more dangerous to deny citizenship and make them de facto stateless? Considering the relatively small number of abandoned mixed race children in the late 1940s compared to the numbers in the 1950s and the 1960s, it would have made little difference if citizenship was granted to racially mixed children. Then the Kim's opposition has to do with violation of the principle of purity of Korean race. Legal acknowledgment of the mixed race children as Korean nationals could be interpreted by other nations as the official inclusion of mixed racial heritage although Lee's initial rationale for the provision was to prevent statelessness. Granting Korean nationality to prevent statelessness is not synonymous with granting nationality to embrace the children as part of Korea. The Kim's opposition to the provision on the technical ground (the definition of "abandoned children") was a manifestation of the anxiety about the ideological threat that could befall Korea by having mixed race as part of Korean nationals: the official inclusion of mixed race children as Korean national could threaten the internal racial wholeness of Korea, and bring out the painful memories of civil war and the emasculating (albeit not acknowledged) experience of occupations by two imperial powers (Japan and the United States).

In response to Kim's questions, the Justice Minister Lee implicitly expressed how reluctant he was in adding *jus soli* within the Korean citizenship bill. Although Lee stated that he did so in order to prevent statelessness, no assembly member expressed interests in knowing issues related to statelessness or stateless GI babies. Korea, defined in racial and patriarchal terms, had no place for anyone who did not share Korean male blood and therefore the assembly members who shared such views perhaps did not see the need to

discuss statelessness in the first place. Statelessness as a result of not having a citizen father was a foreign concept to Koreans because of the widespread understanding in a marriage custom where men's legal as well as social status determined the status of children and wives. The Lee's emphasis was on the fact that the government couldn't help including the birthright citizenship component because other countries were doing so: "To prevent statelessness, we have no choice but to give citizenship [to abandoned children including mixed race children found in Korea]. I believe that this is practiced everywhere in the world and therefore we cannot help it." There is also a sense that Korea placed itself not only amongst other Asian nations but also in a bigger global community of nations. Nonetheless, Lee was sympathetic to other members' concerns about diluting Korean blood and made an apologetic comment: "It [jus soli] won't be to our advantage because we are a uni-racial group of people. But we cannot help it."<sup>25</sup>

This comment shows that Korea was well aware of international legal practices regarding prevention of statelessness and how other nations defined their nationals. In accordance with the 1930 Hague Convention on Certain Questions relating to the Conflict of Nationality Laws (Article 14), many nations conferred their citizenship to foundling with the presumption that such children were born in their own territories. Although not finalized until 1952, international discussion about prevention of statelessness was already on the way in 1949. The International Law Commission listed "nationality, including statelessness" as one of the subjects selected for

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25. Ibid., 251.

codification in 1949.<sup>26</sup>

When we connect the Lee's apologetic statement with the Kim's comment about abandoned mixed race children as a diplomatic liability, it seems clear that the problem of deserted mixed race children was a conundrum to the government that the issue could not be solved through diplomatic channels. The U.S. shed her blood for Korea during Korean War, unpopular war among American public, temporarily took over Korea from 1945 to 1948, continued its commitment by sending financial aids and performing humanitarian acts in Korea. Such unilateral relationship between two nations placed Korea not in a position to ask U.S. military to take responsibility for the children fathered by the soldiers. It is not too difficult to postulate why such helplessness abounds in the Lee's comment.

The rhetoric of danger and its implication on dilution of Korean blood did not end with obvious cases of racially mixed children. Lawmakers were equally uneasy about granting citizenship to non-citizen wives of citizen men. In proposed Article 3 Section 1 granted Korean nationality to alien wives who married Korean citizen men.

Alien who satisfies any one of the following conditions may acquire Korean nationality.

- 1) Woman who marries a Korean man
- 2) Anyone whose Korean father or mother legally acknowledges [legitimates]
- 3) Anyone who is naturalized

An Assembly member Yunwon Park fiercely opposed to the first provision, arguing that

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26. Manley O. Hudson, Report on Nationality, Including Statelessness February 21, 1952. Extract from the Yearbook of the International Law Commission 1952, vol. II. DOCUMENT A/GN.4/50 from <http://www.un.org/law/ilc/index.htm>, accessed December 13, 2005.

alien wives were a security risk. But underneath his official rationale of national security lies the mantra of purity of Korean blood: “I believe it is careless to accord citizenship to a foreign woman upon marriage. . . We must deter mixed marriage in order to preserve purity of our bloodline.” A few other members disagreed: using Nazi Germany as an example, they warned that Korea’s insistence of racial purity might bring the ultimate demise to the nation just as it did to Germany. Others disagree with Park on the ground that a racial restriction was at odds with constitutional guarantee of equal treatment.<sup>27</sup>

Those who insisted on getting rid of the provision that would grant citizenship to alien wives of Korean men doggedly insisted that racial purity of Korea was something to take “pride.” Interestingly these lawmakers expressed that if such provision was to be allowed, Korean peninsula would be “swarming with Japanese chicks.” Kiwoon Park chimed in saying, “Our race, the offspring of Tangun, with five thousand years of history is something to be much proud of. . . . We need to mobilize our race in order to forge ahead to the future. Therefore we can’t let this provision passed because it will shame our race. Think about our colonial past. All the Japanese collaborators and traitors brought Japanese women [to this country and diluted the bloodline].” Then an uproar of “You’re right” erupted in the Assembly. These members seem to have forgotten the fact that President Syngman Rhee himself married Francesca Donner, an alien woman born in Austria.

Taebum Kwon, one of few members who argued for a more liberal approach to citizenship provision pointed out absurdity of the notion of “pure Korean race”: he asked

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27. South Korea, National Assembly Stenographic Record. 1st Assembly, 119 Session (December 2, 1948), 260.



how many would prove to be truly Korean race if there was to be blood tests for every single person in Korea. This questioning about validity of bloodline was severely booed by the majority of the members. Some shouted out “Insulting!” and others yelled, “Take it back and apologize!”<sup>28</sup> Kwon was not a lone liberal dissent. A member Hunhyung Cho said that it was against common sense to not grant citizenship to an alien wife who had legally married a Korean citizen man and such marriage was protected by the law. Youngwoon Kim disagreed with Cho that Article 20 in Constitution—marriage was founded on sex equality and such marriage’s purity and health must be protected—did not apply to interracial marriage. Cho argued that it was the case because Article 20’s “purity” of marriage meant only the kind of intra-racial marriage that could preserve the Korean bloodline and protect racial purity.<sup>29</sup>

There was still other disagreement on subsection (b) that would grant citizenship to “anyone whose Korean father or mother acknowledges [legitimates].” No one disputed that Korean father has right to acknowledge a child when a child is born out of wedlock. What people disagreed was why a Korean mother should have the same right to “acknowledge” a child. The Assembly was in much disarray at this point with heated debates and emotionally charged disagreements. In an effort to calm down the Assembly members, the Ministry of Justice, In Lee, clarified that what the provision meant by “acknowledge” is not the same as “legitimation.” Lee argued that it simply meant recognizing a child as one’s own after the child was mistakenly separated from the mother before the child acquire family registry, and therefor there was no way of tracking

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28. Ibid., 261-262.

29. Ibid., 265.

down his or her parents in records. He added: “This is not the case for orphans. Not a case of acknowledging an alien child to be Korean.” This final statement quelled all the oppositions and no one insisted on dropping “Korean mother” from the provision as a person who could acknowledge a child as Korean national.<sup>30</sup>

Surprisingly, the Nationality Act of 1948 briefly dealt with international adoption while discussing provisions for expatriation. Article 11 prescribed conditions under which Korean nationals were to be expatriated: “a person [i.e. woman] who marries a foreigner and acquires the spouse’s citizenship,” and “a person [i.e. GI babies] who is adopted by a foreigner and acquires the adoptive parent’s citizenship.”<sup>31</sup> This provision was quite contrary to Korea’s stand on adoption in general at the time. Because Japanese colonial government instituted its own legal system of adoption of an unknown/ unrelated child in Korea, there were strong aversions toward the concept of adoption. Korea believed that adoption was a colonial practice, which was institutionalized in order to dilute Korean bloodlines.

The Chief Justice Byung-no Kim argued in his bill of family law within the Korean Civil Act of 1957 that there was no concept of adoption in Korea, except the adoption of a child who was already known to the adoptive parents. Kim criticized that Japan tried to muddle Korean blood by allowing adoption of children who could be Japanese, did not have the same last name as adoptive parents, and were not blood related. To Korea, destroying Korea’s patrilineage meant diluting the essence of

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30. Ibid., 267.

31. South Korea, National Assembly Stenographic Record. 1st Assembly, 118th session. (December 1, 1948): 247.

Koreanness. Kim stated:

Even though they [Japan] tried to rule us through politics and applying their laws to us, they could not apply their own family laws to Korean people. Instead, they tried to gradually dilute our blood [and therefore our spirit] by prescribing adoptions not for the purpose of succeeding a bloodline [family lineage] but under the pretext of humanitarian virtues. People were allowed to adopt children who are not even [blood] related . . .<sup>32</sup>

The colonial government introduced the Japanese adoption system called *Siyangcha* in November 1939 in Korea, in order to integrate and assimilate Korean population into “multiethnic” Japanese empire. This kind of adoption was an unfamiliar practice in Korea where adoption and marriage took place at the same time: by marrying a daughter of adopting parents, the husband becomes an adopted son, as well as a son-in-law. This violated Korean custom by allowing adopting a child with a different family name. Adoption of a child of full Korean parentage had occurred in the past, only within an extended family network and between those who had the same last name. Such domestic adoption was done in order to preserve a family lineage for the adoptive family that did not have a son to inherit the family line. Moreover, *Siyangcha* system would be incestuous as a daughter marries a man who became a son to the woman’s parents, hence her brother. While adoption in Korea was allowed in order to continue patrilineage and family lineage, adoption in Japan was less about family bloodline than consolidating financial or political status of two families.<sup>33</sup>

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32. South Korea, National Assembly Stenographic Record. 26<sup>th</sup> Assembly, 30<sup>th</sup> session. (November 6, 1957): 11.

33. Hyunah Yang, “Envisioning Feminist Jurisprudence in Korean Family Law at the Crossroads of Tradition/Modernity” (Ph.D. diss., New School for Social Research, 1998), 49-50.

The mantra of preservation of racial purity was spoken too often to count all, but one member proposed to get rid of the entire Section 5 prescribing conditions under which naturalization could be granted to aliens, such as a five consecutive years of residency and the age limit of 20 year-old, etc. An Assembly member named Kookhyun Cho opposed to the entire Section on the basis of keeping Korean race unpolluted and an exception could be made only for a few aliens who contributed to Korea's betterment:

[If we were to pass Section 5,] this country of Korean race would become a place of an exhibition [some laughed]. Race exhibition, that is. What we have been proud of was purity of our race that we kept it going for five thousands years of our history. . . It may be progressive to those who believed that a pig born of a Korean pig and a Western pig would be superior [some laughed]. But we can't allow racial mixing and racial exhibition of *kkumgunyi* [niger], *bulgundungyi* [red], *hindungyi* [white] and *japkuk* [mongrel, any mix of everything]. . . . We are not the United States where black and white races mingle. Korea is of single race. [Citing historical cases of naturalized people] It is an invader's intention to demolish our nation by diluting racial stock. . . . If thousands and thousands [of aliens] were to be naturalized, our race will be disintegrated and it will create a chaos.<sup>34</sup>

Kookhyun Cho's suggestion of not allowing naturalization at all never gained popular votes; but one thing for certain was that the majority of the assembly members shared the Cho's view on Korean racial purity. Nevertheless, the 1948 citizenship law remained largely of symbolic significance because another powerful set of law prevented the GI babies from being recognized as Korean citizen born of Korean citizen mothers. Family law instituted as part of Korean Civil Act of 1957 reinforced and strengthened the racially exclusive and gendered Korean citizenship law. In order to understand how GI babies born out of wedlock in Korea could not acquire any kind of Korean legal status, it

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34. South Korea, National Assembly Stenographic Record. 1st Assembly, 119 Session (December 2, 1948), 268-269.

is necessary to examine the Chapter II (Head of Household and Family Members) in the Book IV, Family Law (also known as Relatives) in the Korean Civil Act of 1957 (No. 471).<sup>35</sup>

### **The Korean Civil Act of 1957**

The draft of bill of family law began by the Chief Justice Byung-no Kim initially in 1948, but its passage in the Assembly was disrupted by Korean war. Initially the government established the Law Compilation Committee (LCC) on September 15, 1948 to create a legal system and the Chief Justice Byung-no Kim chaired LCC. Kim drafted the civil law bill (later became Korean Civil Act) practically by himself because two other subcommittee members in charge of drafting the law were either killed during the War or transferred to the National Defense Ministry. Byung-no Kim who has worked for the U.S. Military Government in 1946 in his capacity as a legal expert was a close ally to President Syngman Rhee as well.<sup>36</sup>

The family law, promulgated on February 22, 1958 that went into effect in 1960, governs relationships of kinship such as between husband/ wife or parents/ children. It is often called “the law of status”<sup>37</sup> because the chapter II (family law) defines and regulates who is a member of family and how family lineage is inherited. Therefore, the concept of

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35. The Korean Civil Act (also known as Korean Civil Code) has five books: Book I “General Provision,” Book II “Real Rights,” Book III “Claims,” Book IV “Relatives,” and Book V “Succession.”

36. Chungseok Seo, Hankuk Hyundae Minjokundong Yeongu: Haebanghoo Minjokkyka Keonseolundongkwa Tongilcheonseon (Modern Korean Minjok Movement Study: Post-independence Construction of Minjok Nation and Unification Front. (Seoul: Yeoksapipyung, 1991), 475.

37. Yang, “Envisioning Feminist Jurisprudence in Korean Family Law at the Crossroads of Tradition/Modernity,” 3.

“family” or “relatives” in Korean family law are *legally* defined relationships that may or may not reflect actual kinships. Through the family registry system in family law, the boundary and the nature of familial relationships are established. The family registry carries enormous significance because it is the source of one’s social and legal identity in official documents such as identification cards, passports, etc. It is similar to a birth certificate or a social security number used in the United States as it provides personal information like a date of birth, name, sex, etc.

The family register, however, is much more than a personal/ individual identification system: it lists one’s ancestral history such as a place of family origin and various degrees of relations among family members according to one’s male lineage. To acquire any legal status in Korea, one must possess the family register record (*hojeok*). The Korean family register counts a household as a unit of society whereas the social security system in the United States counts an individual as a unit of society. Although initially used as a tax levy unit until the 19th century, the family registry performed also the function of the *chokpo*, personal pedigree, by establishing and reinforcing one’s familial history and information.

A woman had little to no right in establishing and owning a legal household under the head of household law (Article 826 (3) and 984), as enacted in 1957. The house-head law prescribed an unmarried woman to be under a family registry—usually of her father or brother’s. When a woman married, the married woman was to be completely absorbed into her husband’s family registry. The married woman was legally no longer a member of her biological family. Her name would be eliminated from her father’s family register

and transferred to her husband's family register. A woman could not be the primary successor of the family lineage: only a man—regardless of his age, ability, or will—could succeed a family lineage and become the house-head.<sup>38</sup>

Safeguarding the hierarchy of gender and the notion of racial purity as the main goal, the family law maintained two different provisions for registering a marital and non-marital child (The family law of 1957 does not have a provision for a child born of a Korean mother and a foreigner father). First, for a child born in wedlock, Article 781 (1) prescribes that the child “shall assume his/her father's surname and origin of surname and shall have the name entered in the father's family register.” Once a child is legally registered with state through the father's family register and given the father's last name, the child assumes citizenship. The relationship between family register and nationality is inseparably linked.

For registration of a child born out of wedlock, two things could happen. The biological father of the child may legally acknowledge the child and register the child under his family register, regardless of his relationship to the mother of the child. The father needed no permission from either his own legally wed wife or the mother of his child. If the biological father did not acknowledge the child born out of wedlock, Article 782 (2) of the family law of 1957 and nationality law of 1948 prescribed the unwed mother to register the non-marital child under the family registry to which she belonged (it is likely to be her father, grandfather, or brother's register). The child was to be entered into the mother's house-head registry only if the house-head agrees to do so. For instance,

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38. This deeply gendered family law is recently revised so that a woman can be a house-head and establish and own a family registry. More detail follows in Epilog.

a father of the mother who gave birth to a child out of wedlock (grandfather of the child) may consent to register the child under his registry. Then, as strange as it may sound, the child becomes a sibling to the birth mother. This method provided the only option for many mixed race children who remained in Korea to acquire citizenship unless the mother of the child married a Korean man who was willing to not only accept the mixed race child but also list the child under his family registry. However, because of the stigma and shame attached to a woman who had a child out of wedlock, and especially with a foreigner, often the family head refused to accept the child. Especially in the 1950s and the 1960s, marrying a foreigner was deemed a rare occasion; but having a child with a foreigner out of wedlock was beyond the pale. Although citizenship and family law officially stated that the law allowed registration of mixed race children, it was not possible in reality.

As a last resort for an out-of-wedlock child whose birth father and birth mother's family refused to acknowledge, the law allowed an independent new family registry to be set up for the child. Article 782 (2) of family law in the Korean Civil Act of 1957 prescribes, "If it is impossible for a child born out of wedlock to have its name entered in its father's family register, the child's name may be entered into its mother's family register, and if it is impossible for the child to have its name entered in its mother's family register, the child may establish a new family." This provision is nothing but an empty promise that had no consideration for the reality of the orphaned children, especially of mixed race.

Once abandoned or dropped off at orphanages without ever being entered into



their mothers' family registries, the children could not establish their own family registries because the children were simply not capable of navigating through the bureaucratic maze. It was extremely difficult, if not impossible, to legally establish a new household and obtain family registry for the mixed race children by themselves. Someone, such as a legal guardian, must do this for them, and this is what the Ministry of Social Affairs, as a guardian of absolute orphans, did for the children whose adoption by American families in the 1950s was in process. Only when the Rhee regime began to realize that Korea could solve the problem of mixed race children through international adoption, the government began to create a family registry for the children who were adopted by families overseas and waiting to leave the country. Guardianship of mixed race children by adopting families who were present in Korea also enabled the mixed race children to obtain a new family registry because a guardian who took custody of an orphan child could create a new family registry for the child. The Ministry of Justice and Foreign Affairs allowed guardianship of mixed race children by foreigners without any restriction whatsoever, and many Americans took advantage of this method in order to simplify and speed up international adoption procedures.<sup>39</sup>

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39. Marcia J Williams (ISS Korea) to Florence Boester (ISS Japan), February 8, 1958, box 34, folder 20-24, International Social Service American Branch records (ISS-AB hereafter), Social Welfare History Archives, the University of Minnesota (SWHA hereafter), 1-2. Any foreigner could claim legal guardianship of an orphan without much restriction from Korean government. There were no specific statutory laws and treaty provisions that limited "the private rights of American nationals" who wished to take guardianship of a child in Korea. The Foreign Ministry's interpretation of the law was derived from Article 2 in Korean Civil Ordinance, promulgated in 1896 that stated, "Aliens enjoy private rights, except in cases where it is prohibited by laws, ordinances or treaties." This was a generic provision that could be broadly interpreted to serve the interest of the state. Lawmakers in 1896 could not have anticipated foreigners wishing to

Far from merely a law about family-related private matters, family law and the house-head system is a powerful instrument in executing public law of citizenship. The important role the house-head system played in granting nationality can be traced back to the American Military Government occupation era (1945-1948) that inherited and preserved the colonial codification of family law and house-head system. The AMG, although lacking authority to define Korean nationality, relied on the colonial family registry records to define Korean nationality. For instance, when AMG legislated “law regarding election of the constituent assembly legislators” in 1948, it defined Korean nationals as:

- 1) a person who was registered under the Korean family registry at the time
- 2) a person who was born of Chosen (Korean) parents
- 3) a person whose father was Korean<sup>40</sup>

AMG specifically singled out “Korean” family registry because the colonial administration maintained two separate registry systems: one for colonial subject of Koreans and the other for Japanese proper residing in Korea. Although Japan sought an aggressive assimilation policy in Korea under the banner of “one body under the emperor,” it maintained a rigid discriminatory system with differential treatments to imperial subjects like Koreans.<sup>41</sup>

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take guardianship of GI babies born out of wedlock in the 1950s. Korean law of guardianship for aliens required nothing about the prospective guardian’s financial, mental or emotional stability that would enable caring for the child. See “Note from Ministry of Foreign Affairs, Republic of Korea,” July 31, 1954 (attached to the Strom’s letter), box 35, folder 24, ISS-AB records, SWHA. See excerpts of Korean Civil Ordinances attached to the Ministry’s note.

40. Hyun Choe, “National Identity and Citizenship in China and Korea” (Ph.D. diss, University of California Irvine, 2003), 135-136.

41. Chungmoo, Choi, “The Discourse of Decolonization and Popular Memory:

The AMG Ordinance No. 21 issued on November 1, 1945 described, “The legal effect of the Ordinances, Regulations, and Directions, and other documents effective at the time of the liberation shall be perfectly intact unless the military government abolishes them by special Ordinance.” Except provisions against the political intention to discriminate and suppress ethnicity, the existing colonial laws were to remain until the Republic of Korea was to be established in 1948. The majority of provisions in the colonial family law continued under the AMG rule.<sup>42</sup>

The Korean family register system, as it was legislated in 1957, was the product of Japan’s colonial administration. The system was in part Korean custom and selective adaptation of Japan’s civil code. Before Japan annexed Korea in 1909, Chosun dynasty employed a system of population census called *minjeokpup* for the purposes of levying tax and maintaining class divisions. *Minjeokpup* contained actual living arrangements and defined family as a unit of people living together, unlike the colonial civil code or the 1957 family law that had more to do with blood relationships than living arrangements. Japanese colonial government revised *minjeokpup* and applied some of its own Civil Code in 1921 because it needed a legal means to control Korean subjects while not treating them the same as Japanese residing in Korea who were Japanese nationals with rights under its citizenship law. The colonial Korean family register became the important source of population census since Japanese Law of Nationality did not apply to Korean South Korea,” Positions: East Asia Cultures Critique 1.1 (Spring 1993): 77-102. Wonmo Dong, “Assimilation and Social Mobilization in Korea: A Study of Japanese Colonial Policy and Political Integration Effects” in Korea Under Japanese Colonial Rule, ed. Andrew Nahm (Kalamazoo, Western Michigan University Press, 1973).

42. Quoted in Yang, “Envisioning Feminist Jurisprudence in Korean Family Law at the Crossroads of Tradition/Modernity,” 111.

subjects. Therefore the colonial codification of family law made the Korea family register as the source of Korean nationality as well as familial identity. In 1922, the Ordinance of Family Registration was issued in Korea requiring more specific information about a history of one's familial relationship to be registered, such as the principle of registration of marriage, birth, adoption, death, etc.<sup>43</sup>

This Japan instituted family register system, along with many other colonial legal structures and practices, was not only intact but also turned into "Korean" custom in the post-independent Korea. The continuation of colonial legal structures was aided by the AMG leadership that was ill-equipped to occupy Korea and therefore heavily relied on the colonial administrative structures and practices in Korea. Japanese colonial legal practices profoundly affected Korean nationality law as the AMG and the Rhee regime, both of which were complicit in preservation of colonial structure of things, inherited and followed the system as if it were an indigenous Korean custom.

Before the National Assembly considered voting for the final bill of family law, the author of the bill, the Chief Justice Byung-no Kim, was called upon to explain his views to the National Assembly members on November 6, 1957. The central tenet of his vision was the preservation of the notion of "traditional" family through patrilineage while completely ignoring the fact that family law with the household registry system was the colonial implementation. Kim relied on not only a circular logic (The patrilineal system is virtuous because it is superior) but also the incorrect knowledge of human biology as the intellectual basis to his argument:

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43. Ibid., 40-42.

Our family law [the house-head system] may be debatable when it comes to gender equality. . . . As you already know about a human history, we human race build a village before building a nation. Then we develop our culture and learn to respect a lineage. Our notion of “*Jip* (family)” respects the logic of patrilineage. When we talk of lineage and succession of human race, some may think of Adam [in the biblical sense] and the like. But in our case, wasn’t it Tangun [the mythical progenitor of Korean people] from whom we Korean race inherited our blood? I know that it sounds too broad but we can think of someone close to us to trace back [to Tangun]. Isn’t a father the person from whom we inherited our blood? Someone who is little closer [to Tangun] than a father would be a grandfather. And someone who is closer than a grandfather is a great grandfather . . . . I’ll tell you why our patrilineage system is a rational system. Biologists would agree with me. Although Supreme Being created all humans [in principle], our body [in reality] is made of our father’s soul and spirit. We know this through [science of] biology. A mother bears a child for nine months and rears. You may laugh but an old proverb says that a father gives life to a child while a mother gives caring. Biologically a seed of life comes from a father. A mother carries the seed in her body for nine months and raises when the child is born. A molecule of the father’s body transports to the mother’s body, grows inside, and comes out to the world. And that is the truth about life as you know it. Therefore, the patrilineage system is righteous. This is why culturally advanced countries follow patrilineage. If we destroy patrilineage and adopt matrilineage or mixed lineage, the concept of “*jip* (family)” I mentioned earlier will be destroyed. It is family that allows succession of the origin of our race and it is our family law that enables the continuation of patrilineage. . . . The very essence of patrilineage is the molecule of the seed from a father. . . .<sup>44</sup>

Byung-no Kim’s speech contains the main thrust of the *minjok* while precisely putting forward racial terms of belonging and likening the nation to a family-like entity. The term Kim deployed in his speech, *Jip*, could be literally translated as a “house” or figuratively a “family/ household” in English. Kim’s use of *jib* as a family has a dual meaning: the *jib* not only referred to a small scale of a household, but also to a larger scale of *jib*, the national family. Therefore, to preserve patrilineage was to preserve the bloodline of the nation. In this sense, family law is not merely about relationships among

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44. South Korea, National Assembly Stenographic Record. 26<sup>th</sup> Assembly, 30<sup>th</sup> session. (November 6, 1957): 10-11.

family members but also about the relationship between the nation and individual families. Likewise, the rhetoric of familial nation mandates people to pledge unquestioned loyalty to the nation as they would do to their parents and family members. In the same logic, private life of family is equated with the public life of nation. As the 1930s eugenics movement argued that private life of marriage and reproduction had reverberating effects on future of the nation, Kim's comment urged people to relate preservation of the Korean male bloodline at home to preservation of Korean nation.

Kim's view reveals two crucial elements that enabled the racialized notion of Koreanness upon which family law and citizenship law were based: the legacy of the colonial era eugenics movement in Korea enmeshed in the founding myth of *Tangun*. Not surprisingly, Korea's obsession with preservation of bloodlines went hand in hand with preservation of racial purity. Without the purity of blood, there couldn't be authentic Korean race, as the argument went; likewise, without preserving Korean male bloodline, there couldn't be a Korean nation.

Kim's view on "human biology" was informed by the eugenics movement of the 1930s, although not openly acknowledged. The eugenics movement of the time argued that improving the constitution of the *minjok* (Korean race) would promote health of the nation, and one way to do so was through preservation of the Korean male bloodline. The obsession with a revival of virile spirit of the *minjok* took a different turn in the 1930s. Just like many historians in the late 1920s and the 1930s who misinterpreted meanings of "the revival of the spirit of the *minjok*," some intellectuals took the notion of improvement of the *minjok* literally as a physical improvement of Korean racial stock.

Byungno Kim (family law) and In Lee (citizenship law) were both founding members of the Korean Eugenics Society, which was influenced by Germany as well as Japan's model of eugenics movement.<sup>45</sup>

Eugenicists in Korea and the proponents believed that quality of race must be maintained through control of marriage and reproduction because prevention of life with inferior genes was much easier than elimination of life with inferior genes once it was born. In the 1930s, the official organ of first Korean eugenics society, The Eugenics argued: "marriage is not a private matter because consequences of [misguided] marriage affects the entire *minjok* and therefore must be legislated by law." Likewise another

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45. Young-Jeon Shin, "Usaengae Natanan 1930nyndae Urinarauseangundongui Tukjing: Pogeonsajeok Hamuirul Chungshimuro (The Characteristics of Korea's Eugenic Movement in the Colonial Period Represented in the Bulletin, Woosaeng)," Korean Journal of Medical History (Uisahak) 15. 2 (December 2006): 135-150. The eugenicists sought to discourage reproduction of population deemed genetically inferior while encouraging reproduction of right kinds of people: they focused on "positive" eugenics, not "negative" eugenics that was popularized by Hitler's belief in racial cleansing. The magazine had many articles on marriage and its relation to eugenics. In its first issue of The Eugenics, the editor and the publisher Kapsoo Lee translated the full text of , German Nazi's eugenics law, the Law for the Prevention of Genetically Diseased Offspring of July 14, 1933. The editor Lee strongly supported legislating eugenics law (*Kukmin Usaengpup*) in 1941 in Korea, modeled on the German approach that sought to improve Aryan race by "eliminating the seed [of the undesirable population]" as well as Japan's eugenics law passed in 1940. The eugenics law did not pass in Korea. Eugenics and Social Darwinism made way to Korea beginning in the 1890s through Japan and China and some reformers began to explore eugenics as part of the Study of Korean Race Betterment (*minjokkaeseonhak*) in the 1910s. By the 1920s, eugenics began to be widely circulated among Korean intellectuals. In 1933, the Chosun Eugenics Association (*Chosun Usaeng Hyuphwe*), with 85 founding members and its official organ The Eugenics (Usaeng), was organized as a first eugenics society in Korea. The magazine articles particularly focused on marriage, venereal diseases, and birth control as a means to improve Korean racial stock. The Association recessed in 1937 and resumed its activity in 1946 under a slightly different name, Korean Race Eugenics Association (*Hankukminjok usaeng hyupheo*) and future President of the first republic Syngman Rhee joined the association in 1946.

magazine Hygiene Movement, first published in 1932, argued that “national/ racial health (*minjokjeok keonkang*) was composed of health of each molecule that constituted the *minjok* and its sum of tendency to racial health.”<sup>46</sup> Only when “bad elements”—both the internal (prostitutes, mentally ill, etc) and external forces (mixed racial heritage, for instance)—were purged from the national body, Korea could improve the spirit of the *minjok* and the nation could prosper under a racial unity. The eugenics movement did not lead to public’s belief in superiority of Korean race but instead provided quasi-scientific legitimacy to such belief. Hence, the Chief Justice Byung-no Kim, the author of family law, used the eugenicists’ discourse to describe legitimacy of patrilineage. As Kim’s overuse of rhetoric about *Tangun* exemplifies, the militant drilling of the myth into legal and cultural discourses was rampant in post-independent Korean society.

#### **Uses of History: The Founding Myth of *Tangun* in Post-Korean War Era**

The discursive strategy of evoking a familial nation is not new but has a deep historical root in Confucius teachings of morality and ethics.<sup>47</sup> The doctrine of filial piety fits well with the discursive strategy of the Rhee regime’s appropriation of the myth of

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46. Shin, “Usaengae Natanan 1930nyndae Urinarauseangundongui Tukjing: Pogeonsajeok Hamuirul Chungshimuro (The Characteristics of Korea’s Eugenic Movement in the Colonial Period Represented in the Bulletin, Woosaeng),” 146.

47. For instance in Confucius teaching of *Samgangoryun*. *Samgang* refers to three fundamental principles of piety in human relations (between father/ son, husband/ wife, and king/ subject) while *oryun* refers to the five cardinal principles of morality in human relations (between lord/ vassal, father/ son, husband/ wife, young/ old, and friends). *Samgangoryun*, legitimizing the strict social hierarchy based on age and gender, has been thoroughly indoctrinated into everyday lives of people for the 500 years of Chosun dynasty (14th to 19th century). By evoking Confucius moral principles, the notion of patriotism and national consciousness was made clear and understandable to everyone.



*Tangun*, a founding legend of the political origin of Korea.<sup>48</sup> Historians have argued that *Kochosun*, ancient kingdom established by *Tangun*, was the first nation-like entity that appeared in the Korean peninsula. The historians also have stated that the primary function of the myth was of political because it was *Tangun*'s celestial *heritage* as a grandson of God that sanctified his political power. As a discursive strategy, claiming the heritage of *Tangun* sanctified the holder of political sovereignty as a legitimate heir to divine power while authenticating that the *minjok* was the “chosen race” with “eternal history.”<sup>49</sup> The foundation myth and its true significance, as claimed by historians, was the embodiment of the desire to tailor the past to fit the human condition and political aspirations of the early 20th century Korea.

The postwar regime was well aware of the importance of instilling Korean racial consciousness that was largely buttressed by the gender order. Especially at a time of multiple crises—national division, intensified political factions along the ideology of anti-communism, U.S. military occupation, abject poverty, and most of all the shoddy ground for his political power without the popular support—the Rhee regime needed a powerful ideology that could catapult and uplift spirit of the people. The ideology of

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48. A story of *Tangun*, first appeared in the 13th century writings, narrates a tale of three generation of patriarch, *Hwanin* (God), *Hwanung* (son of God), and *Tangun* (grandson of God) There are variations depending on which historiography one consults. The earliest sources chronicles the tale were *Samgukyusa* and *Chewangunkee*, produced in the 13th century. For the sake of simplicity, this chapter does not deal with how and where the tale differs in two sources. Instead, I will use *Samgookyusa*'s version of the tale because the bare bones of the plot were also chronicled in *Chewangunkee*.

49. Younghoon Cheong, “Tangunui Minjokjuujeok Uimee—Kundaeki Minjokkyoyukkwa Kwanrynhayeo (Meaning of Tanun in Minjok-ism—Relating to Education of Minjok in Modern Era) in Tangunkwa Kochosun (Tangun and Ancient Chosun), ed Taedon No. (Seoul: Sagaejeol, 2000): 183-209.

internal national unity centered on race became the most powerful tool. Evoking racial consciousness as the basis of national subjectivity was accomplished by instituting *Tangun* through educational curriculum (textbooks, school songs, etc), a national holiday commemorating the birth of *Tangun* (*Kaechunjeol*), and legalization of racial membership to the nation-state.<sup>50</sup>

The belief in the single bloodline as the source of the national identity and unity was the central tenet of the Rhee regime's ruling ideology, *Ilminjuui* (one people-ism). Soon after the presidential inauguration, Rhee introduced *Ilminjuui* and its sub-principles: elimination of class divisions and regionalism (factionalism), and establishing equality between sexes and national unity.<sup>51</sup> *Ilminjuui* was a strange amalgamation between Japan's colonialism, German fascism, Chinese Confucianism, ultra right wing anti-communism, and a Western model of democracy. In principle, the ideology utilized a rhetoric of western democracy (equality for all) while in reality incorporating the principles of Confucianism (harmony through a hierarchical order in sex, gender, and age), fascism (totalitarian rule) and the colonial bureaucratic structure of things (school system and Japan's colonial family law and civil code). The fascist doctrine of absolute loyalty and obedience was legitimized under the Confucius morality and ethics while extreme anti-communism was implemented as one of cardinal elements in Rhee's ideology.

Although there are some disputes about the origin of *ilminjuui*, historians tend to

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<sup>50</sup>. Ibid., 203.

<sup>51</sup>. Cumings, The Origins of the Korean War Volume II: The Roaring of the Cataract 1947-1950, 210.

regard *Ilminjuui* as the brainchild of Hosang An, the first Minister of Education, appointed by Rhee in 1948. An, who received a Ph.D. in Germany in 1929, freely co-opted the past such as the myth of *Tangun* to produce favorable accounts of his view on Korean racial ideology. Many Americans at the time thought him a “bona fide Korean Nazi” because his racial doctrine resembled the fascist “Herrenvolk concept (master race).” Nonetheless, his judicious use of Confucius values in executing *ilminjuui* marked him as a homegrown “Confucian fascist.”<sup>52</sup> He explained his view on the character of nation and its people as follows: “*Ilmin* means an aggregate of people. . . [and] refers to offspring of the same forefather and one *minjok*.” He said, “*Ilmin*, made up of one ethnic group, is inevitably of one bloodline (*tongilhyultong*). One bloodline is an absolute element in *ilmin*.”<sup>53</sup> In another occasion, Hosang An acclaimed the virtue of *ilminjuui* undergirded by racial superiority of Korea:

Let us, the thirty million people, come together under one principle. We Koreans are not a heterogeneous race, but a homogenous race. . . . And now, it is the supreme command of our nation and the sacred obligation of our people that we rise above and smash the partition of the 38th parallel line, which was erected by the hands of the foreign armies, in order to unify the divided territories and unite the divided people into one.<sup>54</sup>

Together with nationality and family law, and the Education Minister’s belief in “one people-ism,” there was to be no mistake that Korea was of one race and the source

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52. Ibid., 211- 214.

53. Hosang An wrote a book titled, Fundamentals of Ilminjuui in 1950. Direct quotation from the book was quoted in Sangmoo O, “Hyundae hangukui gukachulhak Anhosangul chungsimuro,” Pumhanchaeolhak 36 (Spring 2005), 77-78. Chung Suk Seo, Rheesyungman’s Jungchi Idaeology (The Political Ideology of Syngman Rhee). (Seoul: Yeoksa pipyung, 2005).

54. Cumings, The Origins of the Korean War, Volume II: The Roaring of the Cataract 1947-1950, qtd in 213.

of life was always traceable to *Tangun*. In such zeitgeist where even school children believed that Korean people were the literal descendant of *Tangun*, it is no surprise that there was absolutely no place—legal, social, cultural, or political—for mixed race children in Korea.

Rhee expressed his view on Korean race in relation to An's visions of *ilmin* this way: "our race has been one race. . . our territory has been one unity, and our Volkgeist has been one. . ." Claiming himself as the embodiment of "the will of the nation (or race)," Rhee stated, "a nation is an enlarged home and its people are an extended family. . . . The people must live together in the spirit of one family. . . . no home can be said to be perfect if a father, a mother, and sons and daughters should stand against each other."<sup>55</sup> The true spirit of democracy that fosters debates and dissent was not part of Rhee's ruling ideology. A collapse of traditional gender order (and any other disorder for that matter) on the pretext of freedom and democracy was never to be tolerated.

To the ideologues and followers of Rhee's *ilminjuui*, racial order in Korea was inseparable from gender order, as it applied to women's subservience and men's virility. Hence, Rhee regime sought to solidify the racialized notion of Koreanness through cultural means. *Ilminjuui* was implemented through racialized and gendered apparatuses, such as the mandatory "moral education" and a "Student National Defense Corps" (*hakdohokukdan*) for male youth. The Student National Defense Corps (SNDC), established in 1949 as a youth organization for boys, mandated all male secondary school students to join the corps, receive military training, and go through rigorous "thought

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55. Ibid., 210.

cleansing,” all in the name of anti-communism and the revival of greater *minjok* spirit.

The SNDC was the apparatus of hypermasculine totalitarianism.<sup>56</sup> It is a powerful marriage between racial and gender hierarchy that gave life to exclusionary and exclusive Korean subjectivity: racial order could not be enforced without disciplining women and policing gender order.

Evoking racial consciousness as the basis of national subjectivity was accomplished by instituting *Tangun* through educational curriculum (textbooks, school songs, etc), a national holiday commemorating the birth of *Tangun* (October 3), etc.<sup>57</sup> One of the best examples of educational tools was a children’s song made for *Tangun*’s purported birthday, which the lyrics entailed:

If we are water, there must be the fountainhead/ if we are trees, there must be the roots.

The father of us all is *Tangun*/ the father of us all is *Tangun*

There were *puja* (father and son) and *pupu* (husband and wife, i.e. *hwanung* and *ungnyeo*) on top of *Paekdu* mountain (i.e. *Taebaksan*)/Heaven opened in accordance with *seongin* (holy beings)

The day is *siwol sangdala*e (the tenth month of a calendar) *chosahulyinee* (the third day of the month)/ The day is *siwol sangdala*e *chosahulyinee*

No matter how far and long, there is only one stem/ beautiful was the flower that bloomed again from the stem

To preserve and honor we pledge/ to preserve and honor we pledge.<sup>58</sup>

The emphasis on the source of one’s personal identity as in “the fountainhead” and “the roots” was extended to one’s racial and national identity in connection with the bloodline

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56. Ibid., 212.

57. Cheong, “Tangunui Minjokjuujeok Uimee—Kundaeki Minjokkyoyukkwa Kwanrynhayeo (Meaning of Tangun in Minjok-ism—Relating to Education of Minjok in Modern Era),” 203.

58. Ibid., 203-204

in the lyrics. As the assembly members' anxiety expressed in 1948 through their oppositions to according citizenship to deserted children of both full Korean parentage and mixed racial heritage, it was deemed absolutely necessary to know one's identity within established social hierarchy, as the lyrics perfectly showed.

### **Conclusion**

Statelessness of GI babies, in part the result of exclusionary Korean Nationality Act of 1948 and family law of 1957, should be understood within the emergence of racial consciousness among intellectuals and nationalists and their efforts to awaken racial feelings of people in the 20th century. The nationalists regarded discovering the unique and transcendental quality of a racial origin as a prerequisite to legitimacy of political sovereignty of Korea. To be Korean was to celebrate unity and continuity of the nation through the *minjok* held together by bloodties. The founding myth of *Tangun* served as moral and racial underpinning to resistant nationalism during the colonial era as well as the establishment of modern Korean nation-state. The tale of *Tangun* as the forefather of Korean people became an all encompassing national ideology and a political and cultural tool that undergirded various nationalist projects.

The cultural notion of Koreanness as an unique racial and patrilineal organism was produced in the nationalist intellectual discourse. Forging the sense of belonging based on shared bloodties was initiated by historians, nationalist intellectuals, and reformers in the late 1890s and the 1900s. The effort to "nationalize" disparate groups of people was accomplished by the invention of traditions and co-opting the usable past that mobilized people to "imagine" themselves as part of something bigger than a clan or a

tribal community to which they belonged. The narrative of *Tangun* and the notion of racially bound Koreanness initially emerged as colonial discourse seeking to stave off encroachment of Japan, China, and the West, but it continued and transformed after liberation from Japan. The founding myth proved to be far more useful and robust than any reformer historians would have imagined.

Both Korean Nationality Act of 1948 and family law within Korean Civil Act of 1957 defined modern/ post-independent Korean subjectivity as a racially bound nation that inherited its blood of *Tangun*. Through the willful misinterpretation of *Tangun* as the literal forebear of Korean race, the Rhee regime successfully combined racial and political elements in forging Korean subjectivity. Despite the longevity of the two laws—no significant revisions were made until the late 1990s—we know little about how legal manifestation of Korean subjectivity influenced and was shaped by the cultural understanding of Koreanness in the post Korean War years. Although the years of the Rhee regime were often characterized as a transitional period, the legal structures and political practices instituted during these years became permanent fixtures in Korea.

Both the citizenship law and the house-head system in the family law were formulated based on the principle of patrilineage, leaving profoundly negative effects on children born out of wedlock of non-citizen fathers and Korean citizen mothers. The entire premise of having the house-head system in family law was to ensure continuation of a family/ national lineage, and hence a great emphasis was placed on succeeding a Korean male bloodline. The house-head system institutionalized the practice of forming a family with a male lineage at the center while perpetuating the ideology of *Korean*

patrilineal family formation. Koreanness centered on bloodties was an elusive argument however; yet, no lawmakers saw the need to define how much Korean blood would make a person Korean. It is the case because Koreanness is defined not by its own characteristics but by exclusion of racial Others. Although there was some resistance, most Korean court officials and lawmakers believed that having a Korean father was enough to constitute a child Korean because foreign women who married Korean men and their mixed race children were completely absorbed into the legal status of their citizen husbands and fathers.

It was extremely difficult for a non-citizen man to be naturalized and become a Korean citizen while the 1948 Nationality Act gave Korean citizenship to a non-citizen woman upon marriage to a Korean citizen man—she needed not be naturalized. The Korean government assumed that when a Korean woman married a foreigner or gave birth to a child with a non-citizen man (in or out of wedlock), both the woman and the child were the responsibility of the alien father. This lack of consideration for statelessness implicitly expressed Korea's desire to keep those deemed not wholly Korean out of the national community. Both the family law and citizenship law epitomized the institutionalization of racial purity, family centeredness, and patriarchy. The laws reinforced each other in deciding who has right to be citizen as a member of Korea. By emphasizing patrilineage of family and the nation, laws upheld gender and racial order in Korea while disavowing and discarding any threat to solidarity, unity, and harmony of the familial nation.

Despite the colonial legacy within both laws, they were neither challenged nor



acknowledged so in the post Korean War years. Contrary to Rhee regime's claim for erecting a “modern” nation with “modern” Korean subjectivity, the definition of Koreanness could not have been any more fraught with multiple colonial legacies: China, Japan, and the United States. The colonialism was not only embedded in the post-independence legal system in Korea but also the Korean manhood, profoundly impacted by the multiple empires vying for control of the peninsula. It is no wonder that exclusion of mixed race children from the notion of Korean family and Korean nation was the legal manifestations of dominion for racial and gender order in Korean society striving for “post” colonial Korean subjectivity.

**Technologies of Imperial Rule:  
The Nationality Act of 1940 in the Age of American Expansionism**

Tuan Ahn Nguyen, mixed race person born to an American father in 1969, was about to be deported in 1995 by the United States Immigration and Naturalization Service (INS) as an alien who had been convicted of crimes involving moral turpitude. Nguyen was born in Vietnam to an unmarried couple of a Vietnamese mother and an American father, Joseph Boulais who was a government contract worker in Vietnam during the Vietnam War. Boulais brought Nguyen to the United States in 1975, raised him in Texas to be a permanent resident, and presumed his son an American citizen. In 1992, Nguyen pleaded guilty in a Texas state court to a number of crimes including a sexual assault. He was sentenced to eight years in prison and later to be deported. In order to prevent the deportation order, the father appealed to the Board of Immigration Appeal with the proof of his paternity via a DNA testing in 1998. But the Board dismissed the appeal and rejected the Nguyen's claim to American citizenship because Boulais has never "legitimate[d]" his paternal relationship to Nguyen in compliance with the 1952 Act, which set conditional requirements for a foreign-born child of a unmarried citizen father to satisfy before acquiring citizenship.<sup>1</sup>

Until the Nguyen and Boulais case challenged the American citizenship regime, little was known about how American citizenship was conferred to children born overseas

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1. 8 U. S. C. Sec. 1409(a) This is a refinement of Section 205 of the Nationality Act of 1940, codified from Section 309 of the Immigration and Nationality Act of 1952. See appendix I for the text of the law of this provision. Also see Tuan Ahn Nguyen v. INS, 533 U.S. 53 (2001)

of unmarried citizens.<sup>2</sup> Despite the fact that the United States has been deploying a large number of military men abroad since the World War II and the popular assumption about the soldiers' need for sexual release, a legal challenge to citizenship conferral laws for foreign-born children of unmarried citizen men has been scarce. The Nguyen's case challenged the citizenship law that differentiated unmarried mothers from unmarried fathers in their right to transfer citizenship to children born out of wedlock in foreign countries. The case came before court over a half century after the law was initially considered and passed in Congress; nevertheless, it bears some significant aspects that inform us how and why American citizenship conferral law is the way it is now. Moreover, the case can enlighten us how the 1940 citizenship law, which might have rendered Nguyen stateless, made GI babies born in Korea in the 1950s stateless.

This chapter examines provisions of the Nationality Act of 1940 that resulted in statelessness of children born out of wedlock in foreign countries of American citizen fathers. Section 205 of the 1940 Act granted different citizenship conferral rights to a citizen man and a woman: an unmarried man was required to legitimate a child born in a foreign country in order to transfer his American citizenship to the child while an unmarried woman could transmit American citizenship at birth to a foreign-born child. The gendered aspect of the law was unprecedented because the previous citizenship law—Section 1993 of the Revised Statutes (R.S. 1993)—recognized only citizen men, no mentioning of their marital status, to transmit citizenship to children, either born in the

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2. There was only one other case that challenged American citizen conferral law before Nguyen: Miller v. Albright, 523 U.S. 420 (1998). Miller was also born to an unmarried couple of an American citizen man and a Philippine woman in the Philippines.

United States or foreign countries.<sup>3</sup> Between 1934 and 1940, both men and women briefly enjoyed an equal right to transmit citizenship: the 1934 Act allowed a citizen woman to retain her citizenship upon marrying an alien man and to transmit her American citizenship to a child born in a foreign country. Since 1940, however, the burden was dramatically shifted to citizen fathers and their foreign-born and out-of-wedlock children, requiring elaborate proof of their commitments to the children.

The majority of historians has been mostly concerned with racial restrictions in the immigration and naturalization laws of 1924 and 1952.<sup>4</sup> While discussion about naturalization and immigration has been heavily dominated by the notion of race and racially motivated restrictions, the racial implications in nationality law are yet to be explored. Despite the fact that many provisions of the 1952 Act were refinements of the 1940 Act, the Nationality Act of 1940 received little scrutiny by the historians. When legal scholars refer to the gendered provision for citizenship at birth, they tend to point to the 1952 Act while leaving the 1940 Act unmentioned.<sup>5</sup> They also have mainly focused

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3. The Act of February 10, 1855 Section 2, 10 Stat. 604, was codified as Section 1993 of the Revised Statutes, which prescribed, “All children heretofore born or hereafter born out of the limits and jurisdiction of the United States, whose fathers were or may be at the time of their birth citizens thereof, are declared to be citizens of the United States; but the rights of citizenship shall not descend to children whose fathers never resided in the United States.”

4. There is a wealth of scholarship on this area. See for scholarship on race and immigration policies in Ngai, Impossible Subjects: Illegal Aliens and the Making of Modern America (Princeton: Princeton University Press, 2004); Erika Lee, At America's Gates: Chinese Immigration During the Exclusion Era, 1882-1943 (Chapel Hill: University of North Carolina Press, 2003); Matthew F. Jacobson, Special Sorrows: The Diasporic Imagination of Irish, Polish, and Jewish Immigrants in the United States (Cambridge: Harvard University Press, 1995).

5. For instance, see Linda Kerber's argument about gender discrimination in Section 1409 in, “Toward A History of Statelessness in America,” American Quarterly

on how the gendered law predicated on sex stereotypes about mothering and fathering discriminated against men but at the same time gave free reign to men who fathered children abroad but wished to avoid paternal responsibility.<sup>6</sup>

The critique of the gendered provision is important to scholarship of citizenship for its contribution to studies of gender, sex, and nation-state by showing how gender became a tool to buttress the nation-state system. However, the argument about gender discrimination in the 1940 or the 1952 Act obscures the racial dimensions embedded in the laws. The critique of reverse sex discrimination, told in a way that circumvented the critique of racially motivated provision, obscures from view that the provision was as much about racialized assumptions on non-citizen mothers as about gendered assumptions on mothering versus fathering. The lawmakers were assured by the State Department legal advisor in 1940 that the likelihood of American citizen women going abroad and having children out of wedlock was “a drop in the bucket.”<sup>7</sup> Hence the provision enabled the lawmakers to claim that it has championed gender equality by allowing women to transmit citizenship, although the gendered equality in citizen conferral disproportionately affected unmarried citizen men and the likelihood of the law

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57.3 (September 2005): 727-749.

6. Kerber, “Toward a History of Statelessness in America.” Jacqueline Bhabha, “Demography and Rights: Women, Children, and Access to Asylum,” International Journal of Refugee Law 16 (2004). Kristin Collins, “When Fathers’ Rights Are Mothers’ Duties: The Failure of Equal Protection in *Miller v. Albright*,” Yale Law Journal 109. 7 (May 2000): 1669. Debra Satinoff, “Sex-Based Discrimination in U.S. Immigration Law: The High Court’s Lost Opportunity to Bridge the Gap Between What We Say and What We Do,” American University Law Review 47 (1997-1998): 1355.

7. To Revise and Codify the Nationality Laws of the United States Into a Comprehensive Nationality Code: Hearings Before the House Committee on Immigration and Naturalization, 76th Cong., 1st Sess.(printed in 1945), (hereafter 1940 Hearings), 85.

affecting unmarried women was negligible.

This chapter shows that without directly invoking the language of race, the legal argument for Section 205 of the Nationality Act of 1940 resorted to the notions of lack of proper sentiment and moral as the grounds for exclusion of illegitimate foreign-born children of citizen men. Underneath the sentimental notion of belonging is the principle of racial exclusion by way of euphemism that children born abroad to unwed citizen father and an alien mother lacked “American character.” Without explicitly stating the lawmakers’ objection to not only foreign-birth but also an alien woman’s mothering capabilities, Congress achieved control of entry to the United States of the population of foreign-born children of alien mothers by limiting citizen fathers’ right to transmit citizenship.

I propose that the notion of race that informed the 1940 Act should be considered within the context of U.S. imperial expansion that began when it acquired colonial territories like Puerto Rico, Guam, the Philippines, etc. in the 1890s. No studies have examined a history of nationality laws of the mid 20th century in the context of American global expansionism. The racially restrictive nationality laws had ideological as well as practical motivations behind: while the 1940 Act helped to make a clear distinction of who belonged within the racialized notion of Americanness, it also had a practical value in deciding who was entitled to benefits and state protection. Still in the shadow of Great Depression, racial Others who inhabited in the colonies were not only racially un-American, but also populations unworthy of state benefits. Moreover, already in the late 1930s, fears about impending World War II, anti-communism, and national security

began to concern the lawmakers. Although New Deal liberalism enabled the passage of the 1934 Act that granted the equal right to women and men in citizenship conferral and relaxed temporarily the passage to citizenship to foreign-born, such a liberal measure soon disappeared.

The anxieties about the war fed the widespread distrust of foreign-born and gave a much needed a final push to passage of the 1940 Act: the law had a long legislative history where it was first initiated by the executive branch of government in the late 1920s but not debated and passed until 1940. Although three officials of the Department of State made recommendations for revision of the nationality laws and submitted a report to Congress on March 29, 1929, no action was taken until the issuance of Executive Order (No. 6115) in April 25, 1933. Then the committee of advisers appointed six officials from the Department of State, six of the Department of Labor, and one of the Department of Justice to write the recommendation.<sup>8</sup> It took another five more years before the Proposed Code to be completed and submitted to President Roosevelt on June 1, 1938 and to Congress. The Committee hearings in the House were held from January 17 to June 6, 1940, before the measure was finally reported to the House and passed in September 1940.<sup>9</sup>

The 1940 Nationality Act was to eliminate cases of dual nationality, people with only technical claims to American citizenship, and confused legal status for foreign-born children of citizen parents. The chapter on nationality at birth not only struck down the

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8. Philip Jessup, "Revising Our Nationality Laws," The American Journal of International Law 28.1 (January 1934), 105.

9. 1940 Hearing, 234.

single provision for foreign-born children of the previous law (Section 1993 of the Revised Statutes) but also enumerated various provisions for children born outside the United States in so-called “insular possessions” of annexed territories (like Puerto Rico, American Samoa, Guam, etc), depending on whether one or both parents were citizens, and whether the child was born in or out of wedlock.

Congress preserved the provision of the Citizenship Act of 1934 that allowed married citizen mothers to transmit citizenship to children born in wedlock and foreign countries. A second paragraph of Section 205 conferred citizenship at birth to a foreign-born child of an unwed citizen mother. There was no requirement for unmarried mother—except proving her previous residence in the United States—to satisfy before her foreign-born child was to be granted citizenship. However, the law prescribed that a child born out of wedlock in foreign countries of unwed citizen father was not a citizen at birth unless the father legitimated the child in court. Until the passage of the 1940 Act legitimation meant marrying the mother of the child, but the Act of 1940 allowed an unmarried citizen father to “approximate” legitimation by meeting conditional requirements such as residence, legal acknowledgment, and a written affidavit for financial support.<sup>10</sup>

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10. Section 205, 54 Stat. 1138-1140. Corresponding Section 309 of the 1952 Act, largely a refinement of Sec. 205, conferred citizenship at birth to an “illegitimate” child born abroad to a citizen father if the “blood relationship between the person and the father is established by clear and convincing evidence,” if the father had been physically present in the United States for five years, and (3) the father (unless deceased) has agreed in writing to provide financial support for the person until the person reaches the age of 18 years, and (4) while the person is under the age of 18 years, (a) the person is legitimated under the law of the person’s residence or domicile, (b) the father acknowledges paternity of the person in writing under oath, or (c) the paternity of the



Implicit in the lawmakers' argument in 1940 for the restrictive passage to American citizenship was about moral landscape of race: imagined social menace of foreign-born mixed race children whose foreign upbringing ill-prepared them for their future place in American society and could render them internal aliens who could not speak English, and did not attend American schools or churches. Hence these children were viewed as an undesirable element to the state and a source of anxiety, especially when anxieties about wars in Europe, expansion of Japan's military might, and rising communists power overseas and at home dictated social and cultural milieu of the time. Mixed race children challenged the very foundation of Americanness that could be identified and through which citizenship must be accorded. At the same time, ironically, their indeterminable racial identity and their foreignness helped to define genuine Americanness.

### **A Two-Tiered System of Belonging: An Imperial Legacy**

The legal exclusion of foreign-born children of alien mothers and unwed citizen fathers paralleled the lawmakers' reluctance to accept native inhabitants of U.S.'s colonial acquisition territories as American citizens. The native inhabitants of U.S. colonial territories and foreign-born children were not regarded American on the ground that their customs, manners, belief, and racial makeup were incompatible with American sentiment. Though Congress did not directly compare the foreign-born with the native inhabitants, the two-tiered system of national belonging that applied to native inhabitants resonates with how the foreign-born of unwed fathers straddled two spheres of belonging.

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person is established by adjudication of a competent court. Sec. 309, 66 Stat. 238-239. 8 U. S. C. Section 1409(a).

What to do with the natives living in the colonial acquisitions occupied the minds of lawmakers ever since the United States began to annex territories at the end of the 19th century. In the aftermath of the Spanish-American war, the United States acquired former Spanish colonies including the Philippines, Guam, Cuba, and Puerto Rico. Alaska was ceded by Russia in 1867 and purchased by the United States. Alaska was incorporated into the United States in 1912 but the native inhabitants of Alaska were not citizens until 1924.<sup>11</sup> Whether a full spectrum of U.S. sovereignty would apply or not had been in frequent disputes. The native inhabitants of the Philippines were neither American citizens nor people of a sovereign nation until it gained independence in 1946.<sup>12</sup> Hawaii

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11. The Supreme Court of the United States ruled in Elk v. Wilkins (112 U.S. 94, 1884) that “a person born in the United States to members of an Indian tribe had not acquired citizenship of the United States at birth, not having been born ‘subject to the jurisdiction thereof’, within the meaning of the fourteenth amendment, and had not acquired citizenship through the mere fact of separating himself from his tribe and taking his abode within white persons in this country.” For people in incorporated territories (Hawaii and Alaska), not everyone living in the territories were citizens even after legal annexation of them was complete. The Supreme Court of the United States held that, “[I]t would seem that members of the uncivilized tribes in Alaska became American nationals, but not citizens of the United States, upon annexation” in Rasmussen v. United States, 197 U. S. 516 (1905).

12. The applicability of the fourteenth amendment in unincorporated territories was tested when three Filipino minors applied for U.S. passports in 1911. They were born in the Philippines, the outlying possession of the U.S. at the time. The doctrine of the fourteenth amendment declares citizens “all persons born or naturalized in the United States and subject to the jurisdiction thereof, are citizens of the United States, and of the State wherein they reside.” The Assistant Solicitor Frederick Van Dyne responded in a memorandum of April 3, 1912 regarding the case stated that the children whose passports issuance was under consideration were neither citizens of the United States nor citizens of the Philippine islands because they owe allegiance to the United States: “First, as the Philippine Islands have not been incorporated in the United States, and the provisions of the Constitution and laws of the United States regarding to citizenship have not been extended to the Philippines, the applicants are not citizens of the United States, and passports cannot be issued to them as citizens. Second, the applicants are not citizens of

was incorporated as a part of the United States in the fullest sense and those who were citizens of the Republic of Hawaii on August 12, 1898 were made citizens of the United States by the Act of April 30, 1900 (31 Stat. 141).<sup>13</sup> Puerto Ricans became citizens since 1917 with limited citizenship rights; but it remains to this day an unincorporated territory of the United States. The ambiguity about whose sovereignty would rule in certain unincorporated territories was at the heart of the question. Legal scholars have assumed that although native inhabitants of Puerto Rico and children of the native inhabitants were not citizens, a child born in Puerto Rico of “any other parentage than ‘native inhabitants’ or American tribal Indian” was American citizen. For instance, a child born of a German or Spanish would be an American citizen by virtue of the Fourteenth Amendment.<sup>14</sup> Although this has not been confirmed by other experts, the expressed opinion testified to what extent the United States avoided having to incorporate the native inhabitants of colonial territories.

The report by the committee of advisors suggested in 1939 that Congress enumerate specific provisions of nationality acquisition for not only a foreign-born child of one or both American citizen parents, but also those born in “the Unincorporated Territories” of one or both citizen parents. The 1940 Act completed gradual conferral of citizenship to people of Puerto Rico who were not citizens under any other act previously (Section

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the Philippine Islands within the meaning of the act of July 1, 1902, and, of course, are not entitled to passports to the protection of the United States as such.” See 1940 Hearings, 425.

13. Hawaii v. Mankichi (1903) 190 U.S. 197, 211, 220.

14. Dudley O. McGovney, “American Citizenship. Part II. Unincorporated Peoples and Peoples Incorporated with Less Than Full Privileges,” Columbia Law Review 11. 4 (April 1911), 342.

202). The Act also granted citizenship to anyone born in the Canal Zone and the Republic of Panama whose father or mother or both were citizens at the time of the birth of the person (Section 203). But those who were born in outlying possessions of national parents were nationals of the United States (Section 204). “Outlying possessions” referred to all territories other than the continental U.S. territories and incorporated territories (Alaska and Hawaii).

It is not surprising that there were some opposition to the provisions that were to grant citizenship to some people of U.S. colonial territories. John B. Trevor, President of American Coalition, wrote to Samuel Dickstein (D-New York), the chairman of the Committee of Immigration who presided over the 1940 hearings, pointing out some “glaring defects” in the bill. He argued that the bill was “obviously an attempt to broaden and liberalize the scope of our nationality statutes for the benefits of the alien rather than to raise the standard under which citizenship is granted to foreigners.” He further argued, the proposed bill devalued worth of American citizenship:

To confer this honor [American citizenship] and the privileges it grants, without discrimination, will inevitably cheapen it in the eyes of the recipients. To cheapen citizenship is to strike a grave blow at national solidarity and weaken the very foundations of the Nation. Such was the belief professed by the statesmen who were responsible for our present naturalization laws which were passed by Congress with a view to preserving the good and discarding the bad practices of our past history.<sup>15</sup>

The gist of his opposition was the tiered system applied to the conquered territories.

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15. From John B. Trevor, President, American Coalition, Washington D.C., to Hon. Samuel Dickstein, Chairman, Committee on Immigration and Naturalization, May 6, 1940. 1940 Hearings, 374-376.

Trevor warned Congress that such system could be easily misused and abused by some “nationals” who could make bogus claims of citizenship and take advantage of privileges and benefits. He went so far as to suggest a complete elimination of the category of “national” for inhabitants of the unincorporated territories like Puerto Rico:

[T]here is absolutely no warrant in fact for conferring such a sweeping grant of citizenship on people so little deserving of that honor. When considered as a class the present statutory provisions are certainly liberal enough, and if we consider the condition which the migration of these people to our great congested centers of population creates, probably, too liberal.<sup>16</sup>

Nevertheless Congress had to decide what to do with the native inhabitants once the territorial status of U.S. colonial acquisitions were decided. Colonies “incorporated” were treated as part of the continental United States territories and therefore U.S. constitutional jurisdiction was to be applied to full extent. But the “unincorporated” territories posed legal challenges because the United States deemed desirable to hold on to the territories but incorporation of the natives of the territories into the continental United States was regarded undesirable. Hence, creating legal categories like “foreign in a domestic sense and domestic in a foreign sense” came to define their equivocal status.<sup>17</sup>

Until 1940, decisions involving applicability of U.S. sovereignty (so called “Insular Cases”) have been decided on a case by case basis whenever legal challenges emerged. Under the 1901 judicial decision on the Insular Cases, the “unincorporated territory” came to refer to a “territory annexed but not intended to be part of statehood,” hence

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16. Ibid., 375.

17. See Amy Kaplan, “Where is Guantanamo?” *American Quarterly* 57.3 (September 2005), 841-842. Christin Duffy Burnett and Burke Marshall, ed., Foreign in a Domestic Sense: Puerto Rico, American Expansion, and the Constitution (Durham: Duke University Press, 2001).

legally deemed “foreign to the United States in a domestic sense.” Although it belonged to the United States, it was “not a part of the United States.”<sup>18</sup> The unincorporated territories were of the status “in between” statehood and independence.<sup>19</sup>

Selective application of gradual sovereignty allowed the United States to claim colonies as part of the United States but designate them as non-citizens. Within the meaning of Constitution, “inhabitants,” “natives,” and “citizens” of outlying possessions were not “U.S. citizens” although they owed permanent allegiance to the United States.<sup>20</sup> Therefore, “inhabitants” and “natives” of unincorporated territories like Puerto Rico were not entitled to full-fledged benefits of American citizenship although they were granted U.S. citizenship. For instance, Puerto Ricans have no representation in the federal level. Although they can send “delegates” to a national party convention, the Puerto Ricans cannot vote in presidential elections.

Amy Kaplan argues that the Insular Cases created “a two-tiered, uneven application of the Constitution” that provided no clear rights to be protected. This tiered system of belonging and protection, where the native inhabitants of the unincorporated territories straddled between citizen and alien statuses, became legal foundation for imperial rule. Kaplan further argues that the two tiered system legitimized colonial rule based on the racial logic because the “designation of territory as neither quite foreign nor domestic

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18. Downes v. Bidwell, 182 U.S. 244 (1901). See also discussion of the unincorporated territories including Cuba in Kaplan, “Where is Guantanamo?”, 841-842.

19. Burnett and Marshall, ed., Foreign in a Domestic Sense: Puerto Rico, American Expansion, and the Constitution. See introduction for overview of the Insular Cases and legal implications of the court decisions on the notion of sovereignty, citizenship, and constitutional jurisprudence.

20. 1940 Hearings, 413.

was inseparable from a view of its inhabitants as neither capable of self-government nor civilized enough for U.S. citizenship.”<sup>21</sup>

The conflicting desires to acquire territories but exclude native inhabitants from rights of citizenship drove the liminal status of the native inhabitants of U.S. colonial acquisition. The fear that imperial expansion, either literal and symbolic, may result in incorporation of undesirable populations was dispelled by the gendered application of citizenship conferral law of the racial and imperial logic, first articulated in the Insular Cases. The lawmakers as well as Justices expressed anxieties that colonial acquisition might accompany incorporation of racial Others. For instance in Downes v. Bidwell (1901), one of ten Insular Cases most of which dealt with tax-related issues, Justice Edward Douglass White warned that “millions of inhabitants of alien territory, if acquired by treaty, can, without the desire or consent of the people of the United States speaking through Congress, be immediately and irrevocably incorporated into the United States, and the whole structure of the government be overthrown.”<sup>22</sup>

Likewise, Justice Brown in Downes v Bidwell (1901) also cautioned against the complete and unconditional incorporation of native inhabitants of colonies:

We are also of the opinion that the power to acquire territory by treaty implies not only the power to govern such territory but to prescribe upon what terms the United States will receive its inhabitants and what their status shall be in what Chief Justice Marshall termed the ‘American Empire’. There seems to be no middle ground between this position and the doctrine that if their inhabitants do not become immediately upon annexation citizens of the United States their children thereafter born, whether savages or civilized, are such and entitled to all the rights,

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21. Kaplan, “Where is Guantanamo?” 842.

22. 182 U.S. 244, 313. The Court ruled in 1901 that Puerto Rico was a foreign country for the purpose of tariff laws.

privileges, and immunities of citizens. If such be their status, the consequences will be extremely serious. Indeed, it is doubtful if Congress would ever assent to the annexation of territory upon the condition that its inhabitants, however foreign they may be to our habits, traditions, and modes of life, shall become at once citizens of the United States.<sup>23</sup>

Here the court arguing against the complete absorption of native people of U.S. colonies that such policy would deter future annexation of territories and furthermore hamper U.S. global expansion. Moreover, it was up to Congress, not the court, to decide whether or not the United States would incorporate people of the colonies into the continental United States. In so doing, the decision of the court sent a firm precedent for future decisions on which territories and native peoples could be incorporated into the United States by solely the act of Congress. The court further expressed concerns about peoples of difference races and cultures once colonies were acquired:

It is obvious that in the annexation of outlying and distant possessions grave questions will arise from differences of race, habits, laws, and customs of the people, and from differences of soil, climate, and production, which may require action on the part of Congress that would be quite unnecessary in the annexation of contiguous territory inhabited only by people of the same race or by scattered bodies of native Indians.<sup>24</sup>

The two-tiered system became a legal precedent that enabled another kind of a two-tiered system of belonging: foreign-born children of an unwed citizen father. It was not simply the fact that a citizen father chose to not take responsibility for his child born overseas; but it was the kind of sentiment reflected in Justice White's comment that a foreign-born child, especially of an alien mother, must not be incorporated into the national community. Since more citizen men went abroad than citizen women at the time

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23. Downes v Bidwell 182 U.S. 244 (1901), 279-280. Also quoted in 1940 Hearings, 424.

24. Downes v. Bidwell, 282, quoted in 1940 Hearings, 424.



and thereafter as well, Congress presumed that citizen men would more likely father a child than citizen women would.<sup>25</sup> Even if citizen women went abroad and gave birth to a child out of wedlock, the number of such children was expected to be negligible and therefore granting citizenship to a few children of unwed citizen mothers presented little threat. The argument on the prevention of statelessness was a foil that would allow effective exclusion of a large number of foreign-born children of unwed citizen men, who were not only a “liability” but also an undeserving race of people “absolutely unfit” to fulfill responsibilities and to receive state protections and benefits.

In addition, the tiered system of belonging applied to even the foreign-born children of unwed citizen women who acquired citizenship. Even though such citizenship was regarded as “citizenship at birth,” some who interpreted otherwise argued that the meaning of birthright citizenship in such case was not deemed the same as the meaning ascribed to “citizen” in the Fourteenth Amendment. For instance, landmark judicial decisions like Rogers v. Bellei (1971) differentiated an American-born citizen from a foreign-born citizen of American citizen parents: the Supreme Court opined that acquisition of citizenship by foreign-born at birth did not come “within the Fourteenth Amendment’s definition of citizens.”<sup>26</sup> Such category of citizenship was subject to Congress’ power: unlike citizenship of those born on U.S. soil that could not be divested unless the citizen committed grave crimes that would critically jeopardize national security, citizenship of the foreign-born could be revoked under certain circumstances,

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25. This opinion was also expressed by Justice Ruth Bader Ginsberg in Miller v. Albright, where an adult child of U.S. soldier born in Vietnam filed suit that Section 1409 (evolved from the 1940 Act Section 205) was unconstitutional.

26. Rogers v. Bellei, 401 U. S. 830 (1971)

just as Congress has power to do so for naturalized citizens. Then the foreign-born people's citizenship is a liminal space where it was neither citizenship by naturalization nor citizenship at birth, just like non-citizen nationals and the geographical origin of their birth were neither domestic as part of the United States nor foreign as belonging to foreign sovereignty.

The two-tiered system is manifest in different degrees of belonging, rights, and privileges within categories of "citizen" and "national." A legally defined "national" of the United States is a person "who owes permanent allegiance to the United States" without the full benefits and rights of citizenship. And there is a "citizen" of the United States, a person who owes permanent allegiance to the United States and whose loyalty is reciprocated with state protection and certain guaranteed rights as a legal member of the society. The term "nationality" was construed to mean "the status of any persons owing permanent allegiance to the United States. . . broader in scope than the term 'citizenship'." Under such definition, all citizens were nationals of the United States; but not all U.S. nationals, such as people of Guam, were U.S. citizens. Furthermore, this two-tiered system of belonging is inherited to children born in unincorporated territories to national parents, hence perpetuating the less-than-equal status generation after generation. It was argued in the Proposed Code in 1935, as well as judicial decisions on the insular cases between 1909-1920, that in the eyes of international law, non-citizen nationals had the same status as citizens of the United States and were entitled to the same protection abroad as citizens. But from the standpoint of domestic laws, non-citizen nationals did not have the same rights as citizens within the United States under the

Constitutions.<sup>27</sup>

### **Prelude to the Cold War: National Security Between Two World Wars**

The overall intent behind the 1940 Act was to ascertain genuine Americanness of anyone seeking to acquire citizenship through either naturalization or citizenship at birth. The lawmakers were eager to “prevent them [people with tenuous ties to the nation] from transmitting American nationality to their foreign-born children [who were] having little or no connection with the United States.”<sup>28</sup> Congress expressed concerns that the United States government was unjustly burdened by people who only had “nominal” claims to citizenship, but insisted on right to diplomatic protection. Congress interpreted some Americans’ long-term residence abroad as an indication of their desire to forswear allegiance to America and speculated that such people’s “real interests” were not with the United States.<sup>29</sup> Particularly two categories of people required special attention of Congress: foreign-born and dual nationals born to only one citizen parent. Both categories involved complex situations where the principle of jus soli alone did not provide a definitive answer to the question of their legal membership. How would America ascertain loyalty of the foreign-born and avoid international conflicts in terms of providing diplomatic protection? Furthermore, who is deemed American enough to extend state protection?

The question of race and the desire for racial exclusion is undeniably a major motivating factor in the restrictive passage to citizenship. What was an equally powerful

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27. 1940 Hearings, 402.

28. Ibid., 238.

29. S. Rep. No. 76-2150, at 4 (1940). 1940 Hearings, 49.

driving force behind the 1940 Act was a concern for national security, which informed and influenced the way the lawmakers debated about who should be granted American citizenship and the kind of dreadful consequences expected from having a liberal citizenship conferral law. Congress members seemed to have been concerned about how the wars in Europe and Asia might affect security of the United States already in the mid 1930s.

Special Committee on Un-American Activities, earlier form of infamous HUAC (House Committee on Un-American Activities) of the Cold War years, already begun its work in 1934. This particular committee, chaired by William Dickstein (D-NY) and John W. McCormack (D-MA), was intended to investigate Nazi propaganda and find out how and through what channels foreign propaganda came to the United States.<sup>30</sup> Dickstein, later became Chairman of the Committee on Immigration who led hearings for the Nationality Act of 1940, had been in the forefront of fighting foreign propaganda and spies infiltrating the United States in the 1930s, and rooting out Nazi sympathizers.<sup>31</sup>

This committee of Dickstein claimed that it discovered a coup plot against the President Franklin D. Roosevelt, cooked up and fed by a retired general Smedley Darlington Butler. Butler testified in 1933 to the committee that a fascist group called Putsch funded by Wall Street bankers had a plan to seize the government. Butler claimed that other generals like General Douglas MacArthur was to be recruited to carry out the

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30. Investigation of Un-American Activities and Propaganda. Report of the Special Committee on Un-American Activities H. Red. 282 (75th Congress) Washington: U.S. GOP, 1939.

31. "Many Offer to Aid Inquiry on Nazis: Dickstein Reports A 'Flood' of Messages Commending Move to Study Propaganda," New York Times October 11, 1938.

plan, to which MacArthur replied “the best laugh story of the year.” New York Times in 1934 called the Bulter’s claim a “giant hoax.” In the end no one was prosecuted although the committee stood behind credibility of the plot and Butler’s claim. Despite widespread public discredit and even mocking of the plot, one public figure was said to have supported Butlers’ story and that was a national commander of the Veterans of Foreign Wars named James Van Zandt, who said “he had known about the plot all along, that he had refused to participate in it.”<sup>32</sup> Five years later, James Van Zandt whose career was mostly with the military was elected as a Republican senator in 1939 and served as the member of Committee of Immigration for the Nationality Act of 1940.

It seemed that there were genuine fears about spies and foreign nationals infiltrating the nation in order to spread “un-American” ideas. Unbeknownst to all at the time however, it was discovered recently that the chairman Dickstein, who was a dedicated fighter of foreign propaganda and spies, was bribed by Soviet intelligence operatives—with the code name “Crook”—in the late 1930s. Apparently the “golden age” of Soviet espionage began before the onset of World War II and the Cold War, between 1933 and 1945.<sup>33</sup> After all, if such a national public figure like Dickstein made lucrative business by supplying the Soviet spies with U.S. visas and later offered himself to spy for the NKVD (KGB’s precursor), who wouldn’t?

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32. “Plot Without Plotters” Times Magazine December 3, 1934. “Credulity Unlimited” New York Times November 22, 1934.

33. John Earl Haynes, The Haunted Wood: Soviet Espionage in America—The Stalin Era (New York: Random House, 1999). Joseph E. Persico, “The Kremlin Connection: A New Study of Soviet Espionage in America Before the Cold War Makes Some Surprising Revelations” New York Times January 3, 1999. Lynnley Browning, “The Story of Stalin’s spies in America: Both Worse and Better Than Was Feared,” Boston Globe February 14, 1999.

The FDR overthrow plot did not seem to have been taken seriously by anyone except the Dickstein and McCormack committee. Nevertheless anxieties about foreign ideas infiltrating the nation continued. Before the Cold War HUAC's attack on Hollywood leftist writers, the committee (replaced in 1938 by special investigation committee chaired by Martin Dies Jr. hence known as "Dies committee") in 1938 sought to investigate German Americans' involvement with Nazi Germany and Ku Klux Klan. But in reality, the Dies committee was much more interested in pursuing American Communist Party and its infiltration of Works Progress Administration, particularly of Federal Theatre Project. In 1938 the committee accused Hallie Flanagan, the head of Federal Theatre Project of promoting projects with communist ideals. Flanagan was subpoenaed and the committee asked all kind of questions about her personal and work connections to the Soviet.<sup>34</sup> The conservative impulse that opposed FRD's New Deal politics began to gain power, pushing more conservative agendas with implications for national security.

Then, Nazi Germany invaded Poland on September 1, 1939, followed by declarations of war on Germany by Britain and France. But even before the official beginning of World War II in Europe, there were already numerous threats and invasions around the globe: Japan invaded Manchuria in 1931 and China in 1937. Italy invaded Ethiopia in 1935. The threat of military buildup in Japan and Germany was already felt by public in the United States in 1939 and President Roosevelt was said to have called for

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34. Joanne Bently, Hallie Flanagan: A Life in the American Theatre (New York: Knopf, 1988). Flanagan was subpoenaed by the committee to answer questions of her political belief, a fictionalized presentation of which is portrayed in a film Cradle Will Rock directed by Tim Robins and released in 2000.

rearmament. Japan formed an alliance of Tripartite Pact with Nazi Germany and Fascist Italy in September 1940 with the objective of establishing a new global order and mutual protection.

The general anxieties about the wars abroad as well as a chaotic order of things at home, as shown in the early HUAC accusations, informed the collective psyche of the time, manifest in fears and suspicions of people who had questionable claims to American citizenship. The fears seemed to have permeated society as well. A cultural industry like film studios can tell us much about what the public's status of mind might have been: in 1939 of "defense" period, the Motion Picture Herald reported that the film industry planned to make "43 features and short subjects on America," which, it said, grew out of the "international situation and its effects on the country," as well as State Department's pressures. Even a local movie theater in Minneapolis built in 1940 showed signs of an impending war: it featured a relief of aviators, soldiers, and athletes who were mobilized to fight a foreign enemy.<sup>35</sup>

Moreover, the connection between fighting the foreign army and martial manhood buttressed by familial solidarity and healthy middle class domesticity was prominently featured in films that came out in 1940. For instance, a film historian Lary May points to Knute Rockne (1940) as an example that narrates the story of a revival of the spirit of national manhood through Knute Rockne, a Norwegian immigrant Notre Dame college football coach, and his effort to build a winning team. The governor of Indiana declared a

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35. For discussion of mutually constituting relationships between politics and culture in general, see Lary May, The Big Tomorrow: Hollywood and the Politics of the American Way (Chicago: University of Chicago Press, 2000). For the discussion of impending war and film industry immediately before 1941, see chapter 3.

state holiday when the film was premiered in South Bend, Indiana in October 4, 1940. In order to spread the large significance of the film to wider audience, a studio executive (a son of President FDR) appeared on screen and delivered his father's message:

We can draw deep inspiration from the ideals which he [Knut] exemplified in his life and work, and from those ideals gather wisdom for our guidance in this anxious hour when the national defense has become our paramount political concern. Our need today is for men strong in body, strong in soul and strong in faith in the democratic way of life.<sup>36</sup>

Only two months before the premier of Knut Rockne, Congress passed the Alien Registration Act on June 29, 1940 that required registration and fingerprinting of all aliens already in the United States and of those who would enter the United States after the law went effect in August 1940.<sup>37</sup> The law targeted those deemed subversive including communists and their political activities. Some went even further: State Council, Junior Order United American Mechanics of the state of New York, Inc. urged Congress to extend these requirements to "all residents and transients in the United States."<sup>38</sup> As a self-proclaimed "patriotic fraternal organization made up of Americans" the Mechanics Inc. opposed the entry of more immigrants to the United States, for these immigrants were viewed as not only lacking substantial ties to the nation but also as "potential worker[s] . . . [who] will either displace an employed American or add to the excessive relief cost." Moreover, referring to the latest wave of refugees fleeing from Nazi

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36. May, The Big Tomorrow: Hollywood and the Politics of the American Way, 134.

37. 54 Stat. 670, 671, title I, §§2-3 (June 28, 1940),

38. From Lester Treadwell in Middletown, New York to Hon. Samuel Dickstein, Chairman, Committee on Immigration and Naturalization, September 23, 1940. 1940 Hearings, 378.



Germany's attack in Europe, the Mechanics Inc. argued that these immigrants were "new seed immigration" with "no near relative here" and therefore more likely to be a public charge.<sup>39</sup>

Concerns for racial exclusion became more legitimate when combined with fears about national security involving aliens and foreigners already in the United States or seeking entry to the nation. Especially efforts to keep communists and communist sympathizers out of the nation motivated many lawmakers. While discussing a provision that would bar naturalization of those who found to have engaged in any activities against "organized government" William T. Schulte (D-IN) unleashed his disapproval of all "isms": "I want to drive out the Communists and every one of the other isms. I want to run them out. But I do not want to leave any loopholes that they might hide behind." Because the wording "all organized government" used in previous law were intended to target anarchism, some members argued, "Why stress so much attention on the anarchic element when what we are after are the Communists?"<sup>40</sup> Threats to the nation had been anarchism in the 1920s but now the major threat was communism.

### **Sentimental Bonds of Family and the Nation: A Bedrock of National Security**

A legal status of a foreign-born child of one citizen parent stirred enough perturbations to warrant an "extended consideration by the Committee" which resulted in Section 201 (g) for a foreign-born child of a married citizen parent.<sup>41</sup> The United States

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39. Ibid., 378-379.

40. 1940 Hearings, 329-330.

41. Ibid., 236. When the 1934 Act was considered, the lawmakers noted that foreign-born children of alien fathers and citizen mothers were likely to have more attachment to the country of the fathers than to that of the mothers, the United States. A

was not always hostile to the rule of jus sanguinis although some legal scholars suggested that jus soli be adopted as the only principle, thereby removing any element of jus sanguinis from citizenship law. But the majority of the committee members acknowledged impracticality of the suggestion because of the increasing number of Americans living abroad to promote American interests, economic or military. Congress felt it was necessary to apply jus sanguinis so that the children born abroad of the citizen parents residing abroad to pursue national interests would acquire American citizenship. In addition, the committee expected that with improvement in technologies in transportation and promotion of American interests, more number of citizens would go and reside abroad.<sup>42</sup>

Many problems with citizenship conferral involved interracial marriage of American citizen men and alien women taking place abroad. The lawmakers raised the specter of dangers of interracial marriage of American citizen men to alien women who may or may not be “white.” Some lawmakers did not believe that it was necessary to grant the right to transmit citizenship to an American citizen married to an alien spouse.<sup>43</sup>

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suggested remedy was to impose a five-year residence requirement in the United States for a foreign-born child between the ages of 13 and 18 if they were to “retain” citizenship. And the residency requirement became applicable regardless of sex of the foreign-born children’s married citizen parents. But the committee felt that the requirement imposed undue hardship to the foreign-born children of citizen parents who resided in foreign countries because of their employment with the government or any other American organizations or business to promote the national interests. So the requirement was waived for such families; but for other citizen families residing in foreign countries for personal reasons were not. At the same time, the committee extended the requirement for citizen parents to have lived at least 10 years before the birth of their children overseas in order to transmit US citizenship to the children.

42. Ibid., 422.

43. The proposed Section 201 (e) and (g) conferred citizenship to a child of one

The State Department legal adviser Richard Flournoy acknowledged that the case of foreign-born child of “mixed parents” were “the most difficult problem” and that the United States should not have accorded automatic citizenship to either an alien wife upon marriage or the child by birth.<sup>44</sup>

The unlimited right to pass down citizenship from a married interracial couple, only one of whom was a citizen, to a foreign-born mixed race child alarmed some of the lawmakers. William R. Poage (D-TX) was one of the vocal critics who opposed the proposed measure by saying, “It seems to me we are spreading the mantle of protection awfully thin.”<sup>45</sup> Poage, lifelong Texan who represented central Texas’ 11th district from 1936 to 1978, was an unlikely critic of nationality law because he was known for his position in House Agricultural Committee and his role as a defender of the small farmer and rural interests.<sup>46</sup>

Nevertheless, he pursued the provision aggressively, asking why Congress had to grant citizenship at birth to a foreign-born child of one citizen parent and one alien:

What hardship would it work if we made a law so that neither that wife nor child acquired citizenship in the United States by marrying an American citizen abroad? The husband gets them into the United states in that case, because they would be preference immigrants, nonquota immigrants, so he could get them back into the

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citizen parent married to an alien born outside the continental United States—including U.S. outlying possessions like Guam or foreign countries—without any restrictions. The proposed Section 201 (e) would have accorded citizenship at birth to children born in outlying possessions of citizen parents who have never lived in the United States. Congress as well as the departments of labor, justice, and state felt that some restrictions must be imposed on the proposed provisions (e) and (g).

44. 1940 Hearings, 42.

45. Ibid., 40.

46. Wolfgang Saxon, “Ex Congressman W. R. Poage, 87: Texan Headed Agriculture Panel,” New York Times January 4, 1987.

United States. Why shouldn't we let them in and qualify them under the immigration law?<sup>47</sup>

The lawmakers believed that it was more desirable to have the child, along with the alien mother, come to the United States as immigrants and become subject to naturalization regulations.

Poage also expressed that automatically conferring citizenship to a foreign-born child of one citizen parent was "putting a premium upon going out of the United States." To him, it was unfair to grant "special privileges" to citizens going abroad, and one important privilege in his mind was interracial marriage:

Don't we give him [man residing abroad] certain rights we don't give in the United States, and allow him to enjoy the benefits of being abroad that an American citizen doesn't enjoy? In other words, in my State he couldn't marry a Chinese, but an American citizen can go abroad and marry a Chinese and bring her and all her children back to the United States and make them citizens.<sup>48</sup>

Racial restriction in immigration and citizenship has concerned not only lawmakers but also American public as well. John Trevor who wrote to Samuel Dickstein Chairman of Immigration Committee and complained about Section 201 that enumerated eligibilities for citizenship at birth to children born in foreign countries, incorporated territories, and unincorporated territories. He said it "should be stricken from the code" because the entire section "extend citizenship too liberally." Moreover, the problem with Section 201 was that it "gives citizenship to any descendant of a citizen reasonably entitled to it, and imposes a condition only rigidly enough to keep out those not deeming the honor of citizenship worthy of any effort."<sup>49</sup>

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47. 1940 Hearings, 42.

48. *Ibid.*

49. From Trevor to Dickstein May 6, 1940. 1940 Hearings, 375.

In the letter Trevor revealed not only the nativist sentiment but also by racist assumptions about the foreign-born. Proposed Section 303 that enumerated naturalization eligibilities was to keep the wording “persons of African nativity and persons of African descent” from the previous law (the 19th century law had prescribed that only “free white men” were citizens but later added blacks and any black descendent). Trevor argued that there was no need to keep the specifically worded provision for blacks; furthermore he argued that there was more incentive to exclude “Africans” as the way “Asiatics are excluded.” He reasoned that black were undesirable population of immigrants:

The problems which still confront our Nation through the introduction of the Negro are sufficiently onerous and difficult of solution as to give warning at this time, that they should not be aggravated through the opening of our grate to possible voluntary migrations from the continent of Africa. . . . the crime statistics for Negroes are 250 percent of the rate of native whites. This greater tendency of the Negro to crime and the very grave dangers to the public health, which would arise from the introduction of large numbers, or indeed, any number, of immigrants from countries infested with a multitude of tropical diseases over which medicine has as yet attained little or no mastery whatsoever, demands the deletion of these words from the code. . . . The stable door should be shut before the horse is stolen.<sup>50</sup>

In this racial climate, it is interesting but certainly not surprising to note that Poage cited a citizen man’s marriage in a foreign country to an alien woman ineligible for immigration and naturalization as a “privilege.” It is also interesting to note that Poage automatically presumed that the interracial marriage would be between citizen men and alien women, not vice versa. Moreover it is telling that he suggested applying immigration laws to alien wives of citizen men and their mixed race children: Congress could better control who had right to be and remain citizen through immigration and

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50. Ibid., 375.

naturalization laws. As Poage aptly pointed out, Chinese were barred from immigration under the 1924 Act and majority of states in the United States barred interracial marriage between whites and any non-whites in 1940.

Interracial marriage was not a tangential issue from the problem of foreign-born children and the question of their birthright citizenship. Poage's comment reveals the presumption that the majority of children born overseas were the results of interracial marriage of citizen men to alien women fanned the concern. It was unequivocally clear at the time that far more unmarried citizen man went abroad and resided in foreign countries than unmarried citizen women. Not only was an alien mother's child-rearing ability in question; but also her ability to raised a child as American as possible was in doubt. Her alien status, combined with the assumption about her race, not only diluted American blood but also deprived the child of education of American sentiment at home as well.

Although the committee members unanimously agreed that a formal membership should be granted to only "American," defining what makes a child "really American" proved to be elusive. Congress and state officials tried to define what it meant to be true American but such efforts only materialized in fuzzy terms like, the "American feelings of things," "Americanism," or "American sympathies and character." The effort to mitigate the undefinability of Americanness often led to what America was not, by evoking un-Americanness of some of the parents themselves.

Hence the intentions of American-born citizen parents who chose to live in foreign countries were regarded with suspicion. When Thomas B. Shoemaker, Deputy Commissioner of Immigration and Naturalization, argued for granting citizenship at birth

to a foreign-born child of one citizen parent, Poage balked at the idea. To Poage, these foreign-born children, a second generation of citizen parents who themselves merely inherited citizenship through their parents (i.e. grandparents of the foreign-born child) one of whom “possibly” had never lived in the United States (as the law required at least one citizen parent must have lived in the nation), had far too tenuous ties to the nation. In this example then American citizenship has passed down two generations of people who had very questionable ties to the nation. He asked if the second generation of foreign-born child could ever have “any conception of Americanism. . . getting the American feeling of things . . . as we know of it.” Poage asked, “What would there be in that home to make that child have a concept of Americanism, as we think of Americanism?”<sup>51</sup>

He vented his frustration, implicating discontent with even the Fourteenth Amendment that granted citizenship to non-white people born in the United States:

I frankly don’t see why we should confer upon anybody any more than we have to under the Constitution—and I know the Constitution *forces* us to confer certain rights upon people born within our territory—but I don’t see why anybody who does not live within the United States and who does not have the opportunity to take part in American institutions, who does not have opportunity to grow up to be what we look upon as an American and to speak the English language, who doesn’t have any contact with our form of government—I don’t see why that person, no matter what their birth, what their lineage, I don’t see why we should confer citizenship upon them, no matter whether both their parents are American citizens by statute.<sup>52</sup> [emphasis in italics added]

Characterizing Shoemaker’s opinion that said “we ought to go as far as we can toward bringing all of these back to the United States” as too lenient, Poage continued to argue for more restrictive citizenship conferral. He had doubts about the motives of

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51. Ibid., 48.

52. Ibid., 48.

citizen parents who chose to live outside the United States:

My idea is the minute they, by their own voluntary act, get out of the United States, kiss them good-bye and tell them ‘Fare thee well, look to somebody else for your protection’. My observation is that these people have gotten awfully patriotic along about the time that they have had trouble abroad. They rush to the State Department, waving the American flag in one hand and holding out the other to be pulled into the United States, just as soon as there is trouble.<sup>53</sup>

Here citizens who have resided in foreign countries were regarded as opportunistic and selfish that they couldn’t care less about their duties to the United States but expected diplomatic protection as citizens.

What seemed to be indignant to many lawmakers like Poage was the fact that undeserving citizen parents, who made little to no effort to reciprocate their rights as citizen, would not only continue to demand state protection for themselves, but also be able to transmit citizenship and associated benefits to foreign-born children who would have even far less connection to the nation. A repeated phrase like “pass down that citizenship for generation after generation” to those foreign-born who have never lived in the U.S. or not for a substantial period of time seemed simply wrong to the committee members.<sup>54</sup> Perpetuation of American citizenship to foreign-born alarmed the lawmakers because the foreign-born would not only lack ties to the territory itself but also experiences with American institutions like school and church, for instance. The Committee of Advisors of three departments wrote in their report to Congress:

Important reasons for terminating American nationality in cases of persons who reside in foreign countries and have to all intents and purposes abandoned the United States lie in the fact that it will prevent them from transmitting American

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53. Ibid., 49.

54. Ibid., 50.



nationality to their foreign-born children having little or no connection with the United States, and embroiling this Government in controversies which they may have with the governments of the foreign countries in which they reside.<sup>55</sup>

If Congress was unwilling to regard a foreign-born child of one married citizen parent or both citizen parents as an American citizen, it was improbable that Congress would consider according citizenship at birth to a child born in a foreign country *and* out of wedlock of a citizen parent. However, the State Department legal adviser Richard Flournoy testified that a foreign-born child of an unwed citizen woman was a citizen based on historical precedents expressed by Assistant Solicitor Van Dyne in the early 1900s.<sup>56</sup> Although Flournoy thought the reason behind the generous conferral was “not very sound,” it has been regarded reasonable by other scholars and state officials when such decision accorded women the same right as men in citizenship conferral.<sup>57</sup>

Although Flournoy’s comments represented the official opinion of the State Department, he occasionally expressed personal doubts about the decision to grant citizenship to the children of unmarried citizen mothers. He said he personally would prefer to limit citizenship conferral only to foreign-born children of both citizen parents.<sup>58</sup> Otherwise, he argued, “we would be conferring citizenship on thousands of people born abroad who would not be really American at all.”<sup>59</sup> When the Labor and State Departments agreed to impose a 10-year residence requirement for a foreign-born child

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55. *Ibid.*, 409.

56. Frederick Van Dyne, Citizenship of the United States. (Rochester: Lawyers’ Co-Operative Publishing Co., 1904), 49. Although not a predominant view, such decisions had been made and children born overseas out of wedlock to citizen women had been regarded citizen at birth.

57. 1940 Hearings, 43.

58. *Ibid.*, 49.

59. *Ibid.*, 58.

of one parent (Section 201, subsection g) Flourney stated with tacit reluctance, “better than what we have,” but implied that the measure was not restrictive enough.<sup>60</sup>

However, both the committee chair William Dickstein and the Justice Department agreed that conferring citizenship to only those foreign-born children of both citizen parents was a harsh measure. B. W. Butler, representing the Department of Justice at the hearings, disagreed with the State Department representative Flourney and those who tried to change citizenship law dramatically: “Congress has enacted this law, section 1993 [of the Revised Statutes], the last expression of Congress, saying that citizenship can be derived from one parent, and our instructions from the President were to prepare a code and to cure existing discrepancies, not run wild.” Flourney, in defending his own view, said they were not to “run wild,” but rather to prevent citizenship from “being scattered all over the face of the earth among thousands of people who are not Americans at all.”<sup>61</sup>

Besides, fears of perpetuating American citizenship to undeserving people was also provoked by cases of dual nationality. Not all dual nationals were foreign-born but the lawmakers noted that a large number of American-born children had grown up in foreign countries after they were taken by their naturalized citizen parents to the countries of their parents’ origins. Such children would then acquire citizenship of the countries of their parents through the parents’ own re-naturalization. Congress was told that there were “hundreds of thousands” of such cases of dual citizens<sup>62</sup>

Many found cases of dual nationals frustrating when it was revealed how easy it

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60. *Ibid.*, 49.

61. *Ibid.*, 58-59.

62. *Ibid.*, 37.

was for them to continue to retain American citizenship even after they were accorded citizenship of another country. This frustration exacerbated the problem of the foreign-born and eventually contributed to tightening of citizenship conferral laws. Noah M. Mason (R-IL), “We get them if they are born here and we get them if they are born abroad but of American parents?” James E. Van Zandt (R-PA) also responded with exasperation: “We get everybody. Where children are born over there, what are they?”<sup>63</sup> The lawmakers’ fear of “spreading the mantle of protection awfully thin,” as Poage put, was invariably extended to a foreign-born child of an unwed citizen father who could make bogus claims of citizenship rights and, if they had acquired, dilute values of American citizenship. Their concern was compounded by the problem of dual citizenship and clash of national interests that may arise. Most concerns about dual nationality were fueled by supposedly untrustworthy dual nationals, who “do not even pay taxes.”<sup>64</sup>

However the fear of dual nationals could well have been fanned by the fear itself as there was no reliable statistics on the number of dual citizens living abroad. When a committee member Carl T. Curtis (R-NE) asked if the State Department knew of an official number of dual nationals, Richard W. Flournoy, responded, “No, sir; but we know that there are thousands of them.” Curtis asked, “You do not know how many there are?” Flournoy repeated his answer:

There are thousands. We had a report from the consul at Vancouver, British Columbia, recently that in Canada there were thousands, but it was just an estimate. Nobody knows how many there are. . . This consul said he had a report 2 or 3 weeks ago in which he estimated in Canada alone there are 150,000 [of dual nationals] living up there. Some of these people have been living in foreign

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63. Ibid., 247.

64. Ibid., 241.

countries 40 years since attaining majority.<sup>65</sup>

In other occasion, Flournoy argued that the number of dual citizens were “hundreds of thousands.”<sup>66</sup>

As was the case against the citizen parents of foreign-born children, dual citizens were scrutinized for their intention to live outside the United States for an extended period of time. Poage urged the committee members to ponder and decide this:

. . . should we try to rid ourselves of these people who leave the United States and apparently have given up their interest in the United States, or should we try to extend the protection of the United States Government to them just as long as they will allow us to? It seems to me that is the question, not ‘What is the law?’ but, ‘Which is the desirable course?’ For my part I have no hesitancy in saying, from the information I have, it seems to me we should rid ourselves of the liability as quickly as we can. . . I don’t think anybody is an asset simply because their name is on some court record or some birth registration in the United States, who has gone out of the United States and grown up with the customs and conditions of a foreign nation. . . . Maybe there are constitutional inhibitions against it. I know we can’t change the Constitution but shouldn’t we first decide whether we want to or not?<sup>67</sup>

More undesirable was the fact that the current law gave free rein to these dual national citizens, “in no true sense American” in the eyes of the State Department,<sup>68</sup> to pass down the citizenship rights and privileges to their foreign-born children who had even lesser ties than the parents themselves to the nation, given that their mothers were aliens. This seemed to have compounded Congress’ suspicion on American-born citizens who reside foreign countries too long, whose dubious ties to the nation and exploitation of “this honor [American citizenship]”<sup>69</sup> may not end in themselves and would “go on

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65. *Ibid.*, 251-252.

66. *Ibid.*, 37.

67. *Ibid.*, 51-52.

68. *Ibid.*, 37.

69. *Ibid.*, 375.

forever.”<sup>70</sup> Some lawmakers even wanted to divest citizens of their birthright citizenship under certain circumstances: John Lesinski (D-MI) argued, “The State Department claims you may allow citizens who are criminals to come in and we do not want them.” Flournoy said, “It isn’t a question of what the State Department wants but what the law is now; it is not what we want. If a person is a citizen. . . we cannot keep him out.”<sup>71</sup>

As it is evident, it was not just cases of dual nationality or foreign-birth alone that concerned Congress: interracial marriage of citizens was inseparable from the problem of the current citizenship law. While their already dubious status as American citizens were not welcome, more alarming was the possibilities that these dual nationals who marry alien women would further dilute American citizenship by extending it to their foreign-born children. One of the remedies suggested by the Labor and State Department was to allow all of them a 2-year grace period after dual nationals reached the age of 21 to make an official election of their choice of nationality. But the State Department was still troubled because it believed that the measure would be abused by those who have questionable claims to American citizenship. Furthermore, such abuses were ripe with potential international disputes between the United States and the foreign countries. The State Department warned,

Many of them are married in those countries and they have had children born there, which makes it necessary to hold that all of those children are citizens of the United States born in those alien surroundings and you can let them in within 2 years. Some of them will be reaching military age and they will want an opportunity to get out and come over here and they are no more American than any other people in

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70. *Ibid.*, 248, in the statement of Richard Flournoy, the State Department Assistant Legal Advisor.

71. *Ibid.*, 282

that country, but they think they are.<sup>72</sup>

Likewise, John Lesinski denounced not only a dual national American citizen himself, but also his alien wife and a foreign-born child. Lesinski himself however had substantial ties to a foreign country, Poland, his parents' home country. He was a state commissioner in charge of the sale of Polish bond in 1920 and served as a president of Polish Citizens' Committee of Detroit from 1920-1931. Lesinski was eventually awarded the Polonia Restituta, the highest order, by the Polish government in the 1930s. It is curious that someone who had so much connection to a foreign country expressed much suspicion about American citizens going and living abroad.

Lesinski imagined a scenario for an American-born dual national of 21 years old man living in a foreign country: what would happen to the man if he married an alien woman and had a child born in the foreign country, but lost the 2 year grace period to come to the United States and declare his election of citizenship? Lesinski insisted that "the child and the wife are not Americans." A fellow Congressman Albert E. Austin (R-CT) chimed in, "The child certainly is not." Lesinski insisted that, even when the man failed to elect nationality for himself, his (potentially) mixed race child born in a foreign country and his alien wife could still enter the United States as citizens. He argued, "I think that is wrong. I think that is wrong because she is foreign-born and the child was born on foreign soil and neither the mother nor the child are American citizens."<sup>73</sup>

Lesinski and Austin, both of whom had no background on laws (Lesinski was in real estate and lumber supply business, and Austin was a practicing physician before their

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72. *Ibid.*, 271.

73. *Ibid.*, 272.

time in Congress), were not aware that a foreign-born child of either a married citizen father or a citizen mother was citizen at birth according to the pre-1940 laws, Section 1993 of the Revised Statutes and the Citizenship Act of 1934.<sup>74</sup>

When considering Sec. 201 (g) for citizenship status of a foreign-born child of one citizen parent, the House committee members expressed that the citizen parent who has not resided in the United States for at least 10 years “are likely to be more alien than American in character.” And those parents residing in foreign countries for legitimate reasons—representing American government or institutions like religious, educational, etc—would “not only promote the interests of this country but are likely to retain their American sympathies and character.” Such parents were to raise their foreign-born children as Americans who “speak the English language, and. . . [are] imbued with American ideals.” On the other hand the parents who married aliens and resided in foreign countries for reasons not related to promotion of American interests would raise their foreign-born children as they wished without the consideration for national betterment.<sup>75</sup>

The lawmakers devoted much time on debating about foreign-born children of one or both citizen parents. But there was little to no discussion about a child born of one unmarried citizen parent, especially a father, abroad, despite the fact that a larger number of men than women—married or not—went abroad in the 1940s. Although Congress avoided using explicit racial language in the law and the hearings, it successfully

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74. Section 1993 of the Revised Statutes (the Act of February 10, 1855), 10 Stat. 604. The Act of May 24, 1934 (amendment to Sec. 1993 of the Rev. Stat) 48 Stat. 797, pt. 1

75. 1940 Hearings, 426-427.

incorporated racial exclusion by way of enacting gender specific citizenship regimes to unwed mothers and unwed fathers of children born abroad out of wedlock. Instead of explicitly arguing for “racial difference,” the lawmakers argued for cultural differences that ostensibly marked the children as undesirable candidates for citizenship. The racialized assumptions about child-rearing practices of alien mothers motivated the lawmakers to believe that foreign-born children of unwed citizen men and alien women would not receive proper education of American sentiment and moral upbringing.

**“Illegitimate” Foreign-Born Children of Citizen Fathers:  
Retrospective Interpretations by the Supreme Court**

There was some discussion amongst the members of the committee of immigration in the 1940 that they felt they must allow differential rights to men and women in order to eliminate the risk of statelessness. But it is not made entirely convincing or clear, despite its official rhetoric, why Congress felt that it could afford unwed citizen women a much more lenient citizenship provision than unwed citizen men.

Looking at two recent Supreme Court cases Tuan Ahn Nguyen v. INS, 533 U.S. 53 (2001) and Miller v. Albright, 523 U.S. 420 (1998) may help us understand what Congress had intended but did not say during the hearings in 1940. Both Nguyen and Miller cases challenged the gendered citizenship regimes of 8 U. S. C. Sec. 1409—codified from Sec. 205 of the 1940 Act and Sec. 309 of the 1952 Act—for it violated the Equal Protection Clause. Both cases involved mixed race children of unmarried citizen fathers and alien mothers born in foreign countries where the United States maintained significant military presence, the Philippines and Vietnam. In both cases, citizen fathers



failed to legitimate their children before they turned to the age of 21. In both cases, the Court ruled that Sec. 1409 was not unconstitutional and not in violation of the Equal Protection Clause.

The Supreme Court reasoned that one of the main justifications for Section 205 of the 1940 Act (and Section 309 of the 1952 Act) was an ascertainment of substantial and meaningful ties between foreign-born children and unwed citizen parents, which by extension would foster “family ties” to the United States. Some argued that Congress believed that lack of “lawful relationship” between an out-of-wedlock child and a father (but not mother) justified the differential treatments for these two cases.<sup>76</sup>

The argument for family ties among a foreign-born child, an unwed citizen father, and the United States was gendered. The Brief for Respondent in Nguyen v. INS argued for undeniable biological ties that a child establishes with a mother immediately upon birth: “an unwed mother need not provide proof of a recognized and formal relationship with her child, that relationship is almost invariably established by the fact of maternity.”<sup>77</sup>

The same logic did not apply to a paternal relationship however, where biological ties alone proved nothing for unmarried citizen fathers:

The validity of the father’s paternal claims must be gauged by other measures [than being a biological father]. . . . Congress has made a reasonable judgment [in 1940 and 1952] that where a citizen father has not formalized his relationship with his child at any time during the child’s minority, the child is not so likely to develop family ties to the United States that an automatic grant of citizenship is

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76. Oral argument, Nguyen v. INS

77. Nguyen, Brief, 34.

warranted on the basis of biological paternity alone.<sup>78</sup>

Likewise, Miller V. Albright stated similarly, “Under the terms of the INA [of 1952], joint conduct of a citizen and an alien that results in conception is not sufficient to produce an American citizen, regardless of whether the citizen parent is the male or female partner.<sup>79</sup>” But here the Court expressed certain doubts that citizen mothers were no more reliable than citizen fathers in terms of guaranteeing bona fide Americanness of foreign-born children.

The Justice Department responded in Miller that a unmarried father and foreign-born child relationship through biological ties alone was not likely to develop into significant ties to the United States and therefore did not warrant the man’s right to transmit citizenship. Although the Supreme Court was specifically referring to a citizen father who has never had any legal acknowledgment or awareness of a child until the child became an adult, it is not hard to imagine that such logic has been applied to a parental relationship between an unwed citizen father and his foreign-born child in general.<sup>80</sup> The Justice Department argued quoting from an opinion of a previous case, “parental rights do not spring full-blown from the biological connection between parent and child” but “required relationships more enduring.”<sup>81</sup>

According to the aforementioned logic, the notion of “enduring” parental relationship could not occur at the time of birth between a child and an unmarried father; but it does so between a child and an unmarried mother. According to the logic, since

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78. *Ibid.*, 38.

79. Opinion of Stevens, J. Miller v. Albright (1998), 11.

80. Miller v. Albright, 523 U.S. 420 (1998)

81. Cabanv. Mohammed, 441 U.S. at 397 (1979). Also qtd. in Nguyen Brief, 37.

maternal ties between a foreign-born child of an unmarried mother were undeniable because of the fact of childbirth, by extension the child's ties to the United States and Americanness was assumed to be guaranteed. The substantial and "enduring relationship" was understood to mean not only a legal relationship between a child and a parent, but also "between the United States and its citizens. . . itself a formal and legally recognized one. . . [that] carries with it reciprocal rights and responsibilities."<sup>82</sup>

How could Congress expect an unwed citizen father to have genuine ties with an out-of-wedlock child when establishing a paternal relationship was never encouraged in the first place although the same law mandated (or forced upon) the maternal relationship on an unmarried mother with her foreign-born child? Even when an unmarried father wished to establish an "enduring" relationship it was never accommodated as easily as it is for a mother. Although Congress claimed in 1940 that it wished to "eliminate discrimination between the sexes"<sup>83</sup> in citizenship conferral, the lawmakers did the opposite by making it far easier for an unmarried mother than an unmarried father to do so. Furthermore, the 1952 Act eliminated the condition of the absence of father's legitimation, upon which a unmarried woman was allowed to transmit her citizenship: now an unwed mother transmits citizenship to a foreign-born child with or without legitimation of an alien father of the child. Some of these children would have had dual nationalities in case their fathers accepted legal fatherhood. Congress discussed passionately about how to prevent cases of dual nationality, but here it seems that the lawmakers would rather have a few cases of dual nationals of unwed citizen mothers than

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82. Nguyen, Brief, 38-39.

83. H.R. Rep. No. 1365, 82-2, p.28 (1952)

a large number of foreign-born and potentially mixed race children of unwed citizen men receiving American citizenship in the absence of any other nationalities.

Furthermore, that an acquisition of citizenship for a foreign-born child of an unmarried father required “legitimation, or adjudication by a competent court” was used to make it more difficult for the father who sought to establish legal relationship with an out-of-wedlock child. Technical requirements such as legitimation in a compliance with a “competent court” meant not only a court of a state of his residence in the United States, but also a court of a foreign country in which the child was born. Such rule made it difficult for the father to legitimate the child and discouraged establishment of the relationship.<sup>84</sup>

Justice Souter asked why the provision differentiated sexes of parents, if bona fide family ties were the issue.<sup>85</sup> The question should have been not about which sex of a parent could provide better care and closer ties to a foreign-born child, but about who the

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84. For instance, in 1920, C. B. Ames, the Acting Attorney General writing to the Department of Justice, refuted his predecessor’s opinion that initially prompted a judicial inquiry, a lawsuit, and solicitation of the Attorney General’s opinion. The case filed by George Feuerbach, son born in China of American citizen Gustav Feuerbach and a Chinese woman, claimed his right to American citizenship based on the fact that the citizen father legitimated him under the provision of the 1993 Revised Statute. Ames, however, argued that Feuerbach’s legitimation was not viable for lack of statute. Ames wrote, “His [George Feuerbach’s] claim of American citizenship rests upon a decree of adoption and legitimation of the United States Court for China entered on the petition of Gustav Feuerbach, the father. The jurisdiction of the courts of this country to enter such decrees rests entirely upon statute. No such jurisdiction has been conferred upon the United States Court for China, and the decree in question is, therefore, of no effect.” The requirement like legitimation by a competent court could be easily misconstrued and used to impose a heavier burden on men. See “Citizenship—Children Born Abroad,” Opinion of Attorney General 1919-1921. 32 (April 7, 1920), 162-165.

85. Oral argument, Nguyen v. INS

primary caretaker was. If the legal relationship was presumed to be established “at the moment of birth” for a mother, this meant that no matter how caring an unwed father was and how enduring the relationship was there between the father and the child, the father could never satisfy the provision simply by the fact that fathers could not give birth. It was virtually impossible for the father to have as genuine a relationship with his foreign-born child as an unwed mother could have with her child. Therefore unwed fathers bear a heavier burden of proof of paternity and paternal relationship.

Justice Ginsburg, a vocal critic of the provision in both Nguyen and Miller cases, dismissed the gender-specific provision’s ostensible purpose of preventing statelessness, saying, “It has nothing to do with statelessness.” When Edwin S. Kneedler, Department of Justice respondent in Ngueyn, referred to a foreign-born children as an “alien,” Ginsburg pointed out that the term was misleading because these foreign-born children of unwed citizen fathers could well be “citizens of no place” as there were more countries that granted citizenship by jus sanguinis than jus soli. Advocating an application of a uniform standard to both unwed citizen mothers and fathers, Ginsburg emphasized that the case in hand was different from an alien seeking citizenship through naturalization because the alien was a “citizen of someplace.” When Kneedler responded that “it depends,” she reminded him of the Brief by the Justice Department in which the prevalence of jus sanguinis was mentioned. She made a point about an equally, if not more, vulnerable condition for unwed citizen fathers’ children to become stateless.<sup>86</sup>

Justice Kennedy agreed with Ginsburg and stated that the risk of statelessness of

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86. Ibid.

unwed citizen fathers' foreign-born children could be "just as great." In 1935, the Committee of Advisers consulted a study of nationality laws of other nations and a legal scholar Durward Sandifer noted in his comparative work on nationality laws that there was "widespread extent of the rule of jus sanguinis."<sup>87</sup> In addition, according to Sandifer, only 30 out of some 200 nations under study accorded citizenship to children born out of wedlock through citizen mothers in the absence of fathers' legitimation. The Committee of Advisers noted, "Perhaps the most striking fact revealed by this analysis of the nationality laws of the various states is the widespread extent of the rule of jus sanguinis, and its paramount influence upon the law of nationality throughout the world."<sup>88</sup> It was and still is more likely that foreign-born children of unwed citizen fathers would become stateless than the foreign-born children of unwed citizen mothers.

Notwithstanding, Kneedler argued, "They are certainly not just as great. There may be an isolated country here and there where the problem would arise . . . Congress has to strive to make the laws of this nation with respect to immigration and naturalization respond or make sense vis-a-vis the laws of not just one other nation, but many, many other nations." In this verbal match, Ginsburg rhetorically asked if it would be acceptable to Kneedler if Congress decided to revert to the previous provision where citizenship conferral was strictly a citizen man's prerogative. When Kneedler responded that such measure would violate equal protection clause, Ginsburg argued that the reversed situation, the current Section 309 of 1952 Act, would be just as the violation of equal

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87. Durward V. Sandifer, "A Comparative Study of Laws Relating to Nationality at Birth and to Loss of Nationality," American Journal of International Law 29.2 (April 1935), 278.

88. Ibid.

protection and hence proved her point.<sup>89</sup>

Ginsburg opined in Miller in 1998 that the 1952 provision for children born out of wedlock in foreign countries (corresponding to Section 205 of the 1940 Act) seemed to have been motivated by the fear about fraudulent claims on birthright citizenship by foreign-born children of unwed U.S. soldiers fathers. Although she suspected that the provision might have something to do with the "war baby" problem—the problem created by American servicemen fathering children overseas and returning to America unaware of the related pregnancy or birth”—she pointed out that the issue was much broader than merely preventing citizenship claims by war babies of American soldiers because the 1952 Act was largely a refinement of the 1940 Act.<sup>90</sup>

As Ginsburg suspected, the United States government was aware of potential and real cases of stateless children fathered by unmarried citizen men abroad. The Brief of the Nguyen case revealed that the State Department consulted with consular offices in six nations (Germany, Great Britain, the Philippines, South Korea, Thailand, and Vietnam), all of which had and continued to have a "significant [U.S.] military presence." "A large portion" of citizenship claims by foreign-born children of unwed citizen fathers were said to have been originated from the six nations, which the law required for unmarried fathers of out-of-wedlock children to have some formal acts—legal acknowledgement of paternity—to transmit American citizenship. In the absence of unwed citizen fathers' formal acts combined with their unwed alien mothers' inability to transmit citizenship to

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<sup>89</sup> Oral argument, Nguyen v. INS

<sup>90</sup> Dissenting Opinion by Justice Ginsburg on Miller v. Albright, 523 U.S. 487 (1998).

out-of-wedlock children in Germany, South Korea, and Vietnam, the children were born stateless.<sup>91</sup> Notwithstanding, the Justice Department acknowledged impossibility of granting citizenship at birth or retroactively to foreign-born children of unwed citizen fathers: “retroactive application of the remedy petitioners [Nguyen] seek would open the door to claims of United States citizenship by untold numbers of persons. If the remedy were extended in subsequent litigation to claims governed by the 1940 and 1952 Acts. . . the number of new citizens admitted without congressional authorization would be even greater.”<sup>92</sup>

Although it frankly admitted reality of stateless children and undesirability of granting citizenship to them, the Justice Department clung to the official rhetoric of prevention of statelessness as a basis to its belief in the provision as being moral and constitutional. It also argued some 60 years later that the 1940 Act was meant to ensure the children’s “substantial connection to the United States.”<sup>93</sup> When asked about the ratio between children born abroad to unmarried men and unmarried women, Kneedler from the Justice Department cited the opinion expressed in the Miller case that “the pool is probably larger for . . . children of U.S. citizen fathers rather than mothers.” Then Justice Scalia commented, “isn’t that perhaps one of the reasons behind the differentiation in this statute? There are large populations of children of United States servicemen in the Far East and in Germany. . . I expect very few of these are the children of female service

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91. Nguyen, Brief, 36.

92. *Ibid.*, 41. See footnote 22.

93. *Ibid.*, 35



personnel.”<sup>94</sup> It was well understood by both the government officials and the judges in the 1990s and the 2000s that the gendered regime of citizenship conferrals had more to do with preventing the broadened passage to American citizenship than with preventing stateless children. In both cases, the United States lost valuable opportunities to correct lopsided gender discrimination. Moreover, both cases did not provide satisfying and clear answers to the gendered law of nationality conferral.

### **Conclusion**

The nationality provision of the 1940 Act marked a first full-fledged modern citizenship policy of the United States: it was unprecedented in scope and detail, enumerating all of the possible conditions and situations under which naturalization, citizenship at birth, and denationalization would occur. For the first time in a history of U.S. citizenship conferral, Congress enumerated separate policies for not only a wedded and an unwedded couple, but also a child born in the nation and abroad. Only a few minor conditional requirements have changed over time, such as residency requirements for citizen parents and taking an oath of allegiance for foreign-born minors to retain citizenship that they acquired at birth. The central principles limiting an unmarried citizen man’s right to transmit citizenship remain to this date.

A complete revision of citizenship law in 1940 had not only practical values in preventing legal challenges in courts and sparing state benefits but also an ideological significance in forging national security and racialized national identity. The 1940 provision defined children born to legally married couples as the normative basis of

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94. Oral argument, Nguyen v. INS

social desirability and inclusion in the nation by way of excluding “illegitimate” children born abroad. While family always has been regarded as a bedrock of healthy society and nation, the normative definition of family was defined against those who strayed from it: unmarried interracial couples and their foreign-born children. The law privileged legal fatherhood over biological fatherhood; likewise no matter how a citizen man was committed to his relationship with an alien woman, such interracial relationship shouldered heavier burdens, more so than the relationship with citizen woman, of proving its commitment to a foreign-born child by approximating legitimation in court and in sworn affidavits.

The familial relationship between an unwed citizen mother and her foreign-born child was presumed to be “natural,” thereby rendering the child’s ties to the nation already existing. On the other hand, the same relationship between an unmarried father and his foreign-born child was construed as something to be established and proved. Congress mandated that, if unwed citizen fathers desired so, they develop and foster ties to foreign-born children only through a legal avenue of a parent-child relationship. It automatically assumed at the time of the enactment of the 1940 Act that an unwed citizen father did not, and could not, have a genuine relationship with an out-of-wedlock foreign-born child for he could not have an undeniable biological relationship like a mother would have with a child. By extension, Congress reasoned that an unwed father was much less likely to nurture an “enduring” relationship with his foreign-born child unless he legitimated his relationship to the child. More troubling and inexplicable was elimination of the conditional requirement in Section 205 of the 1952 Act and allowed an

unwed citizen mother to transmit citizenship with or without legitimation by an alien father. Even if the citizen mother could not transmit her American citizenship to her foreign born child for whatever reasons, it was much more likely that the child could have acquired citizenship through the alien father, without legitimation in many countries, including South Korea since 1948.

What was also not explicitly stated was the fact of interracial sex between citizen men and alien women. The 1940 committee members who participated in the hearings like Austin and Lesinski, as well as the Chairman Samuel Dickestein, repeatedly expressed anxieties about a citizen man going abroad marrying an alien woman and having a child overseas. Their concern was with the fact that they were claiming American citizenship when they were “no more American than any other people in that [foreign] country” to claim American citizenship. It was liken to the “opening of a gate” to those who did not deserve American diplomatic protection and citizenship rights.<sup>95</sup> There seemed to be a profound mistrust in the foreign-born of citizen parents for various reasons like avoiding conscription, creating international dispute, having dubious loyalty, or becoming a public charge: Van Zandt of Pennsylvania put it, “the trouble is these people do not return to the United States until they get hungry.”<sup>96</sup>

Upbringing and race offered two alternative criteria for judging ones’ national identities. The lawmakers articulated their rationale behind the suitability for citizenry as a belief in Christianity, fluency in English, and acclimatization of Americans morals, sentiments, and ideals. Subscribing to the dominant notion that women were charged with

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95. 1940 Hearings, 271.

96. *Ibid.*, 294.

upbringing of the children, formative making of American citizens, and culturally ascribing the markers of race influenced the way in which the lawmakers thought about the suitability for citizenship and their opposition to interracial sex and marriage. The underlying premise was that family was the bulwark of state power and the ties between State and citizenry could only be assured by the unity of family through invisible bonds between children and parents.

The lawmakers' argument for lack of national character in foreign-born children largely rested on their assumptions about the children's upbringing. In this argument, the essence of American national character was imagined as a combination of moral unity, cultural genealogy, and language. The lawmakers' rhetoric focused on the implications of moral milieu of the home and school, and parenting and domestic arrangements in which foreign-born children were brought up. In so doing, they inadvertently showed that patriotic feelings and the essence of the nation, presumed to be natural and instinctive, had to be fostered and learned.

Congress conflated discussions about American national identity and a cultural affinity in a discourse of "fitness," reaffirming that upbringing and parenting marked necessary conditions from which true citizenry emerged. While emphasizing the importance of cultivation of the self through learning proper American sentiments, the lawmakers expressed a fear of "going native" for those who chose to live abroad for too long and became American in name only. The long-term resident of foreign countries not only lost in touch with their American upbringing and culture but also their desires to belong.

The citizenship regime not only contributed to racializing nationality but also better prepared the United States for its imperial role in the broader world by re-defining the national boundaries through careful inclusion of only certain colonial territories and populations, while excluding those who deemed unworthy such as GI babies and other inhabitants of unincorporated territories of the United States as foreign Others. The racialized notion of “foreign,” partly the result of its colonial acquisition of territories, informed the formation of the nationality law. In so doing, the 1940 Act enabled race as the primary, albeit unspoken, basis to deny right to acquire nationality at birth for some.

The designation of mixed race children as “foreign-born” effaced the fact that their fathers were citizen men and the fact that a history of citizenship conferral prior to 1940 had exclusively identified men as having the right to transmit American citizenship. An “illegitimate foreign-born child” of a citizen father is a racialized category, not only because racism toward the alien mothers of the children was implicated, but also they personified the images of colonized subjects, in which they were imagined as racialized bodies in need of control. The 1940 Act formalized racial exclusion of foreign-born mixed race children of American paternity. In so doing, the law redefined a category of children born out of wedlock in foreign countries to citizen men and alien women as having deprived of essential American character and sympathies.

**Pitied But Not Entitled:  
Redemptive Adoption and Limits of Cold War Liberalism**

I turned on the radio and the voice of a commentator. . . announced that the four-year agreement between the forces of North and South Korea had ended. The reasons are military, but what I thought of immediately is the human result. If armies are to be increased, or even held, upon that tortured soil, it means to me just one thing—children. Many children will be born, many more than even now are being born. And they will not be Korean children. They will be a new kind of children, war children, belonging to no country and to every country. Most of them will be half-American. Thousands of American-fathered children are already in Japan, Korea and Okinawa, half-white or half-Negro. They are children who are born displaced, children not wanted in the lands of their birth, and not recognized by the land of their fathers. Nevertheless they live. In their innocence they are born, they grow, they will become good people or bad, as circumstances compel.

What is to become of all these children?<sup>1</sup>

In 1958, Pearl S. Buck, a Nobel Laureate in literature and an interracial adoption advocate, pleaded with American public to consider the human cost of Korean War, especially the bleak destiny that befell children of half-American born in Korea. While remaining silent about the other half of the children's parentage, Buck identified the children primarily with their American fathers, either "half-white or half-Negro." Her choice of identification for the children, "half-American" instead of "half-Korean," was unusual at the time when most social workers identified GI babies as "Korean" orphans.

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1. Pearl S. Buck, "The Waiting Children," box 23, folder 34, International Social Service American Branch (hereafter ISS-AB) records, Social Welfare History Archives, University of Minnesota (hereafter SWHA). It is an undated draft article, which appeared with some revisions in Ebony June 1958 under the title, "Should White Parents Adopt Brown Babies: Noted Author Implores Friends Everywhere to Open Their Hearts and Homes to Mixed Blood Orphans Regardless of Religion or Race."

Unlike GI babies born in Germany often referred to as a result of the “sins of our fathers,”<sup>2</sup> American paternity of GI babies born in Korea was rarely acknowledged publicly. Rather, this “new kind of children” born in Korea where U.S. military had the heavy continuing presence during and after World War II were widely known as “Korean war orphans.”

Her plea captured a sense of urgency and anxieties surrounding children of “half-American” who were “displaced”, “not wanted” in Korea, and, moreover, “not recognized” by the United States. Buck appealed to a Cold War liberal humanitarian impulse, while at the same time revealing the contradictory status of the children—children of American father yet unrecognized by the father land. Although her criticisms of U.S. military men’s sexual license, statelessness of the children, and irresponsible American government were quietly disappeared from media, Buck’s advocating of adoption was highlighted in various magazines and newspapers. Unlike majority of social workers, Buck believed in and personally practiced cross-racial adoption by adopting a half-black girl of American father and German mother born in Germany, although her view on black-white interracial adoption was not embraced by public at the time.

This chapter explores particular processes of racialization of GI babies who were adopted by American families in the 1950s and the 1960s. I examine narratives about adoption of GI babies as appeared in social workers’ correspondence with the State Department, adoption agencies, missionaries, and state welfare departments, as well as media coverage of the children in magazines and newspapers. The social reformers—

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2. “The Sins of Our Fathers,” Redbook April 1956.

U.S. social workers, aid workers, state officials, and missionaries who took up rescue and adoption of GI babies as their mission—told a story of abandonment, starvation, and racial persecution of the children living in orphanages and in the streets of Korea.<sup>3</sup>

Underneath the social reformers' mantra of rescue and rehabilitation of the children, and condemnation of Korea's racial persecution reveal America's own racial anxieties about black/white integration. Instead of fracturing national unity in the face of desegregation struggles of the 1950s, adoption of the mixed race children was intended to sustain the national unity by showing redeeming values of racial integration. Contrary to the legal and public battle against integration, largely viewed as a curse of the nation in the 1950s, the movement of adoption was mobilized as proof of strength of American democracy.

Nevertheless, the celebration of racial integration and domestic bliss exemplified in the stories of adoption still reveals a historical legacy and a social reality of racial exclusion, invoked by omission of true reasons how and why the children had to be adopted in the first place. How did the United States negotiate the difference between professed racial pluralism that defined the discourse of adoption and statelessness of

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3. Many private agencies and religious/ secular aid groups—HAP (Holt Adoption Program), WH (Welcome House by Pearl Buck), UP (United Presbyterian Mission), CWS (Church World Service), CCF (Christian Children's Fund), AKF (American-Korean Foundation), SDA (Seventh Day Adventist Mission), WV (World Vision), etc.—ran hospitals or orphanages, as well as donated funds to other orphanages run by Koreans. Pusan Charity Children's Hospital and Sad Dol Won Children's Home were funded by AKF and CCF. Methodist and Presbyterian Missions in Korea, albeit unorganized and uncoordinated with other private or religious aid groups, showed particular interests in the problem of mixed race children. Most of the private organizations working in Korea shared the belief that moving mixed race children to the U.S. as many as possible in a speedy manner was more important than following the strict adoption procedures.



mixed race children that threatened to undo the notion of Cold War racial liberalism? How did mixed race GI babies, most visible physical manifestation of miscegenation—the fundamental basis from which white resistance and anxieties erupted—come to stabilize a fraught racial climate of postwar America?

The dilemma was not insoluble: focusing on racial persecution of mixed race children in Korea shrouded volatile race relations at home. The social workers, state officials, and missionaries narrated portraits of abandonment, charitable rescue, and moral outrage against abandonment of the children in Korea. Detailed descriptions and pictures were provided to tell the story of the children suffering solely because of their racial differences that marked them as an “outcast” in Korea. In so doing, anxieties about domestic racial tensions could be displaced onto the kind of racial prejudice shown in Korea, which was portrayed as far worse than the racial tensions in the United States, with its relentless forces striking even the most “innocent” children.

The adoption narrative about GI babies born in Korea is a story about redeeming values of racial integration, American democracy, and Cold War humanitarianism. The children incorporated as adoptees into American middle class was regarded as a defense against domestic racial tensions emerged from black-white integration policy. Simultaneously, adoption allowed the United States to distance itself from acknowledging them as full-fledged members of the nation, as out-of-wedlock children of citizen fathers. The imperial domination played out in adoption was predicated on both incorporation and distancing. The imperial anxiety stems from the very contradiction between acknowledging and disavowing of the children’s racial difference. The liberal

discourse of adoption, though it met many needs of Cold War foreign policy, reveals the contradiction between ideals of inclusion and practices of exclusion, in how the children were legally handled, and culturally and politically imagined.

Social workers were skeptical at first about adoption of GI babies in Korea: they expressed that “uproot[ing] children” from their own countries of birth and making “drastic transplantation” to a foreign land had to be the last resort. But their initial reluctance quickly gave way to a unanimous consensus on getting the children out of Korea and into American homes as quickly as possible. The social workers believed that Korean government was both unable and unwilling to take care of mixed race children in institutions or in the streets. They argued that GI babies were simply not the priority of Korean government when it could not even deal with more than 50,000 orphans of full Korean parentage.<sup>4</sup>

Nevertheless, the liberal impulse for social welfare of the children expressed by the reformers shows the tension between their desire to recognize the difference of the children but simultaneously disavow the difference. The GI babies’ racial difference—official labeling of the children as “Korean”—enabled adoption; but their Asianness disappeared quickly once the adoption workers began the process of “matching” the children with suitable American families. The overwhelming majority of social reformers voluntarily conformed to the black-white racial divide as practiced in the United States in the 1950s by placing “half-Negro” children with black families and “half-white” with

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4. Margaret A. Valk, “Korean-American Children in American Adoptive Homes,” presented at National Conference on Social Welfare, Philadelphia, PA. in 1957, box 34, folder 20-24, ISS-AB records, SWHA.

white families. That the existing racial binary was strictly observed in placing the children who were ostensibly treated as “Korean” orphans required knowing and making a racial category of black or white for each child. Even when the reformers lamented about the bleakest future for half-black children who remained in Korea because of a shortage of black adoptive families, they rarely crossed the black-white racial line. Likewise, the adoption black market scare and scrambling for available half-white GI babies did not encourage social workers to transgress the sacred color line. Hence a number of adoption cases of half-black children remained far below that of half-white GI babies. Such racial categorization and placement of the children distorted meanings of cross racial placement in a truest sense of the word at the time. While Asianness of half-white children disappeared into whiteness of middle class domesticity, blackness of half-black children intensified. In so doing, many white communities of the United States accomplished racial diversity without making drastic changes to anti-miscegenation laws and social customs.

### **Rescue on Racial Frontiers**

The social reformers working in Korea often narrated the problem of GI babies as a problem of children abandoned, economically deprived, morally neglected, and politically dangerous as they became the tool for the communist’ propaganda against the United States and Korea. American social workers—majority of whom were women—took up the mission of rescue and protection of abandoned mixed race children.

Particularly, some religious missionary groups saw the problem of mixed race children as a result of sexual license of Korean women while remaining relatively silent

about American soldiers' culpability. The missionary groups like the United Presbyterian which ran orphanages in Korea argued that morally loose mothers endangered the lives of the children with their irresponsible acts and continued prostitution. Some described how the children were living in the same house where the mothers prostituted themselves, or how the children grew up in camptowns where prostitution was official business of towns. They argued that the mothers' immoral influence on children and inclination to succumb to illicit business of prostitution would also make it impossible for the children to survive in Korea. Throughout the 1950s in the reformers' narrative, Korean mothers of GI babies were often assumed improperly maternal: uncaring, unprepared, and unwilling women who opted to abandon or institutionalize their newborn babies. When some mothers wished to keep the children, it was seen as having motivated by selfish reasons, or having been unable to overcome their own emotional indulgence.<sup>5</sup>

There was occasionally a muffled voice of criticism about American soldiers' irresponsibility. For instance, Pearl Buck stated that "our men are responsible for these children, who would never have been born otherwise. . . . Our young men ought never to have fathered them."<sup>6</sup> She also warned that the half-American child would grow up culturally incompetent, never knowing what it meant to be American. She added that she was "embarrassed" when she saw in the streets of Korea "a child in rags and filth who, putting out a scrawny hand to beg, lifts to me eyes of American blue, peering from

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5. "An Analysis of the United Presbyterian Position on Orphans in Korea," May 1961, box 35, folder 12-18, ISS-AB records, SWHA.

6. Pearl S. Buck, Children for Adoption (New York: Random House, 1964), 30-31.

beneath hair tangled and dirty and lice-ridden, but red or blond.”<sup>7</sup> These phenotypical whiteness—“American blue” and blond hair—appealed to and reassured American families who contemplated about adoption of a child from Korea but were not sure.

Notwithstanding irresponsibility of the soldiers, the military leadership, or American government, the majority of social workers denounced a Korean racial milieu for making impossible the children’s survival. The belief in Korea’s hostile racial climate was unanimous among professional social workers and missionaries who were mostly at odds with one another: all shared the wholehearted belief in international adoption as the only solution for the children’s survival.

Both groups expressed shock and anger upon seeing suffering children and made emotional pleas to American public to rescue them into stable loving American homes. Mrs. John M. Burnside, the chairman of Korean Adoption Program in the American Joint Committee for Assisting Japanese-American Orphans, described the children as follows when visiting orphanages and hospitals in Korea in 1956:

It is difficult to speak dispassionately of the children whom we saw in many institutions. We saw children with the swollen bellies and match-stick legs of malnutrition; we saw children with sores and skin diseases on faces and heads and with eye infections, nearly all were suffering from cold; we saw children dressed in rags, their feet and hands purple from the cold; we saw dying babies lying in rags on cold floors; we saw scores of apathetic children; we saw silent and motionless; we saw children with solemn, searching looks on their faces; we saw children who played quietly and silently and unsmilingly. The best that we saw, those awaiting visas or transportation to take them to their new homes in America, although they had received special diets and lived in adequate shelter, still tugged at our hearts as they too looked at each visitor as she might be the one to claim them and give them the love and warmth of family life without which the human is forever lonely. . . . Any orphan in Korea, and we are told there are at least

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7. Ibid., 31.

50,000 in institutions, faces an extremely difficult life, but the orphan of mixed parentage carries on his innocent shoulders the burdens of being unwanted, resented and unclaimed.<sup>8</sup>

Emotional pleas like this mobilized much pity and aroused Americans' desire to rehabilitate the children by adopting them.

Despite its initial hesitance about potential problems of racial conflicts in some communities that adoption of mixed race children from Korea might provoke, the International Social Service (ISS, though not an adoption agency, is one of the pioneering social work international organizations that made international adoption possible) was quickly convinced that there was "no alternative" to international adoption. A senior case consultant of ISS American Branch wrote:

children of mixed racial parentage are completely ostracized, socially and culturally. They are the object of contempt and hostility to local children and to the population in general. They cannot attend school and would have no possibilities of employment or marriage in later life. . . . Korea is five thousand years old, until the last decade unique and isolated among the countries of the Far East, priding itself upon the purity of its racial lineage. . . . It has been said that ninety per cent of the children of mixed parentage perish. Others are found on the doorsteps of foreign missions, hospitals, orphanages, and private homes or abandoned in streets and fields. They are often discriminated against by both staff and children in the orphanages. . . The only solution for these children is placement outside their own country in good Caucasian and Negro homes. In the absence of such placements, they will not live or if they do, will have nothing to live for. Moreover, this problem will continue as long as there are foreign servicemen in Korea.<sup>9</sup>

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8. Untitled report by Mrs. John M. Burnside. November 27, 1956, box 35, folder 25, ISS-AB records, SWHA.

9. Valk, "Korean-American Children in American Adoptive Homes." ISS, a secular, non-governmental international social agency, acted as a liaison between social agencies of one country and those of another, as well as between U.S. welfare agencies (local or state) and the U.S. federal government offices. ISS mission is to help solve "personal problems requiring inter-country solutions." ISS also connected foreign

Purported eyewitness accounts of abandonment was not only emotional but also sensationalized as follow statement shows:

There have been many suicides among the mothers because of the discrimination in this area, and it is said that 90% of the children of mixed parentage perish. Others are found on the doorsteps of foreign missions, hospitals, orphanages, private homes or abandoned in the streets and fields. Some of them are brought in by their mothers to the Korean Child Placement Service or any foreign welfare agency who will take them in.<sup>10</sup>

It is hard to tell how much was hearsay or eyewitnesses' accounts. But no correspondence among the reformers substantiated that "ninety per cent" of mixed race children died in any given time.

While such account might have been exaggerated, it seemed to have jolted social workers in the United States into a swift action and urged public to demand that Congress pass the law that would enable the children to enter the United States as soon as possible. After all, those who had read or heard of aforementioned stories wrote letters to their representatives and asked them to act now to save the children.<sup>11</sup> People interested in

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governments to social agencies in the U.S. and worked closely with Korean government, which had neither state-licensed social welfare agencies, nor even the rudimentary concept of "child welfare." There was not even a concept of "adoption" of a child by a person not related to the child until American citizens began to adopt mixed race children in the mid 1950s. See, "International Social Service: ISS Services in Korea," undated, enclosed in Mrs. Weber's memorandum of March 25, 1958, box 34, folder 20-24, ISS-AB records, SWHA.

10. Eleanor Linse, Case Consultant (no affiliation given in the letter) to Lorraine Carroll (Child Welfare Services in Missouri), March 11, 1957, box 10, folder 7-33, ISS-AB records, SWHA.

11. There are too many letters from inquiring applicants to count in ISS archives, Department of Public Welfare correspondence at National Archives II in Maryland, and Congressional Records. Most letters were addressed to congress members of many states and asked for help with adoption and legislations. See for instance, Congressional Records, 85th Cong., 1st Sess. July 24, 1957: 12637.

adopting GI babies from Korea requested special acts of Congress because anyone originated from Asia and any Asian descent were barred from immigration and naturalization since the 1924 Immigration Act. Although the Immigration and Nationality Act of 1952 ended Asian exclusion, a small number of quota assigned to Asia was far from adequate to accommodate the entry of waiting GI babies to the United States.

The Refugee Relief Act of 1953 (RRA) was the first refugee legislation that contained the explicit adoption provisions in the orphan section. The RRA was also the first law that enabled immigration of children born in Asia. The law authorized an issuance of 4,000 nonquota visas for eligible orphans under 10 years of age. When the RRA ended in December 31, 1956, the validity of the visas already issued but not executed was extended to two more years. The Act of July 29, 1957 extended the RRA through the period ending in June 30, 1961. The Department of State, in collaboration with the Children's Bureau and the American Council on Voluntary Agencies for Foreign Service, administered the orphan program.<sup>12</sup>

There were two routes to international adoption at the time: one through state-accredited adoption agencies and the other through "proxy" adoption. When adopting through professional adoption agencies, prospective parents were screened in terms of their personality, race, financial status, marital stability, religion, etc through "home studies." Once an adopting child arrived in the United States, the parents and the child would be monitored by trained social workers for a probational period of at least six

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12. The Refugee Relief Act of August 7, 1953, P.L. 83-203, 67 Stat. 400. Carlson, "Transnational Adoption of Children," 328. Act of August 7, 1953, P.L. 83-203, 67 Stat. 400.



months. Then a court of the state in which the adopting parents resided would review an adoption petition filed by the parents and finalized legal adoption. Under the law, adoption plans must be approved by state licensed U.S. child welfare agencies before the child was admitted to the United States to be adopted in state courts.

However, a child already adopted in a foreign court was not subject to the prior approval of a state-accredited adoption plan. Proxy adoption did not involve any acts of adoption agencies because prospective parents would grant a power of attorney to a “proxy” who was sent to the country in which the orphan being considered for adoption resided. In the proxy method, no home studies were required and adoption was legalized in foreign court of the country in which the orphan resided. This proxy adoption was popularized by Harry Holt, Oregonian farmer who first brought eight adoptees from Korea to the United States in 1955 under a private legislation. Ever since, proxy adoption has been the preferred method of missionary groups as well as Korean government for its expediency.

### **A Curse of Half-Blackness**

To add more shock to already concerned social workers, rampant racial discrimination against the children was reported to be manifested with incredulous callousness. The Seventh Day Adventists, one of the missionaries that ran orphanages in Korea, told the ISS that Korean caretakers at the orphanages were known to “withhold precious food from half cast children.” Hence the Adventists instituted a special supervision of caretakers who were in charge of feeding the children.<sup>13</sup> Other orphanages

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13. E. H. to Susan Pettiss, January 27, 1955, box 35, folder 24, ISS-AB records,

were said to have adopted a similar measure where “half-Negro tots” were “housed apart” from half-white children because the director of the orphanage “feared” that half-black GI babies would be neglected unless they were separated from half-white for special attention.”<sup>14</sup>

Ubiquitous comments in the narrative also contained where the abandoned infants were found and how they were rescued. It was sure to make the readers gasp in horror at the thought of innocent babies abandoned, and moreover, left to die alone. Except the babies who were left on the doorsteps of orphanages, churches, and hospitals, other infants were said to have been found in various places such as roadside, rice fields, and under the bridge. For instance, an Ebony article “How to Adopt Korean Babies,” appeared in 1955, describes in detail how the infants were abandoned in dangerous places and rescued just in time out of harm’s way. The captions accompanied 13 pictures in the article’s short but vivid descriptions of 20 infants and toddlers with dark skin color and curly hair. With a dazed look and unkempt hair, some infants lying inside their cribs were bundled up in winter outfits, complete with hats and coats. The captions gave each child’s brief history:

Mi Sook Lyu, 2, was found abandoned near railroad tracks in Seoul, Korea, by alert railroad watchman. She has remained unclaimed. . . . Myung Ho Lyu, 2, was brought to orphanage in August, 1954, by Korean laborer, who discovered boy wrapped in gunny sack and left by side of a lonely road to die. . . . Ai Ki Park, 1, was abandoned in back yard of Korean farm house. Hoping that baby might be identified by her parents, farmer turned it over to U.S. authorities. . . . Chung Ho

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SWHA, 1. This piece of information cited in the letter was from the Seventh Day Adventists Home in Korea.

14. “How to Adopt Korean Babies: Three Hundred Oriental-Negro Foundlings Are Available for Adoption by Americans,” Ebony September 1955, 32.

Lyu, 2, was left in banana box on railroad right-of-way leading to Seoul. Korean farmer rescued him shortly before train roared across spot where baby had been abandoned. Healthy, alert orphan is receiving good care at foundling home.<sup>15</sup>

All these descriptions had one thing in common: the infants were not merely abandoned by their mothers so that they could be found by someone who could better care for them, but they seemed to have been abandoned to their death. The kind of places where the babies were purportedly found are telling: a railroad track, busy crossroads, and a rice field. All these places imply that the mothers wished the infants disappear not only from their sights, but also from this world. There was no mentioning of circumstances under which the mothers of GI babies voluntarily abandoned their children.<sup>16</sup> Rather it seemed that anyone upon hearing such tales of abandonment would equate the act with the intention to expose the babies to death.

The ISS, which helped compose the article and promoted it to all state departments of public welfare, described it as “an accurate account of the dismal circumstances being encountered by these racially mixed children.” The ISS also added the comment that has been repeated in their correspondence and the media coverage: “They [GI babies] are considered outcasts in the Oriental culture where so much

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15. Ibid., 30-33.

16. Abandonment, as believed in Western society from ancient time to present, refers to “the voluntary relinquishing of control over children by their natal parents or guardians’ and to children who were exposed at the doors of churches or in other public spaces and less frequently for those intentionally exposed to death.” See Ann Stoler, “Sexual Affronts,” 525. See also, John Boswell, The Kindness of Strangers: Abandonment of Children in Western Europe from Late Antiquity to Renaissance (New York: Pantheon, 1988). John Boswell further describes relinquishment as “leaving them somewhere, selling them, or legally consigning authority to some other person or institution.” Ibid., 24. Also quoted in footnote 36 in Stoler, “Sexual Affront,” 525. These definitions were broad enough to include all possible scenarios upon which a child might be separated from parents.

emphasis is placed on ancestry and purity of lineage. The future in their country of birth seems to hold little hope for them.”<sup>17</sup>

If mixed race infants and toddlers were not rescued from the brink of death, many indeed were found dead, according to some reports. Half-black GI babies were apparently far more vulnerable to such gruesome death:

We have become most concerned about placement plans for Negro-Korean and Negro-European children. The most desperate need is for families for Negro-Korean orphans. This racial mixture has been unknown in Korea and these children are completely ostracized in the Korean culture. They are real outcasts and are discriminated against in the orphanages which are bad enough without this—being overcrowded, understaffed, with little equipment and even little food. We are told by our Korean and American colleagues that have been there that the bodies of these children are often found floating in the rivers or abandoned in the streets and in the garbage cans, so desperate is the plight of their mothers. Even if these children get through childhood, they face a future with no chance of education or employment.<sup>18</sup>

But there was not much evidence to the claim that babies indeed were found dead in the river; rather, there were more reports about how babies died en route in airplanes to their American adoptive families or while waiting in orphanages for their immigration visas to be issued.

The social reformers had much to attribute deaths of the babies to one another: missionaries and those who supported the proxy method accused professional social workers of red tape for the deaths of children. Pearl Buck was once quoted in saying that these waiting children were “dying like flies” because of red tape imposed by

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17. Susan T. Pettiss to Directors, Divisions of Child Welfare, State Departments of Public Welfare, August 29, 1955, folder 24, ISS-AB records, SWHA.

18. From Linse, Case Consultant to Carroll, Child Welfare Services in Missouri, March 11, 1957.

professional workers' insistence on appropriate procedures, no matter how long it took to get the children out of Korea.<sup>19</sup> On the other hand, the professional workers publicized sudden deaths of babies who were hastily adopted by unqualified families. For instance, a woman in Chicago who adopted a GI baby girl through Holt was indicted in 1957 for a second degree murder in the death of the child.<sup>20</sup>

Despite the authenticity of the Ebony article vouched by the ISS, the incredulous stories of abuse and tragedy might have been exaggerated in order to increase the chances of adoption of black GI babies whose placements with white families were rarely an option, even when there was an extreme shortage of adoptable GI babies. The social workers' narrative about abandonment that could purportedly lead to death meant not only a physical death but also a social death of the children, cut off from both Korean and American society.

The captions as well as pictures in the 1955 Ebony article established how bare the children's existence were: wooden boxes were no cribs and the babies should not be unattended. Children, especially toddlers and infants, are not meant to be alone. The photographs of the children indicate an extreme shortage of nurses in orphanages and, symbolically, an absence of responsible adult who would represent the children's interests as well.

The pictures that accompanied the Ebony article did more to evoke pity. Except

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19. Homer Bigart, "Pearl Buck Upholds Adoption by Proxy for Waifs in Korea," New York Times January 7, 1959.

20. "Charge Foster Mother Killed Korea Orphan," Chicago Daily Tribune July 24, 1957. "Proxy Adoption Peril: Children's Bureau Cautions Americans on Procedure," New York Times August 12, 1958. "Proxy Adoptions Decried as Risky: 'Sight Unseen' Choice Held Unwise by International Case work Agency," New York Times May 11, 1958.

one infant with a faint expression resembling a smile, all toddlers in the pictures were staring at the camera with blank faces. No children pictured were accompanied by adults: they were either alone or with other infants. A caption accompanying the picture on the first page of the article introduced the children as follows: “Boxes of babies line walls of children’s Home of Seoul Sanitarium, operated by Seventh Day Adventist Mission in Korea. Early in war, unwanted children were brought to hospital by the truck loads”<sup>21</sup> Children were identified not by their names but by the numbers painted on the wooden boxes functioning as cribs. That orphanages and hospitals were inundated with “truck loads” of abandoned children evinced the magnitude of the problem. Even after the children were brought to space safer than the streets or rice fields under the supervision of caretaker, they showed signs of neglect.

The Ebony photos do not quite resemble the kind of photographs we often see now in advertisements for, say, Christian Children’s Funds—scraggy naked children with swollen bellies, sunken eyes, flies buzzing about their faces, missing limbs, deformed body parts, etc. Almost all the children look relatively well although some look slightly underweighted. However, total indifference in their faces is hard to miss. The faces express neither sadness nor excitement at the sight of a stranger with a camera and perhaps a blinding flash light. Their stares are without much curiosity, a shy smile, or not even so much as a fright as toddlers of that age may react to a stranger.

The article does its best at appealing for moral indignation of the readers while conveying the need of urgent interventions on behalf of black GI babies as an endangered

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21. “How to Adopt Korean Babies,” 30.

group of creatures who would perish, if not rescued immediately:

The cuddlesome, wistful-eyed children on these pages are the least loved boys and girls in Korea. They are war babies, offspring of Oriental-Negro romances that flowered between battles and faded with the first hint of armistice. They and nearly 300 others like them are wards of foundling homes in Korea. . . . It is doubtful that any of these youngsters will find sanctuary in their native land. There, as in other Oriental countries, racial purity is a deeply entrenched social fetish. The child of mixed origin is regarded as inferior and unclean. Koreans tend to ostracize them and their mothers. So strong is the prejudice against these youngsters and the women who conceived them that hundreds of desperate mothers abandoned their half-Negro babies in rice fields, left them to starve in bombed-out streets, or thrust them upon American hospital authorities.<sup>22</sup>

Although the article described the children as “wistful-eyed,” few children had the look of longing. What kind of longing was the writer referring to? Longing for a sense of security and loving parents? How could the toddlers abandoned early in their ages, as the article said, desire a family of two parents? The children who spent majority of short lives in orphanages might not even know what a family of two parents was like. Then when the article depicted the children as “wistful-eyed,” it was not the wish of the children but of the writer who projected her or his own wishes for the children onto the children’s expression.

The account was correct in that these children did not have future in Korea as they were not even legal persons: their lack of legal membership in the nation amply testified their pariah status. However, the article did not mention why these children of U.S. soldiers were not recognized in the United States even when it was made clear that American soldiers fathered them. The children did not find a “sanctuary” in the United States as children of American fathers either, but only as Korean war orphans and

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22. *Ibid.*, 31.

adopted children of American families. Neither did the article point out that the children were abandoned by their fathers—many of whom probably did not even know the existence of the children and, even if they did, did little to bring them to the United States—long before they were abandoned by their destitute mothers.<sup>23</sup>

Besides, describing sex between Korean women and the soldiers as “romances,” the article seems to cast forgiving lights on the soldiers. Having occasional “romances” with local women between battles sounds harmless and comforting to the soldiers who might not have understood why they were fighting in a foreign war, only shortly after the World War II ended. Also calling the sex “romance” seems to condone a widespread belief about soldiers’ sexual needs. A “romance” is understood to be transient, often without the implication of a long-term commitment of a “relationship.” Only a right kind of relationship with a commitment, widely understood to be manifest in a legal and social institution of marriage of the same race, are meant to be enduring and legitimate.

Combined with the view that interracial intimacy was “illicit,” and stigmatized, there was

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23. The Department of Army’s policy for soldiers’ requests for marriage instructed commanders who had authority to grant or reject marriage requests to exercise their authority “judiciously.” There were only a total of five commanders with authority to review soldiers’ marriage requests in Korea in 1956. At the height of Korean War, there were more than 300,000 soldiers were deployed to Korea. In general the soldiers’ requests for permission to marry foreign nationals were not always granted. The letter also instructed commanders in Korea following rules: “a. Prohibit the extension of foreign service tours of military personnel whose dependents reside in Korea except when compassionate reasons exist which would warrant approval. b. Direct the curtailment of extensions granted such personnel when processing of alien dependent for entry into the United States has been completed.” Robert H. Shell, Colonel, AGC, “Marriage of Military Personnel to Korean Nationals” March 5, 1956. RG 338 Marriage, National Archive II, Maryland.



little reason to take seriously of soldiers' brief sexual encounters with Korean women.<sup>24</sup>

Moreover, it is surprising to note that the article skewed the fact that “racial purity” was a “social fetish” not just in Korea, but also in the United States. After all, the magazine Ebony's main readers were black, who probably understood better than anyone else in 1955 what racial purity meant in the United States. The children of mixed racial heritage as well as interracial marriage and sex were equally taboos in the United States. This is ten years before the Supreme Court struck down the miscegenation law unconstitutional in Loving v. Virginia (1967). Even after the legal victory, a social custom against interracial marriage and sex continued in the United States. Has it never occurred to the writer and the readers—while condemning Korea's dogmatic belief in racial purity—that anti-miscegenation laws existed in more than 30 states and children of mixed racial heritage were often considered “unclean” in the United States as well? By focusing on what is seen and on looking, rather than a question of justice, the narrative redirects readers' questions away from justice and toward urgency on relieving the suffering.

The article, combined with the photographs, rendered the problem of GI babies real to the readers who were separated by the Pacific. It mobilized pity with a verbal and visual spectacle of suffering: How could anyone think that the babies—most would agree on absolute innocence and purity of *any* children—deserve such wretched lot as “least loved boys and girls”? Arousing emotions, accounts of social workers and media presentation as a “credible testimony” to the real situation in Korea gave authority to the

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24. See discussion of illegitimacy of interracial intimacy in Peggy Pascoe, What Comes Naturally: Miscegenation Law and the Making of Race in America (Oxford: Oxford University Press, 2009).

description. The account pleased William Kirk, the director of ISS American Branch, who expressed a tremendous appreciation for the article:

May we congratulate you on the excellent presentation of the plight of the abandoned and orphaned Korean children fathered by American Negro servicemen. The pictures are very good and help to show the need which these children cannot put into words, the need for a home that can give them love and security. We hope your story will stimulate a number of families to offer a home and love to some of these children. You will be interested to know that we already have received a few letters from just such families.<sup>25</sup>

Despite the aforementioned celebratory remark in 1955, it became obvious by 1958 that a myriad of obstacles made nearly impossible adoption of half-black GI babies by either white or black families. The ISS staff who purportedly supported “interracial” adoption continued to subscribe to the belief in the professional standard of “matching in race.” Cross racial adoption meant placement of white/Asian children with white families and black/Asian children with black families, never crossing white/black lines. In spite of all fanfare and jubilant talk of welcoming these alien children into American homes, the bifurcated notion of race not only remained but also was strengthened by adoption.

Both the ISS and Harry Holt, though they waged a bitter fight against proxy, wholeheartedly agreed, without even speaking about it, on the sacred racial line that shall never be crossed. Harry Holt, largely hailed as a champion of international adoption, never crossed the racial line in its heydays of operation in the late 1950s and the early 1960s. Holt allowed the applicants to select physical conditions of a child (such as sex, age, and level of disability) they wished to adopt, but race was never an option. He firmly

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25. William T. Kirk to the editor of Ebony, August 29, 1955, folder 24, ISS-AB, SWHA.

announced to his supporters and the applicants that “Colored children go only to colored homes.”<sup>26</sup> In this context, “cross-racial” or “interracial” largely meant interracial between Asianness and whiteness, or Asianness and blackness, never doubly crossing between the children and adopting parents. Holt was not alone. Perhaps except Pearl Buck who herself adopted a half-black GI baby from Germany, the majority of social workers shared the Holt’s view on cross-racial adoption.

For GI babies of white paternity, the problem was not lack of interests of prospective adoptive families but not enough children to meet the demand. There was a shortage of half-white children for white families already in 1956. For instance, while ISS forwarded eight white families’ applications and home studies in January, only two families found children by April 1956. ISS said it did not see “the prospect of getting [half-white] children.”<sup>27</sup> By the time the Refugee Relief Act was expired on December 31, 1956, the shortage of half-white children was such that professional social workers blamed “Mr. Holt & Company” for “snatching [half-white] children we [ISS] have selected for possible adoption.”<sup>28</sup>

While half-Asianness seemed to have been rarely a problem, half-blackness became a hurdle in international adoption. Some state officials had anticipated that half-Koreanness might trouble the children as well as adopting families in their own communities that might resent “Asian” children; but most social workers were far more

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26. From Harry Holt to the church members, December 27, 1956. Box 10/ Folder 7-33, ISS-AB, SWHA.

27. Susan Pettiss to Lucile L. Chamberlin, April 3, 1956, box 35, folder 25, ISS-AB records, SWHA, 1.

28. Lucile Chamberlin to Susan Pettiss, May 18, 1956, box 35, folder 25, ISS-AB records, SWHA, 1.

concerned about near impossibility of placing non-white GI babies in American homes. Despite the publicity efforts in media outlets geared toward black audience like Ebony, the number of successful placements of black GI babies remained far lower than that of white GI babies. Between January 1955 and September 30, 1960, only 622 out of 3,406 mixed race children adopted from Korea were of black paternity.<sup>29</sup>

Black Americans had their own concerns, however: there were already enough black children in orphanages in the United States who needed families, but suitable black homes for these children were scarce. The Department of Defense manual on adoption of GI babies in Asia and Europe noted the resentment from black communities that considered black children, who were already neglected and needed homes in the United States, a priority, not “Korean-Negro” children.<sup>30</sup>

Despite the ISS’ pleas, some local agencies that handled adoption for black families were reluctant to process placements of half-black GI babies from Korea. Other agencies unequivocally refused to study homes for the half-black children because, they argued, many local black children in institutions were their priority. There was also a problem with a much small available pool of black families; and even a smaller number of families among the available families were qualified and ready for adoption. Some agencies even promised to place black GI babies and finished home studies but ended up

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29. “An Analysis of the United Presbyterian Position on Orphans in Korea,” 5-10.

30. “Manual on Intercountry Adoption,” Department of Defense, Pam 6-11, February 1959, Box 23, folder 21, ISS-AB records, SWHA,

placing local black children with the qualified families.<sup>31</sup> The ISS staff's frustration reached a high point when the ISS American branch wrote to the ISS branch in Korea in 1958:

We have little encouragement from local agencies and are forced to conclude that while we might eventually find homes for the 16 children on hand, it will take a long time and much patient work. We have received about 80 letters of inquiry from Negro families since September, 1956, and would not expect more than a handful to materialize.<sup>32</sup>

### **Desirable Half-Whiteness**

While blackness of half-black children posed an obstacle for adoption, whiteness of half-white GI babies became an asset. Ellen Visser, a social worker working with the CPS (Child Placement Service in the Korean Ministry of Social Welfare), wrote to the ISS an "unofficial" letter in 1954. In addition to describing the horrendous condition of orphanages, the letter also reveals what made half-white children more desirable candidates for adoption than half-black children:

Conditions in the orphanages are far below our minimum standards. They are very much overcrowded, many have no heat, and the food on the whole is very poor. The bathing facilities are very primitive and inadequate. Most of the children stay dirty, their clothing is not sufficient and many are still barefooted. In some orphanages they live and act like little animals. Neither Mrs. Hong [of CPS] or [sic] myself feel we have a 'right' to accept a child who is reasonably healthy on a release from its inmarried [sic] mother or a relative and place it in any orphanage I have yet seen to await processing to the USA. These children are going to need a lot of individual attention if they are to adjust later in American homes. The children themselves are the most hopeful part of the picture. Many look like any American child who is dirty, untrained and not properly fed. Some have golden hair, a few have blue eyes others have hazel or brown eyes and many have light skin. In many cases their eyes are not slanted and at this age they do not

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31. From Susan Pettiss to Marcia J. Williams, January 9, 1958, box 34, folder 20-24, ISS-AB records, SWHA, 3.

32. Ibid.

show any Korean feathres [sic]. The little half negro children appear to be much more able to take 'Korean life' and many in the orphanages appear healthy, alert and friendly. They are very noticeable and I can see how they will have a difficult time in the future [if left in Korea].<sup>33</sup>

For one thing, to middle class Americans it was shocking to see toddlers and infants staying at unheated orphanages in the middle of December. The extreme deprivation the children endured was sure to arouse moral indignation. Visser's descriptions of the children and the orphanage that invoked certain emotions such as anger, frustration, and pity were often iterated in various reports about "Korean war orphans" on popular magazines and newspapers. The children were repeatedly described as if they were not treated as human beings in Korea: they were found wrapped in "gunny sack" like a sack of potatoes and grain, brought to orphanages in "truck loads," and slept in wooden box cribs. Here, Visser described them as literally "little animals" running around "barefooted" in the middle of winter.

However, she was most relieved to see that the children were not animal, didn't look all that "Korean" to her, and most of all, looked *white*. The children's eyes were "not slanted," but "blue" or "hazel." They did not have any other "Korean feathres [features]," but had "golden hair." At least "at this age," the children could easily pass for white although she carefully implied that, as the case for mixed race children born to white and black parents in the United States, physical features would change as children grew and could reveal Korean features later. The children's non-Korean features, which guaranteed their immediate ostracization in Korea, would warrant their chances at having successful futures in the United States.

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33. Ellen Trigg Visser to Susan Pettiss, December 1954, box 35, folder 24, ISS-AB records, SWHA, 2.

Visser assumed that successful adoption of the children by American families entirely depended on the children's phenotypical features that separated them from children of full Korean parentage. The children were the "most hopeful part of the picture" precisely because they were just like "any American child," more precisely any *white* American child with "golden" hair and "blue" eyes. The success of "cross racial" placements was predicated on the children's physical affinities with white Americans. As long as the children shed traces of external signs of deprivation—"dirty, untrained and not properly fed"—with the help of loving care of white American families, they would blossom. In doing so, white middle class American domesticity was redefined as a new kind of altruistic family that embraced racial others, contributing to diversifying the racial climate of the postwar America and validating the postwar notion of racial pluralism in the United States. Notions of race repeatedly figured and disfigured within the adoption narrative while prescriptive nature and political function of interracial adoption gave new meanings to American domesticity.

The notion of Cold War racial liberalism that was believed to have made possible adoption of children from Asia presumed not diversity and multiplicity of race or racial designation, but complete absorption of those who had physical affinities to whiteness. As Visser's letter reveals, once physical resemblance was there, cultural affinities could be instilled by proper upbringing, and the children, presumed to be a blank slate, would be acclimated into American character and sympathy. Since the children who had better chance of being adopted by white families could already pass for white, all they need was training and education of proper moral and sentiments of whiteness. So long as the

children did not stick out amongst ordinary American children—of “white”—and could blend in, such adoption would challenge nothing and threaten no one.

The social workers’ belief in positive impact of interracial adoption on white families was also shared by state officials. Roland W. Kenney, an American Consul in Formosa and a consular advisor for the Far East U.S. Refugee Relief Program, expressed his belief that adoption and immigration of children “of half-Asiatic or of full Asiatic ancestry” would break “barriers created by racial prejudices” in the United States. Despite his own acknowledgement of the existing racial tensions in “some communities,” he believed that the racial problems were not “so deep rooted as not to be influenced by the presence of some of these winning [half-white] children.” In fact, he advised against placing the children in communities of a significant number of Asian American presence, such as San Francisco or Honolulu. Instead, he suggested that children be integrated into communities regardless of their race and social workers “disperse” the children throughout the communities where “there is no crystallized segregated pattern.”<sup>34</sup> The placements of children within white communities were to be used as a tool to realize superficial racial diversification. Moreover, a contact with white middle class families would redeem and rehabilitate the children; and, in turn, the children in turn would help dissipate white anxieties about integration.

The supporters of adoption also tended to frame adoption and immigration of alien children as part of completing American dream of multiracial society and because the children immigrated to the United States when young, they were more likely to, and

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34. E. H. to Susan Pettiss, January 27, 1955.



more quickly, assimilate than older groups of immigrants:

The orphan children who thus far have benefited by placement in the United States have adjusted remarkably well in their adoptive families. Such children form a body of immigrants who contribute those most easily assimilable to the American way of life. The agencies supervising these children in the many communities throughout the United States indicate how quickly the children adjust to the adoptive families and the community in which they reside.<sup>35</sup>

Desirability of whiteness was largely expressed through professional adoption workers' belief in proper "matching" of a child in terms of religion, race, physical resemblance, personality, etc. What seemed to matter most in GI babies' adoption was the children's purported race. As it is shown later, matching in race was also required by law in some states such as New York and Ohio where white children could not be adopted by black families. The professional social workers fiercely defended their belief and practice of matching in race and religion. When Pearl Buck's draft for a magazine article was reviewed by the ISS, it generated some heated criticism of Buck's frank views on professional social workers. For one, her article made it sound like trained social workers' practice of "matching" children with adoptive parents in race and religion prevented adoptions of many mixed race children. Therefore, despite great and urgent need for homes half-black GI babies were not matched with available and approved white families.<sup>36</sup>

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35. United States. Congress. Senate. Committee on the Judiciary. Special Subcommittee To Investigate Problems Connected with the Emigration of Refugees and Escapees from Western European Countries. Amendment to Refugee Relief Act of 1953: Hearing before the Subcommittee of the Committee on the Judiciary United States Senate Eight-Fourth Congress Second Session on May 3, 1956 (Washington: GPO, 1956), 100.

36. From ISS (signed by William Kirk, General Director) to Mrs. Erabelle Thompson, the managing editor of Ebony magazine, June 11, 1958. box 23, folder 34, ISS-AB records, SWHA. This is a draft of the letter accompanied a memo to William

Pearl Buck, a firm believer in black-white cross racial adoption, lamented about the racial division that existed not just in Korea but also in the United States:

There will be enough home for the half-white children but not for those who are half-Negro. And alas, the half-Negro children will have the most difficult time in the lands of their birth. The evil of prejudices has drifted across the sea, or was there already, endemic perhaps in the strange liking among all people for the fair in skin. . . . Therefore my heart goes out especially to the little orphans in Asian countries who are half-Negro. They will have the hardest time of all, bearing not only the onus of being children of war and occupation, but also of having dark-skinned American fathers.<sup>37</sup>

She argued that matching a child's temperament to an adoptive family was crucial, not the skin color. Buck said, "A child is a child no matter what his race or religion; I don't believe in vested property in a child. . . . It is the child who matters."<sup>38</sup> Pretending as if the mixed race GI babies were like any other white child born in the United States seemed to be a problematic approach. Racial blindness Buck was advocating here wouldn't make racial differences go away simply because white middle class families would treat their adopted children's unique racial and cultural identity non-existent.

In denouncing the notion of racial "matching," Buck also denounced racial differences of the children. But it was precisely the racial differences that legitimized the argument for rescue, which solely rested on racial prejudice the children endured in Korea because of their difference. Also it was the kind of racial difference that appealed to state officials of Cold War liberals who hoped that adoption of GI babies would help

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Fisher of Victor Weingarten Public Relations in NY asking to revise. A handwritten note said the letter was "destroyed by STP [Susan Pettiss] on June 12, 1958.

37. Buck, "Waiting Children."

38. "Pearl Buck Meets New Adopted Girl: Child, 9, Flies From Orient to be 8th Youngster in Writer's Household," New York Times July 19, 1958.

realization of racial liberalism in the United States. The children's racial difference is simultaneously acknowledged and disavowed. Buck's belief in an "a-child-is-a-child" approach inadvertently contradicted her own belief in a triumph of racially plural America. If a child's race was not a deciding factor in international cross-racial adoption, how does the claim of pluralism come to be?

Moreover, successful cases of cross-racial adoption were more elusive than Buck had wished. In jubilation, Buck celebrated cultural pluralism evidenced in adoption of a GI baby born in Japan by a Jewish family:

It is a matter of pride with me that the child's birth-mother was Buddhist, that the adoptive parents are Jewish, and that the judge who approved the adoption was Catholic. What a triumph of American democracy! It is as wonderful as the fine human decision made by a Florida judge that a certain little Hildy could stay with her Jewish father and mother, her true parents in love and care, and not be sent to the orphanage by a birth mother, who was frightened, perhaps, by forces she did not understand.<sup>39</sup>

But not everyone was ecstatic about cross racial adoption of a half-white GI baby by a Jewish family. A probate court of Cuyahoga county in Cleveland would have not been amenable to such placement, as a consultant in Division of Social Administration, Department of Public Welfare wrote to to ISS in 1957.<sup>40</sup>

If Cold War racial liberalism was truly an embodiment of American democracy in reality, a significant number of placements did not have to be delayed just because social workers couldn't figure out race of certain children and yet insisting knowing the

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39. Buck, "Waiting Children," 3.

40. Miriam Scofield, Consultant in Division of Social Administration, Department of Public Welfare in OH to Susan Pettiss on July 11, 1957, box 23, folder 34, ISS-AB, SWHA.

children's racial categories. Since many children came to hospitals and orphanages with no sufficient information about their paternity, it was difficult to determine whether a child was of black or of white paternity. It was often social workers' guesswork. For the majority of adoption workers it was crucial to know that they were not placing children cross racially by mistakenly offering a half-white child to a black family or a half-black child to a white family. For instance, an adoption petition for Kyung Jin Cho was held back because her racial designation was in question. In 1958 Children's Service Bureau in Dade County, Florida inquired to the ISS about a racial background of Cho, who was matched with a black family of Mr. and Mrs. George.<sup>41</sup> A social worker in Korea referred Cho to a black family because Cho, with "uncharacteristically kinky hair," appeared to be of black paternity. The Georges, who feared that the state court would not approve their adoption petition if the court believed the child to be half-white, wished to find out once and for all Cho's race. They hired a lawyer who wrote a letter to the caseworker in Dade County saying that knowing the racial background of Cho would be "extremely important" to some Circuit Court judges in deciding whether to grant or reject the Georges' adoption because Florida law prohibited adoption of a white child by a black family.<sup>42</sup> In another case, the ISS instructed the CPS (Child Placement Service in Korean Ministry of Social Affairs) to "always" indicate the child's skin color in a child's history

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41. Margaret Valk to Ellen Tucker, March 5, 1958, RG 102 Records of the Children's Bureau, Central File 1958-1962, Box 883, 7-3-1-3 to 7-3-1-3 (Folder title: 7-3-1-3 June 1962, Interstate Placement, Non-Resident Problems, Juvenile Immigration, Transient Boys.) National Archives II, Maryland.

42. Ellen Tucker (Caseworker in Dade County) to Richard Bond (ISS-AB), February 25, 1958, RG 102 Records of the Children's Bureau, Box 883, 7-3-1-3 to 7-3-1-3 (Folder title: 7-3-1-3 June 1962, Interstate Placement, Non-Resident Problems, Juvenile Immigration, Transient Boys.), National Archives II, Maryland.

when they referred children to applicants. For some pending placements of children like “Hae Sook Song and Bo Ra Koh,” the ISS said it could not “take any action until we learn this [their racial backgrounds].”<sup>43</sup> Since more white families applied for adoption than black families and most people voluntarily adhered to the color line, what the ISS wanted to make sure was “white” paternity of a child under consideration.

It is particularly disturbing to notice such dilemma when the entire adoption movement was fed by the narrative of Korea’s racial persecution of the children. Insisting on knowing the children’s half-blackness or half-whiteness testifies that the narrative of adoption kept silent about the kind of racial tensions that would likely to become problems in the United States, if the social workers mistakenly matched half-white children with black families or vice versa. While American media as well as the social reformers readily commented on how “racial purity is a deeply entrenched social fetish” in Korea, they said nothing about the kind of racial problems existed in the 1950s America. The descriptions of the children in social workers’ letters, articles, and photos in popular magazines provoked public indignation for backward tradition and the belief in racial purity in Korea. However, white anxieties about and resistance to racial integration in the 1950s were no less a “entrenched social fetish” in the United States, so much so that white families would rather embrace “half Asian” GI babies—so long as the other half race matched their own—than accepting black-white integration.

### **Cold War Liberalism: Its Uses and Limits**

The late 1940s and the 1950s were marked by widespread discontent and

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43. Susan Pettiss to Oak Soon Hong, June 16, 1955, box 35, folder 24, ISS-AB records, SWHA, 3.

resistance to various racial integration policies that began with desegregation in the military and spread to schools, other public areas, and social institutions. Mindful of the criticism from U.S. allies in Europe about domestic race relations and preparing itself for a Cold War battle, President Truman asked Congress to pass a legislation that would eliminate racial discrimination in the military in early 1948. When Congress failed to address the problem, he issued Executive Order 9981 in July 1948 to desegregate the military. Although the official rhetoric of racial equality emerged as a paragon of American democracy in the early Cold War period, racial discrimination continued in the armed forces, as well as American society in general. Some lawmakers called for congressional investigation on racism in the military, arguing that the criticism of U.S. racial practices by European allies could jeopardize Cold War foreign policy. Korean War, a first foreign war in which the integrated armed forces were engaged, required a substantial long term commitment of U.S. military and therefore racial discrimination within the forces would have been disruptive to the military objectives.<sup>44</sup>

Despite resistance, the integration policy was gradually expanded into other areas of social institutions such as schools and marriage in the 1950s. Supreme court decision on *Brown v. Board of Education* in 1954 contested the “separate but equal” clause and outlawed school segregation. There was a significant gap between formal public policy and actual social change: school integration was met with fierce resistance, despite domestic and international criticisms. Little Rock crisis in 1957 for instance testified how widespread and contentious anti-integration sentiment was. Various cities were erupted

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44. Dudziak, Cold War Civil Rights: Race and the Image of American Democracy, see chapter 3.

with racial violence in response to integration policy. Moreover, the resistance often turned to brutal indiscriminate violence. Emmitt Till, a 14 year-old boy from Chicago visiting relatives in Mississippi, was accused of “whistling” at a white woman, kidnaped, tortured, and murdered in 1955 by two white Mississippian men. The two southerners were acquitted by all white jurors despite eye witness accounts against the men. The brutal nature of crime was revealed to public when Till’s mother insisted on leaving the casket open for the funeral.<sup>45</sup>

In the backdrop of rising racial tensions, the race relation had to be recast beyond a black/ white struggle, and white resistance to integration had to be overcome, or at least diverted, in order to dispel the fear of racial integration as a disruptive force to the national unity. The Cold War imperative of winning the hearts and minds of the world against the Soviet block motivated state officials and policy makers to make full use of the notion of racial diversity as a shining example of American democracy, and hence this was also the time of Cold War liberalism.<sup>46</sup>

Arthur Schlesinger’s The Vital Center was published in 1949, in which Schlesinger urged America to rid of the “sin of racial pride.” In the same year, a musical film South Pacific, based on James Mitchner’s essay Tales of the South Pacific that was written as a result of his own military deployment experiences in the Pacific, debuted and became a mega Broadway hit. Following a record-breaking five year run on Broadway, a

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45. Borstelmann, The Cold War and the Color Line: American Race Relations in the Global Arena, see chapter 3.

46. Von Eschen, Race Against Empire: Black Americans and Anticolonialism, 1937-1957. Robert Dean, Imperial Brotherhood: Gender and the Making of Cold War Foreign Policy (Amherst: University of Massachusetts Press, 2001).

film adaptation of the musical South Pacific was released by Twentieth Century Fox in 1958, soon after the Little Rock school struggle of 1957. South Pacific, with the message of racial tolerance and integration, narrates two couples' love stories taking place in a remote island in the Pacific, one of which is between a Southern white woman Nellie deployed as a Navy nurse and white plantation owner Emile who had two racially mixed children with a Polynesian woman who is now dead. The other love story is of a white Marine lieutenant Joe and a young native woman Liat. Nellie, though at first taken aback by Emile's marriage to the native woman, overcomes her racism and forms an interracial family with Emile. Joe who also struggles with his own racial prejudice decides in the end to marry Liat and plans to remain in South Pacific with her. However, before Joe marries Liat, he dies on a military mission.

A historian Christina Klein shows that South Pacific is a pedagogical story of redemptive familial love that trumps racial prejudice in the context of American expansionism. Not only can America purge its "sin of racial pride," but also America's expansion into the Pacific and beyond necessitated conquering America's racism. Central to this national overcoming is Nellie's personal transformation and embracing of Emile's past miscegenation, manifest in his two racially mixed children. As Nellie personifies, eradication of racism is possible with the help of winning children—though half-Polynesian—who have won the hearts of white Americans like Nellie.

Despite its uplifting message that racial animosities are something that had to be "taught" and therefore can be unlearned, other questions that can further probe the race relation of the time are absent in South Pacific: What would happen if Joe had married



Liat? What would happen if Liat finds out after Joe dies that she is pregnant? After all, the film did not shy away from interracial sex by showing more than once highly charged sexual encounters between Joe and Liat. Liat would have had no recourse for the benefits for the servicemen's dependents, nor right to immigrate to the United States. It is interesting to note that interracial romance (between Joe and Liat) fails while a formation of interracial family between a white man and a woman (of Emile and Nellie) succeeds. Klein points out that South Pacific was largely viewed as a commentary on black-white integration in the United States by audience, majority of whom took the message of racial tolerance wholeheartedly. Klein argues that the film deflected domestic black-white tension onto white-Asian tensions in the Pacific, thereby making it easier to talk about racial tensions at home.<sup>47</sup>

Another Asian population in the United States stirred discussion, not to facilitate black-white integration but to shroud it, however. The issue of interracial marriage disappears as Joe dies, precisely because interracial marriage was a reality to Americans, as well as women in U.S.-occupied countries like Korea and Japan. As a fictional character Joe was deployed to an exotic land, a large number of real military men were indeed deployed overseas. But unlike Joe who is killed before he realizes his plan, thereby sparing the audience of having to acknowledge erotically charged interracial marriage, the real soldiers were coming back with their Japanese and Korean brides in post 1945. Fears about racial mixing and anxieties about Japanese brides dominated popular discourse at first. For instance, magazines like The Saturday Evening Post, stated

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47. Klein, Cold War Orientalism: Asia in the middlebrow imagination, 1945-1961, see chapter 4.

that mixed race marriages and their offspring would “eventually erode the distinctions” between white American proper and Asian races and hence be undesirable.<sup>48</sup> But soon the anxieties gave way to benevolent, if not condescending, acceptance of the Asian brides mostly married to white men, as featured in various popular magazines at the time. The first wave of Japanese war brides became a prototype of the “model minority” who could assuage white anxieties about the consequences of desegregation. The war brides were particularly good candidates to promote racial pluralism because they stayed clear of white-black tensions while at the same time they had none of the issues related to internment of Japanese Americans. Moreover, portraying them with mostly white husbands settling in white communities proffered an uplifting quality of white middle class domesticity.<sup>49</sup>

Unlike the initial cold reception given to Japanese war brides, there was little anxiety about adoption and immigration of “Korean war orphans” from the very beginning. Just as Emile’s two adorable half-white children won hearts of Nellie and audience, these GI babies melted away doubts of many American social workers and public. Nellie in South Pacific was reluctant at first not because of the children but because of the thought of Emile’s racial mixing with a non-white local woman. Just as Nellie overcame her reluctance, so did American public at the sight of half-white GI

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48. See Smith J.w. and William L. Worden, “They’re Brining Home Japanese Wives,” The Saturday Evening Post January 19, 1952. See also Simpson, “Out of Obscure Place,” 61-62.

49. Simpson, An Absent Presence: Japanese Americans in Postwar American Culture, 1945-1960. Simpson shows how cultural pluralism was transformed from a disturbing element to a redeeming force in her study of the rhetoric for Japanese war brides entering the life of middle class American domesticity.

babies. There was a widespread belief among state officials and social workers that the mixed race children would be easily assimilated into white middle class homes. Under postwar racial liberalism with an assimilationist approach, State took a central role in adoption and integration of the children. In this approach, State was expected to do more than ending segregation by taking an active role in eliminating discrimination from society in order to bring about racial integration, but not necessarily multiplicity of race. It is not to be confused with the principle of cultural pluralism motivated by desires and commitments to eliminate prejudice in order to make America safe for racial and cultural differences.<sup>50</sup> As the adoption narrative made it clear, adoption was not to be equated with “acceptance” of the children’s difference as mixed race GI babies.

The adoption discourse reveals a belief in the redemptive power and therapeutic values of adoption of “Korean war orphans,” welcoming them into American homes and nurturing them into productive members of an imagined future of racially harmonious American society. Through the eyes of the suffering children, America saw ways to redeem racial liberalism, faltering by the late 1950s, as a unifying force of Cold War. Adoption of the mixed race children enabled anxious white America to eschew the purported threat posed by white-black integration. Both narratives of social reformers and popular media show adoption of GI babies from Korea as not merely tolerance toward children from Asia but celebration of racial multiplicity: adoption became a symbol of realization of American way of life grounded in domestic bliss and racially harmonious

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50. See the discussion about integration vs. pluralism in, Daryl Michael Scott, “Postwar Pluralism, Brown v. Board of Education, and the Origins of Multicultural Education,” Journal of American History 91.1 (June 2004).

society.

In turn, the children became instrumental to the claim that racial pluralism within Cold War liberalist humanitarian concern was a redemptive force, rather than a disruptive one. Adoption of the children from Korea, though mostly adhering to the existing racial lines where half-white children were placed with white families and half-black children with black families, helped the nation imagine that much less destructive racial integration was possible. In so doing, adoption enabled middle America to strengthen the belief in personal fulfillment through domestic bliss, but also to take a flight away from black-white integration.

When the domestic racial tension was mainly manifested in a black-white struggle, rendering adoption of children from Korea as an act of racial pluralism is questionable. Historians have shown that the Cold War liberalism and the global implications of racism at home helped improve domestic black-white relations.<sup>51</sup> Others have argued that American middle class domesticity became instrumental in realization of Cold War foreign policy, global implications of which helped improve race relations at home. Historians have argued that public's political obligation to Asia was fostered through the metaphor of family ties. Christina Klein shows that adoption of children from Asia was promoted in order to eradicate racism in America by way of fostering a sense of

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51. Borstelmann, The Cold War and the Color Line: American Race Relations in the Global Arena; Klein, Cold War Orientalism: Asia in the middlebrow imagination, 1945-1961; Von Eschen, Race Against Empire: Black Americans and Anticolonialism, 1937-1957; Dean, Imperial Brotherhood: Gender and the Making of Cold War Foreign Policy.

familial ties to Cold War allies in Asia.<sup>52</sup> Klein's argument presupposes that the children adopted by American families were indeed all "Asian." The metaphor of "familial love" is said to have mobilized public to take a moral stance while it helped conceal the criticism of U.S. imperial aspiration in Asia. How might Klein's argument change if the adopted children were not Asian, but mixed race children of unwed American fathers?

Once the assumption about adopted children's race and nationality was questioned, a different picture emerges. Rather than the metaphorical familial connection, there becomes visible a literal corporeal connection between the mixed race children and American families. Then, rather than eradicating racism in America, the children's existence could have deteriorated the already fragile race relations at home, further fanning the dangers of miscegenation and integration. When a mere thought of integration at home provoked white violence such as in the murder of Emmitt Till or nationwide riots in various cities, the existence of the mixed race children that proved the very miscegenation already had taken place could have put the nation into the downward spiral of violence. Furthermore, as historians have argued, miscegenation was not merely part of racism and a segregation policy but the very foundation on which larger segregation policies and beliefs were based.<sup>53</sup> The children were the concrete living proof of racial mixing that could have stirred profound white anxieties.

Instead of aversion and fears, there emerged professed concerns and compassion

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52. Klein, Cold War Orientalism. See also the chapter, "Family Ties and Political Obligation: The Discourse of Adoption and the Cold War Commitment to Asia," Cold War Constructions: The Political Culture of United States Imperialism, 1945-1966, ed. by Christian Appy (Amherst: University of Massachusetts Press, 2000).

53. Pascoe, What Comes Naturally: Miscegenation Law and the Making of Race in America.

for the children. In the narrative about successful integration of orphaned children from Korea, white anxieties and resistance toward black integration could be assuaged.<sup>54</sup> The rhetoric of the “rescue” of “war orphans” erased the children’s American paternity as well. Ironically, however, the language of “rescue” was premised on the racial persecution and immediate dangers the mixed race children faced in Korea precisely because of their American paternity. Despite their effort to shroud the children’s American paternity, most social reformers did the opposite: they did their best to highlight it as manifested in their non-Asian physical features and to make clear black-white categories for the children.

The social reformers narrated that in the face of extreme racial oppression, only American middle class domesticity could offer a sanctuary for the children. Adoption by American families was much more than the defense against the accusation of “imperialist” America by the Soviet block, especially for those Cold War liberals whose primary motive for support for adoption was of humanitarian rather than a religious conviction: the adopted children were to be molded into a special kind of citizens who would not only dispel white resistance about integration in American society but also showcase a harmonious race relation to the world. Adoption was an imperial vision of social engineering in a global scale.

Just like some of the Japanese war brides and the media’s exclusive focus on their marriage to white men and their settlement in predominantly white communities, stories

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54. This insight was inspired by Caroline Chung Simpson’s line of argument about Japanese War brides’ integration into American domesticity in the early 1950s. See the chapter about the war brides in Chung’s An Absent Presence: Japanese Americans in postwar American culture, 1945-1960.

of placements of war orphans from Korea (i.e., half-white children) with white families ultimately revived the belief in the power of white middle class American homes. In so doing, the narrative largely obfuscated domestic racial tensions and history that resulted in far less number of placements of half-black GI babies with American families. In the midst of racial tensions and brutality at home, benevolent acts of rescuing and adopting children from Asia had tremendous therapeutic values to white middle class Americans. Adoption injected American society with liberal optimism, providing tales of redemptive racial integration of the postwar era. The moral challenge of desegregation forced upon some unwilling whites was channeled into the adoption stories of a new kind of multiracial family formation based on a voluntary desire to embrace racial Others.

### **Conclusion**

International adoption of mixed race children born in Korea began in the early 1950s, prompted by a combination of humanitarianism and racial liberalism, largely buttressed by the U.S. Cold War strategy against Communism. Both Korean and U.S. government supported placement of the GI babies in American homes. Not only were the GI babies and the implication of sexuality of Korean women deemed antithetical to the purported cultural heritage of Korea, as perceived by Korean public; but also abominable racial mixing was considered an act of treachery against the national unity in both nations.

The most notable and striking aspect of the social workers' discourse about the GI babies is the complete absence of discussion on the children's statelessness. Neither did the governments nor the social workers nor the missionaries note the legal status of GI

babies. Korean government did not want to publicize the children's statelessness for sure; and the social workers and missionaries probably perceived Korea's visceral reactions to mixed racial heritage as more severe and immediate predicaments than their lack of legal status. Even if the social workers knew, they might have been indifferent to statelessness because they believed that literal survival was more at stake than being able to exercise one's rights as citizens, such as going to school or casting a vote. It is also possible that the social workers and the missionaries did not know that the children were stateless because obtaining passports, a hallmark of one's citizenship status, from Korean government presented no problem at all for the children who had no legal records whatsoever. Because the 1950s' discourse focused on adoption as the only solution, there was perhaps no need to think about the children's future in Korea as citizens. After all, the international adoption was supposed to enable the children to avoid such futures in Korea.

In some sense, statelessness was not the harshest punishment that befell the children, as having citizenship would have done little to alleviate their suffering, most of which stemmed from the indescribable social and cultural persecution. It was the racial prejudice, to which the children were subjected, that convinced American public of the necessity of adoption. Adoption provided a fitting answer to the problem of GI babies while enabling both countries to pursue their own interests: the United States was able to realize its claim of racial liberalism and moral obligation for the unfortunate children overseas. Korea was able to erase, even if partially, the presence of GI babies, the painful reminder of racial mixing, weakened Korean bloodties, and fractured national unity.



The GI babies adopted into American families became meaningful figures for their symbolic significance to racial integration. They were children of “Oriental” origins but their American paternity, especially of white, erased the threat of Asianness. However, their acceptance into America was not unconditional, and adoption did not transgressed racial constraints. As the narrative of adoption reveals, blackness of half-black children intensified and made it almost impossible for adoption. For a number of reasons—lack of black applicants, adoption workers’ voluntary adherence to the racial line, and dire needs of domestic black children in orphanages in the United States—black families did not adopt GI babies as much as white families did.

While appealing to public’s emotional reaction to Korea’s racial persecution of the children, the narrative shrouded the fundamental injustice that made the children a problem in the first place. The question is not about truthfulness of the social reformers’ intention and conviction; but the way in which they resolved the problem of stateless children that disguised the meaningful notion of "responsibility." The social workers were not much concerned with the question of why the children were not accorded legal acknowledgment and paternity suit did not apply. Designating the children as “Korean orphans” necessitated little reflection on their parts.

Likewise, although the missionaries often expressed their disapproval of sexual impropriety of the soldiers and Korean women, they were not critical of institutionalized prostitution in camptowns. The problem was not merely of an individual man being unaccountable for his sexual behavior, but of the legal system itself that did nothing to encourage the men to take responsibility. On the contrary, the laws, such as the

Nationality Act of 1940, gave full sanction to American citizen men's sexual indulgence taking place abroad with non-citizen women. Blaming individual men as delinquent on their moral turpitude was much easier than critiquing the racialized and gendered legal system that was ultimately responsible for the children's statelessness and supported the cultural assumption about men's needs for sexual releases. The notion of America's moral responsibility was redirected toward individual good deeds and misconduct, but not at multiple systematic and cultural affronts.<sup>55</sup>

In the children's suffering, what the social reformers saw was not their own ongoing racial conflict and struggle at home, but how racially liberated the United States was. Much emphasis was placed on their assumption and expectation that mixed race children would flourish in racially tolerant American communities. Even when social workers complained that some people adopted GI babies without thinking about how their communities in the United States might react to the children, there was no conscious acknowledgement of the racial tensions at home.

Most of all, the adoption narrative did not validate Cold War racial liberalism. On the contrary, the existence of GI babies challenged postwar racial liberalism of America. When precisely the postwar narrative of racial integration was threatened in the midst of rising racial tensions that erupted in violence, the adoption and immigration of "Korean

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55. Paternity suits were non-existent among Korean mothers of the children. In Germany however, between 1949 and 1951 German Federal Republic tried to establish procedures for paternity suit and child support payment for German-U.S. GI babies born out of wedlock. But their plan was met by indifference and lack of cooperation from American military officials. Although German court had procedures for paternity suits, they found it impossible to summon American soldiers to German courts and hold them responsible for child support payment. Heide Fehrenbach, "Rehabilitating Fatherland: Race and German Remasculinization," *Signs* 24.1 (Autumn, 1998), 116.

war orphans” proffered one kind of solution to the national malaise. The mixed race children born in Korea became attractive precisely because they were presented as “war orphans” and “adoptees” whose adoption provided a moral uplift. The celebration of white Americans’ embracing of war orphans from Korea shrouded the disturbing racial climate of postwar America. The adoption of mixed race GI babies galvanized the public to re-imagine that a racial democracy was still possible.

## **Making of a National Hero: Alchemy of Race, Blood, and Memory**

“My mom had to overcome much more than I had to do,” [Hines] Ward told the press, relaxed as he talked about his family past. “I’m not here to change the world.” He does, however, want Koreans “to accept me to be a Korean.”<sup>1</sup>

In April 2006, Hines Ward, the Pittsburgh Steelers’ wide receiver who won the title of Most Valued Player of the National Football League (NFL) in the United States, became a national hero in South Korea. Ward, an American citizen, was born to a black U.S. soldier and a South Korean woman in a camptown in Korea in the mid 1970s and immigrated to the United States as an infant. Korean media narrated his story as a triumph of a half-Korean who overcame adversities of racism and poverty in the United States. It was an extraordinary transformation of a “GI baby” from a social pariah to a public figure who captured Korean public’s imagination as an embodiment of national spirit.

As the Chapter One showed, hostility and animosity toward GI babies were the product of U.S.-Korea Cold War foreign policy and its use of Korean women’s sexual services. The existence of GI babies alluded that Korean men were weak and effeminate because they acquiesced to prostitution in order to advance national security. This crumbling gender order was said to have brought about defiled “racial purity,” the threat to the ideological foundation of national unity that supported the anti-colonial struggle against Japan.

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1. Donald Kirk, “Steeler’s MVP Visits Korea, And Sparks Soul-Searching on Race,” Christian Science Monitor April 5, 2006.

Notwithstanding the historically deep-seated aversion toward GI babies and camptown women, Korean media and public were enamored with Hines Ward and his mother, Kim Young-hee, the phenomenon dubbed as the “Ward Syndrome” or the “Ward Effect.”<sup>2</sup> It was a strange phenomenon because American football has never been popular in Korea and neither was Hines Ward well known to Korean public until the early 2006. Nevertheless, Korean newspapers told the Wards’ success as a transnational family saga centered on a strong self-sacrificing Korean mother, without whom the son’s achievement would have been impossible. The story of the Wards was a melodrama of an uplift, an individual triumph, and an endearing love story between the son and the mother. Most of all, beyond the pathos, the story offered a ray of hope for the future of “multiracial and multicultural society (*tainjong tamunhwa sawhe*),” a reinvented image of the 21<sup>st</sup> century Korea.

A careful reading of the jubilant narrative revealed Korea’s unresolved tensions emanating from the past, however. The narrative was filled with ambiguities and ambivalence that helped rewrite the story of the Wards as a sentimental narrative of familial love and national triumphs. Hines Ward’s racial identity was inconstant and, even, contradictory: He was African American who personified the notion of American Dream through equal opportunity for self-improvement, but his success was invariably attributed to innate qualities of Koreanness resulting from his “half-Korean” blood. At the same time, their plight was ascribed to racism against “blacks” in the United States.

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2. See for an article, among many others, that used such terms to describe the phenomenon in, Sanghyup Kim, “Korea, It’s Time to Discard Exclusionary Belief in Skin Color: Blue House Will Unveil Comprehensive Multiracial Plan within 2-3 Weeks,” MunhwaIlbo April 6, 2006.

Likewise, an identity of the mother, Young-hee Kim, was contradictory: Kim, as a former camptown woman, would have been deemed the “lowest of the low” for consorting with a black U.S. soldier within the racial hierarchy of camptown economy and culture. Yet, she was made to be a glowing example of virtuous Korean motherhood, the image fossilized in people’s mind but, as social critics lamented, seldom observed in everyday modern life of Koreans.

The alternating discursive strategies of ambivalence and contradiction rendered Ward at once neither Korean nor American, but both Korean and American. He was painstakingly portrayed as a cosmopolitan who had the “best of both worlds” but at the same time embodied “the spirit of Korea (*Minjokui hon*).” As a native son, Ward was the Korea’s authentic past and a hopeful future; but as a mixed race GI baby, he was a ghost of the past. The press hailed the Wards as public figures who enabled people to imagine a different future toward multiracial Korea; but it also claimed that the Wards were a lost past of Korea.

The affective power of melodramatic narrative—the most popular and ubiquitous genre in Korean media culture—about the Wards contained the conflict between tradition and modern, and reinvented meanings of Korea’s past and future. The pathos of the Wards’ predicament in the story appealed to Koreans. Especially, endearing relationship between the mother and the son—personification of Confucius ethos of filial piety—immediately spoke to Korean cultural sensibility. Absent from this melodrama were meaningful discussions about Korea’s turbulent past and memories of it, such as demoralizing effects of U.S. military presence in Korea and the divided peninsula, as well

as camptown women who were forever bound by the trope of hypersexualized “yankee whores” and embodiment of U.S. neocolonialism.<sup>3</sup>

This chapter examines the discursive process of knowledge production about race in the 21st century Korea by examining Korean media discourse about Hines Ward and his mother, Young-hee Kim.<sup>4</sup> The narrative sought to engineer new attitudes towards racial pluralism as a newfound 21st century Korean national identity by, ironically, appealing to the belief in its ostensibly racially pure past, ultimately undercutting the project of creating new Korea. When the goal and the means were antithetical, the past and the future were bridged by making anti-black American racism as a surrogate for Korea’s anti-mixed race racism. I argue that the story of the Wards was written as a victory over “American” racism against blacks, rather than Korean racism against mixed race. The narrative deflected the problematic Korean racial history onto America’s racial history, making America’s public sphere the site of racial anxieties and struggles. In so doing, the United States’ racist past helped Korea to render invisible its own racial past

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3. For some iconic cultural representations of camptown prostitutes, see Keoil Pok, Keampu Senecaui Kijichon (Seoul: Munhakkwa Jiseong, 1995); Arumdaun Shijeol (Spring in Our Hometown), DVD/VHS, directed by Kwangmo Lee (1998; Baekdudaegan, 1998); Jeonghyo An, Unmanun Ojiannunda, (Seoul: Koryowan, 1991). For real life representations, see the chapter about public protests on behalf of Kumi Yun, young camptown prostitute who was murdered by a U.S. soldier, in Jager, Narratives of Nation Building in Korea: A Genealogy of Patriotism.

4. The majority of U.S. media’s stories on Hines Ward were limited to sports-related topics, except community newspapers geared toward Korean Americans. For Korean coverage, I used a Korean newspaper database called, KINDS (www.kinds.or.kr), equivalent to Lexis-Nexis in the United States, to collect news articles published/broadcast between 2006 and 2008. There were around 390 pieces of reporting under key words “Hines Ward.”

and present.<sup>5</sup>

Simultaneously, the narrative rewrote the story of the Wards in private terms by turning it into a sentimental narrative of individual triumph of poverty. I contend that the hardship experienced by the Wards was written as “private” memories of the past, thereby obscuring from view a series of historical events that left unhealed the wounds of defeat and humiliation. The inspirational narrative of “individual” triumph rendered obsolete any criticisms of deeper structural obstacles that systematically shunned camptown women and their mixed race children. The emphasis on familial love circumvented public discussions about the political origin of birth of GI babies like Hines Ward.

In turn, the evasive narrative focusing on American racism shrouded other pressing issues Korea was facing in the 21st century. By rewriting the Wards’ success as “a victory of Korean traditional values” helped restore the gender order. Anxieties about shifting gender norms and disappearance of “traditional” mores were reconstituted in the celebration of the kind of authentic and gendered “Korean values” that the Wards were seen as embodying. Especially the national extolment of virtues of Ward’s mother who raised him an upright and productive member of society redeemed temporarily a camptown legacy as an abominable place that produced the “mongrel” race and sullied the morale of the nation.

Likewise, the narrative helped ease rising racial tensions in Korea against Asian immigrants from Korea’s “Other Asia,” such as Bangladesh, Pakistan, Uzbekistan, etc. The Wards came to a national spotlight in the midst of the perceived crisis in racial order.

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5. I thank my colleague Daniel LaChance for this invaluable insight.



Since the beginning of 2000s, Korea was criticized by international communities like the United Nations for its unjust treatment of non-Korean Asian immigrants.<sup>6</sup> Portraying Ward as a model hybrid and the positive product of racial mixing, the narrative sought to alleviate Korea's racial anxieties about the recent wave of immigrants.

Since the 1990s, the government initiated work training programs for foreign laborers by issuing temporary work visas in order to offset the shortage of labor in so-called "3D" occupations (Dirty, Dangerous, Degrading) in Korea.<sup>7</sup> Similarly, the government also sponsored programs that enabled Korean men of rural areas to go to South Asian countries like Vietnam in order to find potential spouses, as a plummeting birthrate among Korean women became a serious social issue in the last decade.<sup>8</sup> Korean

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6. Asian Human Rights Commission, Human Rights Report 2007: The State of Human Rights in Eleven Asian Nations. (Kowloon: AHRC, 2007). "UN Problematizes Racial Purity" Yeonhapnews August 12, 2007. Also see the UN report, United Nations International Convention on the Elimination of All Forms of Racial Discrimination Committee on the Elimination of Racial Discrimination Summary Records of the 1834th Meeting, 71 Session, August 16, 2007. CERD/C/SR. 1834 available on UN website (<http://daccessdds.un.org/doc/UNDOC/GEN/G07/434/97/PDF/G0743497.pdf?OpenElement>)

7. Korean government introduced the "Industrial Trainee System" in 1991 to train migrant workers and help transfer technology from developing to underdeveloped countries. In reality, the system was used as a means to supply cheap labor from abroad. The program was fraught with human rights violations: poor working conditions, unpaid wages and overtime pays, exorbitant recruitment fees, confiscation of personal legal documents like passport, etc. As a "trainee," workers were not entitled to rights guaranteed under the Labor Standard Law of the nation. The program was abolished in 2007. Chang-sup Lee, "Fractured Korean Dream," Korea Times July 17, 2003. The Ministry of Labor introduced the "Employment Permission System" in 2004, under which migrant workers were categorized as "workers" hence entitled to certain benefits like medical insurance, severance pay, etc.

8. The government has allocated budgets to city and county programs that offered funding to Korean men of rural areas to travel to foreign countries to find brides. More than 60 city and county offices spent more than \$ 2 billion in 2007 on such programs. Jongseop So, "There Is No 'Hanminjok'," Sisajournal September 18, 2007. More and

public, however, perceived real and imminent the threat supposedly posed by the soaring number of marriage immigrants and migrant workers.<sup>9</sup> People of non-Korean national origins were accused of and implicated in various crimes from rape, murder, child molestation, fake marriage, robbery to “stolen” jobs.<sup>10</sup> Korean government responded to public’s anxieties by adopting the “*Tainjong tamunhwa sahwe* (multiracial multicultural society)” campaign. The campaign accomplished little beyond a rhetoric, largely contained in photo-op events, for instance, for marriage migrants to showcase how they assimilated successfully and became “Korean” wives and mothers. Then it is not surprising that the narrative revealed more about Korea’s racial anxieties than its nascent

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more Korean women shunned settling in countryside as wives of farmers. See discussion of Korea’s marriage migrants and related issues in, Jonathan Thatcher and Jonathan Hopfner, “South Korean Foreign Bride Matches Often End in Tears,” New York Times May 29, 2008.

9. The number of foreigners in Korea has been steadily rising but it was not until the 2000s did Korea see an explosion of foreigners entering Korea. In 1987, the Justice Ministry estimated that there were 6,409 foreign workers including undocumented workers, while in 2005 there were 340,000. See Donghoon Seol, “Optimum Population of Undocumented Foreigners in Korea” in The 2005 Korea Immigration Service Report (Seoul: Ministry of Justice, 2005). Likewise, a number of marriage migrants has skyrocketed in the last decade. Korean National Statistical Office estimated that 12,319 international marriages took place in 2000 and 35,447 in 2004. As of 2006, the international marriage increased to nearly 77,000. See Bongkwon Park and Soah Lee, “Reflection on Discrimination Against Mixed Race Spread: ‘They Are One of Us...’,” Maeilkyungjaeshinmun Jan 31, 2006.

10. The soaring presence of foreigners provoked profound fears amongst Koreans. Various crimes purportedly committed by non-Korean aliens residing in Korea were published in many news articles accompanied by troubling statistics with specifically noted nationality and race of suspected perpetrators. The spatial clusters of racialized residence and entertainment venues for migrants were often ghettoized and known as “lawless zones.” See the narrative of lawless foreigners in, Chongku Lee, “Weekend Nightly Despicable Foreigners at Hongdae. . . Powerless Police,” YTN January 29, 2007. For ghettoized migrant workers’ neighborhoods, see Chongjin Park, “Residential Neighborhoods with Many Foreigners Turn Lawless Zones When the Sun Goes Down,” Weekly Hankook June 11, 2007.

claim of racial diversity.

### **A Native Son: Making of a National Hero**

Hines Ward was born in *Dongducheon* (one of the largest camptowns in Korea located in north of Seoul) in the mid 1970s to Hines Ward Sr. and Young-hee Kim. Ward Sr. and Kim divorced shortly after the Wards immigrated to the United States in 1977.<sup>11</sup> Kim was said to have worked as a bookkeeper or a singer at a night club in *Dongducheon* where she met Ward Sr. She was also said to have grown up in a poor family with a single mother and many siblings and had to support her family early in her life, thereby ending her education in elementary school.<sup>12</sup>

The typical coverage of the Wards went as follows: Ward was a “Korean American born to a black American GI stationed in the 1970s Korea. . . . Abandoned by the father and the husband, together the mother and the son overcame racial discrimination and poverty in America. . . . His success was only possible because of the dedicated mother . . . who raised him to be a mega star in such hostile environment [impoverished section of America], which could have easily turned him into a gang member.”<sup>13</sup> The generic nature of the story enabled any poor single mother with a son to

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11. Suk Kim, “In the Name of Mother: Korean Descendant American Football Star, Hines Ward,” *Kyunghyangshinmun*, Jan 24, 2006.

12. “Interview with Kim Young-hee, the Mother of the Super Bowl MVP Hines Ward,” *Dongailbo* February 8, 2006. Regarding her past in a camptown, no media report confirmed it, nor did anyone dare to ask her about it. No media report revealed the source of information about her job either. Reporters seemed to have relied on a presumption that the kind of women who married U.S. soldiers in the 1970s were prostitutes just by virtue of consorting with them in camptowns.

13. Saehoon Kim, “Korean Mother’s Love that Produced Ward, the American Super Bowl MVP,” *Kyunghyangshinmun* February 7, 2006. In addition to this particular article, the summary of the narrative is a composite of many newspaper accounts.

relate to Kim's plights. Korean immigrants, majority of whom had to start from scratch in the United States, could relate to her story as well. By omitting political and cultural apparatuses behind the story of the mother's life as a former camptown divorcee with a mixed race son, the narrative cast appeals of universal morals to the story.

At the same time, there were hints that such morals were uniquely Korean virtue, which was fast disappearing in Korean society. It is a combination of nostalgia, mourning, and a spectacle of Korean culture in the story to which public responded. To make a "national hero" out of Ward necessitated rendering universal morals something found only in Korea and could be passed down generation to generation. Therefore, Ward, who lived practically all his life in the United States, could learn and appreciate Korean values and mores through his mother.

The selective use of Kim's past was indispensable to success of the narrative. The use of the rhetoric like "Kim's painful past" in the narrative was ambiguous enough to mean her past life as either a single mother of an immigrant, or a camptown woman with a "certain past." While mentioning Kim's marriage to a black soldier in passing but prominently featuring the hardship after the divorce in the United States, the story pictured her as a self-sacrificing, inspiring, and caring disciplinarian mother. Such image helped shed suspicion and infamy surrounding her past as a "Yankee whore" who was viewed as having transgressed the prescribed gender norm and racial boundaries.<sup>14</sup>

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14. For discussions of the status of camptown women in Korean society and culture, see Moon, Sex Among allies: Military Prostitution in U.S.-Korea Relations. For discussion of camptown women who immigrated to the United States as wives and their difficulties with Korean immigrants communities, see Yuh, Beyond the Shadow of Camptown: Korean Military Brides in America.

In reality however, her “certain past” as a camptown woman was mostly presumed: nowhere in the media Kim was precisely referred to as a former prostitute. Nor did she deny the presumed past occupation. Whether Kim was a bookkeeper, a waitress, or a prostitute was largely irrelevant to public, for an association with a camptown in and of itself would taint any women’s reputation. Notoriety of camptown was indelible; and even a slightest association with it will brand a person as one of “them.”

In addition, other obscure information about her past was widely circulated in the media. Some described that Ward’s father was a philandering man who had so easily abandoned his wife and the son for a lover while he was stationed in Germany. Others said that Kim subsequently lost the custody of Hines Ward upon divorce.<sup>15</sup> It turned out neither was true. Kim rejected incorrect information plainly and unapologetically, especially about her divorce. She was not “deserted,” but instead she “divorced” Ward Sr.: “I have never loved him and I had no reservations about divorcing him.”<sup>16</sup> She also corrected the reporters that she did not lose custody of Hines Ward, but she voluntarily sent him to live with his grandmother (mother of Ward Sr.) because she could not work and raise him by herself at the time. When Ward was seven years old, she brought him back to live with her.<sup>17</sup> Voluntarily relinquishing a child, under any circumstances, would have easily construed to picture her as an uncaring mother in Korea. But such criticism

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15. “American Football Star Ward’s Love for His Korean Mother,” Maeilkyungjeashinmun January 31, 2006. Saehoon Kim, “Korean Mother’s Love.”

16. Seunghyeon Kim, “Hines Ward Story Told by the Mother in Atlanta, Georgia,” Dongailbo February 9, 2006.

17. Ibid.

had to take a back seat while her effort to “Koreanize” Ward, once she began to raise him, was highlighted. Besides, these strings of misinformation played a pivotal role in building tension in the melodrama. A trope of a good-hearted innocent wife abandoned by a womanizing husband was already a too familiar story that almost all melodramatic stories contained in Korean media culture. Without pathos of hardships and conflicts, the melodrama would not have functioned effectively.

Upon hearing the news about Ward’s MVP award in the early 2006, Korean media were enthralled by a newfound “newsworthy” figure and the public was enchanted with Ward’s pleasant manner, and outwardly easygoing yet fiercely competitive personality that enabled his success in the NFL. In addition to countless media coverage, Hines Ward was inundated with solicitations for interviews and endorsements of Korean products in advertisements. President Roh Moo-hyun invited the Wards as “honorable national guests” to the Blue House (Korea’s “White House”) upon their arrival in Seoul in April 2006. Roh praised Kim for personifying virtuous Korean motherhood with self-sacrifice, resourcefulness, and silent dedication.<sup>18</sup> Subsequently Hines Ward was granted honorary citizenship, and at the ceremony, he was said to have shed tears of joy and appreciation.<sup>19</sup>

The “Ward Effect” seemed to captivate Korean public with the rhetoric of positive change. The Education Minister proposed to revise an education curriculum as early as 2009 to highlight multiracial and multicultural aspects of Korea, instead of “purity of

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18. “President Roh Praised,” Edaily April 4, 2006.

19. Sukyun Park and Seungjin Cho, “Killer Smile Shedding Tears Upon Receiving Honorary Citizenship,” MunhwaIlbo April 6, 2006.

Korean race (*tanilminjok*).”<sup>20</sup> Current secondary school textbooks for Ethics, History, and Social Study state, “Our people have maintained tradition of absolute racial purity for thousands of years.” Such statement was to be revised to reflect multiracial elements of Korean society although specific changes in contents and wordings were not made public at the time.<sup>21</sup> The media quoted social critics and scholars who commented, “There is no more ‘*tanil minjok*’ (one single race).” Others keen to the worldwide phenomenon of “multiculturalism” proposed that Korea find an alternative term to refer to mixed race, instead of calling them “*honhyul* (mixed blood)” as, they said, the term implied that there was such a thing as “*soonhyul* (pure blood).”<sup>22</sup>

The Wards were confounded and, especially the mother found the sudden public attention hypocritical.<sup>23</sup> When Korean reporters came to her house in Atlanta, Georgia for an interview, Kim asked them not to make a scene by swarming outside her house and taking photos: “Please do not make a fuss. . . When have Korean people ever treated

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20. “To Reflect ‘Including Multirace Multiculture’ in School Textbooks as Early as 2009 Revision,” Kyunghyangshinmun April 6, 2006.

21. Hongkee Park and Hyunkap Park, “Power of Ward: From Emphasis on Single Race to Inclusionary Multiculture. . . Textbook Revision,” Seoulshinmun April 6, 2006. As of December 2008, the proposed revision on textbooks is largely obscured by the proverbial debate on some versions of history textbooks that were said to be in violation of political neutrality. The focus of the debate was centered on differing interpretations of Korean War (is it a civil war or an imperialist war of U.S.?), the U.S. military presence in Korea (is it an occupation or an alliance?), and the division of Korean peninsula. For more detail, see Sang-hun Choe, “Textbooks on Past Offend South Korea’s Conservatives,” New York Times November 18, 2008.

22. “No Hines Ward at Schools for Tangun’s Descendants,” Pressian April 4, 2006. Jeongan Kim, “World in Korea: Foreigner Resident Reached 700,000. . . We Make a ‘Foreigners’ Day’,” Dongailbo April 7, 2006

23. Chongku Yang, “A Lawyer of Ward Referring Ward as ‘New Icon of American Frontier Spirit’,” Dongailbo February 10, 2006.

blacks like human? No one paid attention when times were hard for us. . . Korean sentiments only go out to those successful while ignoring unfortunate others.”<sup>24</sup> Implicit in this comment was her biting criticism about a Korea’s quick tendency for claiming things and people as Korean whenever they suit Korea’s needs: now that Hines Ward became rich and famous in the United States, Korea was only too eager to claim him as one of them. The media did not seem to publish Kim’s critical comments to offer a counter-narrative to the “Ward Syndrome”: Rather it seemed to imply that Kim, the exemplary Korean mother who raised the national hero, not only freed herself from shackles of her past, but also earned the right to vent her pent-up anger.

No petty details about Hines Ward were inconsequential, especially when they pertained his adoption of Korean customs. A few details like his favorite Korean food, a tattoo of his name in Korean on the biceps, and his impeccable chopsticks-wielding skills pictured him as someone who truly cherished cultural ties to Korea. Particularly his preference for Korean food helped public embrace him as culturally “one of us”: “Bronze-colored Ward who has half Korean blood grew up eating *sujaebi* [Korean pasta], *kongnamul* [bean sprout] and *oamuok* [fish cake] just like any other Korean child in a “*seomin kajeong* (commoner/ humble home).”<sup>25</sup> All these dishes were indeed everyday dishes that helped portray Ward’s racial as well as cultural affinity with Koreans as a man of modest background.

The dishes are now often dismissed by youth who have a penchant for American/

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24. “My Son Is Not Black, but Korean,” Kyunghyangshinmun February 13, 2006.

25. Misuk Lee, “People In the News: Kim Young-hee,” Munhwailbo February 8, 2006.



western food like hamburgers, pizza, pastas, steak, etc. The aforementioned Korean dishes, always remembered as homemade, became nostalgic items for people who came of age before the 1990s. They were the kinds of dishes that could feed a family of four or five with less than three dollars' worth of ingredients. With a better living standard and abundance of grocery items, the dishes are no longer necessities but regarded as something of comfort food that makes people reminisce about the past. Precisely because now the dishes are even cheaper to make and the shortage of food is no longer a problem at least for urban middle class, mentioning of the dishes made it possible for people to fondly recollect the past. The thrifty mother evoked the memory of deprived times of not-so-distant past; however, because the public saw itself far better off now than ever before, people could be nostalgic about the past. Then, the Wards not only reminded people of Korea's tradition and values that were believed to be erased in the process of modernization and globalization, but also helped Koreans see that the very progress has had done much good to everyday people.

As it was evident in media frenzy about Ward's favorite Korean food, it was not only bloodties, albeit only through his mother, but also Ward's limited cultural experience that helped render him Korean. People saw cultural ties as a newfound basis of Koreanness. In reality however, notions of cultural affinity and bloodties were used interchangeably while at times marking subtle differences between insider and outsider. In other words, notions of culture and blood were nebulous enough to be cast in numerous, even contradictory, ways as circumstances dictated. To make Hines Ward "Korean," who obviously was not Korea in either his physical manifestation or

nationality, the media deployed “cultural” elements like his Korean manner and favorite Korean food to lend legitimacy to the claim that Hines Ward was one of us who represented “the spirit of the *minjok* (Korean race).”<sup>26</sup>

When necessary, both bloodties and cultural connections were alternately deployed to support Ward’s Koreanness. The centrality of Korean bloodties in national subjectivity, though antithetical to what Ward’s accomplishment was meant to symbolize, proved its longevity and versatility. Many people, when asked to comment on the “Ward Syndrome,” skillfully re-appropriated the trope of “racial purity.” They invariably responded that the Ward’s victory “proved superiority of *hanminjok* (Korean race),” “reminded us of virile Korean spirit. . . that would bring about more success by Koreans in various parts of the world,” and testified “Korea’s potential as a global leader in all areas.”<sup>27</sup> Though Ward was made to represent a desirable outcome of racial mixing thereby enabling Korea to overcome its narrow definition of Korean national identity, it is the trace of Korean blood in Ward that legitimized his Koreanness to many who believed Ward’s cultural affinity alone an insufficient basis to his belonging.

### **Imagined Masculinity and Idealized Femininity**

The Ward’s triumph was imagined as an icon of national manhood that was not defined by corporeal strength. Despite his sturdy figure (6 feet 4 and 214 pounds), he was described as “not an athlete with incredible hardware [body].” Instead, the media noted that Ward was recognized in the NFL for his “risky play [without fears of injuries],

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26. Donghoon Seol, “If Korea Wants to Be Multicultural Society,” Kyunghyangshinmun April 6, 2006.

27. “How Do You Feel about Hines Ward and His Success?” Maeilkyungjaeshinmun January 31, 2006

optimistic personality, honesty, and devotion.”<sup>28</sup> The frequent mentioning of his purportedly less-than-perfect physique in the media implied that his manliness did not stem from his stature; rather it was his “iron will” to overcome difficulties that personified true Korean manhood.<sup>29</sup> He was said to regard highly of being faithful and truthful to his fellow players and friends, to which the reporter responded that such “humanistic” values were “Korean virtues.”<sup>30</sup> In so doing, the media deflected public attention away from undeniable blackness in his appearance toward inner strengths of “Koreanness,” while ascribing intangible qualities like iron will, integrity, modesty, and dedication to true manifestations of the essential character of Korea.

Moreover, Korea interpreted his success as the result of another Korean virtue: perseverance, the very quality that the squishy Korean youth of “now” generation lacked. An ordinary citizen interviewed by a newspaper reporter said,

Hines Wad’s story made us reflect on ourselves. I was very impressed by his accomplishment as a poor Korean American black who overcame the worst circumstances in the United States. He set a stellar example for [Korea’s] young people who would rather blame unfavorable circumstances and easily give up.<sup>31</sup>

Another said, “I . . . felt pride of Korea in Ward’s humility,” from which “the younger

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28. Sungjin Moon, “‘Black Korean’ Hines Ward’s Success Story: ‘Korean Blood’ Writes American Myth,” Kyunghyangshinmun February 7, 2006.

29. Suk Kim, “In the Name of Mother.”

30. Ward was quoted in saying, “Good things come to life amid many difficulties if one does [his or her] best and maintains a positive outlook on life.” Seungjun Kim, “Spotlights to ‘Korean Mother’,” SBS 8 News February 7, 2006. Minyoung Park, “The Spirit (hon) of Korea: Ward Has Achieved His Dream,” Seoul Kyungjaeshinmun February 6, 2006. Kim, “In the Name of Mother.” Iksoo Shin, “Too Humanistic Super Bowl MVP Hines Ward: Blue Color Millionaire,” Maeilkyungjaeshinmun Jan 31, 2006.

31. “How Do You Feel about Hines Ward and His Success?”

generation must learn.”<sup>32</sup> The comments like these were meant to keep in check self-centered Korea’s youth, gravitated toward all things “western,” dismissive of Korean customs, and engulfed in their own indulgent consumption of foreign goods and pleasure-seeking lifestyle.

Similarly, feminine virtues of Kim was largely a product of Korea’s imagination. Kim was far from the official model of “Korean womanhood”: not only was she a divorcee who worked outside the home, but, more important, she was unapologetic about her past. However, she successfully performed her duties as a Korean mother and she was redeemed in the eyes of the public. When described as a “*hyunmo yancheo* (wise mother, good wife),”<sup>33</sup> Kim was a wise mother but not to be equated with a “good wife.” Although a good mother is always presumed a good wife and vice versa, a slight tweaking in the definition of virtuous womanhood was necessary to reconcile the contradictory elements in Kim’s life as a former camptown woman, yet a devoted mother. The media narrative composed her as a woman who worked out of necessity, not of choice, including her past work in a camptown. Her jobs in the United States—washing dishes, cleaning hotel rooms, preparing airplane inflight meals and high school cafeteria, etc—were prominently featured in order to highlight detailed ways in which she fulfilled exemplary motherhood. Although she did not have a choice but to work outside the home to make a living, she compensated the deviation by dedicating every waking minute to the son. Even coming home at 2 AM after finishing three jobs, Kim was said to have

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32. Ibid.

33. Wooseung Lee, “Super Bowl Star Hines Ward, A Visit to Korea with His Mother,” *Saekaeilbo* February 2, 2006.

prepared the son's breakfast for next morning and ironed his shirts for school days.<sup>34</sup>

The statements like “preparing breakfast” or “ironing shirts” seem culturally specific expressions made by Korean reporters at their liberty. Whereas weekdays' breakfast for children in the United States—cereal, omelet, toast, orange juice, pancake, etc.—involves relatively little preparation, Korean breakfast is not much different from lunch or dinner and therefore requires the same kind of preparation one would do for dinner. Hence, “preparing breakfast” in many Korean mothers' lives entail preparations like cooking rice, and making soup and other little dishes accompanying an every meal. Truthfulness of such statement was inconsequential in the minds of Koreans. Little details like these were symbolically significant to the readers not because it was true but because the emotional realism the story conveyed: Koreans would shed tears reminiscing about their own experience, as mothers who have done the same twenty years ago for their children who were now grownups with families of their own. Likewise, adults could fondly recollect their own childhood of that sort.

Despite her utmost devotion, however, Kim was never the kind of mother who would indulge her one and only son. Though she “bought only the best” for Ward, she was the kind of mother who cracked down on him when she thought he was out of line, such as falling behind the schoolwork. The thrifty and stern mother spoke directly to the memory of poverty in the not-so-distant past. The humble mother, who would not take advantage of her son's fame and fortune, was described as having always stood behind

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34. Kim, “In the Name of Mother.” “American Football Star and Love for His Korean Mother,” Maeilkyungjaeshinmun Jan 31, 2006. Sangkun You, “Hines Ward, the MVP of Super Bowl,” Maeilkyunghaesinmun January 31, 2006.

her son providing moral support.<sup>35</sup>

A mother who would silently supports a child was somewhat of “a relic of past” to the 21<sup>st</sup> century Korean mothers, especially “aggressive” mothers who misplaced their own ambition on their children, deriving vicarious pleasure from their children’s accomplishments. The “aggressive” mothers would frequently meddle, pressure their children to do more, and seek public recognitions for themselves at their children’s expenses. Ambitious, meddlesome mothers ruin their children who, especially boys, would grow up unmanly men with little ambition. On the other hand, mothers who demonstrated lack of interest in their children because, for instance, they were divorced or had their own careers, would produce delinquent teenagers.

Kim, neither meddlesome nor indifferent, struck a perfect balance between two extremes. In so doing, according to a newspaper column, Kim proved “righteousness of Korea’s tradition that regards a devoted motherhood as a virtue while exposing limits of immature feminism that treats the mother’s sacrifice as a vice.”<sup>36</sup> Another column praised her for “giving enough love and moral support without meddling in his affairs. . . . Therefore the son grew up to be a man of discipline who has courage and strength to overcome discrimination.”<sup>37</sup> The fact that what had long been expected of Korean mothers became a quaint display of “righteousness of Korea” appealed to those who

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35. Seungjin Moon, “[American] Media Shed Spotlights on Hines Ward’s Mother: She Moved American Public,” Kyunghyangshinmun February 8, 2006.

36. Younghwan Cho, “American Ward Shows Loyalty [to the Nation] and Filial Piety that Korea Has Forgotten: Korea’s Racial Discrimination Is Not the Subject of Ward Hero Discourse,” Breaknews February 10, 2006.

37. See detail about “meddlesome parents” in “Seo Hwasook Column: Republic of Parents,” Hankookilbo April 6, 2006.

sought to restore the gender order by keeping in check mothers who harbored too much ambition and strayed from the norm.

The celebration of Kim as a symbol of Korean motherhood is curious self-orientalizing of a woman who seemed to be, to some extent, an anti-establishment figure. Reducing subjectivity of Korean woman to a dedicated mother is to essentialize all women into merely “mothers” whose own aspirations were effectively shut out. The discursive strategies in the narrative of celebration and melodrama render a critique of essentializing and orientalizing Korean women out of reach.

### **Alchemy of Blood, Race, and Memory**

The Wards’ success stood for “Korean endurance,” perseverance, and the fierce spirit of historical struggle; but political forces that made possible the existence of Ward testified otherwise. Precisely because an acknowledgement of his birth depended on an acknowledgment of a history of U.S.-Korea military alliance, his accomplishment had to be framed as a triumph of “personal” virtues. The idealized vision of the past exemplified in the Wards had to be cast as “personal” virtues—albeit “Korean”—in order to resolve a fundamental conflict in the story: the existence of GI babies has been regarded as the product of camptown women’s violation of very morality the media narrative praised as the essence of virtuous Korean womanhood.

Unlike other traumatic events in modern Korean history such as the 1981 *Kwangju* massacre—bloody crackdown on civil protests by Korean military regime—where memories were repressed and censored by State, memories of the GI babies and

camptowns around U.S. military bases were censored by people themselves.<sup>38</sup> The existence of camptowns were often excised from people's mind in order to maintain Korea's psychic wholeness: they were dismembered from the rest of Korea socially and culturally and exist in their own ghettoized and self-sufficient manners.<sup>39</sup> Far from "past" memories however, camptown prostitution still exists even though women of Korea's Other Asia replaced Korean women, and Korean government as well as the U.S. military authorities began to enforce the law against prostitution since the early 2000s.<sup>40</sup>

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38. A brief summary of Kwangju massacre is as follows: After the assassination of President Park Chung-hee in 1979 (authoritarian military leader who came to power through a military coup and ruled the nation for 18 years), the government was seized by another military coup by General Chun Doo-hwan in 1980. Unlike Park's coup, Chun's coup resulted in much bloodshed and people demanded that Chun released power to the people and other progressive leaders. Innocent citizens' peaceful protest against Chun was culminated in a violent crackdown on people of Kwangju city in the South Cholla province by Chun's military police under marshal law in May 1980. Not only was Chun unapologetic, but also he framed the massacre as a legitimate response to a communist conspired rebellion in Kwangju city. Moreover, the regime's military response was said to be condoned by U.S. Eighth Army commanders. See more detail in Cumings, Korea's Place in the Sun: Modern History (New York: Norton, 1997).

39. Korea perceived the presence of U.S. military humiliating because of the issues such as SOFA (Status of Forces Agreement), the unilateral military treaty between South Korea and the United States, and prostitution in camptowns. Particularly prostitution has come to personified the unequal and gendered relationship between the two nations where Korea assumed the subservient position vis-à-vis the United States. For discussion about prostitution and international relations between the governments of South Korea and the United States, see Moon, Sex Among allies. For how Koreans perceive the gendered relations between the two nations, see Part II and III in Jager, Narratives of Nation Building in Korea.

40. The majority of female sex workers in camptowns are now composed of women from Korea's Other Asia like the Philippines, Thailand, Uzbekistan, etc. Partially responding to worldwide enforcement and the international criticism of trafficking in women for prostitution, the U.S. military forces in Korea finally began to crack down on ubiquitous prostitution rings in camptowns. One particular press coverage was said to trigger Congressional actions against military prostitution particularly in Korea by passing Anti-Trafficking laws in the early 2000s. See Macintyre, "Base Instincts," Time



Despite the desire to forget and the inability to come to terms with long-term U.S. military presence in Korea, some things associated with U.S. military have been occasionally summoned in order to recast repressed memories of the past into a frame of reference and turn them into a usable past. In reprogramming the past, present desires, discontents, and fears shaped the narrative about the past, which then was used for interpreting the present. The Wards' case revealed how repressed memories of racial anxieties and compromised Korean woman/manhood, all of which were ingrained in the very existence of GI babies, were transformed to "a frame of reference" that helped gain psychic composure from the present crisis. Therefore, the Ward's mixed racial heritage, contrary to the narrative's insistence on his "Koreanness," were reclaimed—however cursory it may be—in order to make sense of current racial anxieties in Korea.

As the existence of GI babies was laden with guilt, shame, sorrow, and a profound sense of loss in Korean consciousness, the media portrayed Ward primarily as a "mixed-race person," rather than a "mixed-race son of a U.S. soldier." Dissociating "*honhyul* (mixed blood)" from a history of Korean War and U.S. military required assigning a new meaning to the term "*hohyul*." Historically, *honhyul* referred to specifically "GI babies" of camptown prostitutes although it literally means any combinations of races. Because of the indistinguishable association between GI babies and camptown, any mixed race people of western paternity were presumed GI babies of prostitutes, who were also derogatorily referred to as of "*tweegy* (mongrel)" race. *Honhyul* was a moral and racial affront to the nation that has prided in purity of Korean race as the foundation of national

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Asia, 160.5 (August, 2002).

identity.

To shed the dreadful connotation of Korea's subjugation, Hines Ward was made associated with the 21st century's new generation of *honhyul*: "Kosian" children born to Korean and non-Korean Asian parents between the 1990s and the 2000s. Despite some shared fate—both are marginalized and discriminated against by Korean proper—their existences connote different political forces and explanations. Far from the reminder of humiliating defeat and military occupation, the "Kosian" children—whose non-Korean parents were likely to come from far less affluent countries than Korea, so called "Other Asia"—were purportedly a testimony to a Korea's elevated status within a new global order. The "Kosian" children reminded people of economic progress Korea has made in the last two decades and that Korea was no longer a "Third World" country. On the other hand, the GI babies brought to mind long standing humiliation Korea has endured in the last five decades. When lumped together with "Kosian" children as one and the same mixed race people, Hines Ward was no longer a GI baby who threatened psychic wholeness of Korea.

Moreover, Ward as a positive symbol of racial pluralism helped dissipate public anxieties about racial mixing while obscuring the reality of racial tensions in Korean society. Social critics mindful of 35,000 "Kosian" children living in Korea reclaimed Ward the GI baby as a "representative of a 'hybrid phenomenon'" who could help catapult "one of the last nations in the world that still has the strongest attachment to

'*pitzul* (bloodties)'" and shed the "ideology of pure blood."<sup>41</sup> The account of Ward's success made politically safe, timely, and even fashionable to say that "Kosian" children were "hybrid bloodties," "a sine qua non of cultural and biological evolution."<sup>42</sup> Others similarly argued that the advantage of having mixed blood people in Korea was to foster "the cultural acceptance and racial diversity" that would "play an important role in resolving the conflicts of race, nation and civilization."<sup>43</sup>

Anxieties and fears embedded in political correctness of the official rhetoric in the "multiracial multicultural" campaign necessitated a "frame of reference" from a usable past. In so doing, the narrative seamlessly blended the past with the current problem of "foreign Others" in Korea. Hence, comments on international marriage and the resulting children always accompanied the coverage of Hines Ward. By 2005, a number of international marriages reached 115,000; and the children were expected to make up more than a 20 % of the total number of primary school children in rural areas.<sup>44</sup> In such a racial climate, certain memories about the past were evoked only to be used to tame the current racial anxieties and deal with unavoidable social needs of assimilating foreign Others.

With the increasing number of migrant workers and "Kosian" children, and the plummeting birthrate, the meaning of *honhyul* shed the infamous shadow of camptown prostitution. Then the narrative about Ward obscured the political forces that resulted in

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41. Bongkwon Park and Soah Lee, "Hines Ward Syndrome: Ideology of Pure Blood Will Disappear Soon," Maeilkyungjaeshinmun Jan 31, 2006

42. Ibid. Choongshik Song, "Power of Mixed Race," Kyunghyangshinmun February 8, 2006.

43. Song, "Power of Mixed Race."

44. Cheolsu Youk, "Half Korean," Seoulsinmun February 8, 2006.

his birth, immigration, and subsequent hardship, while absolving Korea's guilt of having to drive camptown women and their GI babies out of the nation through the exclusionary narrative of the nation of pure race.

At the same time, however, Ward's black paternity had to be brought to a public light in order to cleanse Korea's own racial history. One way to evade talking about Korea's anti-mixed race racism was to highlight anti-black racism in the United States. Hines Ward's experience of racial discrimination in America seemed to have more to do with his half-Koreanness than blackness. For instance, he talked about how his half-Koreanness hindered his adolescent years: "I used to feel ashamed of being biracial. . . I did not like the fact that I was half-Korean, which got me a plenty of teasing when I was a kid. But I do know now that mixed race is a bliss. . . Mom inspired me."<sup>45</sup>

Moreover, such racial prejudice against his half-Koreanness did not just come from Americans either, but also from Korean Americans. Kim criticized Korean immigrant communities in the United States that had ostracized them for their association with camptowns. She explained in a following anecdote: Ward had participated in a baseball game with a team of Korean students in high school. After the game, the team was to be taken to a restaurant, but the Korean coach gathered only "Korean" students (children of Korean immigrant parents), excluding Ward. Since then, Kim said she instructed Ward "never to hang out with Korean kids, ever again."<sup>46</sup>

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45. Kim, "Korean Mother's Love." The article prominently stated, "he triumphed racial discrimination against black in America." Hines Ward was quoted in saying that he was ashamed of his mother when she visited his school because she was Asian: see "My Son Is Not Black."

46. Lee, "People in the News."

While praising the United States as a shining example of racial pluralism that enabled Hines Ward to succeed, the narrative also insisted on the “fact” of American racism: “Regardless of mainstream American society’s claim of diversity and tolerance, it is a fact that racism exists in America. The worst kind is against black people. It is no exaggeration that the discrimination against blacks is akin to the caste system that existed in an ancient and medieval society.”<sup>47</sup> Furthermore, another columnist, Younghwan Cho, argued that Korea had legitimate reasons to discriminate against racial Others because, unlike the United States that had invaded and conquered native people, Korea had been invaded and colonized by others:

Korea’s racism toward foreign colonizers is a reasonable prejudice because our country has been under colonialism for far too long. It is wrong to discriminate mixed blood then and now, but abhorrence with good reason toward foreign occupying [U.S.] military had influenced our attitudes toward mixed blood [children of American soldiers]. . . we need to consider the particular situation Korea had to endure [when criticizing our treatment of mixed race people].<sup>48</sup>

Cho might appear to condemn Korea’s racism, but he also justified it. Moreover, when paired with the caste system, American racism against blacks overshadowed Korea’s racism against mixed race and invalidated Kim’s critique of racism of Korean-American communities.

In addition, Cho offered another justification for Korea’s racism: Koreans were no more racist than any others in the world because racism was the “universal malignity of human nature.” He snarled at those who in the media expressed regrets over Korea’s

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47. Jaekyung Yim, “YimJaekyung Column: A Human Triumph of Hines Ward and His Mother,” Naeilsinmun February 8, 2006.

48. Cho, “American Ward Shows Loyalty.”

racism and advocated that Korea must learn from America's racial tolerance. Cho said the real problem in Korea was not a racial prejudice against foreigners but "a pathological idolization of foreigners [i.e. Americans and white westerners]."<sup>49</sup>

Attributing racial prejudice and discrimination to a "universal" human nature diminished severity of the particular brand of Korean racism against mixed race GI babies while it naturalized racism as something that organically grew out of all human beings. Besides, according to this logic, even if Koreans were more racist than Americans, it was still excusable because of U.S. military presence in Korea. By legitimizing Korea's racism as a natural and understandable response to outside invaders, the narrative effectively shrouded Korea's racism. The incorporation of racial history of the United States helped Korea to cleanse its own racist past and present.

Simultaneously, substituting Korea's own racist past with the America's racial history turned the Wards' hardship as "personal" difficulties that stemmed from poverty, not racism in Korea. Describing Kim's past life as "a painful—no, difficult—past," the media pictured her as an innocent victim of poverty forced into a camptown club.<sup>50</sup> That is, Kim's "difficult past" was not caused by Korea's racial prejudice and discrimination against her as a woman who transgressed racial lines and her mixed race son. Surely, among the urgent issues confronting camptown women were of poverty. However, solely blaming her plight on poverty was a downright dismissal of her criticism about racism of Korea and Korean-American immigrant communities.

The need to summon the past but the urgency to maintain psychic composure was

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49. Ibid.

50. Kim, "Hines Ward Story Told by the Mother in Atlanta, Georgia."

evident in the way Ward was portrayed as at once Korean and foreign, insider and outsider. Among many other ways to narrate the story of the Wards, Korean media chose a narrative that could best enable them to manage the painful experience while still taking advantage of opportunity the Wards' story offered. The media narrative of the Wards was the kind of narrative Koreans could live with in relative comfort.

Ward might be a symbol of Korean spirit; but he was a perpetual outsider and interloper. His "half Korean" status relegated him to a perpetual outsider who could never be "whole Korean" and enabled Korea to keep the psychological distance from having to embrace not only Ward but also the entire GI babies of past and present. When the media referred to him as the "*yeoksau* *sangcheo* (the wound of history)"<sup>51</sup> and the "*yeoksau* *heesaengja* (the victim of history),"<sup>52</sup> the burden of remembering tumultuous Korean modern history was squarely placed on him alone. Also as "*sahwejeok yakja* (the social minority),"<sup>53</sup> the GI babies and camptown women were forever bound by the trope of tragic victims, thereby limiting their subjectivity to the victimized, rather than the fellow sufferer. The victimized were pitied about but not sympathized while their presence, at times a painful reminder, enabled compartmentalization of defeat and humiliation. The GI babies and their mothers, not Korean public, were the scar of history; and they were the ones with the burden of history and memories of traumas. Korea suffered but it did not suffer *with* camptown women and their children.

The prominent discussion about racism in the United States did not translate into

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51. Song, "Power of Honhyul (Mixed Race)." Park and Lee, "Reflection on Discrimination."

52. Ibid.

53. Park and Lee, "Reflection on Discrimination."

meaningful reflections about Korea's own racial consciousness. Neither Korean public nor the media seemed fully conscious about the severity of racism that visited upon the GI babies. A statement by an interviewee in one news article showed a general way in which Korean public thought about racism against mixed race people: "It would not have been no good [for Ward], had Kim. . . stayed in Korea [instead of having had immigrated and lived in the United States]."<sup>54</sup> It is in a stark contrast with what Kim had to say about the kind of ostracization that drove her to leave Korea behind. When Kim met with a couple of mothers of mixed race children who lived in Korea in April, 2006, she shed tears with them and said, "I have lived for thirty years without seeing and hearing Koreans. . . . Had I come back to Korea with Hines, he would have mounted to nothing but a beggar."<sup>55</sup>

### **Racial Reforms Aftermath of the Ward Syndrome: Failed Promises**

The need for some kind of legal reform to improve lives of mixed race people in Korea suddenly received much attention since the Ward Syndrome swept the nation. An anti-racial discrimination law was introduced in the National Assembly precisely because of media attention on Hines Ward and his mother. But these efforts became quickly overshadowed by what Koreans considered more pressing concerns like, for instance, legislating anti-discrimination law not for the mixed race but for other "Othered" Koreans—the disabled, for instance. The high-ranking official from Korean Immigration Service commented, when asked about the progress of anti-discrimination law in the National Assembly, "Discrimination in our society is not limited to foreigners (*woekukin*). If anti-

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54. Yim, "YimJaekyung Column: A Human Triumph."

55. Park and Cho, "Killer Smile."



discrimination law is to be made, it has to apply to wherever discrimination exists. But it is difficult in reality.”<sup>56</sup>

A separate legal reform was proposed in the National Assembly about anti-discrimination law specifically for “families of international marriage” in April, 2006. As part of the measure, some members of the National Assembly suggested that Korea grants citizenship or permanent legal residency to the mixed race children of interracial unions, mostly between Korean women and non-Korean Asian men.<sup>57</sup> Naturalization of a foreign male spouse of a Korean woman is notoriously difficult because it systematically excludes lower class, uneducated labor migrants: in order to be eligible for naturalization, among other things, an applicant must prove his financial status by submitting a bank book that displays an amount of deposit above \$3,500.<sup>58</sup>

For the migrant workers there was little to no incentive to legally wed Korean partners as they see the road to naturalization out of their reach. The aforementioned union was problematic to Korean government as it stood outside the bounds of legal scrutiny and control. The children born of cohabiting (“*sashilhon*”) unmarried couples of non-Korean Asian men and Korean women are the source of many problems and conundrum to the government: these children, though born in Korea of Korean mothers, live in Korea as aliens and often undocumented because their fathers’ illegal status. The

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56. Chongseok Lee, “Mixed Race in Korea Are Still Treated As Strangers” Dongailbo February 9, 2006. Youngshik Cheon “Korean Is Now Multiracial Multicultural Society: End Exclusionary Practices, Series II” Munhwailbo April 7, 2006.

57. “Anti-Discrimination Law for Mixed Race” Mijunguisori April 7, 2006. Keunhyung Seon “Korean Citizenship, Permanent Legal Residency to Children of Foreigners in interracial unions with Koreans” Kyunghynagshinmun April 8 2006.

58. Section 5, Korean Nationality Act of 2010 (No. 10275)

situation is much different for the children born of cohabiting unmarried couple of Korean men and non-Korean Asian women. A Korean citizen man, married or not, can transmit citizenship to his children regardless of citizenship of a birth mother. While Korea desperately needed these male migrant workers from impoverished “other Asia,” it has been extremely reluctant to grant Korean women the right to transmit citizenship to children born outside the marriage. As the number of migrant workers increased exponentially and they tended to form families in Korea (they were not permitted to bring their families or domestic partners), the children born of migrant workers and Korean female domestic partners were expected to increase. More than their legal status, the problem with these “Kosian (Korean+Asian)” was of cultural nature: these children’s physical differences—darker skin color, curly hair, for instance—were said to have disruptive elements among communities and schools. Although the problem of GI babies of past, as personified in Hines Ward, might have motivated lawmakers and social critics to push for legal reform, both the anti-discrimination law for family of international marriage and the issue of citizenship for children of such marriages or cohabitation then obviously were geared solely toward “Kosian” children, rather than GI babies (or adult population of past GI babies) of camptown women.

The question of mandatory military service for the mixed race men was another issue brought to light by the media frenzy around Hines Ward. Though the revision has been under consideration in the National Assembly since 2002, little progress was made until the Ward Syndrome accelerated the legislative process. Under the previous Military Conscription Law, all Korean men mentally and physically fit to serve were required to

fulfill a three-year military service. People with prior convictions and history of mental retardation were excluded. For most healthy Korean men, conscription marked the beginning of manhood and full-fledged citizenry and the government reciprocates their services with certain rights and privileges.

But in reality, the service has been received with mixed feelings as three years away from families, friends, and career opportunity was an arduous duty. The feelings were divided largely along the class line: the wealthy and the people with connections evade conscription through various loopholes that do not leave stigma. Those who had parents with financial and political connections could and did rig the physical exam: they were exempt for medical reasons such as flat feet or bad eye sights. Those with post-secondary advanced degrees could postpone, serve in less restricted areas, or go into civil service sections such as municipal offices, where they could treat it like a 9 to 5 job and commute from their homes. Still others avoided the service by acquiring foreign permanent residency and citizenship and those who could qualify as special cases of men who contributed to national advancement like scientists or athletes were exempt. But those who had no connections to pull and others who were considered “ill-fated” would be assigned to heavily fortified posts near the DMZ (demilitarized zone) along the 38th parallel.<sup>59</sup>

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59. Avoiding conscription amongst the riches has long been a social issue but continues to plague Korean society demoralizing middle and lower class people. See among countless news articles that condemn the practice, “Conscription Scandal Worsens for the Riches,” Seoulshinmun October 22, 2009. Yisak Kim and Jeongwoo Kim, “Conscription Scandal, Again” Hankookilbo April 27, 2007.

One man's stroke of a bad luck or an unavoidable legal burden was another man's right that could not be had, however. The mixed race people were not subject to conscription under the previous law. Even if men of mixed race parentage wanted to serve in the military, they had been barred from the service, unless a man had a physical affinity to Korean proper and could pass for a Korean. The law specifically barred the mixed race men who looked "different." Article 136 of the law described that it "waives," though not "bars," "a mixed race man whose appearance and features are unmistakably different [from Korean men of full Korean parentage]." But "waive" was a euphemism that enabled the official policy of institutionalized exclusion of mixed race in Korea. The Military Manpower Administration (MMA) excused that the mixed race men were exempt "because those who have different appearance and skin color would lack the ability to adapt to collectivity of military organization."<sup>60</sup> That is, the MMA believed that the mixed race jeopardized the moral of the soldiers and would cause disharmony within the military as it expected much racial friction between the Korean proper and the Korean of the mixed race.

Some may comment that the mixed race men had it easy, for they were legally permitted not to fulfill the dreadful service; but not being allowed in the military had concrete disadvantages. Though many healthy men would rather avoid conscription if possible, conscription had some merits because the government rewarded those who

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60. Seungbae Pang, "Mixed Race Allowed in Military Service For the First Time--But Not Allowed in Commissioned Officers Rank" Munhwailbo February 10, 2006.

fulfilled the service by granting “points” that could be counted toward employment benefits in civilian life.<sup>61</sup> Besides, as a Korean resume tended to require personal information like age, sex, religion, a mug shot (or even a whole body shot), and detail about conscription for men, those exempt from the service with no official excuses—such as bad eyesight, flat feet, or Ph.D. education that prevented them from fulfilling the duty regardless of whether these excuses were real or not—were automatically treated with suspicion.

In addition to losing the tangible benefits with no fault of their own, the mixed race men who could not serve in the military also suffered from social discrimination. Until the 2005 revision, the less educated (who did not finish elementary school), the criminals (who were imprisoned for a certain number of years), the orphans (who did not have family registry), the mentally ill (who have had been institutionalized or declared incompetent during a physical examination) were exempt from conscription. The mixed race men were deemed not only morally suspect but also treated on a par with people with stigmatic illness, physical defects, or previous conviction records.

The revision to the conscription law, which went effect in June 2005, described that “mixed race men born on and after 1987 who wish to serve in the military could do

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61. Others were systematically excluded from the benefits, due to the point-based system, with no fault of their own. Feminists, homosexuals, and pacifists have argued that the law was profoundly gendered and heteronormative and therefore their citizenship rights were curtailed systematically. See Seungsook Moon, Militarized Modernity and Gendered Citizenship in South Korea (Durham: Duke University Press, 2005). Cheongsup Kim, Hyungchul Cho and Seungchan Paek, “Bone-aching Pain of Rejection from Conscription” Kyunghyangshinmun February 11, 2006. Byungchan Kwak, “Paradise of Their Own” Hankyoreh February 10, 2006.

so as active duty private or public service personnel.”<sup>62</sup> It was “expected” that soon after the revision there would be a first mixed race private ever in a history of Korean conscription.<sup>63</sup> But no mixed race man applied as of February 2006 because, as one government official from MMA stated, no one knew about the change. The government planned to “actively advertise [the revision and eligibility of mixed race men].”<sup>64</sup> The half-hearted effort to include the mixed race resulted in inadequate publicity for the revision.

Moreover, unlike the conscription law that applied to Korean proper, the revised provision did not “mandate” mixed race men to serve in the military and the service is limited to a rank of private.<sup>65</sup> Then conscription in this context for mixed race was not a citizen’s obligation that must be reciprocated with rights and privilege, but as an elective for only those who “wish” to serve, that did not obligate the government to reciprocate. Such limitations renders superficial the sincerity of the will of the State that it truly sought ways to rid of racial discrimination against the mixed race and stop treating them as second class citizens. Far from its official rhetoric, the mixed race men were still barred from serving in the military as “full-fledged” Korean men and therefore still excluded from the possibility of having a career in the military.

Likewise, “public service personnel” was regarded by some with disdain as a sign of compromised manhood although many able-bodied men would prefer this position to a full-fledged service in the DMZ areas or in other demanding posts. It is one thing that

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62. Pang, “Mixed Race Allowed in Military Service For the First Time.”

63. Ibid.

64. Ibid.

65. Ibid.

Korean men actively sought public service personnel positions when they were eligible for the regular service as enlisted men or career military men; but it is quite another that mixed race men were prohibited from the regular service and channeled into public service personnel positions only. The restrictions on rank and post reveal some assumptions about the men of mixed race: not only was their manhood questionable but also their loyalty to the nation was presumed tenuous.

### **Conclusion**

As of August 4, 2007, a number of non-Korean residents in Korea surpassed 1 million, making up a 2% of 49 millions or a total Korean population registered in family registry. The number alone was largely hailed as a sign that Korea has arrived at multiracial multicultural society.<sup>66</sup> The narrative about the Wards revealed how Korea envisioned its future as a racially tolerance society, ironically by appealing to Korea's idealized vision of its racially pure past. The very appeal of an essentialized vision of Korean race undermined the project of creating new Korea. Hines Ward's images, as narrated in the media discourse, were made to confirm a Korea's own wishful vision of the future. In so doing, the narrative mandated embracing of one mixed race individual as a moral imperative of the 21st century multiracial Korea.

Nevertheless, the contradiction between the rhetoric and the reality had to be resolved, at least discursively. To make a semblance of coherence in the narrative required disavowing and underplaying the part of past that everyone wanted to leave

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66. "Legal Structure Needed For the Era of 1 Million Foreigners Residents," Kyunginilbo February 18, 2008.

behind and some even believed that they had overcome. Such revelation of the “undesirable” past would only embarrass the nation and dampen the festive mood.

Displacing Korea’s own racial history onto American racism helped solve the dilemma. The narrative highlighted anti-black racism in the United States while obscuring Korea’s racially fraught past and present. Korean newspapers invariably interpreted the Wards’ experience as anti-black racism in the United States, even though Ward and Kim’s criticism differentiated between American racism against Asians and Korean-Americans racism against mixed race Koreans in the United States. Then racial history of the United States was a surrogate for Korea’s own racial history.

In addition, privatization of public memories of past trauma obfuscated the political origin of GI babies. The affective function of the sentimental narrative turned political and cultural conflicts that the lives of the Wards personified into the apolitical narrative of individual success and tribulations. The story of moral uplift embodied in Hines Ward’s success not only catapulted wary public in the midst of perceived racial crisis, but also helped convey Ward’s genuine Koreanness. The Ward Syndrome narrative contained the conflicting gender roles, changing notions of womanhood, enduring values of filial loyalty, and the everlasting love between a devoted mother and a dutiful son. In so doing, it embodied both nightmares of the past (poverty, underdevelopment, U.S. military occupation, repressed memories) and the hopeful vision of racially diverse future. By memorializing ethos of the past through the Ward’s private lives, Hines Ward and Young-hee Kim became more Korean than any Korean proper, who abandoned Korean virtue long ago as an obstacle to intense modernization and competitive



globalization process.

The lack of meaningful attention to the issues surrounding camptown prostitution is troublesome. In the post Cold War era, Korea saw the widespread effort to understand its colonized past. The Presidential Committee for the Inspection of Collaborations for Japanese Imperialism—established under the Special Law on the Inspections of Collaboration for Japanese Imperialism (No. 7203) enacted in 2004—investigated and exposed Korean collaborators of Japanese colonialism and the issues of comfort women, forcefully recruited to service Japanese soldiers during the World War II. As part of the larger movement of “*Kwageo cheongsan* (Liquidating the Past),” the investigation by the Committee, composed of lawyers and historians, was to confront the burden of the colonized past by punishing collaborators and bringing justice for those who had been wronged. The goal was to move forward to a future by “liquidating” the past. The meaning of “the past” in the movement was equated with wrongdoings of Japanese colonizers and Korean collaborators, and perpetrators of Korean War atrocities. Public believed that it was ready to discuss the colonized past, though the entire nation was engulfed in the controversies about who the true “collaborators” were and how to punish them. Even the issue of “comfort women,” another painful and shameful past, was incessantly discussed.<sup>67</sup> However, there was little discussion about camptown prostitution: it remained largely outside public consciousness. Selective meanings of “the past” did not encompass Korea’s own wrongdoings against camptown women and their GI babies. The unilateral U.S.-Korea Cold War alliance has been criticized heavily throughout the 1980s

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67. Byungook Ahn, “Why We Have to Liquidate the Past,” Naeilul Yeonun Yeoksa 18 (February 2004): 22-37.

and the 1990s; but its unsightly “byproduct,” camptown prostitutes and the children, did not capture public imagination as part of nation-wide soul searching.

In order to maintain psychic composure and wholeness in Korean public consciousness, the traumatic experiences of U.S. military presence had to be rendered as “private” memories of people who belonged to camptown. Kim’s “difficult past,” as a personal predicament, ensured a relatively safe distance for Korean public whose racial and historical consciousness could not yet accept camptown: a signifier of neocolonial power, humiliating defeat and unilateral relations, and an emasculator. Silence and omission about “certain past” of Korea in a public narrative reflects the kind of memory that does not fit the mythology of hero and they had to be marginalized and relegated to private realms.

In emphasizing Korean values preserved and honored by the Wards, the media pigeonholed the Wards into people who lived their lives by the bygone era’s morality and virtue. But Koreanness in Hines Ward was a partial picture of Korea: what Korea thought that it had possessed once but lost in a whirlwind of progress. Korea, through the words of social critics as well as ordinary people in the media, mourned such time-honored values long disappeared from society and in turn romanticized and memorialized as the imagined past.

## Epilogue

The national mood was full of hope and pride in January 2009 when Barack Hussein Obama, mixed race person of black father and white mother, was elected and sworn in as the 44th President of the United States. This sea change opened up some public discussion about race in America. To some, the first black president in American history signaled coming of “post-racial” American society; to others, who did not support Obama, this fallen racial barrier signaled some kind of demise of the nation. Some were skeptical if Obama was not black enough; others were relieved that he was just black enough but not so much so that he might scare white voters. Recently Senate Democratic leader Harry Reid made a front-page splash when his past remark about Obama was revealed. During the 2008 election campaign, he had commented that Obama was “light skinned” black “with no Negro dialect, unless he wanted to have one” and that this slight blackness would help his presidential bid by placating both white voters apprehensive about Obama’s blackness and black voters who saw Obama as primarily a black person, despite his public embrace of his biracial identity.

To those who questioned Obama’s Americanness, so called “birthers” who believed that he was not an American citizen, his half-blackness triggered unfounded fears and anxieties, manifestation of which ranged from communist/terrorist takeover of America to diluting American values. When the former president Jimmy Carter finally made public of what many suspected but did not say by saying that animosities toward Obama was based on his race, he made some people outraged and defensive. But Harry Reid and Jimmy Carter probably weren’t alone in these sentiments.

No matter how the opponents framed the reason behind their warnings against Obama (be it his foreign policy issues or domestic agendas such as health care), race has an undeniable presence in many arguments against Obama. Although Obama's racial background proved productive multiracial elements of American society, some cried out for taking back the kind of America they knew and grew up with. The central question that Obama's presidency brought on seems to be of racially informed national identity: whether in celebration of first black president or suspicion about his genuine Americanness, how to define the essence of the nation still troubled the public, some 70 years after Congress deliberated the same question during its hearing for the Nationality Act of 1940.

In Korea, a similar kind of change in a racialized national identity has been taking place since the official end of Cold War. On November 4, 1997, a revision of the Korean Nationality Act of 1948 was passed in Korean National Assembly. The law, among other things, now allows either a citizen mother or a citizen father to transmit citizenship to a child, relieving the difficulties faced by mixed race children of unmarried couple of Korean citizen mothers and alien fathers.<sup>1</sup> Since naturalization of alien fathers were prohibitively difficult, the mixed race children who were born in Korea of non-citizen fathers lived in Korea as aliens: they couldn't go to school or take advantage of government-run universal medical healthcare.<sup>2</sup>

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1. "Matrilineal Permitted in Nationality Revision Bill Passed in the Assembly" MoonhwaIlbo November 4, 1997.

2. Alien husband's naturalization requirements consist of residing in Korea for three years continuously, have financial status (\$ 50,000-70,000 in bank deposit), and recommendation from people identified by the Ministry of Justice (people of social status). Jinsook Choe-Yun, "Prospect of Patrilineal Nationality Law Revision,"

The major change in the nationality conferral law was possible only after house-head system in family law went through a major overhaul. It was the lack of family registry that ultimately rendered mixed race children of American soldiers stateless in the 1950s and the 1960s. Under the revised family law and the nationality law, a child would acquire citizenship not based on his/ her family register record but through a birth certificate that can be issued from a hospital.

In addition to changes that affect people residing in Korea, the revision also contains provisions that would change Korean immigrant populations around the world: the additional revision was passed in 2008 and went into effect in 2009 that would enable dual nationality. The law now allows Korean American immigrants and thus lost Korean nationality to regain Korean citizenship. For Korean American men born in the United States after 1998 can acquire Korean nationality without giving up American citizenship, so long as the men fulfill the military service. Likewise, those born in Korea but adopted by American families and acquired American citizenship could regain Korean nationality. By allowing dual nationality, the radical break from the cardinal principal in Korean nationality law, the revised law seeks to claim more Korean descendants and is motivated by concerns of the drastic decline in a total number of population in Korea, as well as bringing back the highly educated and skilled special population. In the last decade alone, approximately 170,000 Koreans lost Korean nationality in order to gain other foreign nationalities.<sup>3</sup>

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Yeosongshinmun 404 (October 1997).

3. Sukha Kim, "Dual Nationality Will be Allowed Next Year: The Justice Ministry Submitted Revision," LA Chungangilbo December 29, 2008. This is a Korean language newspaper distributed to Korean American population. "Acknowledging Multiple Nationalities: Amendment to the Nationality Law," Hankookilbo November 12, 2009.

Although family law was revised in 1989 and went into effect in 1991, actual changes did not occur until the major overhaul on the family-head system within the Civil Code was passed in 2005. The law had to be revised in order to reflect and accommodate social and cultural changes that had taken place since the mid 1990s. Rising divorce rates and interracial marriage between Korean and migrants from Korea's other Asia were some of the main changes. The 2005 overhaul allowed a woman to be a head of household and therefore a mother, even an unmarried mother, can transmit her last name to a child. Particularly important was elimination of family registry as a tool of main identification—the reason GI babies became stateless in Korea because only men were allowed to have their own family registry and therefore women could not be heads of households. The family registry system is now replaced by two new identification systems, one of which identifies an individual, not a family, as a unit of society and the nation. The other system is still based on a concept of family as a unit that consists of two generations only, parents and unmarried children, instead of multiple lines of ancestors. The law went into effect in 2008.<sup>4</sup>

These groundbreaking changes in Korea were partially aided by the official end of Cold War although actual changes in people's attitudes and cultural practices are still lagging behind. The Korean government had heavily invested in the production of masculine nation-state during the Cold War era because nationalism in Korea historically has been constructed based on their sense of victimization—by Japan's colonialism, Korean War and the subsequent U.S. military occupation, and the legacy of unilateral

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4. Howon Choe, "Elimination of Hojuje Systm in 2008: A Child Can Follow a Mother's Last Name" Dongailbo March 3, 2005.

U.S.-Korea Cold War relations. The Cold War ideology of anticommunism had legitimized Korean militarist state and its subjugated relation with the United States in the past.

In the post Cold War Korea however, “demilitarization” processes emerged in multiple levels: it led to not only dismantling and disarmament of military state but also political dissociation from the United States and cultural critiques of masculinist Korean society. While demilitarization did not automatically widen the scope of political discourses, legal challenges in family law and nationality law were aided by a dramatic shift in race and gender order that began to emerge in the post Cold War era’s destabilized political and cultural discursive space. Although limited, questioning the state about the legitimacy of U.S. military presence, which would have been considered endangering national security and development in the past, brought to public both issues of comfort women and camptown prostitutes in the early 1990s. Nevertheless, the demilitarization process also brought out a reactionary nationalism, anti-Americanism, as a newfound public interest. Especially within anti-American sentiments, the issue of camptown women confounded public that Koreans want to be independent of the United States and yet are unable to deal with the issue of military prostitution. Therefore, the phenomenon of Ward Effect had confounding effects in Korean psyche where Hines Ward and his mother were neither fully Korean nor American.

In the mid 20th century, to be Korean was to celebrate unity and continuity of the nation through the *minjok* (Korean race) held together by bloodties. But at least officially no longer the pride in purity of Korean blood is publicly uttered; nonetheless, as the Hines Ward’s case showed, embracing of a racially mixed person translated to neither an

understanding of Korea's racial history nor a genuine acceptance of people who were not seen as of "Korean race." Although Korea has made some revisions in laws to accommodate changing demographics and its economic needs, Korea is still far from a multiracial and multicultural society.

In the United States, the end of Cold War did not bring the kind of changes Koreans witnessed in their own nation. For instance, the basic gendered principle of the Nationality Act of 1940 remains to this date: an unmarried citizen man can transmit citizenship to a child born outside the United States territories only if he legitimates the child before the child reaches the age of majority. The absence of public interest in foreign-born children of unmarried citizen fathers is undesirable because in reality a number of U.S. soldiers deployed around the globe has only increased. But such lack of interest is not surprising when anti-immigrant sentiments have been steadily rising since the 1980s. Racial animosities behind some of anti-immigration movements and legislations deeply divided the nation when Congress considered the comprehensive immigration reform bill in 2007 that, if passed, would have given opportunities for long-term undocumented aliens residing in the United States to become citizens.

Racially motivated immigration policy reached a new height when Arizona state legislators passed a highly controversial anti-immigration bill in April 2010. The law, "the broadest and strictest immigration measure in generations," according to experts, would allow Arizona state police to stop and interrogate anyone they suspect of being in this country illegally.<sup>5</sup> This egregious measure is not only ripe with potential abuses, such

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5. Randal C. Archibold, "Arizona Enacts Stringent Law on Immigration," New York Times April 23, 2010.



as racial profiling and harassment of Hispanics simply because of their skin color, but also irrespective of federal government's power to legislate matters relating to immigration. While the United States claims racial diversity as a strength of the nation and the foundation on which the nation was built, paradoxically the cultural or racial boundary of Americanness doesn't seem to expand.

Immigration of GI babies born in Korea in the 1950s and the 1960s would have been impossible if Congress had not passed a series of refugee immigration bills because the previous laws either barred any "non-white" from immigration or allocated too small a quota number to be effective. The small quota number was quickly used up because of such popularity of GI babies for adoption among American families. Congress had to create and allocate special quotas for the GI babies to enter the United States in 1953. Those who could not come to the United States in the 1950s and the 1960s entered the United States as an adult population of GI babies under Amerasian Immigration Act of 1982 that allowed Amerasians (i.e. GI babies born in Asia including Vietnam, South Korea, and the Philippines) born between 1950 and 1982 to immigrate.<sup>6</sup> The congressional debates and witness testimonies for the 1982 measure for the first time referred to adult GI babies as "sons and daughters of U.S. citizens" who had "right to come home." Rhetoric aside however, the stringent requirements for the immigration—proof of paternity claims and securing American financial sponsors—and its exclusion of those born after 1982 showed that the legacy of anti-miscegenation and placing marginal status on mixed-raced people in the United States continued.

In the 1950s, the presence of GI babies posed the dilemma to the United States as

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6. S. 1698; P.L. 97-359; 96 Stat. 1716

it required a compromise between its immigration policy and the postwar foreign policy: acknowledging paternity of mixed race children fathered by U.S. soldiers and conferring them citizenship would open the floodgate for “fraudulent claims” to right to citizenship. If ignored, however, the problem of GI babies would jeopardize U.S.’s moral authority and its global mission of winning the hearts and minds of people, especially in Asia. Indeed, the Communist propaganda machine has taken advantage of GI babies fathered and deserted by American soldiers stationed abroad: a government official from Washington wrote, “Mixed children has always been a favorite subject in the Communist press.”<sup>7</sup> Immigration of mixed race children via adoption enabled the United States to demonstrate its moral authority, but at the same time allowed to continue its restrictive citizenship laws that did not automatically confer citizenship to foreign-born children of unwed citizen fathers while it did so to foreign-born children of unwed citizen mothers.

During the 1940 Nationality Act hearings, the broader question about the cultural milieu in which foreign-born children like GI babies were to be raised became a deciding factor for racial identity of the children. The lawmakers of the 1940s were concerned about family life and cultural surroundings in which foreign-born children of American citizens was inculcated. Such concerns were tied to nationalist sentiments and rooted in cultural racism based in unspoken suspicions about alien women. The congressional hearings and debates about the 1940 law reveals linkages between racial, national, and cultural identity. The cultural logic based on racial thinking underpinned the legal discourse about who had right to belong.

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7. “A Washington View of Intercountry Adoption Legislation—February 1959,” box 23, folder 21, ISS-AB records, SWHA

A peculiar emphasis on proper education of American sentiment was driven by the fear that mixed racial phenotypical features could be deceiving: mixed race children's attire and look can be American but their souls and sentiments could remain native and foreign. And the consequences of failure to detect superficial Americanness of foreign-born were thought to not only cheapen the value of American citizenship but also weaken national security, both symbolically by way of weakening familial ties to the nation and literally through letting potential foreign spies into the nation. One way to ensure veritable Americanness was to locate the essence of the nation within sentiments and souls, cultivated through proper education and upbringing. The problem of mixed race children encompassed not only the legal status of the children but also the problem of interracial sex and marriage of citizen men. Hence, the lawmakers' deep-seated mistrust of an alien mother of a mixed race foreign-born child, even if she was legally married to citizen men, is rooted in her inability to really know, let alone teach the children, genuine Americanness.

This very sentiment about racially based notion of citizenry also informed Korean Nationality Act of 1948. While Congress was concerned about ways to exclude racial Others of its colonial territories, the National Assembly was occupied with the ways to exclude former and future colonizers, Japan and the United States, out of national community. To Koreans, GI babies were painful reminders of Korean victimization under U.S. military presence: the racially mixed children and their mothers in camptowns generated anxieties about ungovernable sexuality of women, miscegenation, effeminate Korean masculinity, and tainted racial purity of Korea. To

overcome these anxieties, the children had to be erased from public consciousness. The cultural obstacles imposed on the mixed race children, as children of prostitutes and “Yankee whores” rendered them “racially handicapped,” stateless, and therefore “unassimilable” in Korea. Hence international adoption of GI babies presented to be the “the only solution.”

The American social workers who witnessed firsthand the plight of children could not help the sense of indignation, which in turn fed into the discourse of rescue and rehabilitation. Their stories emphasized, exaggerated at times, imminent physical dangers faced by the children in orphanages, and in the streets begging for food in Korea. The children left at hospitals and orphanages were lucky ones, according to social workers’ accounts, because other infants were simply left to die by dangerous roadsides, in garbage dumps, etc. The children were often described as “unwanted” without qualifying the statement that the mothers chose to leave them to be raised by someone else as a painful last resort because they had no financial and emotional means of supporting mixed race babies in the 1950s. By portraying the children as pitiful as possible, the social workers appealed to sympathy of American public with the idea that these children were innocent victims of Korean racial prejudice. Indeed, they were innocent children who happened to have American fathers and Korean mothers, neither of whom could give them a legal or social status in both Korea and the United States. The children were pitied but never entitled.

Apprehensive about the kind of trauma children had suffered in and outside orphanages, the social workers emphasized the kind of special rehabilitation processes

the children must go through once adopted. The children were helpless but not hopeless. Although never explicitly stated, rehabilitation of the damaged children from Korea could pedagogically symbolize rehabilitation of broken race relations at home and rekindle the possibility of morally redemptive white-black relations. The adoptive white middle class parents' nurturing familial sentiment for their half-Asian children could displace the kind of dysfunctional relationship they had at home with blacks. Adoption of half-white GI babies from Korea was mutually beneficial. In fact, it might as well have been the other way around: this "cross-racial" adoption, though limited, had a therapeutic value in white middle class homes. If white Americans were not ready to embrace black-white integration, they still could redeem themselves by embracing half-Asian children from Korea, who happened to look more white than Asian. Interracial adoption offered an occasion to showcase an uplifting quality of American middle class domesticity and the Cold War racial liberalism.

Notwithstanding, "Korean" adoption, as it is demystified, reveals not celebration of racial diversity but a still dominating black-white racial divide in the United States. The postwar American liberalism was welcomed by majority of public and state officials in limited ways. The GI babies were adopted on the pretext of "Korean War orphans," thereby hailed as "cross-racial" adoption and a triumph of Cold War racial liberalism: framing the problem of mixed blood children in Korea as "Asian" children eschewed complex issues of mixed racial heritage and interracial sex. On the other hand, the adoption workers' persistent attempt at categorizing the children as either "half-white" or "half-Negro" testified that the children were not regarded as "Asian." Unlike what we

may expect now, the children's Asianness posed little obstacles then; rather it was the other half of their racial heritage of whiteness or blackness that became a deciding factor in making final decisions by adoptive parents and acquiring the seal of approval of legal adoption in state courts.

The existence of mixed race children was fraught with ambiguities and paradoxes that plagued both nations. They were highly visible, but at the same time had to be hidden from public. They were only a minority among a total population of war orphans, but their presence had a disproportionately exceptional impact on both nations. They were neither Korean nor American, in terms of national as well as cultural membership. In Korea, the presence of mixed race children had to be heightened in order to render them impure, contaminated, and degenerate; but they also had to be eventually expunged from national consciousness. In the United States, the children were largely known as "Korean war orphans," although they were of half-American. Some were the product of sexual encounters during Korean War; yet, others were the product of the continuing presence of the soldiers throughout the Cold War. Not all of them were truly war orphans as many of their mothers were alive. Even when the mothers were alive, the children were "orphanized" by overzealous social workers and Korean government officials who promised the mothers that the better lives were waiting for them in the United States. While the mixed race children were deemed an urgent problem that must be taken care of immediately because their existence could divulge many ugly truths, the children were largely neglected.

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