

Written by Joseph G. Lariosa

Friday, 30 March 2012 17:39 - Last Updated Monday, 07 April 2014 17:23

Editor's Note: We bring back to our Front Page the March 30, 2012, column of Joseph G. Lariosa in commemoration of the 71st anniversary of the Fall of Bataan slated for April 9, 2013.

JGL Eye Column

By JOSEPH G. LARIOSA

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{xtypo_quote} (11) This whole country will become a desolate wasteland, and these nations will serve the king of Babylon seventy years. (12) But when the seventy years are fulfilled, I will punish the king of Babylon and his nation, the land of the Babylonians, for their guilt," declares the LORD, 'and will make it desolate forever.'

—
Jeremiah 25:11-12
{/xtypo_quote}

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C HICAGO (*jGLi*) – As the dwindling Filipino World War II veterans gather together to commemorate the 70 years of the Fall of Bataan this week, it reminds me of a Biblical quote when God punished the king of Babylon for holding the Jews in captivity.

Like the Jews, the surviving Filipino veterans must now be turning to the Bible for inspiration in their quest for recognition and justice after 70 long years. After all, the Fall of Bataan took place a week before Good Friday [April 8, 1942, but April 9, 1942 Manila Time] under a massive offensive by the enemy's 14th Army of Gen. Homma, which made the surrender of Bataan inevitable.

More than 60,000 Filipino and 15,000 American prisoners of war would be forced into the infamous [Bataan Death March](#) that was crucial to Japan's effort to control the Southwest Pacific.

Out of the more than 250,000 Filipino veterans, who answered the conscription order of President Roosevelt at the outbreak of war, the ageing and sickly veterans, ten of them dying a day, should now be down to less than 50,000.

Out of these remaining survivors, 24,000 have yet to see the light of day. Luke Perry, son-in-law of a Filvet and an advocate for Filipino veterans residing in Las Vegas, Nevada, hopes one of the United States senators would introduce a Senate version of H.R. 210 Filipino Veterans

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Fairness bill that would allow U.S. Veterans Affairs to accept benefits claim of these 24,000 Filivets even if their names are not found in the National Personnel Records Center in St. Louis, Missouri.

WILL SEN. AKAKA SIGN ON FILVET BILL?

The bill introduced by Rep. Jackie Speier (D-CA-12th) has attracted 90 co-sponsors but has been languishing on the Subcommittee on Disability Assistance and Memorial Affairs since Feb. 18 last year.

On the other hand, a Senate version, S. 63, introduced by Sen. Daniel K. Inouye (D-HI) has not drawn any co-sponsor although it has been read twice and referred to the Committee on Veterans' Affairs since Jan. 25 last year. It requires the Secretary of the Army to determine the validity of the claims of certain Filipinos that they performed military service on behalf of the United States during World War II.

Mr. Perry said several volunteers are lobbying in Washington, D.C., to get H.R. 210 out of the committee and be discussed in a public hearing.

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I will try to get Sen. Daniel Akaka (D-HI) interested in this bill. Senator Akaka's press secretary, Jesse Broder Van Dyke, told me Senator Akaka is retiring in January next year. As a consistent supporter of Filipino American issues, taking the cudgels for the Filipino veterans may find a soft spot in Senator Akaka's heart.

But a son of a Filipino veteran, Father Prisco Entines believes the woes the Filipino veterans are facing boil down to the racist policies of the U.S. Congress and the White House towards the Filipinos.

Father Entines, a full-time advocate for the cause of the veterans, believes the flip-flopping classifications of the citizenship of the Filipinos by the U.S. Congress and the White House are all there is to blame.

He believes when the U.S. took control of the Philippines from Spain from 1899 up to 1946, Filipinos should have been considered

U.S.

Citizens, not U.S. Nationals, which is not found in the U.S. Constitution that provides only "native-born or naturalized citizen." "

U.S.

national," Father Entines believes, "is a legal fiction."

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During this period, Filipinos were holding U.S. Passports, as they were residents of a U.S. Commonwealth territory like Guam or Puerto Rico.

FILVETS HAVE “TRIPLE RIGHT” TO U.S. CITIZENSHIPS

If they were U.S. Citizens, the Filipino veterans would not have been receiving two-tier benefits (lump sum pays of \$15,000 for U.S. Citizens and \$9,000 for non-U.S. Citizens) under the ARRA Act of 2009. They would have enjoyed the G.I. Bills and other benefits.

Father Entines insists that Filipino veterans have “triple right” to U.S. Citizenship.

Under the Supreme Court ruling on *United States v. Wong Kim Ark*, 169 U.S. 649 (1898), the U.S. Congress has no right “to deprive such naturalized citizens of his citizenship, without his consent.”

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When U.S. Congress reduced the status of Filipinos from U.S. Citizens to U.S. Nationals, it violated the U.S. Constitution, whose 14th amendment reads: “All persons born or naturalized in the United States, and subject to the jurisdiction (like U.S. Commonwealth of the Philippines) thereof, are citizens of the United States and of the State wherein they reside.”

The U.S. Congress never conducted a referendum in Commonwealth Philippines when it mass-stripped the Filipinos of their U.S. Citizenships as laid down by the U.S. Supreme Court in *Mackenzie v. Hare* (239 U.S. 299 (1915)), which stated, “It may be conceded that a change of citizenship cannot be arbitrarily imposed, that is, imposed without the concurrence of the citizen.”

There are only a few grounds that U.S. citizenship can be taken away by committing certain “definite acts” – treason or desertion or residence abroad under certain circumstance. The Filipinos, who were native-born, were stripped of their U.S. Citizenships without committing any of these grounds.

Supreme Court Chief Justice John Marshall in *Osborn v. Bank of the United States*, 22 U.S. 738 (1824) held: “The Constitution does not authorize Congress to enlarge or abridge those rights (of U.S. Citizens). The simple power of the National Legislature is, to prescribe a uniform rule of naturalization, and the exercise of this power exhausts it, so far as respects the individual.”

The Filipino veterans, like ordinary Filipinos during the Commonwealth Philippines, became U.S .
Citizens by birth (*jus soli*), akin to English common law of subjects, owing allegiance to the King, that was the basis of the U.S. 14th Amendment.

Second, even if the Commonwealth Filipinos were “U.S. nationals,” it follows that their children – the Filipino veterans – were also “U.S. Nationals” by blood (*jus sanguinis*).

And thirdly, when the Filipino veterans took their oath before the American flag, not the Philippine flag, during their induction into the U.S. Armed Forces of Far East, they were en route to becoming U.S. Citizens as they faced death penalty for desertion from the U.S. military. In effect, when these Filipino veterans pledged allegiance to a foreign power (U.S.), these Filipino veterans took a “definite act,” by implication, of renouncing their Philippine citizenships (if there was such status at that time), after the U.S. Consul processing their U.S. Citizenships was recalled to Washington, D.C., turning the Filipino veterans left behind into stateless citizens. # # #

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