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Global Borderlands: A Case Study of Subic Bay Freeport Zone, Philippines

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GLOBAL BORDERLANDS: A CASE STUDY OF SUBIC BAY FREEPORT ZONE, PHILIPPINES

Victoria Diane Reyes

A DISSERTATION

PRESENTED TO THE FACULTY

OF PRINCETON UNIVERSITY

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OF DOCTOR OF PHILOSOPHY

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Abstract

By developing the concept of "global borderlands"–semi-autonomous, foreign-controlled geographic locations geared toward international exchange–this dissertation shifts the focus of globalization literature from elite global cities and cities on national borders to within-country sites owned and/or operated by foreigners and defined by significant social, cultural, and economic exchange. I first define global borderlands and describe their shared features. Next, I situate global borderlands with the literatures on global cities, which are economic command and control centers, and traditional borderlands that highlight micro interactions across two national boundaries, and note that global borderlands represent nationally bounded, foreign-controlled centers for cultural and social interactions that also have important economic influence for their host nations. In this way, they are localized command and control centers of varied forms of foreign exchange. Then, I detail my case study, methodologies, and data. Next, I examine their creation, and show how these sites are purposefully constructed, the result of political and economic bargaining, and situated in particular historical circumstances. Following this, I analyze the three-shared features of these sites: semi-autonomy, symbolic and geographic boundaries, and unequal relations. to show (1) how the semi-autonomy of global borderlands produces different regulations depending on nationality, (2) how its geographic and symbolic borders differentiate this space from the surrounding community, and (3) how the semi-autonomy of these locations and their geographic and symbolic borders reproduce unequal relations. As home of the former U.S. Subic Bay Naval Base and current site of a Freeport Zone, the SBFZ serves as a particularly strategic research location to examine the different forms of interactions that occur between groups within spaces of unequal power. This multi-method analyses reveal how the analytic concept of global borderlands can help us better understand the interactions that occur in the contemporary era of globalization across people of different nationalities, classes, and races/ethnicities as well as the complex dynamics that occur within foreign-controlled spaces.

Preface

I sat on my red loveseat, listening to my grandmother tell me her life story of migration through marriage to an American naval seaman. Although she was always wary and hesitant of talking about her past, I convinced her to talk to me for an oral history assignment in an Asian American history class I was taking at the time. Growing up near the base, she idolized the Americans. She remembered that as a little girl, she would go near the base's perimeters to catch candy that the soldiers would throw out to the Filipino children. Her description of the large naval ships that she was able to visit, since her boyfriend was an American naval seaman, vividly captured this admiration. Much later, in my visits to the Subic Bay Freeport Zone (SBFZ), I would walk along the boardwalk around the bay. The first time I saw a military ship docked there, the memory of our conversation came back to me full force.

I had come from my family's home in Calapacuan, a *barangay* (neighborhood) of Olongapo City, which can be described as a sort of compound, with a central, shared space, and small rooms or two room 'apartments' with concrete floors surrounding the shared space. In this space, at an open spot between my great-grandmother's place and the room for her granddaughter's family, was the spigot for well water. This one-handle pump was used for showering in that same space and getting buckets of water for household chores. There was no running water, not even for the toilet. I could only imagine how my grandmother felt growing up with such limited amenities–a commonplace scenario–and then being brought into a whole new world inside the military base, with buildings, structures, and amenities not available to her outside, in her

own "world." During her visit, she told me of her goal–leaving the Philippines and traveling the world–, which she accomplished through marriage.

Although her story later takes a sad turn, the goodwill she associated with the base and its personnel stuck with me. It puzzled me as I took classes, and learned about America's empire in the Philippines and other countries abroad. Yes, bases were demonstrations of military power and hegemony that brought with them worsening environmental conditions, prostitution, sexually transmitted diseases, and unequal power in state-to-state dynamics, as well as in the day-to-day relationships and interactions between the Americans (often men) and Filipino/as. How did the goodwill and nostalgia that my grandmother spoke of, fit in? Was she an anomaly? Is that why she always spoke about Filipinos being "stuck up"? She told me that she once tried visiting a Filipino American organization, but when all the women wanted to know who her husband was, and what he did for a living, she told them he was a garbage man. She did this, in part I suspect, because she thought these first generation Filipino immigrants–her peers–would look down on her marriage. She then ceased contact with those particular women and that organization.

My first foray into answering this question was my undergraduate thesis at The Ohio State University, supervised by Rachel E. Dwyer. For this project, I interviewed Filipina women from three states–Ohio, Michigan, and Washington–who also migrated to the U.S. through marriage to American military personnel. In my interviews with these Filipina military brides I found that spousal approval is a key determinate in whether they assimilated into the U.S. and/or the degree to which they maintained Filipino cultural traditions. Wives whose husbands ate Filipino foods and engaged in Filipino cultural

traditions maintained greater ties to their ethnic identity when compared to those with husbands who did not. Additionally, they differentiated themselves and their marriages from Filipina "gold diggers" who married Americans to leave the Philippines. They did this by emphasizing previous family connections in, and previous opportunities for migration to, the United States. They weren't like "those" women who used American men.

I further pursued this line of inquiry during my post-undergraduate nine-month Fulbright fellowship to the Philippines, where I interviewed Filipina women who were mothers of Amerasian children, those with American military fathers and Filipina mothers. These women, whom I referred to as those "left behind," lived in Angeles City, home to the former U.S. Clark Air Force Base. They told me narratives about their relationship with these men, the social consequences of the military bases, and the base's impact on the local community. I found that these women–even self-proclaimed prostitutes–preferred having a base in Clark because it provided greater economic opportunities. They also constructed complex narratives about their relationships with military men, emphasizing the powers of luck and love, the construction of marriage, and their role as gatekeepers for their children.

At Princeton, I further developed my interest in interracial relationships, power relations, and macro-historical, state-to-state interactions. Under the guidance of Miguel A. Centeno, I realized I could pursue these interests in varied ways: through quantitative analyses of globalized travel and the creation of cultural wealth, and through qualitative research that links micro and macro power dynamics and examines the interaction of these exchanges with space and place. It is this interest in the varied forms of

international exchange that occur across multiple settings, situations, and levels of analysis that led to this dissertation and the concept of "global borderlands."

One of the dissertation's major objectives is analyzing how broad socio-political structures, historical legacies, meanings, and cultural practices shape and are shaped by micro-interactions. I do so by examining what I call "global borderlands"–semi-autonomous, foreign-controlled geographic locations geared towards international exchange. In this way, I integrate my interests in globalization, inequality, historical/comparative sociology, economic sociology, and inequality. I also return to the place that sparked my interest: the Subic Bay Freeport Zone (SBFZ), Philippines, which occupies the same physical space as the former U.S. Subic Bay Naval Base (SBNB). It is precisely because this place has a history of varied forms of foreign-control–vis-à-vis former Spanish colonial rule, U.S. colonial rule, a brief occupation by Japan, and a permanent U.S. military presence until 1992, and now a Freeport Zone geared towards attracting foreign investment–that it presents a case for studying how interactions, meanings, and practices shape and are shaped by boarder relationships between nation-states.

To examine global borderlands in the Subic Bay Freeport Zone, I use multiple methods, including nine months of ethnographic observations over three, three-month periods within a single year, 47 semi-structured interviews with Filipino workers at the recently constructed SBFZ Harbor Point mall, Filipino SBFZ visitors and foreign SBFZ visitors, alongside informal conversations and interviews with Subic Bay Metropolitan Authority (SBMA, the local governing authority), Filipinos outside the SBFZ, and people I encountered and befriended in my daily routine. To develop rapport with individuals, I

often revealed my own history and connections to Subic. Additionally, I analyzed 418 legal court cases tried in U.S. and R.P. (Republic of the Philippines) courts over issues raised in the former U.S. SBNB and the SBFZ. I also analyzed a variety of U.S. and R.P. government documents, including U.S. government reports, R.P. executive orders, R.P. republic acts, and treaties between the two nations.

Using this data, I analyze global borderlands as a new analytic category, and try to answer the following puzzles: What are the dynamics that occur within sites based on foreign-control? How do people, organizations, and the law negotiate interactions that occur within these foreign-controlled spaces? Using global borderlands as a lens to examine these sites allows me to focus on how unequal relations between countries are played out on-the-ground, in the law, through cultural discourses and practices, and in the interaction with space and place.

I am indebted to many people and organizations that have helped me along the way. First, my initial sociology mentor, Rachel E. Dwyer, who took a chance and advised the honors thesis of a non-sociology undergraduate student (I only took one of her classes) during her first year as an Assistant Professor at The Ohio State University, and without whom I never would have applied for PhD sociology programs. Miguel A Centeno and Viviana A. Zelizer have served as incredible mentors since the beginning of my graduate program and I am grateful for the relationships we've built and the thoughtful, kind, and expansive guidance they have given me and the intellectual toolkits they bestowed. I am forever in their debt. Doug S. Massey for his generous feedback and guidance throughout this project. Robert Wuthnow and Mitchell Duneier also provided helpful feedback and graciously served as external readers for my defense. I am also

grateful to members of my "working group" Erin F. Johnston and Joanne Wang Golann. Erin, Joanne, and I encouraged and critiqued each other's work, praised our relative accomplishments, and empathized with the obstacles we all similarly encountered. Paul DiMaggio served as a critical figure in the development of my previous article on cultural wealth. He particularly influenced my approach on how to specify boundaries when creating a new concept, which influenced this project.

I'm also grateful to all other Princeton faculty who directly and indirectly shaped my intellectual trajectory through coursework, workshops, and personal conversations. I also owe intellectual debts to the 2013-2014 Princeton's Center for the Study of Social Organization workshop led by Viviana A. Zelizer, and am grateful for Donna DeFrancisco, Cindy Gibson, and Amanda Rowe and all of their administrative assistance. Additionally, Saskia Sassen provided important feedback at the 2014 Junior Theorist Symposium, as did Annie Bunting and Sally Engle Merry through the 2013 Law and Society Graduate Student Workshop, and Julian Go at the 2014 Social Science History Association's annual conference. Additionally, a conversation with Amy A Quark during a 2014 PEWS mentoring meeting proved to be invaluable.

The research and writing for this project was also supported by generous funds from Princeton University's Department of Sociology, East Asian Studies Program, Center for Migration and Development, the Princeton Institute for International and Regional Studies, and the American Sociological Association's Minority Fellowship Program. The beginning of this project was also supported by the National Science Foundation's Graduate Research Fellowship. Materials from this dissertation have been accepted and/or revised and resubmitted for publication. This includes a version of the theoretical chapter, which is accepted to *Theory and*

Society, and a version of the social organization chapter, which has been revised and resubmitted to *City & Community*, and I thank the editors and anonymous for their generous feedback and comments.

I have also previously presented these materials at the following scholarly conferences: (1) Some version of the theoretical chapter was presented at the 2014 Junior Theorists Symposium (Berkeley, CA), the 2014 Aage Sørensen Memorial Conference (Oxford, UK), 2013 Eastern Sociological Society (ESS) (Boston), 2013 Law and Society Association's Graduate Student Workshop (Boston), and the 2013 Canadian Law and Society Association & the Law and Society Association of Australia and New Zealand annual conference (Vancouver, BC); and (2) Some version of the social organization chapter was presented at the 2014 Georgetown University's Sociology Department Colloquium, the 2014 Social Science History Association annual conference (Toronto, ON), a 2014 presentation for The Ohio State University's Department of Sociology, a 2014 presentation for Bryn Mawr College's Growth and Structure of Cities Department, and the 2014 Yale's Center for Cultural Sociology Anniversary Conference. I am also scheduled to present related material at the 2015 panel on "Margins, Liminality, and Boundary Work," for the Culture and Cognition mini-conference at ESS (New York).

This project would not be in existence without the people whom allowed me to interview them about their daily lives, the Subic Bay Metropolitan Authority (SBMA) officials whom I interviewed and whom provided me access to materials, and the SBMA Chairman who granted me permission to do so. I'd also like to thank Harbor Point mall officials, specifically Derrick Manuel, who granted me permission to solicit interviews from workers and visitors and graciously answered my questions, and the officials from the various Olongapo City Regional Trial Courts for their assistance in obtaining local

court documents. Additionally, I am grateful to Bryn Mawr College, particularly Gary McDonogh and Mary Osirim, for allowing me to delay my start date to accommodate my pregnancy. I also could not have accomplished my research without the support of my family still living in the Philippines, including, but not limited to: sina Lola, Tita Linda, Tita Olly, AiAi, Angie, and Maria.

Finally, I wouldn't be where I am today without my grandmother, Norma Stone, whose life sparked my sociological imagination; Adam Arnett, my caring and supportive husband who takes credit for my being a sociologist because he recommended Rachel's class when I was looking for an elective to take; and my daughter Olivia, whom has provided such delight, and encouraged me to write more efficiently since she was born before this manuscript was completed.

Chapter 1: Introducing "Global Borderlands"

Since the 1970s, global inequality has dramatically increased. A geography of power separates the handful of rich societies from the large number of poor ones.[1i] Although this division is not new and dates back to before the "age of empire,"[ii] the current era of globalization, by increasing in the speed and intensity of transactions, has arguably transformed economic, political, and cultural relationships. Scholarship on global inequality often takes an elite-centered view that focuses on the actors (nation-states, cities, organizations, or groups) that are able to shape the global political economy, and on the distribution of important cities nationally and internationally.[iii] Such scholarship, which emphasizes the concentration and distribution of goods and services, has been theorized through the lens of cities,[iv] as well as dependency and world-systems perspectives.[v] By definition, these approaches ignore sites of significant international or intercultural exchange and interaction that occur outside these elite spaces.

In contrast, scholarship on frontiers, borders, and borderlands recognizes how inequalities are reproduced in places that cross international or intercultural boundaries.[vi] However, we know surprisingly little about how inequalities are maintained and reproduced in spaces that are based on cultural, social, and economic interactions beyond these particular locales and those that occur within foreign-controlled spaces. Examining unequal interactions–namely, those among foreign visitors, local visitors, and local workers in institutionalized, semi-autonomous and foreign-controlled spaces that lie within national and/or city boundaries–contributes to research around the construction of social boundaries and its relationship to the reproduction of inequality.

[1] I am aware of the disputes regarding whether it is within- or between-country inequality that is rising. I use "societies" here to demonstrate that there is an increasing divide between the rich and poor, whether the unit of analysis is within- or between-countries.

Although Philippine scholars tend to use the former U.S. bases and current Freeport Zones in the Philippines as symbols of U.S. imperialism and Philippine dependency,[vii] my aim here is to not generate a theory of U.S. and Philippine economic or military relations nor is it to say whether these spaces are "good" or "bad" for development. Rather, I seek to identify how specific foreign-controlled sites within national boundaries perpetuate and maintain unequal spatial, economic, social and cultural international relationships. Political scientists and economists analyze the economic and political impact of military bases and Special Economic Zones (SEZs) on host countries,[viii] and scholars writing from the perspective of feminist or ethnic studies emphasize their negative traits and consequences.[ix] Historians and anthropologists analyze the expansion of frontier zones and cross-national ties within cities on national borders.[x] I combine these approaches with global city scholarship to analyze the new globalized and analytic spaces of "global borderlands."

In this chapter, I first define global borderlands and detail their shared features. Next, I situate global borderlands with the literatures on global cities, which are economic command and control centers, and traditional borderlands that highlight micro interactions across two national boundaries, and note that global borderlands represent nationally bounded, foreign-controlled centers for cultural and social interactions that also have important economic influence for their host nations. In this way, they are localized command and control centers of varied forms of foreign exchange. Then, I introduce the case study, and describe my methodologies and data. Finally, I conclude with an outline of the remainder of the dissertation.

Global borderlands: A definition

Global borderlands are semi-autonomous, foreign-controlled geographic locations geared toward international exchange. By "international exchange" I mean the combination of social, cultural, and economic exchanges and interactions, since each cannot be divorced from the others. Economic exchanges are rooted in shared cultural understandings and social relationships.[xi] At the same time, cultural and social interactions often involve exchange and have important economic consequences. I also use the term "foreign-controlled" to refer to either foreign ownership or heavy foreign influence, where this influence is one of the defining characteristics of a space–for example, special economic zones are not foreign-owned but are created to cultivate foreign investment. Additionally, global borderlands are territorially defined locations where distinct international, state, and sub-national legal orders overlap, are negotiated, and directly influence one another. These sites include overseas military bases, SEZs[2] (for example, the island province of Hainan in China), all-inclusive tourist resorts, embassies, cruise ships, and international branch campuses.

For example, NYU Abu Dhabi is a global borderland because it is a U.S.-controlled and -owned university in the United Arab Emirates; however, NYU in New York City is not. The semi-autonomy of universities in general–which includes the maintenance of their own police forces–is not the same because the semi-autonomy of global borderlands is based on nationality. Additionally, all-inclusive American-owned resorts, such as the CasaMagna Marriott Cancun Resort in Cancun, Mexico, or

[2] Special economic zones (SEZ) is a generic term that encapsulates a "geographically delimited area administered by a single body, offering certain incentives (generally duty-free importing and streamlined customs procedures) to businesses which physically locate within the zone (FIAS report:10)" This includes free trade zones, export processing zones, enterprise zones, freeports, single factory EPZ, and specialized zones (e.g. science parks), each with functions varying from the processing of imports which are then exported out from the country, to duty free shopping . Because they take different forms, names and sizes in countries and these types differ by region, there is no overarching international governing body

timeshares, such as the RCI-owned Mayan Place Acapulco in Acapulco, Mexico are global borderlands, but a locally owned and operated hotel in Mexico is not. These places share a basic framework of semi-autonomy and foreign control, symbolic and geographic boundaries, and international exchange and unequal relations.

In much the same way as Sassen uses the term "global" to emphasize how globalization is structured and localized in the current era,[xii] I use the term "global" in global borderlands to highlight how globalized interactions are structured and localized in particular places, whose histories and connections with foreign authorities shape the interactions that occur within them. In these spaces, legal authority and applicability is ambiguous, and law and punishment differ depending on the identity of the criminal and the context of the crime. This nationality-based semi-autonomy occurs on a continuum. For example, overseas military bases are ruled by separate laws–not those of the host nations–while within SEZs, national economic laws, such as tariff barriers, are relaxed.[3] For all-inclusive, foreign-owned resorts, semi-autonomy is much more informal.

In developing countries, these spaces represent a particular type of global borderland defined by the historical and contemporary power relations between countries and the asymmetric distribution of resources among foreign visitors, local visitors and local workers. They are not "flat" spaces of international exchange; instead they are defined by macro (state-to-state) relationships between countries as well as by the micro-interactions that occur between foreigners and locals, which are further defined by individuals' class, nationality, race/ethnicity and gender. By examining semi-autonomous non-city and non-national foreign-controlled spaces surrounded by geographic and

[3] Imports often stay confined within these areas; however, locals are also sometimes able to partake in these goods and services in small doses–as is in the case of the SBFZ.

symbolic borders, we can shed light on spatial and symbolic segregation within urban sociology[xiii] and how overlapping legal orders are managed on the ground and in the courts.[xiv] Global borderlands, in particular, represent physical areas where governance and regulations increasingly depend on national identity.

Such sites are not insignificant. For example, military bases are often bundled with forms of military and economic aid, leave behind permanent structures that can later be used locally, and are an important source of employment for locals in host countries. The number of U.S. overseas military bases alone grew from 173 in 32 countries in 1995 to 750 in 45 countries in 2010.[xv][4] Similarly, the construction of SEZs is one way countries try to attract foreign direct investment (FDI), which has consequences for national development–though the benefits and consequences are debated–and the meanings associated with SEZs differ depending on local context.[xvi] Export Processing Zones (EPZs), one of many types of SEZ, grew from 93 in 25 countries in 1997 to 3,500 in 130 countries in 2006.[xvii]

Similarly, tourism has been called the "world's biggest business" and affects GDP, employment rates, exports, imports and national images.[xviii] All-inclusive resorts and timeshares shape local markets and structure the interaction among different groups of people. Their very success depends on successful short-term relationships being built across nationalities. As of September 2014, the company RCI alone operated 271 resort/vacation exchanges in Africa and the Middle East, 593 in Asia, 234 in Australia

[4] The U.S. military invested $182 billion between 1989 and 1991 (just a few years before the military withdrawal) in buildings, structures, infrastructure, and operational and recreational facilities within the Subic Bay Naval Base; United States General Accounting Office (1992)

and South Pacific, 114 in Canada, 281 in the Caribbean and Bermuda, 62 in Central America, 1037 in Europe, 476 in Mexico, and 375 in South America.[5]

The impact of global borderlands can be immense. Each has its own infrastructure, workers, and consumers, and they can represent a microcosm of the relationship between the host and guest nations. Although formal agreements related to embassies, military bases, and international branch campuses have the most visible and direct connection between micro-interactions and broader, international arrangements, timeshares and all-inclusive resorts also share such a connection. For example, in 2013, news that six tourists were raped in Acapulco, Mexico–a center of foreign tourism–made global news precisely because it occurred in these spaces;[6] additionally, state travel warnings lead tourists to choose certain destinations over others. In contrast to global cities, which are concentrated financial hubs, a single borderland in a single country may not account for a significant share of overall economic, cultural or social global exchange. However, the sheer number of these institutions is significant and they occur in all regions of the world.

Forms of international exchange

Social science research has a long history of investigating forms of international exchange. For example, global cities are financial command and control centers; they are city nodes created by, and dependent on, an international economic network.[xix] Such cities are strategic research sites for examining the economic processes of globalization and their implications for internal city dynamics and inequality, as well as for

[5] RCI online resort directory, http://www.rci.com/resort-directory/landing, last accessed September 15, 2014. Although this measure is problematic since it is an American-based organization, it allows for some tangible measure of this phenomenon.
[6]See for example: http://www.cnn.com/2013/02/05/world/americas/mexico-tourists-raped/, last accessed September 15, 2014

stratification on a global scale. Some scholars debate which cities can be considered "global cities," while others have worked to identify cities' positions in the world city network and how these cities are shaped by historically specific, localized processes.[xx]

Similarly, research on geopolitical borders similarly looks at sites of international exchange. Although sometimes the words "frontiers" and "borderlands" are used interchangeably because they both represent the meeting between different types of groups and acknowledge the existence of "internal" (within a specified territory) and "external" (across two territories) spaces,[xxi] frontier scholarship tends to have a one-sided, imperial focus on powers expanding into "borderless" lands (such as colonial expansion into the American Southwest) and is "outward-oriented." In contrast, borderland researchers tend to analyze how national ideologies and understandings of "belonging" are shaped by changing political and transportation boundaries; how individuals and states are culturally, socially, and financially linked; how borderlands are sites of informal and formal consumption, and cross-national organizational cooperation; how borderland or transnational identities and cosmopolitanism are created; and how borderlands are sites of contestation, negotiation, and meaning-making.[xxii]

Other scholars take a less optimistic view, suggesting that both border patrols and residents on either side of the border can place people into wanted and unwanted categories based on nationality, race/ethnicity, and class.[xxiii] To these scholars, geo-political borderlands are sites of institutionalized inequality, are rooted in national boundaries, or form the symbolic identities of people living in two cultures.[xxiv] However, precisely because these researchers focus on geopolitical borders or cities along these

borders, they tend to ignore bounded sites within the state that share similar characteristics.

In analyzing global borderlands, I draw on literatures that emphasize how these borderlands act as sites where people of groups interact and how they maintain and reproduce inequalities through social and economic relations as well as cultural meanings. The global cities literature is also important because of the similarities global cities and global borderlands share in their social organization, where the dynamics of the rich necessarily depend on the work of the poor and because the empirical approach to analyzing and identifying global cities can be adapted to the analysis of global borderlands.

In defining "global borderlands" as semi-autonomous, foreign-controlled geographic locations geared towards international exchange, I draw on Sassen's[xxv] work on "analytic borderlands," which are a "formation of particular types of territoriality assembled out of 'national' and 'global' elements, each individual or aggregate instance evincing distinct spatio-temporal features."[xxvi] They are "assemblages" of both the national and local. I similarly emphasize the need to identify places, understand how they are rooted in historical localized processes, examine their "social thickness" and understand the interconnected (that is, not mutually exclusive) and partial nature of the global and the national, as well as the transformation of states' and people's territory, authority, and rights. However, my work deviates from Sassen's in important ways.

First, I focus on *foreign-controlled* spaces within a sovereign nation-state. Global borderlands are specific places of semi-autonomy based on nationality. Second, my emphasis on place is rooted in specific geographic locations and their ties to local

context. Although the analytic borderlands of digitized finance are "inserted in the physical space of national territory, they may have little to do with the surrounding context."[xxvii] Within global borderlands, the country, city, and immediate community in which they are located, the local history, and the historic and contemporary relationship between the host nation-state and foreign visitors' countries of origin are all important. This grounding in history is necessary to understand the complex interactions that occur within these spaces, and the implications these interactions have for broader state-to-state relationships.

For example, it is important that the SBFZ's buildings are former U.S. naval structures, and that it is located in Olongapo City, and not in another Philippine city. The relationship between the U.S. Navy and Olongapo is distinct from the relationship between Subic Bay Naval Base's sister base, Clark Air Force Base, and its surrounding community, Angeles City. I argue that this is, in part, because of the greater integration of the U.S. Navy with Olongapo. The Subic Bay Naval Base employed almost four times as did Clark, and the navy was integrated into the Olongapo political dynasty of the Gordons–the first mayor of Olongapo City was the son of an American Marine.[xxviii] Finally, whereas Sassen[xxix] emphasizes analytic borderlands' cross-national connections, the networked nature of global borderlands is an empirical question.

In analyzing the spaces of "global borderlands," I follow previous work on how place, culture, and economy interact with global and national processes. However, I extend this literature by examining how these interactions and processes occur within foreign-controlled spaces that are geared toward international exchange.

Methodology and data

I use qualitative historical, interview, ethnographic, and case study methods to examine the forms of interactions that occur within the Subic Bay Freeport Zone in the Philippines. I focus on the SBFZ because, as the home of a former U.S. military base and the current site of a Freeport Zone (FZ), it serves as a particularly "strategic research site"[xxx] to examine the different ways that groups interact with varied forms of foreign control within a space of unequal power.

Historical sociology "is the attempt to understand the relationship of personal activity and experience on the one hand and social organization on the other as something that is continuously constructed in time."[xxxi] Indeed, social, political, legal, and economic acts have "historical residue"[xxxii] that impact contemporary conditions, and I use an intensive strategy of studying a single place to develop meaningful historical interpretation.[xxxiii] Following Braudel,[xxxiv] I emphasize (a) path-dependent social conditions and processes that generate historical spaces, and (b) the experiences of local actors.[xxxv] I also follow Bradshaw and Wallace's assertion that single case studies are particularly useful for generating theory when they focus on a "special…set of circumstances or phenomena that warrant intensive study."[xxxvi] The SBFZ's long history as first, as a Spanish arsenal, then as a U.S. naval base, coupled with its current iteration as a Freeport Zone, allows me to conduct in-depth study of a single place that has experienced varied forms of colonial and military foreign power.

I use in-depth interviews, nine months of ethnographic observation, documents and statistical information. I conducted 47 in-depth, semi-structured interviews of foreign visitors, local visitors and local workers, a survey of hotel managers inside the FZ, and informal interviews of local government workers and others whom I befriended in my

daily routine. Interviews revolved around their perceptions of the FZ, reasons that they visited or worked inside the FZ, comparisons between inside and outside the FZ, and where they eat, shop, and work. Interviews with foreign visitors were conducted in English. I am also an intermediate speaker of Filipino (Tagalog), one of the national languages of the Philippines, and interviews with local workers and local visitors were conducted in Tagalog, unless they requested to be interviewed in English. Interviewees were recruited by handing out flyers in Harbor Point mall, one of the SBFZ's most concentrated spaces. Initial respondents then referred others, making this a snowball sample. In-depth interviews are an important source of information that allows researchers to get at meanings and collective understandings.

A note on reflexivity; I am a mixed Filipino American academic woman whose family continues to reside in Subic. In examining the experiences of middle- and upper-class Filipinos and foreigners in the Philippines, I am documenting a place and writing about lives that, while somewhat familiar, are also often relatively disadvantaged compared to my own. How might my social position affect my work? One major concern is that it might limit or change what my Filipino respondents say when discussing their perceptions of the U.S. However, in previous research in the Philippines, I interviewed activists, students, and academics who share the aforementioned critical perspective. In another project, I spoke with mothers of Amerasian children, children whose fathers are American military men and whose mothers are Filipinas. One of my interviewees discussed her frustration at being used by researchers and her distaste for the American military. In my experience, people in the Philippines tend to easily share their anti-U.S. and anti-military views; in some cases, people were even more eager to talk because they

assumed that, as a Filipino American, I shared this perspective.

I also used a targeted ethnographic approach, spending a total of nine months in the local area over three three-month periods to focus on specific borderlands and how they interrelate. In the spirit of classical ethnographic community studies,[xxxvii] I moved into an apartment that was approximately 15 minutes by foot from the SBFZ, made daily trips into the SBFZ, and conducted participant observation inside both places (e.g., shopping at local food markets, using local jeepney transportation, and visiting local businesses).). I focused on observing the differences between being inside or outside the SBFZ, to which I traveled almost daily. My ethnographic observations produced three types of data: (1) counts of the number of hotels, businesses, and foreign visitors inside and outside the borderlands, (2) observations of popular spaces of interactions and non-interactions among different groups, with a particular focus on differences in skin color, signals of class, and nationality, and (3) differences in the facilities and resources available in spaces geared toward foreigners versus those that were not. Documents were similarly analyzed using an inductive approach that emphasizes identifying emergent theoretical and substantive patterns.

I conducted keyword searches of "Subic Bay Naval Base," "Subic Bay Freeport Zone," "Subic Bay," and "Olongapo City" using Westlaw and LexisNexis for U.S. court cases as well as ChanRobles Virtual Law Library and Lawphil.net for Philippine legal cases. Philippine-U.S. treaties, as well as Philippine government documents, such as executive orders and republic acts, were also gathered from ChanRobles and Lawphil.net. Additionally, I have paper copies of Philippine local cases from visits to the Olongapo City regional trial courts (RTCs); however, these are limited because the 1992 eruption of

Mt. Pinatubo, which destroyed Clark Air Force Base and damaged the Subic Bay Naval Base, also destroyed many files. The cases I highlight give insight into the types of international disputes that occur within global borderlands. I obtained SBFZ statistics from SBFZ workers in various departments.

Analytic approach

In analyzing my data, I take a relational approach[xxxviii] that emphasizes the relationship between two or three parties. For example, in contrast to global or world-systems analyses that take into account how the unit of analysis (cities, countries) fits into a global or national understanding, I draw and expand on Bandelj[xxxix] to suggest a more specific approach aimed at understanding how relationships among actors shape localized interactions. I have argued elsewhere,[xl] that to understand global inequality, we need to analyze how relationships between countries differ based on their specific historical, institutional, and cultural connections. Thus, my analytic approach emphasizes historical connections, cultural understandings, and social structures, and how they relate to macro and micro power relations. For example, to examine the SBFZ in the Philippines, it is not enough to consider the Philippines' former or contemporary global position, or its U.S. colonial past. Rather, understanding specific relationships–for example, between the U.S. and the Philippines, Australia and the Philippines, and Japan and the Philippines–can illuminate how Filipino workers and locals understand and interact with different types of foreigners, depending on their nationality.

Furthermore, in contrast to Sassen who emphasizes that economic actors (defined as firms, organizations, and business people) encounter jurisdictional overlaps in analytic borderlands and that these spaces privilege the "multiple 'rights' to foreign actors,"[xli] I

follow legal pluralist scholars who emphasize the plural nature of legal orders (e.g., they are not limited to state laws, but also include normative orders). Thus, my focus is on how these multiple legal orders are differently and similarly understood and followed by foreigner and local actors. Furthermore, I compare not just foreigners and local workers, but also local visitors.

Finally, although I did not use grounded theory methods to gather my data, my analysis is inspired by grounded theory approaches that encourage analytic memo writing, line-by-line coding of data, and the use of visual diagramming.[xlii]

Introducing the setting: Subic Bay Freeport Zone, Philippines

The SBFZ is a strategic location to study global borderlands allowing me to examine how varied forms of foreign authority and investment influence local dynamics. It served as a port for Spanish colonial powers and was home to the largest overseas U.S. naval base (Subic Bay Naval Base, or SBNB) until 1992; it now functions as a key tourism location and an FZ, which continues to host U.S. military ships, and also contains a port district, shipping and manufacturing businesses, universities, an international school, a local zoo, a water park, duty-free shopping centers, an upscale mall, three gated communities and land shared with the Aetas–an indigenous group. The very visibility of the different types of interactions and conflicts that take place in the SBFZ, rather than any differences in the nature of these interactions, makes it an ideal case study to examine inequality, legal ambiguity, and the porous or non-porous construction of boundaries within foreign-controlled spaces.

Outline of the remainder of the dissertation

This chapter introduces the concept of "global borderlands" to identify new globalized and analytic spaces that are semi-autonomous, foreign-controlled geographic locations geared toward international exchange. It thus extends the rich literature on global cities and traditional borderlands by showing the significance of these foreign-controlled spaces. It also highlights how or state-to-state relationships–not only an individual country's place in a world-system– directly and indirectly influence and are influenced by micro-interactions.

In the remaining chapters of the dissertation, I use the former U.S. Subic Bay Naval Base and the Subic Bay Freeport Zone as case studies to examine the three-shared features (semi-autonomy, geographic and symbolic boundaries, and unequal relations) of global borderlands. Although, separately, these characteristics are commonplace, in global borderlands they interact in spaces of unequal power and are influenced by state-to-state relations. The case of the Subic Bay Freeport Zone, Philippines illustrates how global borderlands work.

Before turning my focus on the three-shared characteristics of global borderlands, I first examine their creation. Chapter 2 discusses the creation and maintenance of the former U.S. Subic Bay Naval Base and Subic Bay Freeport Zone. It provides a more detailed explanation of the site's importance and strategic value for research, and I show how these sites are purposefully constructed, the result of political and economic bargaining, and situated in particular historical circumstances. I do this by first detailing the place's contact with Spanish and American rule, the strategic and economic importance of the base to both the U.S. and R.P., how Filipino elites used base

negotiations and symbolism for their own advantage, and the specific historical circumstances which led to the SBFZ creation.

In chapter 3 I examine the first of global borderlands' three features: semi-autonomy. In analyzing the legal histories and cultures within both spaces I focus on important issues and conflicts that occur between actors of different nationalities, classes, and/or genders. In doing so, I highlight four analytic types of cases involving negotiations between (1) identity and territory as it relates to sovereignty and dependency, (2) territorial sovereignty and administrative sovereignty, (3) blood and marriage, and (4) short- and long-term obligations. I show the fluidity of semi-sovereignty and foreign-control, and how despite formal agreements that regulate military personnel, the ambiguous wording of these agreements allows for power and pressure to influence everyday decisions and actions. Additionally, I demonstrate how territorial space and the actions that occur within or outside them are subject to important negotiations between countries.

Chapter 4 examines global borderlands' second feature: geographic and symbolic boundaries, and how these boundaries differentiate global borderlands from the surrounding communities. In the case of the SBFZ this occurs through the socio-spatial organization which directly and indirectly exclude the poor, and the cultural practices (including littering and traffic) and moral discourses (of who and what are "good" and "bad") that are associated with the former base. I show that the geographic and symbolic boundaries that differentiate the SBFZ from Olongapo City take the form of visual representations and historical legacies of the U.S. military, and are associated with everyday moral discourses and cultural practices.

Chapter 5 illustrates the final characteristic of global borderlands: unequal relations. I identify varied forms of inequality within global borderlands, and discuss the ways in which various participants manage these forms. I also outline how these forms are influenced by time (short- or long-term), space (geographic convenience, physical structures), and organizational form (military, missionary institutions). In analyzing the strategies people use in their management of inequality, I detail consumption practices, money management and strategies used in dealing with bureaucracies and outline how macro Philippine-U.S. and Philippine-Korean state relations are filtered through everyday interactions and perceptions.

Because the focus is on historical and localized context, a key limitation of the global borderlands concept is not being able to link workers', local visitors' and foreign visitors' experiences as easily as, for example, a world-systems theory that focuses on exploitation. Additionally, although a global borderlands perspective can take into account the profit that organizations and corporations extract from these spaces, that is not what I emphasize. Rather, I concentrate on how, for example, workers' wages, interactions, and perceptions of daily life influence and are influenced by broader macro state to state relationships.

Although this dissertation is based on a single case study, it is intended to be a launching point for understanding the dynamics that occur in other semi-autonomous and foreign-controlled spaces. Future research should refine and expand this framework by analyzing how these processes vary across time, national location (e.g., within a country in the North America, West Africa, Eastern Europe), institutional context (e.g., international branch campus, embassy, current military base, all-inclusive timeshare), and

history (e.g., history of relations between countries of origin and destination, and local histories). Scholars should also explore the networked nature of global borderlands, and the varying global connections that occur based on institutional context.

Global borderlands, including military bases, tourist resorts, special economic zones, international branch campuses, embassies, and headquarters of international organizations are new analytic spaces where we can find and examine globalization processes. In this way, relevant research can be subsumed into a unifying theoretical perspective that pays close attention to how semi-autonomous, foreign-controlled places reinforce, interact, and reproduce unequal interactions among different groups, as well as how these interactions relate to boundary-making between places and people.

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Timeline of Selected Key Events

1572: First scouting of Subic by Spanish
1868: Spanish military expedition survey
1885: Spanish royal degree to begin construction of naval arsenal
1898: Treaty of Paris signed, $20 million in exchange for the Philippines and other territories
1899: American use of the Subic Bay Naval Base begins
1899-1902: Filipino-American War
1934: Tydings-McDuffie Act (Philippine Independence Act)
1941 (Dec 8): Japanese bombing of Subic
1941 (Dec 24): Naval Station and Olongapo City deliberately burned by its occupants
1945: U.S. 5th Air Force drops bombs on Grande Island, liberating the area
1946: Treaty of General Relations, declaring the Philippines a sovereign nation-state
1946: Bell Trade Act
1947: Military Bases Agreement between the U.S. and the Philippines
1947: Military Assistance Act: the creation of Joint U.S. Military Advisory Group (JUSMAG)
1951: Mutual Defense Treaty
1954: SEATO / Manila Pact
1955: Laurel-Langley Agreement
1964: Tonkin Gulf Incident
1965: Marcos elected
1966: Military Bases Agreement Amendment: a change from a 99 to 25 year lease; Olongapo City is given over to the Philippines
1972: Martial Law declared
1973: Case-Church amendment, American withdrawal of direct military action within Vietnam
1979: Soviets signed 25-year lease of former U.S. military base at Cam Ranh Bay in Vietnam
1979: Military Bases Agreement amendment: the bases will now be under Philippine control
1985: People's Power Movement: oust of Marcos and election of Cory Aquino
1991: (Jan 31st) All facilities except Subic Bay Naval Base and Clark Air Force Base are handed over to the Philippines
1991: Mt. Pinatubo erupts; U.S. cedes Clark Air Force Base to the Philippines
1991: A 12 to 11 Senate vote rejects an extension of the Military Bases Agreement (known as the Treaty of Friendship, Cooperation and Security) signed by President Aquino. It was 5 votes shy of approval.
1992: Creation of the Subic Bay Freeport Zone
-Signed in March, in anticipation of the withdrawal
1992: Withdrawal of American military personnel
-U.S. flag lowered on November 24th
-Last of the remaining forces withdrew in December
1992: Subic Bay Naval Base occupied by Filipino volunteers immediately after the withdrawal
1998: Visiting Forces Agreement between the U.S. and the Philippines
2011: Signing of the Manila Declaration, which reaffirmed the R.P.-U.S. alliance and celebrated the 60th anniversary of the Mutual Defense Treaty
2012: 20th anniversary of the creation of the Subic Bay Freeport Zone

Chapter 2: Creating Global Borderlands

Organized by the then Mayor, Richard "Dick" Gordon, over 3,000 Filipinos[i] took over the Subic Bay Naval Base (SBNB) after the 1992 U.S. military withdrawal. They immediately secured the area, locking up valuable items left in open buildings, and guarding those that could not be moved. They became known as the "Children of the Sun" and have a park inside the Freeport Zone (FZ) dedicated to their service. These volunteers came from all walks of life – doctors, drivers, vendors, young professionals, (former) bar girls, and housewives, and some were recruited from other countries. Without pay, they protected the facilities and infrastructures for almost five months until employment funds and hiring notices were available. Up to an estimated 80,000 people in total volunteered in some capacity,[ii] and even local businesses participated. For example, the local Victory Liner Bus Company provided buses to help transport people to the more remote areas within the 30,380 acre[iii] naval base.[iv] This unique volunteerism marked the transition of the SBNB into a FZ.

However, the vast majority of borderlands are not created with the assistance of organized volunteer movements, yet neither are they an accidental nor natural occurrence. Freeport Zones, embassies, military bases, international branch campuses and the like are purposefully constructed and often are the result of political and economic bargaining. The creation and expansion of the Subic Bay Freeport Zone (SBFZ) was not an exception, and in this chapter I discuss how it arose under particular historical circumstances. I first describe the city's initial contact with the Spanish and the Americans, which is important for understanding race/ethnic-, class-, and nationality-based interactions within this space, and how the SBNB was continuously subject to

political debate regarding its use. Next, I analyze the strategic and economic importance of the bases to the U.S. and the R.P and how the Subic Bay Naval Base and Clark Air Force Base (CAFB) represent two types of military bases. The following two sections outline how Filipinos used base negotiations and symbolism to their political and economic advantage, and detail the specifics relating to the creation of the SBFZ. The chapter concludes with some discussion on the historical creation of borderlands, how they are often fraught with political and economic ramifications, and on the continuing United States (U.S.) - Republic of the Philippines (R.P.) military relationship. The creation of borderlands is important to examine because their creation sets the foundation for the dynamics between local community members, local workers, and foreigners. Whether their creation is contested or easily assimilated into the surrounding areas can determine the perception of these locales and the relationships that are created within and between them.

Initial Contact with the Spanish and the Americans

The Spanish

Spanish rule over the Philippines began in 1565. They blended indigenous and Spanish traditions in a way that resulted in the current patron-client system, implemented feudal land holding, and left educational instruction to the religious orders who educated very few natives and taught in local tongues, rather than in Spanish, in order to discourage rebellion.[v] The Spanish, although unifying the islands in Catholicism and as a political unit under the monarchy, kept the indigenous political units and factions intact. Six years after conquest, the city of Manila was established.[vi] As a key port in the Manila-Acapulco trade route, Manila became a site of significant financial, cultural, and

social exchange.[vii] However, it was also economically vulnerable[viii] and the wealth it generated was unevenly distributed. Poverty was rampant, and the country's wealth and infrastructure were concentrated within this single city. Intermarriage was a means of social and economic mobility available to rich Filipinos, and many married lighter-skinned Spaniards and Chinese–who controlled most aspects of the retail, agricultural, and industrial markets. The resulting interwoven racial, class, and urban-rural distinctions continue today with high status, light-skinned urban families from Spanish descent at the top, followed by those of Filipino-Chinese descent, and indigenous, dark-skinned rural Filipinos at the very bottom of the hierarchy.[ix] A simple walk from Olongapo City to inside the SBFZ, which directly and indirectly excludes the poor, can give insight into the contemporary hierarchy.

Although the Spanish opted to build their naval stronghold near Manila Bay, they first scouted Subic Bay in 1572, and in 1884 built an armory there.[x] With infrequent use and poorly planned and ill-equipped facilities, the small subset of the Spanish navy stationed at Subic during the Spanish-American war was easily defeated.[xixii] Filipino insurgents–who fought against American occupation in the Filipino-American War–took immediate control over the Bay; however, it soon came under U.S. military rule.[xiiixiv] A common saying is that the Philippines spent 300 years in the convent, and 50 years in Hollywood. With the takeover of Subic Bay in 1899, Subic's journey into Hollywood began.

The Americans

During the colonial era, Americans enforced a policy of "benevolent assimilation" and of Filipinazation–placing day-to-day rule of the Philippines in the hands of Filipinos.

Their goal was to Americanize Filipinos–their "little brown brothers"–and a key factor was instituting English as the *lingua franca*, with teachers called "Thomasites" immigrating to the Philippines to teach English, and with select Filipinos, called "pensionados" traveling to the U.S. to study at American universities.[xvxvi] However, American officials also backed the elite oligarchy instituted by the Spanish, failed to implement promised land reform, widened the gaps between the rich and the poor,[xvii] and restructured the Philippine economy in order to export cheap, duty-free goods–such as sugar, coconut oil, and various fibers–to the U.S., and to import American goods including cigarettes, galvanized iron, steel sheets, paints, canned milk, and soap. For example, in 1934, the Philippines was the ninth largest market for U.S. goods and in 1935 American investments in the R.P. were worth over $200 million.[xviii] This interlocking of the Philippine and American economies continued into Philippine independence with the Bell Trade Act of 1946, which among other things granted U.S. citizens and corporations parity with Filipino citizens in regards to access to Philippine materials and resources, pegged the Philippine peso to the U.S. dollar, and gave U.S. preferential tariffs.[xix] To some, the American military facilities in the Philippines symbolized a continuation of an unequal relationship between the two countries, and the creation of the SBFZ following their withdrawal represented the real beginning of Philippine sovereignty.

When Americans took control over the Philippines, U.S. officials and civilians alike initially debated the value of controlling the islands.[xx] Imperialists saw overseas colonies as the next viable step in the Manifest Destiny doctrine and the Philippines in particular as a strategic and commercial island where American values and institutions could be spread; while anti-imperialists argued that they were an unimportant outpost in the

Pacific that was exposed and would make the U.S. vulnerable.[xxi]

Similarly, and contrary to popular perception, the U.S. bases in the Philippines have never been seen as necessary-at-all-costs. Rather, Americans questioned their presence and use at almost every stage of its development. For example, despite later assertions of the importance of Subic Bay by both the U.S. and the R.P., the choice of where to locate the U.S. military fleet was not obvious. Iloilo, Guimaras, Basilan, Cavite (for Manila Bay) and Dumanquilas Bay were initially seen as viable alternatives; however, due to Admiral Dewey's influence,[xxii]in 1900 the Navy's General Board chose Subic as its primary location in the Philippines.[xxiii] Dewey's reasoning was based on the Bay's deep and wide water, surrounded by steep hills on all three sides, and the location of Grande Island at the mouth of the bay, where the military could command the surrounding areas. Additionally, it already included heavy artillery batteries and minefields from the Spanish, and was an ideal place to counter a sea attack.[xxiv] However, local officers serving on-the-ground saw Subic as a "rat trap," vulnerable to land attack, and too far away from Manila–the capital city that some argued was a better, more strategic site for the main base–for the fleets to support one another.[xxvxxvi]

Subic Bay became the largest training ground for the U.S. Marines within the first five years of U.S. use, [xxvii] and was built up during World War I. However, in the mid 1930s, there were simultaneously an order to increase the security at Subic Bay to counter a Japanese attack, and plans for gradual withdrawal. However, the American and Filipino forces were ill prepared for the Japanese attacks on December 8th, 11th and 13th 1941, and the Japanese ruled over Subic Bay for three years. After their defeat, the Philippines became a sovereign republic in 1946.[xxviii] During this time, the issues

regarding the importance, and possible withdrawal, of the bases were again brought to attention, this time by General Eisenhower.[xxix] Military control over these borderland spaces–regarding the initial military takeover of the Philippines, locations of naval bases, the 1947 bases agreement between the two sovereign nations, and its subsequent amendments–were not taken for granted, but rather were continually fraught with political and economic debates about their worth.

With the 1946 Military Bases Agreement between the R.P. and the U.S., the city and the base remained linked, and this relationship was evident in the physical structures and cultural meanings attached to the city. Although U.S. personnel and Filipinos burned the base and the city to the ground 16 days after the first bombing in order to keep the Japanese from access to their supplies and resources,[xxx] both were eventually rebuilt with American economic aid. During its rebuilding period it remained under U.S. control.[xxxi] In 1966–20 years after Philippine independence–Olongapo officially became a Philippine city.[xxxii] Like Manila, its rebuilt architecture and physical development reflected two kinds of spaces: "first, an abstract space of [American] ideals and intentions; second, a "real" or physical space shaped by its inhabitants," –American and Filipino military and civilians alike.[xxxiii]

Today, Olongapo City reflects its American-style city planning origins with parallel and perpendicular planned roads, while remaining "Filipino." Here, depending on how close you are to the center of the city, chickens, stray dogs, cats and their waste, random puddles of urine, large piles of trash, and the intersection of beggars, school children, pedestrians, shops, internet cafes, small schools, churches, construction sites, manufacturing and construction workers in flip flops, vendors operating out of carts

and/or makeshift stalls, and other vendors selling gum, fruits out of wooden plates, Filipino food out of plastic bags, and drinks out of plastic containers, fill this space. English and Tagalog signs hang from buildings, while palm and other types of trees dot the mountainous landscape. Along the streets, jeepneys–originally World War II American vehicles converted into public transportation, trikes–motorcycles with side cars for passengers, and pedicabs–bicycles with side cabs for passengers or cargo, weave through the streets, using road lines only as suggestions and leaving trails of exhaust fumes in the air.[xxxiv]

The Importance of American Bases in the Philippines: Independence to the Vietnam War

The American bases in the Philippines were not solely about a hegemonic power exploiting a former colonial dependent. Rather, these bases also held strategic and economic value to both parties, nationally and locally.

Strategic Importance to the U.S.

Officials argued that since the U.S. is a Pacific Nation that includes Hawaii, Alaska, Guam, and American Samoa, Americans had a vital interest in the peace, order, and stability of the region because the maintenance of these bases served not only to protect its own territories and national security interests but also those of their allies'.[xxxv] Militarily, the bases themselves were important hubs for logistical and maintenance support during the Vietnam and Korean wars and for operations in the Indian Ocean, Southeast Asia, Northeast Asia, East Africa and the Middle East. Politically, the U.S. used the bases to maintain a power balance in the region, serving as a deterrent to communist threats particularly when, in 1979, the Soviet Union took over the former American Cam Ranh Bay Naval and Air Bases in Vietnam.[xxxvi] Moreover, the U.S. was

able to assist in maintaining the mutual defense of the U.S. and the Philippines, including their internal Communist insurgencies, as outlined in various treaties.[xxxvii]

The Philippines, and therefore its U.S. military bases, also are strategically located at the rim of Southeast Asia, flanking South China Sea traffic lanes, and the bases' presence allowed the U.S. to protect allies' oil and shipping lanes, have a gateway to the Asia Pacific Region and use the Philippines as an important economic market.[xxxviii] For example, in 1964 exports to the Philippines totaled $360 million and Philippine imports came to $387 million, while in 1983 U.S.-R.P. trade totaled $3.8 billion.[xxxix] In 1991, one year before the American withdrawal, 35% of U.S. international trade took place in this region–more than any other region in the world and approximately 1/3 of the $422 billion in U.S. exports went to the Pacific, with Japan as the largest single U.S. trading partner and the largest U.S. customer of foreign military sales in Asia or Europe.[xl]

Economic Importance to the R.P.

Despite an unequal relationship with the U.S., the American bases were also important assets for the Philippines. For example, jurisdiction over South China Sea islands allows for control over access to their traffic lanes, and although these disputes continue today, the permanent presence of the U.S. military helped ward them off.[xli] More importantly, however, was that although the bases agreement stipulated no rent be paid for their use, they came bundled with other forms of important economic and military aid and assistance. For example, between 1976 and 1979, the Philippines received approximately $327.3 million in assistance.[xlii] Per the 1979 MBA amendment, the Philippines received $500 million, while in 1988, President Reagan promised "best efforts" to provide $962 million.[xliii] Additionally, a 1985 report suggested that the U.S.

gave approximately $80 million annually in economic development assistance, and the 1988 MBA amendment stipulated that the U.S. would give the Philippines $408 million for economic and administrative reforms between 1988-1990.[xliv] The U.S. also provided, in addition to training and access to arms, ammunition, equipment, and supplies,[xlv]approximately $777 million to the Armed Forces of the Philippines (AFP) through fiscal year 1972 alone,[xlvi] and invested approximately $2.199 billion in military facilities–the un-removable structures that stayed in the Philippines after U.S. withdrawal[xlvii]–that were key to creating the SBFZ.

In addition to concrete economic and military aid, the Philippines was also able to negotiation a "Buy Philippines Program" from the military, waiving the Balance of Payments Program that required the purchase of U.S. products, and ensuring as many goods and services as possible were bought locally.[xlviii] Filipino citizens not only were given preferential employment within the bases but were also able to voluntary enlist in the United States armed forces and receive training in the U.S.[xlix] Philippine officials also were able to assert their sovereign rights over the area when they made an agreement with the Japanese firm Kawasaki Heavy Industries to be based out of Subic Bay alongside the U.S. Navy.[l]

However, the economic support to the AFP had important ramifications. Since the R.P. government was dependent on the U.S. for military and security assistance, the AFP received very little from the National Government–less than 1% of GNP in 1986; it is small, produces no arms or ammunition, warships, missiles, aircraft or other military equipment and has no outside groups to lobby for an increased budget. Despite popular perceptions and fears of a strong military, the AFP are economically and militarily

weak.[lilii] Additionally, the bases and its related assistance served as only one aspect–albeit a foundational one–of a tightly woven economic relationship with the Philippines. For example, a 1985 report states that the U.S. made up 38% of total Philippine exports, imports from the U.S. made up 27% of total Philippine imports, and the U.S. was the largest source of foreign investment, representing 55% of total Philippine foreign direct investment.[liii]This interconnectedness is seen as evidence of a "special relationship" between the two governments, but to others, it represents the Philippines' continued dependence on their former colonial power.

Military Base Types: Subic Bay Naval Base and Clark Air Force Base

The U.S. military invested over $2.199 billion in the removable and non-removable facilities[liv] and served as the second largest employer in the Philippines; it is estimated that over $500 million each year was pumped into the local economies of Olongapo and Angeles and over 80,000 people in Central Luzon made their living from the bases.[lv] Because of the large number of both U.S. and Philippine veterans–who were entitled to American benefits–the only U.S. Veterans Affairs office outside the U.S. and its territories is located in the Philippines.

As the largest U.S. naval and air force bases overseas, both served as important forward deployed bases for conflicts in Indian Ocean, Southeast Asia, and Northeast Asia, and provided support for East African and the Middle Eastern operations, including Desert Shield and Desert Storm,[lvi] until its closure in 1992. Additionally, both bases saw their activity peak during the Vietnam War.[lvii] However, while Subic Bay Naval Base (SBNB) and Clark Air Force Base (CAFB) are often lumped together, they were organized very differently. Here, I argue that military bases can be classified via two

distinctions: combat/non-combat and more integrated/less integrated with the local community. Both SBNB and CAFB were non-combat zones, and therefore operated very differently than locales facing direct combat. However, despite this similarity, each one was also distinctly integrated into, and therefore had unequal impact on, their respective communities.

SBNB was home to the 7th Naval fleet, which had 34 warships, including two aircraft carrier battle groups, 6 submarines, 7 amphibious assault ships, nearly 200 aircraft, and a logistics train.[lviii] Only one ship was permanently based at the naval base, the others were transient.[lix] Its complex consisted of 30,380 acres, five different facilities,[lxlxi] and for a period of time a refugee center on Grande Island, which continued to receive refugees after it officially closed.[lxii] Its primary function was to serve as a ship and aircraft repair, maintenance, supply, and logistical support station but it also had storage and handling facilities for fuel and ammunition.[lxiii] According to the Departments of State and Defense (1972), SBNB had to "be ready, without augmented facilities, to perform initial urgent combat support tasks, including providing for all requirements for forces, craft, and aircraft assigned and fleet units….[it was] not intended to provide full support but developed to the extent required to permit adequate security and naval defense of bases."[lxiv]

Similarly, CAFB, home to the 13th Air Force, was a major tactical air force installation. It provided primary communications and logistic support, and maintained major aircraft maintenance facilities and large supplies of fuel and ammunition; it included Camp O'Donnell, which housed the Crow Valley Weapons range–the only live air-to-training ranges west of California, and the Wallace Air Station, a primary radar

site.[lxv] However, although an important and strategic military site, Clark was the "lesser of the two" and had comparatively less value to the U.S.[lxvi]

The SBNB not only served a more valuable role to the U.S., it was also much more integrated with the surrounding community of Olongapo City and its outlying *barangays* (neighborhoods).[lxvii] For example, although schools within Clark were geared towards Americans,[lxviii] there was a 4-year apprentice program in the Subic Bay Shipyard for Filipino college graduates, and during the Vietnam War, the Aetas (one of the Philippines' indigenous peoples) of Subic trained troops in jungle survival skills.[lxix] Furthermore, the SBNB depended much more on the employment of locals, who were also unionized. For example, in 1979, Subic employed 5,000 U.S. civilians and 14,490 Filipinos (10,600 in appropriated-fund activities, 3,8900 in non-appropriated fund activities), with an additional 8,6000 Filipinos under contract, for example, as domestic employees in individual U.S. households.[lxx] Table 1 shows the U.S. military base populations of Subic and Clark ten years later. It shows that although Subic employed a little over ½ of the U.S. military personnel compared to Clark, it also had almost four-times as many foreign civilian employees.

Table 1: 1986 U.S. Military Base Populations

	US Military	US Civilian	US Dependents	Foreign Civilian	Total
Clark	9,260	309	12,220	2,454	24,243
Subic	5,016	615	6,883	9,581	22,095

Source: Philippine Bases: U.S. Redeployment Options. Alva M Bowen. Specialist in National Defense, Foreign Affairs and National Defense Division. Feb 20, 1986 Pp CRS-41
Note: the number of Filipino civilians employed by the navy rose to 14,200 in 1991[lxxi]

This integration was also a function of the differences in the organization of infrastructure between the Navy and the Army. As a naval repair base, the SBNB required significant physical infrastructure to fulfill its function. Because of the size of

ships, the diversity of sophistication and specialization of electronic and engineering systems within a given fleet, and the uneasily transportable parts, repairs took relatively long amounts of time to be completed and required many types of specialist technicians. In contrast, aviation repair could be undertaken by more generalist technicians, parts were easier to transport, while the size of the equipment is smaller and relatively easier to fix. The organization of the former required more stability in population and more durable and extensive infrastructure than the latter.

The more integrated community of Olongapo resulted in a less diversified, more dependent city than Angeles.[lxxii] However, this difference in organization had potentially more benefits to the community. Not only did it result in more employment for local community members and left a legacy of a highly English-proficient and disciplined workforce that was later used to cultivate business investments inside the FZ, but the negatives associated with military bases, namely prostitution, were less in comparison. For example, Olongapo City was home to a large red-light district (and continues to house one, although it is much reduced[lxxiii]), and the U.S. military, in conjunction with the local city government, helped regulate the sexual health of prostitutes in conjunction because of the concerns regarding AIDS.[lxxiv] In addition to issues of sovereignty, crime, and militarization in general, many feminist scholars critique this sexual regulation of Filipinas by the U.S. military.[lxxv] However it should be noted that the main regulation came via the local city government, and that regulation of sexual activity helped treat and reduce the prevalence of sexually transmitted diseases among these women. In contrast, the less community-dependent Angeles City, with a more transient population since it served as a transportation hub for moving both men and materials to and from Vietnam,

had a much more flourishing prostitution area and is currently one of the world's most popular sex tourism destinations.[lxxvi] Furthermore, English and American style discipline wasn't as widely prevalent due to the fewer numbers of Filipinos employed by the base, therefore the transition to a FZ was more difficult.

The differences between these two cities are also apparent in the immediate aftermath of the U.S. withdrawal. In part due to the lack of community integration, CAFB was ransacked and looted after the U.S. ordered military personnel to evacuate in anticipation of the Mt. Pinatubo eruption.[lxxvii] After declaring that the base could not be salvaged, the U.S. officially pulled out of Clark, handing over the base to the Philippines. Without a charismatic mayor as closely tied to the success of the base and the city as Mayor Gordon, and with the people of Angeles having much less connection to its structure, facilities and symbolism, the base was looted and abandoned for three years. After visiting the former base five months after the volcanic eruption, Donald Kirk, an American journalist, describes the state of the facilities–"gaping holes [were] in place of large windows in barrack walls. Doors, hinges, locks were gone. A walk inside exposed bathrooms without toilets, basins or showers, ceilings gouged out for copper wiring, floors stripped of tiles.

The looting of Clark had begun as the ashes were still falling from the eruption of Mount Pinatubo in June."[lxxviii] The Clark Development Corporation, the Clark counterpart to SBFZ's governing authority, the Subic Bay Metropolitan Authority (SBMA), was created in 1993,[lxxix] but it wasn't until 1995 that the area began to be cleaned and functionally transformed into a Special Economic Zone.[lxxx] The looting at Clark was not without precedence; it also occurred after the handover of former military

facilities at Sangley Point and Camp O'Donnell. The immediate takeover and protection of the facilities at the Subic Bay Naval Base proved to be an exception, which was due to the cohesion of the community, their attachment to the base, and a Mayor who organized volunteers, as discussed later in this chapter.

From Base Politics to Business Acumen

Base politics refers to the interaction of "the host regime's dependence on the [basing] contract for its political survival and the credibility of the base host's political institutions," the former determines the relative bargaining position of the host country, the latter determines the contract's legitimacy.[lxxxi] Overseas bases are often seen as extensions of a country's relationship with the U.S. For the R.P. and U.S., each used the strategic and economic importance of the bases for leverage in MBA amendments, and Philippine politicians–particularly Ferdinand Marcos and Corazon Aquino–were particularly adept at manipulating the bases' symbolism and ideology to further their own agendas.[lxxxii]

Historically, there is a dichotomy between what Philippine politicians say in public and what they negotiate in private, and Marcos was skilled in manipulating public platforms to make demands on the U.S. in order to appease his domestic constituents while simultaneously negotiating with U.S. officials in private and ensuring them of his support in order to extract more economic aid.[lxxxiii] This is particularly the case regarding significant modifications to the MBA, which included the change of the lease from 99 to 25 years,[lxxxiv] the eventual turnover of all non-SBNB and non-CAFB facilities to the Philippine government,[lxxxv] and the amendment that relinquished control over the bases to a Philippine base commander.[lxxxvi] To Philippine media, Marcos emphasized this latter

amendment, which required the American flag to no longer fly solo and the Philippine flag would take the "place of honor" when flown together,[lxxxvii] in order to demonstrate Philippine sovereignty when critics raised questions regarding dependency.

Due to the deep and obvious corruption within his administration,[lxxxviii] the dire economic state of the country,[lxxxix] and since his regime was ideologically linked to the bases, the future President Aquino[xc] was able to unite a broad range of coalitions, including anti-American and anti-bases movements, to form the People's Power Movement that ousted President Marcos from power. However her anti-bases rhetoric was not permanent. Indeed, even before her election, she softened her stance and stated that her platform was to put the issue of retention of the bases to a popular referendum and let the people decide.[xci] This is not only because of the economic importance of American aid, but a variety of local, Philippine public opinion polls showed that the majority preferred the military to stay, only a vocal minority wanted the bases withdrawn,[xcii] and various ASEAN partners encouraged the maintenance of the bases.[xciii]

The 25-year lease of the base negotiated during the 1966 MBA amendment expired in 1991. The 1987 Philippine constitution stated that after the expiration of the lease, any agreement regarding foreign military bases needed to have congressional approval. R.P. and U.S. officials were involved in negotiations for an extended lease when the 1991 eruption of Mt. Pinatubo and Typhoon Yunya destroyed Clark Air Force Base, causing the U.S. to withdrawal from those facilities, and significantly changing the negotiations for both parties.[xciv] Mt Pinatubo created "new facts" for the Americans.[xcv] Clark was completely destroyed, and while the damage to the Subic Bay Naval Base was repairable, the withdrawal from Clark changed their bargaining position. Philippine officials wanted

the same amount of compensation for Subic as that which had been agreed upon for both CAFB and SBNB. When the U.S. refused and lowered their offer, R.P. government officials accused the U.S. of exploiting their vulnerability.

With the eruption, the U.S. had a lower overall investment in the issue even prior to the Senate vote. In U.S. Senate hearings, various government officials repeatedly stated that the bases are of national interest but are not vital[xcvi] and others continued to question the utility of Subic's use. Their arguments echoed debates from the early colonial period and previous base negotiations–namely Southeast Asian countries do not face an external threat, deterrence for the spread of Communism is no longer applicable, the bases symbolized Philippine dependence, and ASEAN is creating regional cohesion. Additionally, although privately ASEAN expressed an interest in having the U.S. military stay in the region, on the public record their position is a push for neutrality, which would require the bases to be removed.[xcvii]

After coming to an agreement regarding compensation and issues of Philippine sovereignty, President Aquino witnessed the signing the Treaty of Friendship, Cooperation and Security in August 27, 1991 by the Secretary of Foreign Affairs, which extended the terms of the lease. It was put before the Philippine Senate. President Aquino, prior to the vote, sought to demonstrate the importance of the bases *vis a vis* a people's march and through Senate lobbying. However, on September 16, 1991 the Philippine rejected the treaty by a vote of 12 to 11, five votes shy of the two-thirds majority required for ratification. Following the vote, Aquino initially pushed for a national referendum to have the issue voted by the public, but eventually acquiesced.[xcviii] The outcome of the Senate vote came as somewhat of a surprise to U.S. government

officials, and although they were offered a three-year withdrawal plan, the U.S. left in 1992, within the one-year time period originally negotiated in the MBA and its subsequent amendments.[xcix]

The loss of the permanent bases within the Philippines was a blow to the strategic agenda of the U.S. military and the cost of its removal was upwards of $7 to $8 million due to severance pay for Filipino employees and transportation costs.[c] No moves were made to support the Aqunio's push for a national referendum or to re-negotiate in part because, despite popular perceptions, the U.S. wanted to at least be seen as being respectful of the Philippine people's sovereignty[ci] and officials wanted to soften the image of America as an exploitative power. Additionally, budget cuts had already a reduced number of U.S. forces stationed in the Philippines, which hosted comparatively fewer troops than other bases in Southeast Asia, and the withdrawal could mostly be compensated for in other locations.[cii]

Creation of the Subic Bay Freeport Zone

The end of the permanent U.S. military presence marked the beginnings of the transformation of the space into a SBFZ. In anticipation of the military pullout, Republic Act 7227, which created the SBFZ, was signed into law on March 13, 1992.[ciii] Within hours of the military withdrawal, Filipino volunteers took over the former base in order to keep its assets from being looted and abandoned like CAFB. However, like other types of borderlands, the transformation of the military base to a Freeport Zone was not a foregone conclusion and was fraught with political maneuvering, particularly by Olongapo City (O.C.) Mayor Richard "Dick" Gordon. Like the rest of Philippine politics, the O.C. government is driven by personality, nepotism, and political dynasties. Mayor

Gordon–currently Chairman of the Philippine Red Cross, with Malacañang[civ] ambitions–had all three in spades. His father, son of an American marine, was the first mayor of Olongapo City, and afterwards, his mother served in the same capacity for five years. As O.C. mayor, Gordon was known for having implemented an environmental program and a more standardized transportation system by requiring jeepneys and trikes to be color-coded based on their route,[cv] and have all drivers wear uniforms with their last names embroidered on their backs. Before the Senate vote on the treaty extending the bases' lease, Gordon led a nationwide rally to support their retention because their economic revenue supported the local community. After it failed, he and his political allies lobbied for the creation of the SBFZ.

However, the creation of the SBFZ and its governing body, the Subic Bay Metropolitan Authority (SBMA), was only the first step in its transition from a base to a business center. During the next six years of Gordon's rule, the SBFZ was caught in the center of Philippine politics. Appointed as the SBMA's Chairman and then getting re-elected as O.C. mayor, Gordon was taken to court by Filipino taxpayers and former base employees over whether his dual appointment was constitutional. Although the Gordon's defense argued that the local government code permitted appointments if it was allowed by law or were part of the primary functions of another office (in this case, his role as mayor) and that the SBMA chairmanship was merely an *ex officio* position to the mayor, the Supreme Court replied that there is a difference between elected versus appointed position, and since the mayoral position is elected the first argument is null. Additionally, the SBMA chairmanship was to be an appointed, rather than ex officio post per the original republic act. Therefore, while couching the decision with regret due to the

"known dedication and integrity" of Mayor Gordon, the Supreme Court ruled, "under the Constitution, Mayor Gordon has a choice. We have no choice…" he could serve in either capacity, but not both.[cvi] Gordon resigned as mayor in order to continue as SBMA Chairman, and his wife, a congresswoman, was subsequently elected as the next O.C. mayor.

Richard Gordon, in his role as SBMA Chairman, was seen either as a charismatic leader or a corrupt conman. Supporters saw Gordon as a generous man, dedicated to the community and volunteerism, and who transformed the city, lobbied for the 1996 Asian-Pacific Economic Cooperation (APEC) Leaders' Summit to be held inside the SBFZ,[cvii] and brought large businesses, such as FedEx, to the area. Indeed, some fondly remember his term as "like a family" where there was no crime, and lament that the SBFZ is not like how it used to be.[cviii] Others saw him as a corrupt politician, where businesses were allowed inside only at his personal approval. For example, by only allowing hotels within the SBFZ if they provided him with private suites.[cix] Because of a long-standing dispute with former friend, Joseph Estrada over the U.S. military bases,[cx] in 1998, after being elected President, Estrada issued Administrative Order No. 1 forcibly removing Gordon from his SBMA Chairmanship. Gordon filed a restraining order in court, arguing that he could not be ousted because he had a fixed-term appoint.[cxi] The two-month long standoff between these two charismatic leaders came to be known as the "Showdown at Subic." Gordon and his supporters–many were the original volunteers taking over the former base–barricaded themselves inside one of SBMA's administrative buildings. The standoff ended violently. On July 26, 1998, approximately 500 police officers stormed the building in order to evict Gordon and the supporters; the clash ended with 22 police

officers and over 200 civilians hurt.[cxii]

Although the conflict hurt the image of the SBFZ and the confidence of investors, the businesses and investments continued to bring in revenue that substantially influenced the level of total FDI in the Philippines[cxiii] and migrants from other parts of the Philippines. With the transfer of FedEx's main hub to Guangzhou, China ten years later, the SBFZ economy became stagnant. For example, despite having nearly 1.5 million dollars in revenue in 2010 and in 2011, 95 new projects developed in 2011 from companies with origins in 13 different countries, 88,479 employees, and an estimated 3.5 million visitors from January-September 2011,[cxiv] the FZ operated at a net loss of over 1 million dollars for both years.[cxv] Nevertheless, the recent commercialization, particularly with the construction of the Harbor Point mall in 2012, is bringing in substantial monetary and human resources and investment, and its future remains open and undetermined.

Conclusion

The creation of borderlands is often the result of political, economic, and symbolic discussions shaped by charismatic people in power, and the creation of the Subic Naval Base followed by the establishment of the Subic Bay Freeport Zone is no exception. The intended site of Subic as the headquarters of the U.S. Navy was not obvious and was debated from the beginning. The U.S. bases themselves also faced tense negotiations not only between U.S. and R.P. officials but also within each society, as their worth was continuously debated and used for leverage by both sides. The eruption of Mount Pinatubo served as a catalyst for the bases' removal. Mayor Gordon, backed by a family dynasty to pursue his political and economic ambitions, lobbied for the creation

of the Freeport Zone and organized volunteers to secure the base hours after the U.S. pullout. Both facts–the immediate security of the former base and the creation of a FZ–were not obvious, but rather, when examining the history of U.S. military pullouts in the Philippines, should be seen as an exception to what regularly occurs after their departure. Now a self-sustaining tourist, shipbuilding and manufacturing port with growing commercial businesses the Subic Bay Freeport draws in a large amount of FDI to the Philippines.

However, the removal of the U.S. military from the bases at Subic Bay and Clark was not the end of the military relationship between the United States and the Philippines. The 1951 Mutual Defense Treaty and the 1947 Military Assistance Agreement are separate entities from the 1947 Military Bases Agreement. They continued to be in place after the military withdrawal and allowed joint U.S.-R.P. exercises and military training to occur. The legal status of the continued presence of military personnel was negotiated in a 1993 agreement via the exchange of notes between the U.S. Embassy and the Department of Foreign Affairs. In these notes, it was decided that U.S. military personnel were accorded the same legal status as U.S. Embassy technical and administrative staff. In 1998, the two nation-states signed a Visiting Forces Agreement (VFA) that laid out the legal rights of U.S. visiting troops to the Philippines, and terms for U.S. access to Philippine ports, Additionally, Philippine President Arroyo was one of the first supporters of President Bush's War on Terror, offering the U.S. support and use of the former military facilities. The Philippines, in returned, received development and military aid,[cxvi] while in 2011 the U.S. Secretary of State Hillary Clinton and Philippine Secretary for Foreign Affairs Albert del Rosario signed the Manila

Declaration, celebrating the 60th anniversary of the 1951 MDT and re-affirming the mutual commitments it outlines. These agreements have raised questions related to Philippine sovereignty by a vocal minority.[cxvii]

The legal rights laid out in the VFA continue to be challenged. In addition to rape cases brought before the Philippine Supreme Court, in January 2013 a U.S. military ship, without prior consent of the Philippine government for access to this route, became stuck in the Tubbataha Reefs Natural Park, a designated World Heritage site; it damaged at least 1,000 square meters of the reefs and the Philippine government plans to sue and demand reparations.[cxviii] Most recently, in 2014, a U.S. Marine has been accused of murdering a Filipino transgender woman in Olongapo City, the city surrounding the SBFZ.[cxix]

Furthermore, with renewed American focus on the Pacific, recent talks between the two countries have resulted in an agreement regarding the U.S. military use of some of their former facilities (particularly the barely used Subic Bay International Airport) within Subic Bay and Clark, now both special economic zones. As current Olongapo City Mayor James Gordon says, "We're open for business…no matter what you call it … a base or semi-permanent hosting or whatever, the US is back and its great news for Olongapo."[cxx] The impact of this agreement on the socio-economic, cultural, and political relationship between the U.S. and R.P. national and local governments remains to be seen. What is apparent, though, is that the military relationship between the two countries has remained firmly entrenched from 1899 until the present.

The history of Subic as under three separate ruling empires, and as the site of a U.S. military base integrated into the local community, and employing thousands of

workers set the stage for its transition into a special economic zone. The SBFZ now serves as a nexus for international exchange and continues to host not only military personnel, but also missionary ships, companies and tourists from around the globe. The creation of the Subic Bay Naval Base, the debates over its symbolism regarding American economic and political dominance in the Philippines, and their employment of thousands of local Filipinos led to disparate meanings of the base, and its subsequent departure, for those directly impacted by it and those detached from it. The charismatic leadership of Mayor Gordon and community volunteerism that helped convert the base into a special economic zone meant a more integrated community attached to the base. Nostalgia for the base and Americans has helped facilitate deep and courteous interactions between foreigners and Filipinos within and outside the FZ.

[i] Some estimates say 3,000, others say 8,000; I chose to go with the more conservative number.
[ii] Gordon, Richard. 2002. "The Subic Story: One Community's Response to the Challenge of Change and Development" Address to the International Colloquium on Regional Governance and Sustainable Development in Tourism-driven Economies. Cancun.
[iii] Bowen 1986
[iv] For one person's account see: Anderson, Gerald R. 2009. *Children of the Sun: The Inspiring True Story of How Volunteers Saved Their City from a Volcano's Devastation, Transformed an Abandoned Military Base into an Economic Miracle, and Changed a People and a Nation Forever.* Lexington: CreateSpace Independent Publishing Platform
[v] Staff Report to the Senate Select Committee on Intelligence:1985; National Policy Paper on the Republic of the Philippines: Part One – US Policy:1966; Karnow 1989; Francia 2010
[vi] Spanish rule started after their forces defeated the king of Cebu; Maurer, Noel and Lakshmi Iyer. 2008. "The Cost of Property Rights: Establishing Institutions on the Philippine Frontier Under American Rule, 1898-1918" *Working Paper 14298* Cambridge: National Bureau of Economic Research.
[vii]The trade route was also known the Manila Galleon trade, where merchants from China, Guam, and other areas in Asia and the Pacific came to Manila in order to trade their spices, crafts, cotton, silks and other commodities for silver, wine, soap, ironware and crops from the New World; the galleons also carried with it Spanish royal decree letters from Mexico, Spanish officials themselves, and their salaries (e.g. Bjork 1998; Schurz 1918; Tremml 2012; Flynn and Giraldez 1996; Flynn and Giraldez 1995)
[viii] The port's vulnerability was evidenced in two ways: (1) its mercantile dependence – as seen by the trade route's collapse due to the British invasion of Manila during the Seven Years' War, and (2) the focus on international trade derailed domestic development Francia, Luis H. 2010. *A History of the Philippines: From Indios Bravos to Filipinos*. New York: The Overlook Press; Karnow, Stanley. 1989. *In Our Image: America's Empire in the Philippines* Ballantine Books: New York
[ix] Karnow 1989:62; National Intelligence Survey 1965; Francia 2010:77
[x] Juan de Salcedo, the grandson of Miguel Lopez de Legazpi who was the first governor of the Philippines and an explorer who helped establish the Manila Galleon trade route, first scouted Subic Bay in 1572, a year after Manila was established. Although he reported on the bay's natural defenses, Cavite – alongside Manila Bay – was chosen to host the Spanish naval fleet. Over 300 years later, a royal degree declared a naval base be built at SB because the Cavite facilities suffered from Manila Bay's shallow waters.

[xi] Anderson, Gerald R. 2006. *Subic Bay From Magellan to Mount Pinatubo: The History of the U.S. Naval Station, Subic Bay*. Lexington: CreateSpace Independent Publishing Platform; Pagaduan, Angel N. 2007. Subic: An Epochal Philippine Town the U.S. Navy Helped Shape Baltimore: PublishAmerica

[xii] During the Spanish-American war, Spanish Admiral Motojo sought to use the deep-water and narrow entrance advantages of Subic Bay but found the reality of the facilities inadequate. Dewey received a cable that the Spanish were going to convene at Subic Bay, so he sent two ships to investigate. They did not find anything, and were not fired upon. The naval arsenal was abandoned in June, and the Spanish navy, clergy and other civilians, moved to Grande Island, located within Subic Bay, where a Filipino ship ordered their surrender. The German ship *Irene* appeared, and ordered the Filipinos to yield. When Dewey was informed of the situation, he sent two ships – the *USS Raleigh* and the *USS Concord* – to Subic Bay and demanded the Spanish to surrender; *Irene* fled. e.g. Granger, Derek. 2010. "Dewey at Manila Bay: Lessons in Operational Art and Operational Leadership from America's First Fleet Admiral" Thesis. Newport: Naval War College

[xiii] The Filipino insurgents remained in control of the area until during the summer of 1899, when they fired on an American ship on routine patrol. The *USS Charleston* was dispatched to deal with the insurgents, and later, four more U.S. ships sailed to Subic Bay. The battery was destroyed but insurgents continued to occupy the navy yard, until December when – to the surprise of the Navy – the U.S. Army cleared the provinces around the bay. Anderson 2006; Pagaduan, Angel N. 2007. Subic: An Epochal Philippine Town the U.S. Navy Helped Shape Baltimore: PublishAmerica

[xiv] This coincided with one year after the signing of the Treaty of Paris that relinquished the Philippines, Guam, Cuba, and Puerto Rico to the United States for $20 million

[xv] e.g. Karnow 1989; Margold 1995; Isidro 1957; McHale 1962

[xvi] Other American styles and institutions, such as roads and a new tax system, were readily adapted into Philippine life and American political, economic, and cultural influence continues today; e.g. Maurer, Noel and Lakshmi Iyer. 2008. "The Cost of Property Rights: Establishing Institutions on the Philippine Frontier Under American Rule, 1898-1918" *Working Paper 14298* Cambridge: National Bureau of Economic Research; Delmendo, Sharon. 1998. "The Star Entangled Banner: Commemorating 100 Years of Philippine (In)dependence and Philippine-American Relations" *Journal of Asian American Studies* 1(3):211-244

[xvii] e.g. Maurer, Noel and Lakshmi Iyer. 2008. "The Cost of Property Rights: Establishing Institutions on the Philippine Frontier Under American Rule, 1898-1918" *Working Paper 14298* Cambridge: National Bureau of Economic Research.

[xviii] Francia 2010

[xix] Later the 1955 Laurel-Langley Agreement, expired in 1974 and a revision of the Bell Trade Act, made the parity reciprocal with Filipinos given access to American materials and resources. Yet, disparities in the number of people and corporations willing and able to invest in the Philippines versus the United States remained.

[xx] Cristobal, Adrian E and James Gregor. 1987. "The Philippines and the United States: A Short History of the Security Connection" *Comparative Strategy* 6(1):61-89

[xxi] Linn, Brian McAllister. 1997. *Guardians of Empire: The U.S. Army and the Pacific, 1902-1940* Chapel Hill: University of North Carolina Press

[xxii] Dewey served as President of the Navy's General Board; Linn 1997

[xxiii] The use of the Subic Bay facilities by the U.S. military began the following year, and in 1902, the U.S. War Department confirmed it as the main naval location. It hosted the first American naval exercise in Asian waters; Anderson 2006:54; Linn 1997; Grenville, JAS. 1961. "Diplomacy and War Plans in the US, 1890-1917" *Transactions of the Royal Historical Society* 11:1-21

[xxiv] Linn 1997

[xxv] Linn 1997:84

[xxvi] Although the stronghold of the U.S. Pacific fleet eventually moved to Pearl Harbor, the naval station in the Philippines stayed at Subic, in part, because of Admiral Dewey's opposition to relocating it to Manila Bay. He used the 1898 Spanish-American Battle at Manila Bay as evidence of its vulnerabilities; Linn 1997; Grenville, JAS. 1961. "Dipolomacy and War Plans in the US, 1890-1917" *Transactions of the Royal Historical Society* 11:1-21

[xxvii] For the first fives years, it had no funds for maintenance or improvements. It was the outbreak of the Russo-Japanese War that spurred the U.S. Congress to appropriate over $860,000 to fortify the facilities at Subic Bay, and another $700,000 for the other Philippines bases; Suter, Keith. 1986. "The Current Military Situation in the Philippines" *RUSI Journal* 131(3):43-48; Anderson 2006; Linn 1997: 86

[xxviii] Its independence – scheduled for 1944 per the terms of the 1934 Tydings-McDuffie Act – delayed because of the war. Post World War II, however, U.S.-R.P. relations were strained. Americans gave more post-war aid to Japan than to the Philippines, a political and combat ally since Filipinos and Americans alike died during the Bataan Death March. This was seen as a slight by Philippine politicians in regard to their contributions to the war effort and as an affront to, and lack thereof, the Filipino concept of *utang na loob*, or debt of gratitude, see: Anderson 2006; Karnow 1989; Thompson 1975

[xxix] Linn 1997; Suter, Keith. 1986. "The Current Military Situation in the Philippines" *RUSI Journal* 131(3):43-48

[xxx] Anderson 2006

[xxxi] The area became part of the naval reservation when President Roosevelt expanded its borders U.S. Executive Order 1026: 1909

[xxxii] The U.S. relinquished the city to the Philippines in 1959. Only after an exchange of notes between the American Embassy in Manila and the Philippine Department of Foreign Affairs, did the U.S. relinquished its rights to the area; U.S. Department of State: 1959; R.P. Republic Act No. 4645: 1966; Francia 2010; Rimmer, Peter J. 1997. "US Western Pacific Geostrategy: Subic Bay Before and After Withdrawal" *Marine Policy* 21(4):325-344

[xxxiii] Duque, Estela. 2009. "Militarization of the City: Implementing Burnham's 1905 Plan of Manila" *Fabrications: The Journal of the Society of Architectural Historians, Australia, and New Zealand* 19(1):48-67; Pp 49

[xxxiv] Note: pedicabs do not leave exhaust fumes because they have no motor, but jeepneys, trikes, cars, vans, motorcycles and other vehicles do. Especially during rush hour (and in Manila), the pollution can become so bad that people have to cover their nose and mouth with washcloths or handkerchiefs

[xxxv] "The Philippine Bases Treaty" Hearing before the Subcommitee on Asian and Pacific Affairs of the Committee on Foreign Affairs, House of Representatives: ; Department of State Telegram July 1976; Department of State Telegram July 1981; Gregor, James. 1984. "The Key Role of US Bases in the Philippines" *Asian Studies Center Backgrounder* 7:1-11; Auer, James and Robyn Lim. 2001. "The Maritime Basis of American Security in East Asia" *Naval War College Review* 54(1):39; San Juan, Rolando. (Colonel, Philippine army). 1993. "Closure of the U.S. Military Bases in the Philippines: Impact and Implications" U.S. Army War College Military Studies Program Paper, Study Project; Gregor, A James and Virgilio Aganon. 1987. *The Philippine Bases: U.S. Security at Risk.* Washington DC: Ethics and Public Policy Center

[xxxvi] After the dissolution of the Soviet Union, Russia took over the facilities, but withdrew in 2002; Staff Report, The Philippines: A Situation Report. Nov 1 1985; Assessing America's Options in the Philippines. Monday, Feb 3, 1986. House of Representatives, Committee on Foreign Affairs, Subcommittee on Asian and Pacific Affairs, the Woodrow Wilson International Center for Scholars and the Congressional Research Service; Department of State Telegram Sept 1975; Department of State; Fm: SecState; To: CINCPAC Priority; July 76; Subject: Philippine

Base Negotiations: Answers to questions Submitted by Romualdez June 21; McLaurin III, John P. (Colonel). 1990. "U.S. Use of Philippine Military Bases" USAWC Miltiary Studies Program Paper (Unclassified); Storey, Ian and Thayer, Carlyle A. 2001. "Cam Ranh Bay: Past Imperfect, Future Conditional" *Contemporary Southeast Asia* 23(3):452-473

[xxxvii] This includes 1951 Mutual Defense Treaty that is still in effect and calls for U.S. help in R.P. internal defense against growing Communist insurgencies and the collective 1954-1977 Southeast Asia Collective Defense Treaty (Manila Pact); Department of State Telegram July 1964; Department of State Telegram December 1978; A Report to the President by the National Security Council on The Position of the United States with Respect to the Philippines. November 9, 1950; Washington; NSC 84/2, Copy No 63

[xxxviii] National Intelligence Survey. Philippines: General Survey. July 1965; Department of State Telegram

[xxxix] National Policy Paper on the Philippines, Part II – Factors Bearing on U.S. Policy; Committee on Foreign Relations, United State Senate, Foreign Affairs and National Defense Division, Congressional Research Service Library of Congress. "Insurgency and Counterinsurgency in the Philippines" November 1985

[xl] "Implications of the US Withdrawal from Clark and Subic Bases" Hearing before the Subcommitee on Asian and Pacific Affairs of the Committee on Foreign Affairs, House of Representatives. March 5, 1992; Baker III, James. 1991. "America in Asia: Emerging Architecture for a Pacific Community" *Foreign Affairs* 70(5):1

[xli]The Philippines laid claim to six of the aforementioned islands in the South China Sea, calling them the Kalayaan Island Group and incorporating them into Palawan Province; Banlaoi, Rommel C. 2002. "The Role of Philippine-American Relations in the Global Campaign Against Terrorism: Implications for Regional Security" *Contemporary Southeast Asia* 24(2):294-312; Cristobal, Adrian E and James Gregor. 1987. "The Philippines and the United States: A Short History of the Security Connection" *Comparative Strategy* 6(1):61-89; Gregor, James. 1984. "The Key Role of US Bases in the Philippines" *Asian Studies Center Backgrounder* 7:1-11; Hernandez, Carolina G. 1996. "The Philippines in 1995: Growth Amid Challenges" *Asian Survey* 36(2):142-151; Tonnesson, Stein. 2000. "Vietnam's Objection in the South China Sea: National or Regional Security?" *Contemporary Southeast Asia* 22(1):199; Auer, James and Robyn Lim. 2001. "The Maritime Basis of American Security in East Asia" *Naval War College Review* 54(1):39; Buszynski, Leszek. 2002. "Realism, Institutionalism, and Philippine Security" *Asian Survey* 42(3):483; Mauzy, Diane K and Brian L Job. 2007. "U.S. Policy in Southeast Asia: Limited Re-Engagement after Years of Benign Neglect" *Asian Survey* 47(4):622-641; Storey, Ian James. 1999. "Creeping Assertiveness: China, the Philippines, and the South China Sea Dispute" *Contemporary Southeast Asia* 21(1):95-118

[xlii] This includes $192.9 million in development assistance, $99.2 million in emergency and private assistance between 1976 and 1979: P.L. 480 Title II; $35.2 million in trade and development assistance in 1977 and 1970: P.L. 480 Title I; Department of State Telegram January 1979

[xliii] The former included $50 million in Military Assistance, $250 million in Foreign Military Sales Credits, and $200 million in Security Supporting Assistance from the U.S.; the latter funds, which were subject to legislative approval, included $400 million through the Military Assistance Program, $320 million in Economic Support Funds, $192 million in Development Assistance and Food Aid, and $40 million in Housing Investment Guarantees, and that the executive branch would seek Congressional authorization to forgive repayment of the $29.4 million in existing unused Foreign Military Sales credits October 17, 1988 Letter to President Aquino from President Regan; US-Philippines Military Bases Agreement Review, 1988

[xliv] For economic development assistance; Staff Report, The Philippines: A Situation Report. Nov 1 1985, Washington DC

[xlv] They received these supplies either gratuitously, for a competitive price, or for temporary use; 1947 Military Assistance Agreement
[xlvi] Report to the Congress. Military Assistance and Commitments in the Philippines. Departments of State and Defense. Sept 1972
[xlvii] This included $182 billion between 1989 and 1991 (just a few years before the military withdrawal) in buildings, structures, infrastructure, and operational and recreational facilities; January 1992. United States General Accounting Office. Report to Congressional Requesters: Military Base Closures: U.S. Financial Obligations in the Philippines
[xlviii] 1988 MBA amendment
[xlix] 1968 MBA amendment; 1947 MBA
[l] Department of State Telegram December 1973; Department of State Telegram August 1976; Department of State Telegram August 1975
[li] Representatives, Committee on Foreign Affairs, Subcommittee on Asian and Pacific Affairs, the Woodrow Wilson International Center for Scholars and the Congressional Research Service; National Intelligence Survey. Philippines: General Survey. July 1965
[lii]The U.S. also provided costs that, under the MAA should have been covered by the Philippines; for example from 1960-1971 the U.S. spent $6.5 million in administrative costs that fell under Philippine responsibility; Report to the Congress. Military Assistance and Commitments in the Philippines. Departments of State and Defense. Sept 1972; De Castro, Renato Cruz. 1999. "Adjusting to the Post-U.S. Bases Era: The Ordeal of the Philippine Military's Modernization Program" *Armed Forces & Society* 26(1):119-137
[liii] Staff Report, The Philippines: A Situation Report. Nov 1 1985, Washington DC; Lande, Carl H. 1981. "Philippine Prospects After Martial Law" *Foreign Affairs* 59:1147-1168
[liv] This included $1.436 billion in removable property (which the military was able to take with them when they withdrew) and $763 million in buildings and structures; the Navy itself invested $772 million in property at the Naval Supply Depot and $164 million in removable property such as floating cranes or dry docks generators; United States General Accounting Office 1992
[lv] Hearing before the Subcommitee on Asian and Pacific Affairs of the Committee on Foreign Affairs, House of Representatives
[lvi] Department of State telegram March 1980; Hearing before the Subcommitee on Asian and Pacific Affairs of the Committee on Foreign Affairs, House of Representatives. March 5, 1992; Mediansky, FA. 1987. "The U.S. Military Facilities in the Philippines" Contemporary Southeast Asia 8(4):308-319
[lvii] United States Senate 1985; Gregor, James. 1984. "The Key Role of US Bases in the Philippines" *Asian Studies Center Backgrounder* 7:1-11
[lviii] Bowen 1986:12
[lix] Bowen 1986; Department of State Telegram August 1976
[lx] SBNB consisted of the Subic Naval Station and Ship Repair Facility, Supply Depot, Naval Magazine and Public Works Center, Cubi Point Naval Air Station and Naval Hospital, and the Naval Communication Station at San Miguel; Bowen 1986
[lxi] According to U.S. Executive Order 1026:1909 the original land allotment of the Subic Bay Naval Base was 16,656 acres. Acreage was expanded after consolidation and turnover of additional lands to the Philippines *vis a vis* MBA amendments
[lxii] Department of State Telegram May 1975; Department of State Telegram June 1975; Department of State Telegram April 1976a; Department of State Telegram April 1976b; Department of State Telegram May 1976
[lxiii] United States General Accounting Office 1992; National Security Council 1977; National Policy Paper on the Philippines, Part II – Factors Bearing on U.S. Policy ; House of Representatives, Committee on Foreign Affairs, Subcommittee on Asian and Pacific Affairs, the Woodrow Wilson International Center for Scholars and the Congressional Research Service

1986; Hearing before the Subcommitee on Asian and Pacific Affairs of the Committee on Foreign Affairs, House of Representatives

[lxiv] Departments of State and Defense 1972:39

[lxv] Bowen 1986; "Implications of the U.S. Withdrawal From Clark and Subic Bases" 1992 Hearing before the Subcommitee on Asian and Pacific Affairs of the Committee on Foreign Affairs, House of Representatives; National Policy Paper on the Philippines, Part II – Factors Bearing on U.S. Policy

[lxvi] "The Philippine Bases Treaty" 1991. Hearing before the Subcommitee on Asian and Pacific Affairs of the Committee on Foreign Affairs, House of Representatives

[lxvii] e.g. The Philippine Bases Treaty" Hearing before the Subcommitee on Asian and Pacific Affairs of the Committee on Foreign Affairs, House of Representatives

[lxviii] CITE

[lxix] e.g. Committee on Foreign Affairs, Subcommittee on Asian and Pacific Affairs, the Woodrow Wilson International Center for Scholars and the Congressional Research Service 1986

[lxx] Department of State telegram 1979

[lxxi] United States General Accounting Office 1992

[lxxii] Rimmer, Peter J. 1997. "US Western Pacific Geostrategy: Subic Bay Before and After Withdrawal" *Marine Policy* 21(4):325-344

[lxxiii] Guth, Andrew P. 2010. "Human Trafficking in the Philippines: The Need for an Effective Anti-Corruption Program" *Trends Organ Crim* 13:147-166

[lxxiv] e.g. Department of State Telegram December 1974; 1988 MBA amendment; Holmes, King K, David W Johnson, Paul A Kvale, Charles W Halverson, Thomas F Keys, and David H Martin. 1996. "Impact of a Gonorrhea Control Program, Including Selective Mass Treatment in Female Sex Workers" *Journal of Infectious Diseases* 174:S230-9; Richens, John. 2006. "Sexually Transmitted Infections and HIV Among Travellers: A Review" *Travel Medicine and Infectious Disease* 4:184-195

[lxxv] Cornwell, Rachel and Andrew Wells. 1999. "Deploying Insecurity" *Peace Review* 11(3):409-414; Niu, Greta Ai-Yu. 1999. "Wives, Widows, and Workers: Corazon Aquino, Imelda Marcos, and the Filipina 'Other'" *NWSA Journal* 11(2):88-102; Schirmer, Daniel B. 1997. "Sexual Abuse and the U.S. Military Presence: The Philippines and Japan" *Monthly Review* 48(9):43-57; Talleyrand, Isabelle. 2000. "Military Prostitution: How the Authorities Worldwide Aid and Abet International Trafficking in Women" *Syracuse Journal of International Law and Commerce* 27:151-176; Lutz, Catherine. 2009. "Introduction: Bases, Empire, and Global Response" in Catherine Lutz (ed) *The Bases of Empire: The Global Struggle Against U.S. Military Posts* pp1-46 London: Pluto Press; Gerson, Joseph "U.S. Foreign Miltiary Bases and Military Colonialism: Personal and Analytical Perspectives" in *Bases of Empire;* Akibayashi, Kozue and Suzuyo Takazato. "Okinawa: Women's Struggle for Demilitarization" in *The Bases of Empire;* Kajihiro, Kyle. "Resisting Militarization in Hawai'I" in *The Bases of Empire*; Enloe, Cynthia. 2001. *Bananas, Beaches, and Bases* Berkely: University of California Press

[lxxvi] Bowen 1986; Guth, Andrew P. 2010. "Human Trafficking in the Philippines: The Need for an Effective Anti-Corruption Program" *Trends Organ Crim* 13:147-166

[lxxvii] Kirk, Donald. 1998. "Looted: The Philippines After the Bases" New York: St. Martin's Press

[lxxviii] Kirk 1998: 45

[lxxix] Executive Order No. 80, April 3rd, 1993; however, Republic Act 7227 which created the Subic Bay Freeport Zone also created the Clark Special Economic Zone

[lxxx] The Clark Special Economic Zone was changed to the Clark Freeport Zone March 20th 2007 via Republic Act 9400

[lxxxi] Cooley, Alexander. 2008. *Base Politics: Democratic Change and the U.S. Military Overseas* Ithaca: Cornell University Press, Pp11
[lxxxii] Suter, Keith. 1986. "The Current Military Situation in the Philippines" *RUSI Journal* 131(3):43-48
[lxxxiii] "The Philippine Bases Treaty" Hearing before the Subcommitee on Asian and Pacific Affairs of the Committee on Foreign Affairs, House of Representatives 25-Sep-91; Thompson, W Scott. 1975. *Unequal Partners: Philippine and Thai Relations with the United States 1965-75* DC: Lexington Books; Cooley, Alexander. 2005. "Base Politics" *Foreign Affairs* 84(6):79
[lxxxiv] 1966 MBA amendment
[lxxxv] e.g. 1991 MBA amendment
[lxxxvi] 1979 MBA amendment
[lxxxvii] 1979 MBA amendment
[lxxxviii] Corruption is endemic to Philippine society, and was evident before and after Marcos. But after the declaration of martial law (and even after he lifted it), the corruption worsened as the economy deteriorated
[lxxxix] Cristobal, Adrian E and James Gregor. 1987. "The Philippines and the United States: A Short History of the Security Connection" *Comparative Strategy* 6(1):61-89
[xc] Although billed by Marcos and herself as only a housewife, Cory Aquino was part of a family dynasty – the Conjuangcos.
[xci] Assessing America's Options in the Philippines. Monday, Feb 3, 1986. House of Representatives, Committee on Foreign Affairs, Subcommittee on Asian and Pacific Affairs, the Woodrow Wilson International Center for Scholars and the Congressional Research Service
[xcii] The people who wanted to end the U.S. military presence saw the bases as a symbol of the Philippines' continued neo-colonial dependence on the U.S
[xciii] ASEAN partners also offer various ways to help the U.S. maintain their presence in the region; Department of State Telegram December 1978; "The Philippines: A Situation Report" Staff Report to the Senate Select Committee on Intelligence, United States Senate, Nov 1, 1985; Department of State Telegram May 1975; "The Philippine Bases Treaty" Hearing before the Subcommitee on Asian and Pacific Affairs of the Committee on Foreign Affairs, House of Representatives 25-Sep-91; Assessing America's Options in the Philippines. Monday, Feb 3, 1986. House of Representatives, Committee on Foreign Affairs, Subcommittee on Asian and Pacific Affairs, the Woodrow Wilson International Center for Scholars and the Congressional Research Service; "Implications of the US Withdrawal from Clark and Subic Bases" Hearing before the Subcommitee on Asian and Pacific Affairs of the Committee on Foreign Affairs, House of Representatives. March 5, 1992; Chung, Chien-Peng. 2004. "Southeast Asia-China Relations: Dialectics of 'Hedging' and 'Counter-Hedging'" *Southeast Asian Affairs* 35-53
[xciv] For an alternative point of view, see: Gaillard, Jean-Christophe, Ilan Kelman, and Florina Orillos. 2009. "U.S.-Philippines Military Relations After the Mt Pinatubo Euroption in 1991: A Disaster Diplomacy Perspective" *European Journal of East Asian Studies* 8(2):301-330
[xcv] "The Philippine Bases Treaty" 1991. Hearing before the Subcommitee on Asian and Pacific Affairs of the Committee on Foreign Affairs, House of Representatives; Pp 22
[xcvi] "The Philippine Bases Treaty" Hearing before the Subcommitee on Asian and Pacific Affairs of the Committee on Foreign Affairs, House of Representatives 25-Sep-91
[xcvii] Department of State Telegram, from AmEmbassy Kuala Lumpur to SecState, Dec 31, 1978; subject: U.S. Military Bases in the Philippines; Carpenter, Ted Galen. 1991. "The U.S. Military Presence in the Philippines: Expensive and Unnecessary" *Cato Institute Foreign Policy Briefing* No 12
[xcviii] "The Philippine Bases Treaty" Hearing before the Subcommitee on Asian and Pacific Affairs of the Committee on Foreign Affairs, House of Representatives 25-Sep-91

[xcix] Cruz De Castro, Renato. 2003. "The Revitalized Philippine-U.S. Security Relations: A Ghost from the Cold War or an Alliance for the 21st Century?" *Asian Survey* 43(6): 971-988

[c] Assessing America's Options in the Philippines. Monday, Feb 3, 1986. House of Representatives, Committee on Foreign Affairs, Subcommittee on Asian and Pacific Affairs, the Woodrow Wilson International Center for Scholars and the Congressional Research Service; "The Philippine Bases Treaty" Hearing before the Subcommitee on Asian and Pacific Affairs of the Committee on Foreign Affairs, House of Representatives 25-Sep-91

[ci] "Implications of the US Withdrawal from Clark and Subic Bases" Hearing before the Subcommitee on Asian and Pacific Affairs of the Committee on Foreign Affairs, House of Representatives. March 5, 1992

[cii] Department of the Navy. Memorandum for the Deputy Secretary of Defense. 13 June 1977. Subj: Reductions in Our Philippine Military Presence (S) – Information Memorandum; Department of the Air Force. July 1, 1977. Memorandum for the Deputy Secretary of Defense; Subject: Reductions in our Philippine Military Presence – Information Memorandum (U); Signed: John C Stetson, Sec of Air Force; "Implications of the US Withdrawal from Clark and Subic Bases" Hearing before the Subcommitee on Asian and Pacific Affairs of the Committee on Foreign Affairs, House of Representatives. March 5, 1992; "The Philippine Bases Treaty" Hearing before the Subcommitee on Asian and Pacific Affairs of the Committee on Foreign Affairs, House of Representatives 25-Sep-91; He, Kai. 2010. "The Hegemon's Choice Between Power and Security: Explaining US Policy Toward Asia after the Cold War" *Review of International Studies* 36:1121-1143; He, Kai. 2010. "The Hegemon's Choice Between Power and Security: Explaining US Policy Toward Asia after the Cold War" *Review of International Studies* 36:1121-1143

[ciii] This act also authorized the President to create a Special Economic Zone at Clark and other former U.S. military facilities by executive acts

[civ] The Philippine equivalent of the U.S. White House

[cv] There are currently 1,445 jeepneys in 15 color schemes reflecting 15 different routes; there are 2,010 tricycles, with 8 different color schemes and routes; Olongapo City, 2011 Facts and Figures, http://www.olongapocity.gov.ph/, last accessed September 16, 2012

[cvi] Philippine Supreme Court, G.R. No. 104732 June 22, 1993

[cvii] There were also protesters to the APEC summit that complained of a Gordon dictatorship, who were removed by volunteers and police; these were headed by Ameth Concepcion, president of the local chapter of SLAM APEC (Solidary of Labor Against APEC) who was a daughter of a local judge and attorney that was politically opposed to the Gordons (Kirk 1998:112-113)

[cviii] E.g. interview, November 21, 2012

[cix] E.g. interview, November 28, 2012

[cx] Estrada campaigned against the bases, while Gordon for them. Gordon would not allow Estrada to film or hold demonstrations, both anti-military in nature, inside the SBFZ

[cxi] Philippine Supreme Court G.R. No. 134171. November 18, 1998

[cxii] "Ousted Subic Bay port head defiant despite clashes" July 27, 1998. *New Straits Times* http://news.google.com/newspapers?nid=1309&dat=19980727&id=0_VOAAAAIBAJ&sjid=xxQEAAAAIBAJ&pg=6686,1900201, accessed February 25, 2013; Manila, Antonio Lopez. "Dick Gordon's Last Stand: Subic's feisty chief fights a rear-guard battle" August 7th, 1998. *Asiaweek.com* http://www-cgi.cnn.com/ASIANOW/asiaweek/98/0807/nat4.html, accessed February 25, 2013; a video of the standoff can be found here: http://www.youtube.com/watch?v=A-w9gAX6j_Y, accessed February 25, 2013

[cxiii] OECD Proceedings. 1999. "Foreign Direct Investment and Recovery in Southeast Asia"

[cxiv] Subic Bay Metropolitan Authority 3rd Quarter Key Performance Indicators Report

[cxv] Statement of Income, Subic Bay Metropolitan Authority, for 2010 and 2011

[cxvi] Banlaoi, Rommel C. 2002. "The Role of Philippine-American Relations in the Global Campaign Against Terrorism: Implications for Regional Security" *Contemporary Southeast Asia* 24(2):294-312; Caballero-Anthony, Mely. 2003. "The Winds of Change in the Philippines: Whither the Strong Republic?" *Southeast Asian Affairs* 213-27; Cruz De Castro, Renato. 2003. "The Revitalized Philippine-U.S. Security Relations: A Ghost from the Cold War or an Alliance for the 21st Century?" *Asian Survey* 43(6): 971-988; Morada, Noel M. 2003. "Philippine-American Security Relations after 11 September: Exploring the Mutuality of Interests in the Fight Against International Terrorism" *Southeast Asian Affairs* 228-238

[cxvii] Schirmer, Daniel Boone. 1995. "The Current Struggle for Philippine Sovereignty" *Monthly Review* 47(5):37

[cxviii] http://www.globaltimes.cn/content/757422.shtml; http://www.npr.org/templates/story/story.php?storyId=169674206; http://www.usatoday.com/story/news/world/2013/01/18/navy-ship-stuck-philippines/1846999/; http://rt.com/usa/news/us-navy-coral-reef-523/; http://au.news.yahoo.com/latest/a/-/latest/15942336/philippines-to-sue-us-military-over-coral-damage/; http://thediplomat.com/asean-beat/2013/01/25/u-s-militarys-philippine-woes-mounting/, all last accessed January 27, 2013

[cxix] http://time.com/3531275/us-marine-suspect-phillipine-custody-murder-transgender-woman-jennifer-laude/, last accessed November 8, 2014

[cxx] http://www.smh.com.au/world/philippines-divided-over-us-return-to-subic-bay-20121119-29m4m.html, last accessed January 28, 2013

Chapter 3: Legal Histories and Legal Cultures in Global Borderlands

On October 30th, 2005 22 year-old Filipina college graduate "Nicole" – the pseudonym used in the media and initial court documents to protect her identity – and her sister "AA" traveled to the Subic Bay Freeport Zone under a standing invitation from Carlos Ocasio and Chris Mills, serviceman whom they befriended because the men frequented their family's canteen at the base at Zamboanga. During the night of the 31st, they went out to bars and Nicole met Lance Corporal (LCpl) Daniel Smith, an American Marine she described as "heart-shaped, white, pointed nose and tall."[i] After drinking and dancing, they went outside and, in a white van with three other servicemen in the back, Nicole and Smith had sexual intercourse – rape as alleged by Nicole, consensual sex as countered by Smith.

In 2006, after one of the most notable and media-covered public trials related to U.S. and Philippine relations, Staff Sergeant Chad Brian Carpentier, LCpl Dominic Duplantis and LCpl Keith Silkwood, the three men in the back of the van when the incident occurred and who were also originally tried for rape, were acquitted. Smith was found guilty beyond a reasonable doubt. During the trial and over the next three years, there was much public outcry and debate in the Philippines, alongside diplomacy between the U.S. and R.P. (Republic of the Philippines) ambassadors, as to where Smith would be held – in a Philippine or American jail – during the trial and after his conviction. The Visiting Forces Agreement outlined that these issues would be resolved between R.P. and U.S. authorities. Smith, in the Philippine Court of Appeals, and Nicole, in the Philippine Supreme Court, argued for American and Philippine custody respectively. In 2009, a Philippine Court of Appeals overturned the guilty verdict, but

before they did so, Nicole recanted her accusation, saying that she was "was so drunk when the incident happened. She raised doubts that Smith raped her, admitting that she was attracted to the US Marine officer."[1] After her statement, she permanently left the Philippines to reside in the United States.

In 1993, a class action lawsuit was filed on behalf of an estimated 8,600 Amerasian children – those with Filipina mothers and American military fathers – in Olongapo.[ii] Spurred on by the four named Filipino plaintiffs: Christopher Acebedo, a 15 year-old Amerasian born with serious birth defects, Ruby Acebedo, a 10 year-old Amerasian, Tyson David, a 5 year old Amerasian, and Brenda David, a mother of an Ameriasian child, the lawsuit sought $68 million in damages for education and medical expenses for Amerasian children. The plaintiffs argued that the United States was in breach of an implied contract because the U.S. military co-funded the Social Health Clinic, which regulated Filipina prostitutes in Olongapo City. The case also highlighted the difficulties the children and their mothers faced in securing child support from the American fathers by having the four plaintiffs representing two separate classes: the Amerasian children and their mothers.[iii] Dismissed by the judge, the Court ruled that the plaintiffs did not provide enough evidence of a contract and even if they had, the court would not have had jurisdiction because it would have been an "illegal contract."

As a logistics and maintenance support hub, and a popular "rest and relaxation" (R&R) destination for military personnel, the Subic Bay Naval Base in Olongapo City, along with its neighbor, the Clark Air Force base in Angeles City saw the arrival of thousands of American armed forces members during the Vietnam War. Nicole's case

[1] http://www.preda.org/en/newsitems/subic-rape-victim-nicole-recanted-her-earlier-statements-that-lance-corporal-daniel-smith-who-was-convicted-in-2007-raped-her/, last accessed June 7, 2014

exemplifies the jurisdictional disputes that can arise within these semi-autonomous zones, and raises questions, such as how are decisions made regarding custody–where U.S. personnel are physically held before and during trial, as well as to where he or she will serve time, if convicted? How do macro or state-to-state power relations play out in face-to-face interactions and diplomacy? Similarly, Christopher's case raises questions about the legal legacies of the base and its personnel. By legal legacies, I refer to issues that continue to reverberate within the communities after the military left. Their stories raise the central puzzles of this chapter: What are the legal issues that arise within semi-autonomous spaces such as overseas military bases and Freeport zones? How do people and the law manage disputes? How are authority/jurisdiction, rights, nationality, class, and gender legally mediated and connected? In what ways do international legal treaties and cases transform and/or reinforce everyday practices, meanings, and interactions among different groups of people? How do cases tried in the U.S. court system interact with cases tried within the Philippine system and with everyday practices in the Philippines?

This chapter is not a guide to legal issues between the U.S. and the Philippines, nor do the cases I discuss necessarily represent all types of cases that occurred between Americans, Filipinos and people of other nationalities within the Subic Bay Freeport Zone (SBFZ) and its predecessor, the Subic Bay Naval Base (SBNB). Rather, I choose cases that highlight important issues and conflicts that occur between people or organizations of different nationalities, classes, and/or genders or when people or organizations with different national origins, social class or gender interact. More

specifically, the cases offer insights into the special legal and social features of global borderlands.

Similar to Zelizer, I seek to "classify similarities and differences between everyday practices and legal contests over those practices."[iv] Living, working, and/or visiting a global borderland necessarily entails interaction between different groups of people and the legal disputes that arise in these space derive from these daily occurrences. To highlight the relationship between these practices and contests with the nationalities of the actors involved, I first outline how these issues relate to the existing literatures on interactions between the law and social processes. This includes legal cultures, meanings and systems as well as legal borders. Next, I provide a broad overview of the types of cases found within the Subic Bay Naval Base and Subic Bay Freeport Zone and cover the major subjects of contestation. In the following sections, I highlight cases that represent four analytic types of these negotiations between (1) identity and territory as it relates to sovereignty and dependency, (2) territorial sovereignty and administrative sovereignty, (3) blood and marriage, and (4) short- and long-term obligations. Finally, I will end with some concluding thoughts on the relationship of law, everyday practices, and the nationalities, genders, and classes of people involved within global borderlands.

How Legal Systems Work

There is a rich literature that documents the impact of legal cultures, meanings, and systems as well as the effects of legal borders on communities and nations. First, on legal cultures. Legal pluralism is defined as social fields where two or more legal systems coexist.[v] Here, in line with the general law and society movement, law is seen not just as

those top-down, state actions that govern behavior. Rather, researchers see law and legal systems as representing meaning-making systems, culture and relationships of power, and legal pluralists, in particular, focus on how, why, and where different types of meaning-making systems – customary (e.g. normative), state, traditional, international, and other forms of law - overlap, are mutually constitutive, and become redefined.

Often scholars evoke colonial and post-colonial societies as traditional or "classic" examples of legal pluralism, where colonial and indigenous legal orders intersect, overlap, and interact.[vi] In these spaces, the adaptation, rejection, and redefinition of law from both sides, is the focal point, and disputes over religious, cultural, ethnic/racial, and political boundaries translate to nation-building efforts, legitimacy, rights and political institutions.[vii] For example, Snyder[viii] argues that customary law is a product of colonial ideology and European interpretations of Senegalese legal systems. Fadmy shows how embassies are significant contact zone[s] where there are multiple and often competing legal authorities and where some level of jurisdictional ambiguity exists"[ix] through an analysis of how consular agents of embassies in Alexandria were afforded extraterritorial "European" privileges because of their position, while others agents were able to alternate between different legal identities. In addition, de Sousa Santos[x] argues that the rich historical, cultural and political context of Mozambique lead to a "heterogeneous state" where fractured legal practices, legal cultures, official and unofficial legal systems, and powers are intertwined, yet competing, in authority with unofficial community courts returning to more traditional, African practices, and rejecting global or European influences that dominate the official courts.

Similarly, others have studied how international, or global, rules, forums, organizations are re-imagined, adapted, and intertwined with national laws as well as the role of private law and entities in this sphere.[xi] This also includes local reactions to the influence of the global, for example, how minority communities practice unofficial religious or cultural laws as a way to assert their identities.[xii]

While we know that the complex, cultural, social, economic and political relationships are often negotiated through the law and legal orders, we know less about the ways in which these negotiations take place in specific, demarcated spaces of global borderlands. This raises the question of how these types of relationships are negotiated in places based on international exchange. Although Fadmy[xiii] begins to shed light on these processes, the case of the SBNB and SBFZ in the Philippines allows for an investigation on how a former colony attempts to redefine their relationship with their former colonial power, as well as with other sovereign nation-states, within these specific places. It does so as a nation-state that is on a seemingly more equal playing field with other nation-states.

Legal Borders

Although we know that the law serves as meaning-making systems, these systems are not diffused without pattern; rather, they are demarcated spatially. These connections between space and law and the implications for meanings and identities are the research focus of legal geographers.[xiv] They find that spatial and legal regulations are representative of power and inequality among groups of people, and investigate how barriers, boundaries, and territories are created, contested and negotiated. Bringing these insights into spaces of global borderlands raises the following questions: how do spatial,

legal differentiations shape relationships between sovereign nation-states, and what questions do they raise when spatial authority is contested?

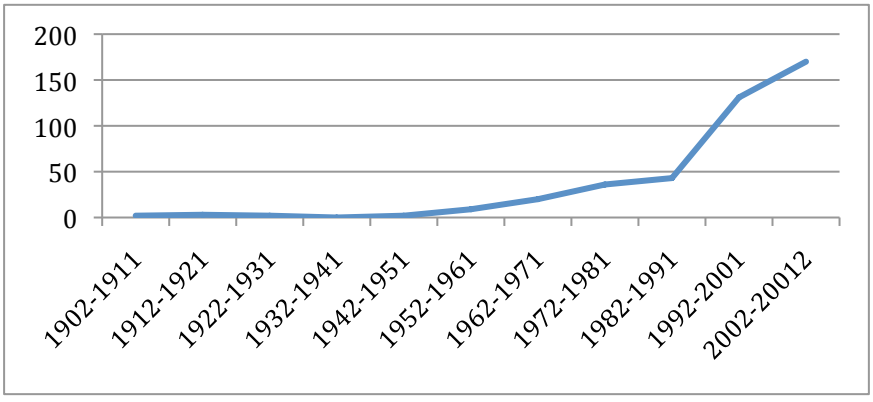
Applying insights from these two literatures on legal pluralism and legal geography to the SBNB and SBFZ, I focus on how the multiple legal systems, nationalities, and spaces are negotiated and contested. I examine the discourses used by courts and community members and pay close attention to how relationships between different groups of people influence and are influenced by the law.

Methodology: Selecting Legal Cases

I gathered cases from the U.S. using Westlaw and Lexis Nexus and from the Philippines using ChanRobles Virtual Law Library, Lawphil.net and the Olongapo City regional trial courts (RTCs). Keyword terms that were searched include "Subic Bay Naval Base" "Subic Bay Freeport Zone" "Subic Bay" and "Olongapo City." I have the whole population of related cases from U.S. and R.P. courts that are available online, with the exception of the hard copy of cases from the RTCs, since the eruption of Mt. Pinatubo destroyed pre-1991 documents. I deleted 35 cases where there is no information on what the legal issue was concerning, this includes dismissals and petitions for withdrawal, leaving a total of 418 cases from 1903-2012. I use the term "case" to refer to each separate court ruling, in some instances, these rulings consist of multiple cases that were ruled concurrently and/or similarly by the same judge. However, because I often have Court of Appeals decisions and not the original decisions, as well as missing incidents that occur that do not include the courts, I likely am missing many cross-national interactions. Nonetheless, these cases shed important light on the *types* of disputes that arise in these spaces.

Of the cases I have, 74% (310/418) were related in some way to the U.S. military, which is not surprising given that the U.S. military occupied the space from 1898-1992, and their presence returned shortly thereafter, though not in permanent structures, but rather through ships docked in port for training and other exercises per the 1998 Visiting Forces Agreement between the two countries. Additionally, the vast majority (82%) of cases are not related to crime, but rather internal workings of the military base and the Freeport Zone. The first case was in 1903, and there is an uptick of cases from when the Philippines was declared an independent nation in 1946, and a substantial increase post-1992, once the U.S. military left (see table 1), though 66% (275/418) of cases were tried in U.S. courts, not Philippine ones. In total, there are 174 cases from the U.S. Court of Appeals, 74 from the R.P. Supreme Court, 48 from the R.P. Court of Appeals, 27 from the U.S. Court of Military Appeals, 24 from U.S. District Courts, 30 from various U.S. Court of [Military] Review [Navy, Air Force, Naval-Marine Corps], 12 from R.P. RTCs, 11 from U.S. Court of Claims, 9 from R.P. Court of Tax Appeals, 8 from U.S. Supreme Court, and 1 from the U.S. Circuit Court.

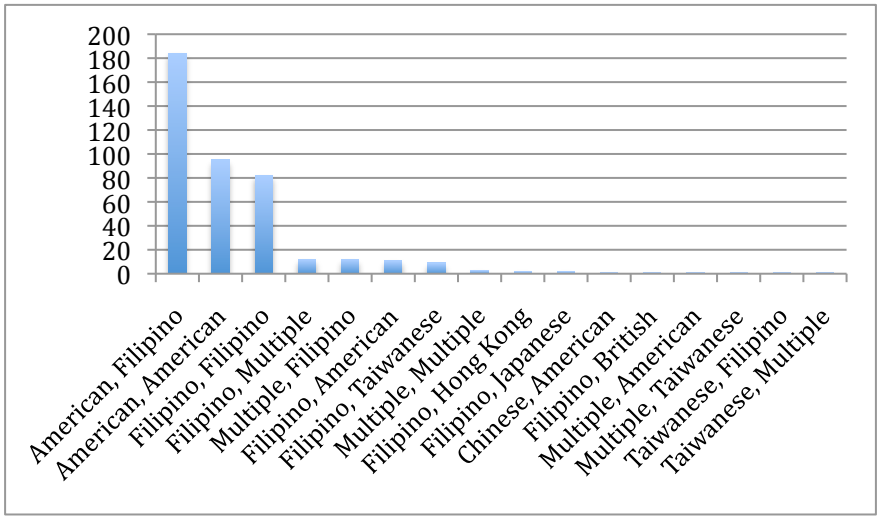
Table 1: Number of Legal Cases Involving the Subic Bay Naval Base and the Subic Bay Freeport Zone Across Time



Source: U.S. and R.P. legal cases gathered from Westlaw, LexusNexus, ChansRoble Virtual Law Library, and Phillaw.net

When analyzing these cases by each party's nationality, I find that most legal cases I uncovered involved Filipino petitioners against American respondents – more specifically over retirement benefits for former base workers once the base was shut down. Next are cases between Americans and between Filipinos, with a drop for cases between other types of nationalities.

Table 2: Cases by Nationality of Parties (Defendant/Respondent, Prosecutor/Petitioner)

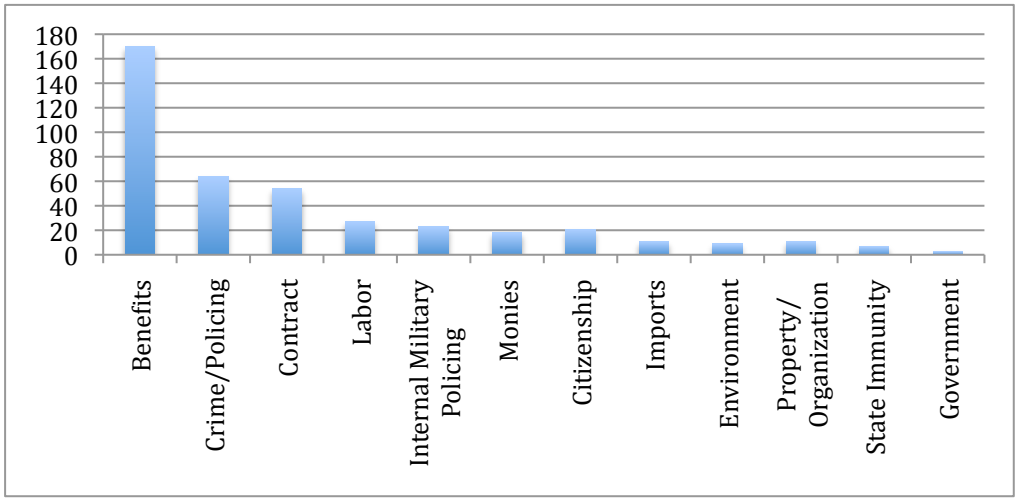


Source: U.S. and R.P. legal cases gathered from Westlaw, LexusNexus, ChansRoble Virtual Law Library, and Phillaw.net. The first nationality in each pairing represents the Defendant/Respondent, while the second nationality in each pairing is the Prosecutor/Petitioner.

I also divided the cases into descriptive subjects (see table 3), with the majority of cases, as previously mentioned, related to benefits of former base employees and their survivors. For the purposes of this chapter, I focus on four descriptive subjects: crime/policing, property/organization, citizenship, rights, and responsibilities, and the environment. I use one case in each of these subjects to create and explore analytic types on the kinds of conflicts that occur within global borderlands. These include disputes over identity and territory as it relates to sovereignty versus dependence (*vis a vis* the case of the rape of Nicole), territorial sovereignty and administrative sovereignty

(focusing on property rights), (3) blood and marriage (*vis a vis* the case of the status of Amerasians, and adoption/custody disputes), and (4) short- and long-term obligations (as seen through citizens petitioning the court for the U.S. to conduct an environmental impact study).

Table 3: Descriptive Categories of Legal Cases



Source: U.S. and R.P. legal cases gathered from Westlaw, LexusNexus, ChansRoble Virtual Law Library, and Phillaw.net. As previously mentioned, the category of Benefits refers to cases related to workplace benefits; Crime/policing includes cases such as smuggling, drugs, rape, murder; Contracts are disputes over lease and other types of business agreements; the Labor category involve disputes over unions, cost of living expenses, age discrimination, eligibility of employment, disputes over illegal dismissals, injuries; the category of Internal Military Policing involve violations of military codes within the base; Monies refer to cases related to taxes; Citizenship refers to a category of citizenship, rights, and responsibilities, such as the status of Amerasian children, claims of American citizenship, adoption, custody, marriage); the category of Environment includes case on the effects of Agent Orange, herbicide, pesticide, cancer, and the environmental impact of the former bases; Property/Organization, refers to cases on negotiations over who would take over communication and electricity after the base pullout both within the Subic Bay Freeport Zone and the turn over of Olongapo to the Philippine local government in 1966 as well as a people's initiative regarding stopping the incorporation of property into the Freeport; while the category State Immunity, refers to whether individuals and companies can take the U.S. and its officials to court; Government cases relate to Richard Gordon's dual appointment as mayor of Olongapo City and chairman of the Subic Bay Freeport Zone.

Identity versus Territory, Sovereignty versus Dependence

Conflicts between Filipinos and Americans spurred one of the biggest sources of debate between the U.S. and R.P. governments in base negotiations: jurisdiction over criminal activity and civil conflict. In fact, in order to avoid conflicts between American

servicemen and Filipino civilians, a 1979 amendment to the 1946 Military Bases Agreement (MBA) stipulated the use of more Philippine security guards within and around the perimeter of the base.[xv] These types of cross-national[xvi] interactions often resulted in criminal cases, such as a Filipino fireman recruit for the U.S. navy writing multiple bad checks on the naval base, joint Filipino and American persons smuggling items off a ship, joint Chinese and Americans smuggling opium into the area, American espionage on behalf of the Filipino government, Americans murdering Filipino/as, and a Filipino U.S. naval hospital corpsman committing rape on the naval base.[xvii]

Nicole's aforementioned trial raised issues of jurisdiction as it relates to custody of military personnel before, during, and after the conviction of Smith for her rape. Officially, under the Visiting Forces Agreement, after a request to the Philippine government, custody of U.S. personnel resides with U.S. military officials until all proceedings are completed, and the U.S. agrees to make the accused available to Philippine officials. Additionally, the U.S. agrees to "take into full account" any requests by the Philippine government for custody. However, if court proceedings – not including appeals – are not completed within one-year, the U.S. no longer has any obligation to make the accused available. Once an American is convicted, their confinement or detention by the R.P. "shall be carried out in facilities agreed upon by appropriate Philippine and United States authorities." The language that specifies court and custody jurisdiction is left ambiguous, with clear avenues for individual R.P. and U.S. officials to come to an agreement, leaving these negotiations open to influences of power and pressure.

The trial spurred a national dialogue about Philippine dependency on the United States and the constitutionality of the 1998 Visiting Forces Agreement–which continues to outline military relations between the two nations–and sparked protests in the Philippine capital. I was a Fulbright Scholar and Visiting Research Fellow at the Center for Women's Studies at the University of the Philippines–Quezon City during the original 2006 trial, and witnessed first-hand student and academic activists organizing speaker panels, protests, and conferences to raise awareness of the case and its impact on Philippine society. Next, I'll outline how these negotiations and issues of sovereignty versus dependence and nationality versus territory can be seen through custody disputes before, during, and after the trial.

As previously discussed, during the night of October 31st, 2006 and the early mornings of November 1st, Nicole and Smith met at a bar within the Subic Bay Freeport Zone. After drinking and dancing, Smith escorted Nicole to a white van. While inside the white van, where three other servicemen sat, the incident–rape as alleged by Nicole and consensual sex countered by Smith–occurred. Witness reports, that were later challenged, initially described the men escorting Nicole out of the white van "like a pig"–each person holding one of her limbs – and placing her on the side of the road. Afterwards, Nicole goes to the hospital for a check-up, followed by a trip to the police station to file a report. By all accounts, the four men returned to the ship, carrying on the night and next day as normal, until the early hours of November 3rd when they were first interrogated by the NCIS, then taken to a U.S. embassy-run safety house to await trial.

Nicole's trial was popularly known as the Subic Rape Case,[2] and the custody of Smith before, during and after his trial–but not court jurisdiction–was at the forefront of controversy between the two nations. In his ruling on Smith's petition to be transferred to U.S. custody after his conviction, Judge Bruselas, Jr. eloquently outlines why and how custody relates to sovereignty and dependence. He says "at the core of the controversy is the basic question of who gets to keep a person who has been charged, tried and convicted of committing a crime, or stated differently, who should punish persons who commit crimes in a given territory." He frames the issue of custody in terms of sovereignty and territorial supremacy, when he says that being able to punish people for the crimes committed within their boundaries is the sign of a sovereign state.[xviii] Additionally, he points out how jurisdiction and custody go hand-in-hand, that the one is an essential part of the other, and that the VFA is about protecting the people of the host nation, not the foreign, visiting soldiers.

In his ruling, Judge Bruselas, Jr. also notes that the U.S. did not comply with the immediate turnover of Smith after his arrest, and that officials did not respond to the

[2] That his trial would be held in a Philippine court was not something that sparked controversy. The Visiting Forces Agreement specifies which court has jurisdiction over what crimes. For example, Filipino personnel cannot be tried by a U.S. military court nor detained by one, rather, they must be turned over to a U.S. civilian court or a R.P. authority. Similarly, American military personnel cannot be tried under Philippine military or religious courts, only civil ones. Although these specifications are identified with two sentences, the bulk of the agreement related to criminal jurisdiction involves crimes committed by U.S. personnel and whether and when to try them under Filipino civil courts, echoing the importance of how custody and jurisdiction are perceived by each country (see Appendix 1). However, often times, these authorities and rights run concurrent. When this occurs, Philippine authorities have primary jurisdiction except if the crime is committed solely against U.S. property or personnel or committed while in the "performance of official duty." Additionally, each government can request a waiver, and the Philippines will waive their right if the crime relates to the U.S. maintaining good order and discipline among its forces, unless Philippine officials think that the case is of particular importance. Each government also agrees to assist the other in regards to arrest of criminals and to notify the other when an arrest has been made. In the Subic Rape Case, LCpl Smith was tried under Philippine law and in Philippine courts. Once he was convicted, the agreement allows for the U.S. military to try him if he violated military laws while committing the offense, circumventing double jeopardy; however, the U.S. military did not proceed with any charges.

multiple requests (through embassy notes) from the Philippine government for custody of Smith nor did they file an official request for his custody. This assertion is born out through an analysis of the embassy notes in question.[xix] On November 16, 2005, the Philippine Department sent an embassy note to the U.S. requesting that they turn over the servicemen involved in the alleged crime, noting that custody was to be decided among U.S. and Philippine authorities and citing the VFA clauses related to the non-receipt of a formal request for U.S. custody and the extraordinary, heinous nature of the case. The U.S. embassy ignored the note until a follow-up exchange almost two months later. On January 16, 2006, the U.S. responded "having taken full account of the position of the Government of the Philippines regarding custody, the U.S. Government shall continue to exercise custody until completion of all judicial proceedings, as provided for by Article V, paragraph 6 of the Visiting Forces Agreement."

An immediate reply from the Philippine Department of Foreign Affairs clarifies why the Subic Rape Case qualifies as an extraordinary case. The note reads "the Philippine Government is seriously concerned over the patent disparity in the treatment of U.S. military personnel in other countries on the issue of custody in criminal cases. In the light of the decision of the United States Government to maintain its position on the issue of custody during trial, the Department of Foreign Affairs wishes to continue discussions on this matter..." The U.S. retained custody of LCpl Smith until the end of the legal proceedings. However, the Philippine Department of Foreign Affairs' reply outlines how the issues of sovereignty and dependence, in part, rely on the disputes between territory and nationality in criminal cases. They do so by noting the seeming pattern of unequal treatment of U.S. personnel – by virtue of their nationality and not dependent on

the territorial authority in which the crimes were committed – in criminal cases across countries.

This issue of disparate treatment based on nationality goes hand-in-hand with discussions of sovereignty and is also seen through the discourse of the protestors during and after the trial. For example, in the November 1, 2006 protest, activists shouted "US band of rapists, guilty, ikulong, parusahan [jail them, punish them]," while Nicole, who helped lead the protest, questioned "Why can't our government do anything to stop the Americans from coming here? [We need] to avoid another rape [of Filipinas]." She also expressed dismay at the sight of US ships in Subic again "as if nothing happened, as if it is business as usual."[3] Likewise, in a November 21, 2006 rally, protester Joms Salvador, referring to the VFA and the U.S. having custody of Smith, tells a newspaper, "[the Philippine] government has long been subservient to the US."[4]

Similar discourse arose after Smith's guilty verdict – both in protests as well as court documents. Although Smith's conviction was seen as a victory of Philippine independence, the controversy over post-conviction custody and detention refueled the discourse of U.S. imperialism and Philippine dependency. Smith was sentenced to a Makati City jail until, per the VFA, U.S. and Philippine authorities could work out an appropriate detention facility. Smith filed two appeals, as well as a temporary restraining order (TRO). The first of the appeals related to a petition for certiorari,[xx] arguing that the judge used *grave abuse of discretion* by issuing an order to be confined at a Makati jail, while the TRO was for immediate transfer to U.S. custody. The TRO was denied,

[3] http://www.inquirer.net/specialreports/subicrapecase/view.php?db=1&article=20061102-30202, last accessed June 7, 2014
[4] http://www.inquirer.net/specialreports/subicrapecase/view.php?db=1&article=20061121-33922, last accessed June 7, 2014

sparking the Romulo-Kenney Agreements of December 19 and 22. These agreements were made between the U.S. Ambassador and the Philippine Secretary of Foreign Affairs *vis a vis* embassy notes, and they detail the return of Smith to U.S. military custody, that he would be held at the U.S. Embassy Compound, guarded by U.S. personnel, and that Philippine authorities would have access to him. The courts did not immediately relinquish Philippine custody, and in response to them doing so, the U.S. announced the cancellation of the Balikatan joint military exercise scheduled for February 2007.

In his ruling over Smith's first appeal, Judge Bruselas, Jr. dissects all ten paragraphs of the VFA article that delineates criminal jurisdiction. He concludes that the single paragraph which starts "custody of any United States personnel over whom the Philippines is to exercise jurisdiction *shall immediately reside* with United States military authorities, *if they so request*, from the commission of the offense until completion of all judicial proceedings" (emphasis is in the Court's decision) is far outweighed by the other nine paragraphs regarding Philippine jurisdiction and thus, custody. In the original draft of his opinion, Bruselas Jr. dismisses Smith's petition based on lack of merit. However, by the time the official decision is filed – after the cancellation announcement of the Balikatan joint exercise – the petition is dismissed for another reason: because Smith had already been transferred to U.S. authorities. In both decisions, Bruselas Jr. notes

> If it is the position of government that the language of the VFA is clear as seen by the petitioner and as also seen by the U.S. Embassy, despite the strong and palpable indications that it is not so, then let it do as it sees fit and deal with such latest agreement as its sound judgment permits; for as Justice Holmes once wisely observed, "*the other branches of the Government are ultimate guardians of the liberties and welfare of the people in quite as great a degree as the courts."*...Courts may not directly intervene in the exercise of *diplomacy* no matter how proudly or meekly, strongly or weakly, such exercise may be conducted by the appropriate political organ of government… As the weakest amongst the ultimate guardians of the liberties and welfare of the people, we can only soberly articulate that custody and jurisdiction are essential to sovereignty. (35)

Although the original draft of the decision follows this by a declaration of sovereignty of states and that the VFA recognizes this sovereignty, the official decision is dismissed, rendered moot because he was already transferred.

LCpl Smith's transfer instigated renewed debate on Philippine sovereignty or dependence. Evalyn Ursua, Nicole's lawyer, said that she would "file criminal cases against Foreign Affairs Secretary Alberto Romula, Justice Secretary Raul Gonzalez and all those responsible for Smith's transfer [because] they are all rapists. They raped our Constitution. They should all be held criminally liable." Furthermore, she argues that U.S. efforts over the transfer were "arm-twisting" the Philippine government and that Philippine President Gloria Macapagal-Arroyo could be impeached for allowing this "violation of our sovereignty" and "clear foreign intervention."'[5]

Government officials also used the trial to condemn the U.S. For example, Bayan Muna partylist Representative Satur Ocampo said that "The appellate court's reversal of the lower court's conviction of Lance Corporal Daniel Smith for raping [Nicole] is at bottom a major blow to our national sovereignty and dignity, and to Philippine jurisprudence…[the Court] adopted the defense side, as it gave more credence to the supposed recantation of the victim prepared by the lawyers of the accused…In practical effect, the Court of Appeals decision abets the abuses of 'visiting' US military forces that have a historical record since the long years of the US military bases presence in the country. The Court acquittal of Smith also raises questions on probable political pressures on the justices coming from the US government and the executive branch." In the Court of Appeals decision, the judge specifically states that they did not take into account

[5] http://www.inquirer.net/specialreports/subicrapecase/view.php?db=1&article=20061230-40832, last accessed June 7, 2014

Nicole's recantation. Although, the indirect effects of her recantation are unknown, it would not be far-fetched to assume that her recantation, where she said that she was "was so drunk when the incident happened. She raised doubts that Smith raped her, admitting that she was attracted to the US Marine officer,"[6] was subject to U.S. intimidation, since shortly after she permanently left the Philippines to reside in the United States, and could be used by the U.S. and others to counter and/or silence issues raised in the case. Similarly, Akbayan partylist Representative Risa Hontiveros said that Malacañang's [the President's residence] role in facilitating Smith's transfer to U.S. custody "lacked gender sensitivity and nationalism and [was] an insult to our nation."[7]

In addition to the anti-American discourse of protestors and governmental officials, Nicole filed a petition,[xxi] decided in conjunction with two other cases concerning similar issues,[xxii] arguing first, that the VFA is unconstitutional, and therefore, the Philippines should have custody of Smith after his guilty verdict. Second, she argues that U.S. custody of the accused during trial violates the Constitution's equal protection clause because it allows different rules for the accused based on nationality. The Court disagreed with Nicole et al. They first find that the issue of whether or not the VFA is unconstitutional was already addressed in a previous case, Bayan v. Zamora. The question regarding the VFA's unconstitutionality stems from the present 1987 Philippine Constitution, which states that military bases or foreign military bases require a treaty ratified by both nations. The main argument for its unconstitutionality is that the VFA was not presented to the U.S. Senate for approval; however, the Court found that since it

[6] http://www.preda.org/en/newsitems/subic-rape-victim-nicole-recanted-her-earlier-statements-that-lance-corporal-daniel-smith-who-was-convicted-in-2007-raped-her/, last accessed June 7, 2014
[7] http://www.inquirer.net/specialreports/subicrapecase/view.php?db=1&article=20090424-201241, last accessed June 7, 2014

was approved by the Philippine Senate and recognized by the U.S. as a treaty, it is a treaty – a binding international agreement. Additionally, since it was signed as an implementing factor of the 1951 R.P.-U.S. Mutual Defense Treaty – which is still in effect – it is not necessary for the U.S. Senate to approve it, merely for the U.S. Congress to recognize it, which it did.

A second issue raised in this petition regards custody: that having the U.S. military granted custody during trial provides different rules based on nationality, violating the Constitution's equal protection clause. As previously found, the Court does not agree because there is

> a substantial basis for a different treatment of a member of a foreign military armed forces allowed to enter our territory and all other accused.[11] The rule in international law is that a foreign armed forces allowed to enter one's territory is immune from local jurisdiction, except to the extent agreed upon…Nothing in the Constitution prohibits such agreements recognizing immunity from jurisdiction or some aspects of jurisdiction (such as custody), in relation to long-recognized subjects of such immunity like Heads of State, diplomats and members of the armed forces contingents of a foreign State allowed to enter another State's territory. On the contrary, the Constitution states that the Philippines adopts the generally accepted principles of international law as part of the law of the land. (Art. II, Sec. 2).

Although not addressed in the appeal, the Court then turns its attention to the detention of Smith, post-conviction, at the U.S. Embassy Compound, and finds that there is differential treatment. Zoning in on the language of the VFA, which states "the confinement or detention *by Philippine authorities* of United States personnel shall be carried out in facilities agreed on by appropriate Philippines and United States authorities" (emphasis is the Court's), the Court asserts that there is a clear difference between custody during trial and after conviction and that the aforementioned Romulo-Kenney Agreements violates the VFA because Smith is not being held "by Philippine authorities." The Court then moves for Philippine and American officials to negotiate an

appropriate detention facility and for the Court of Appeals to resolve Smith's second appeal.

However, in separate dissenting opinions, two judges referenced their dissention of the precedent case, Bayan v Zamora, arguing that the VFA is unconstitutional because is not considered a treaty in the U.S., but rather an executive agreement. While the agreements create an obligation to international law, it is not binding in American domestic law, and the disparity between being enforceable within the Philippines but not the U.S. "would render our sovereignty in tatters." Additionally, Judge Antonio T Carpio concurs with this dissention and in a separate opinion states "the Philippines is a sovereign and independent State. It is no longer a colony of the United States. This Court should not countenance an unequal treaty that is not only contrary to the express mandate of the Philippine Constitution, but also an affront to the sovereignty, dignity and independence of the Philippine State."

Nevertheless in 2009, answering Smith's second appeal, a Philippine Court of Appeals acquitted Smith, saying that there was insufficient evidence. In the appeals by both Nicole and Smith, the court was tasked with questions on the constitutionality of the VFA, delving into the minute details of the ten paragraphs of the VFA that deal with criminal jurisdiction and custody, and how to interpret diplomacy-in-action through the agreements between the American Ambassador to the Philippines and the Philippine Secretary of Foreign Affairs. In doing so, judges, along with newspaper accounts, protests, and activist writings, imbued these decisions with symbolism, meanings, and understandings of sovereignty, respect, and (in)dependence among nations. Perhaps one of the most media covered trials related to U.S. and Philippine relations in the

Philippines, the law-in-practice by government officials, judges, lawyers, activists, and others demonstrate the ambiguity of law-on-the-books as well as the differing meanings given to the trial and its coverage.

Similar to Nicole's case, issues of nationality versus territory arose in these different types of conflicts and the subsequent legal cases. For example, in 1982 Brian L. Molly, an American serviceman, was charged and found guilty in an Olongapo City court of estafa (fraud), involving six thousand Philippine pesos.[xxiii] He appealed and the case went to several Philippine courts, where there were debates on which Philippine court had jurisdiction over his case. One court – the Court of First Instance, reversed the city court's judgment and acquitted him because it was a "purely civil" matter, whereas after the prosecuting attorney appealed, the Supreme Court reversed the previous court's acquittal. Guilt or innocence depended on the court's territorial authority in which he was tried.

In 1970, Albert L. Merchant, an American civilian of the U.S. Navy, was charged with 'Less Serious Physical Injuries thru Reckless imprudence' in Olonagpo City.[xxiv] The prosecuting attorney argued that since Merchant was a civilian, he was not subject to the 1947 MBA–which originally only specified military personnel–and argued that the status of the embassy notes–known as the Mendez-Blair Agreement of August 10, 1965 which specified criminal jurisdiction applying to both military and civilian personnel of the U.S. military–constituted an executive agreement, not a treaty, and are therefore inapplicable. This argument was later echoed in Nicole's trial. However, the motion is dismissed because, as the judge notes in his July 31, 1970 ruling, "considering the fact that the custody receipt over the person of Albert L. Merchant has already been withdrawn by the

Base Commander and Merchant has offered to submit a cash bond, in lieu of said receipt, before the Municipal Court of Subic, Zambales, the question with regard to said custodial authority has indeed become moot and academic…[and] the determination of such crucial question must await another day." Merchant's nationality and military status trumped the territorial sovereignty of the courts.

Meanwhile, in an informal conversation, John[8], an American who grew up at Subic Bay due to his father's military assignment, noted that he observed servicemen resorting to unusual tactics in order to stay at Subic and not be transferred. For example, he knew of seamen who would beat their girlfriend/wife to stay in-country. Similar to Goffman's (2009) observation that the neighbors and girlfriends of wanted men exploit the U.S. criminal justice system to exert control over these men, the servicemen in the Subic Bay area may seemingly engage in criminal activity to purposely stay in their desired area. They manipulate the system for their own needs and desires.

Jurisdictional disputes over where Filipinos would be tried also occurred. For example, in one case the dispute revolved around where in the Philippines the accused would be tried: on August 18, 1960, Tomas Mallorca and two others stole U.S. property that was valued at $1,478.05 or P4,655,86.[xxv] He was originally presented at the Justice of the Peace in Subic, but argued that he should be tried at the Justice of the Peace in Olongapo. This lead to questions regarding jurisdiction and authority even within the Philippines, and the possible ambiguity of Olongapo's status as a former barrio (neighborhood) of the Municipality of Subic, and former extension of U.S. military territory. Olongapo was part of the territory of the U.S. military until 1959 when the U.S. relinquished the city to the Philippines, and Olongapo became a separate municipality.[xxvi]

[8] A pseudonym

The judge dismissed the motion, agreeing with the defendant since the Justice of the Peace of Olongapo–not Subic–exercised criminal jurisdiction over crimes committed within the boundaries of the naval base since 1947.

Territorial Sovereignty versus Administrative Sovereignty

Issues of Philippine sovereignty over the U.S. bases while they were operational were also raised in property law. In 1973, Loreta Gozo was convicted of violating an Olongapo City ordinance that requires a permit for the construction and/or demolition of a building because she bought, demolished, and constructed a new house on land within the naval base without an Olongapo City permit. After Gozo brought the case to the Court of Appeals, they deferred the case to the Supreme Court because it raised constitutional questions regarding administrative jurisdictional authority. The Supreme Court judge affirmed the original court's findings because by arguing that she was not subject to Olongapo City rules and regulations, the Court found that she tried to "emasculate our sovereign rights by the assertion [that we] cannot exercise administrative jurisdiction."[xxvii] Here, the court argues that although the U.S. had territorial sovereignty and control over the base, Philippine administrative sovereignty continued to be applicable. By territorial sovereignty, I refer to power and authority by a government or organization that extends throughout a geographic territory, it is geographically bound. Whereas administrative sovereignty means the authority and power by a government or organization that extends over people, it is bound to citizens. This type of authority is extraterritorial, its reach extends beyond the geographic boundaries it covers.

Similarly, the courts had to adjudicate Filipino land claims, over both the naval territory[xxviii] and the territory now governed by the SBMA.[xxix] In one instance, people

presented land claims from Spanish titles, while another case debated Filipino rights to enter and cut timber within the naval base.[xxx9] Additionally, the courts had to decide whether a Filipino lawyer admitted to the Philippine Bar has the authority and jurisdiction to practice law in U.S. Navy Courts Martial vis-à-vis as a defense attorney.[xxxi] The Philippine Supreme Court found that her license allowed her to practice law in all Philippine courts; however, they differentiate *geography* (all courts that are within Philippine territory) from *administration* (where U.S. Navy Courts Martial are under U.S. jurisdiction, not R.P.). Here again we see territorial and administrative sovereignty disentangled from one another and negotiated through the courts.

In March 1992, Republic Act 7227 established the SBFZ, a tax and duty-free area dedicated to transforming the former base lands into a contemporary, productive alternative use. This document delineated the space that would comprise the SBFZ, stating, subject to approval, that its creation "consist[ed] of the City of Olongapo and the Municipality of Subic, Province of Zambales, the lands occupied by the Subic Naval Base and its contiguous extensions…and within the territorial jurisdiction of the Municipalities of Morong and Hermosa, Province of Bataan" It stipulated that "within thirty (30) days after the approval of this Act, each local government unit shall submit its resolution of concurrence to join the Subic Special Economic Zone to the office of the President."

In 1993, the Municipality of Morong in Bataan approved their inclusion in the SBFZ. However, residents filed a petition – written in Tagalog in contrast to the resolution and other related government documents that were written in English – to

[9] See G.R. No. 17427 for a 1922 Philippine Supreme Court case on whether the court had jurisdiction to release a Filipino, held by the U.S. military, convicted of illegal timber cutting on what was then known as the naval reservation

withdrawal and repeal this resolution. Instead, they argued that the resolution be replaced with a public decision where Morong would only be included in the SBFZ if certain conditions were met.[10]

The Morong government took no action after 30 days, and petitioners sought signatures to make their petition into an initiative, one way that the people of the Philippines are able propose, enact, approve or reject any acts or laws. Meanwhile the Morong government wrote a letter, requesting that the local initiative/referendum be denied because it "will just promote divisiveness, counter productive and futility." The judicial arguments in both cases centered on "delineating the extent of the all important original power of the people to legislate" and the first case directly references the People's Power Movement, a bloodless social movement that ousted the Marcos regime. On September 30, 19 1994, the judge declared that the people were denied due process. He stated that the people were not given a fair chance to deny the memorandum and this needed to be rectified because inclusion into the SBFZ would greatly impact on their lives. In both cases, the judges declared the original memorandum annulled and that the proposed provisions by the people's petition to the Commission on Elections, who had the authority to judge whether the provisions were feasible.[xxxii]

The courts drew upon the country's history and the real and symbolic victory over a dictatorship to reinforce people's rights to have a say in how their land and government

[10] These conditions include: the forests and Grande Island currently under SBFZ jurisdiction be returned to Bataan, for the Bataan lands contained in SBMA to be counted with the money provided by the national government, be allowed to establish its own special economic zones, base the distribution of SBMA's income by the size of respective land, base employment on the size of the aforementioned size of lands, have the Morong SBMA gates be open 24 hours, open more gates in Morong and Hermosa, finish constructing concrete roads to help the people of Bataan, conserve the mountains, and let Morong, Hermosa and Bataan have representation in SBMA leadership

are to be organized. Here, the territorial rights of the people trumped the administrative rights of the elected.

Blood versus Marriage

In cases that delineate blood versus marriage, courts decide the limits, rights, and reach of relationships based on blood (family not necessarily chosen, such as genetic progeny or relatives) and marriage, an elective relationship between two individuals. In the unpublished and dismissed case, Christopher et al used the U.S. Tucker Act (28 U.S.C. § 1491)–which states that "an express or implied contract with the Army and Air Force Exchange Service, Navy Exchanges, Marine Corps Exchanges, Coast Guard Exchanges, or Exchange Councils of the National Aeronautics and Space Administration shall be considered an express or implied contract with the United States" – to argue for damages covering medical and other expenses of Olongapo City Amerasian children. The medical expenses for the children, until age 18, would amount to approximately $68 million in total.

Beginning in 1974, U.S. Chief of Naval Operations, as a representative of the United States and Mayor of Olongapo City, as a representative of the Philippines, entered into a series of Memorandum of Understandings regarding the prevalence and treatment of sexually transmitted diseases as well as the responsibilities of each party for the running of the Social Health Clinic in Olongapo. Each MoU was subject to a renewal after a fixed date, and petitioners argued that when the U.S. co-funded the Social Health Clinic regulating the sexual health of prostitutes surrounding the Subic Bay Naval Base – and entering into the MoUs – they engaged in an implied contract. The petitioners framed the case in the "entertainment" industry that arose in Olongapo to cater to U.S. service

personnel and the registering of all workers in clubs, bars, hotels, and similar businesses and subject to regular medical check-ups. They also asserted "local police, working with Navy Police, would stop women walking in public with Navy personnel who did not have an official document issued by the bar or club to allow a woman out of the bar or club to provide 'entertainment' to service personnel" represented the tight control both the U.S. military and Olongapo officials had over the women and their activities.[xxxiii]

The United States, as the defendant, countered that the U.S. did not agree to a waiver of its sovereign immunity, there was no evidence of a contract, and that the plaintiffs are bringing to the Courts a political question, which should be answered by the legislative and executive branches. They acknowledge that "at the heart of this case is a concern for the health and education of the Amerasian illegitimate offspring American service members stationed abroad, and their mothers…[however] Plaintiffs apparently intend that this Court will oversee administration of US-financed health and education services in the Philippines…trespass[ing] the roles of the legislative and executive branches.[xxxiv] They also point out that the United States Code's Foreign Assistance chapter recognizes the plight of these children in various Asian countries and provides assistance, administered by USAID. The U.S. recognizes and allows for negotiations over this kind of transaction–assistance for Amerasian children–but, since no countries or allocations by country are specified, this leaves the financial assistance inconsistent, and subject to administrative discretion. Although the Court asserted their jurisdiction over the case by stated that the plaintiffs' claim was separate from the 1947 agreed with the defendant, they agree with the defendant that no evidence of an implied contract was presented and dismissed the case.

The case raises critical questions regarding the responsibility of the United States towards Filipino Amerasian children and the difficulties such children face in obtaining child support. The U.S. passed the 1982 Amerasian Act (Public Law 97-359), and other similar acts that facilitate economic and migration assistance and preference for Amerasians; however, these laws exclude those from the Philippines. This exclusion was based in part, because the Philippine bases were not directly engaged in combat during the Vietnam War; rather they were maintenance and logistic hubs and popular rest and relaxation destinations for military personnel on leave.[xxxv] This disparity between the treatment and provisions provided to Vietnam Amerasians but not Filipino Amerasians was also noted in the Acebedo Plaintiff's brief.

Although in 1993 House Bill 2429, which sought inclusion of Filipino Amerasians into the 1982 Amerasian Act, was introduced in Congress, it "died" and was not signed into law. As opposed to Amerasian children in Vietnam, South Korea, Thailand, Laos and Cambodia, those in the Philippines are not afforded the same rights of migration and economic assistance because the U.S. government differentiated the rights of children based on their fathers' activities and the territory of the base. In the case of the Philippines, the responsibilities of the fathers or the U.S. military are brushed over. The lack of marriage between the fathers and mothers, and the fathers' activities and physical location, trumped the children's blood relation to these men.

No country has collected a global census of Amerasians; however, there are an estimated 30,000 to 52,000 located in the Philippines alone.[xxxvi] Similar to Amerasians in other Southeast Asian countries, Filipino Amerasians are often born into poverty, with little to no financial support, without any ties to their biological fathers and many are

abandoned by their families; additionally, they face social discrimination because of their association with prostitution. The cycle of poverty and abuse continues as many find themselves working in bars and/or as prostitutes to provide for their families, and while some White Amerasians may benefit from their light-skin and American features, most do not, and Black Amerasians face additional discrimination based on the color of their skin.[xxxvii]

Tessa, a Black female Amerasian, shares her too common experience of discrimination among peers and superiors and being sexualized by men during a group focus discussion lead by Gastardo-Conaco and Sobritchea:[xxxviii]

> It is truly insulting if we are called 'tisay' (half white) even if we are black. Others would say 'tisay na baliktad' (half white in reverse), kulot (kinky-haired), or 'baluga' (black). I remember when we used to have our social activities in elementary school. Our teacher would ask us to choose a partner for the dancing exercises and I would be left alone since no one wanted to have me for a partner. Sometimes, they [perhaps referring to the teachers] would segregate us because of our color. I have problems getting a good job now that I have finished high school. I have applied in many establishments. I have sent out my bio-data several times already but after every interview, I get turned down. They look at me, a black person, and right away they ask about my father. They are not supposed to ask that, right? I know it is hard to find a good job if you are black. I got to the bars with my boyfriend once in a while. You see, I enjoy dancing and wearing sexy, tight-fitting clothes. The men think I'm a 'loose woman.' They would stare at my body, comment on how sexy I looked, how they like my buttocks, and so on. Sometimes my boyfriend gets into trouble with them. He would parry their advances. (Gastardo-Conaco and Sobritchea 1999:53).

In research I conducted in 2006-2007 as a Fulbright Scholar to the Philippines, I spoke with mothers of Amerasian children to uncover how they experienced and understand their encounters with the military men, the base, as well as their take on how their children fit into Philippine society. The interviews revealed complex interpretations of selves, with an emphasis on the powers of luck and love, the construction of marriage, and on the women's roles as gatekeepers for their children. The most prominent characteristic of self-identity was motherhood, with each woman wishing for a better future for her child/ren. These wishes range from Edith's opinion that her son belongs

and would be more accepted in America, to acting as a gatekeeper by keeping the identity of their father hidden because of the emotional trauma it would cause.

Additionally, lamentations of "bad luck" often accompanied anecdotes of each of the women's lives. The "lucky" ones, friends and family members, were the ones who were able to get married to an American and immigrate to the States. However, "bad luck" was often the root of most of their dilemmas, in terms of economics, relationships with Americans, and perceived standings in the community. Carmen noted that her daughter was lucky because, although her father was part-Black American, people often remarked that she was pretty. In Carmen's view, her daughter was immune to discrimination, or at the very least, was able to compensate for her blackness through her attractiveness. While "luck" certainly determines much of our lives, in terms of where we were born, what socio-economic class we are in, what ethnicity we are and our social networks (among other attributes), attributing circumstances to luck can mask deeper societal problems such as the causes of abject poverty, prostitution, and lack of jobs.

The legacies of these military men only begin with the fates of these Amerasian children left behind. Other types of intimate relations, such as between child and parent, Americans and Filipinos, also leave legacies that impact the next generation and deal with issues related to the rights of marriage and the rights of blood. For example, American military personnel were not, and continue to not be, allowed to marry a foreign national overseas without their commander's permission – if they do so, they may be subject to court martial, for violating Article 92 of the Uniform Code of Military Justice,

failing "to obey any lawful general order or regulation."[11] Intimate relations in foreign spaces are heavily regulated and subject to prosecution.[xxxix]

Janalita Rapada, a Filipina, and Joel Dempsey, an American serviceman, were unmarried but cohabiting when their daughter Christina Marie was born. Dempsey is listed as her father on the birth certificate and also signed an Affidavit of Acknowledgment (of his daughter). He provided $150 in monthly child support to Rapada. Rapada also claims to have obtained a promise that Christina Marie would legally be declared his dependent and obtain his citizenship, which would give her all the benefits of a dependent of an American serviceman.[xl] According to court documents, the Naval Legal Service Office at Subic tried to compel Dempsey to fulfill these promises, but they were unsuccessful in their attempts.

Rapada simultaneously filed two separate charges, one criminal and one civil, that Dempsey abandoned his child and failed to give adequate support. Dempsey pleaded guilty, and the court, for the criminal charge, sentenced him to three months and eleven days to four months of prison and a fine of P300; for the civil charge, they ordered him to continue the monthly $150 in monthly child support until she's eighteen, recognize her as his natural child, as well as pay Christina Maria P10,000 for damages and P5,000 in attorney fees. Dempsey appealed, requesting that the civil liabilities award be set aside and the prison sentence be reduced to a fine. The RTC reversed the previous court's decision, stating that paternal authority and obligations are only for legitimate and adopted children, a person could not be held criminally liable for failure to support their child, and that the previous court had no authority to make their judgment. Because of the

[11] This continues to be in place, see: http://www.jag.navy.mil/organization/code_16_immigration_info.htm#foreignmarriage, last accessed May 27, 2014

lack of marriage between the couple, the Court found that he had no obligations. Again, lack of a marital bond trumped blood rights of the children.

Next, the case was taken to the Supreme Court, where the judges reversed the RTC's decision and reinstated the previous court's ruling, in part, they state because Dempsey pleaded guilty, asked only to change the imprisonment to a fine as well as recognized Christina Marie as his child and the validity of the guilty verdict. The Court argued that contrary to the RTC overruling of the original decision, the law gives legitimate and illegitimate children the same rights. Blood and marriage are equally important. However, Supreme Court judges also disagreed with the original court that Christina Maria was an abandoned child because she was in care of her mother, and that the previous court had no jurisdiction to order Dempsey to recognize her as his daughter, since the issue of recognition was not debated in court; nonetheless, they also agreed with the RTC that the award in damages and attorney fees were erroneous. In doing so, they reinstated the original ruling, with the caveat of one month of imprisonment, and a fine of P300, and acquitting Dempsey of the other charge and awards.

Similarly, Gilbert R. Brehm, an American serviceman on temporary assignment at the Subic Bay Naval Base, married a Filipina, Ester Mira, who had a daughter, Elizabeth, by another American serviceman who was no longer a part of their lives. After they were married, they established residence at Intramuros in Manila, and Brehm supported and cared for Elizabeth. Brehm and Mira filed a petition for Brehm to adopt Elizabth "not only to promote her best interest and well-being, but also to give her a legitimate status…[and] freeing the child Elizabeth Mira from all legal obligations of obedience and

maintenance with respect to her natural father, and be, for all legal intents and purposes, the child of the petitioners, with all the rights pertinent thereto."[xli]

A representative from the Philippines opposed the petition because Brehm's residence was temporary, and therefore, according to Philippine law, disqualified him from making an adoption; additionally, since he was a non-resident alien, the Court did not have jurisdiction over him. Brehm and Mira argue that the law used to oppose them did not apply because the law allows for the adoption of a stepchild. Additionally, they state that they established their residence in Manila, Brehm was always home during the weekends, and that he intends to stay in Manila after his tour of duty. The Juvenile and Domestic Relations Court agreed, allowing the adoption of Elizabeth. However, the Solicitor General claimed that the Court made an error in allowing Brehm the adoption because of his non-alien status. Quoting a previous court decision regarding why non-alien residents are not qualified to adopt: "looking after the welfare of a minor to be adopted the law has surrounded him with safeguards to achieve and insure such welfare. It cannot be gain said that an adopted minor may be removed from the country by the adopter, who is not a resident of the Philippines, and placed beyond the reach and protection of the country of his birth." The Supreme Court agreed with the Solicitor General and ruled that although stepparents may be allowed to adopt, the law on who cannot adopt is clear, and the adoption was voided. Despite being married, Brehm could not adopt his stepdaughter because he was a military foreigner. The marital responsibilities could not be extended to parental obligations despite the desire of Brehm and Mira to do so.

The cases of Christopher, Dempsey and Brehm bring to the foreground the intertwined issues of nationality, rights, responsibilities, and intimate relations that commonly occur in global borderlands. Courts raise and decide questions of who has what rights, and under what circumstances – including their nationality and resident status and distinguishing between the rights afforded to children based on blood relations and parental marital status.

Short- versus Long-Term Obligations

In December 2002, a group of two non-profit environmental organizations–Arc Ecology and the Filipino/American Coalition for Environmental Solutions–along with sixteen individuals who "who live and/or travel ... and/or have family members that live and/or travel on or near the Clark and/or Subic properties" filed a class action lawsuit against the U.S. Navy, U.S. Air Force, and the U.S. Department of Defense to compel them to conduct an assessment of the environmental impact of the former U.S. Subic Bay Naval Base and U.S. Clark Air Force in the Philippines. The petitioners argued that their claim fell under the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA)–also known as the Superfund–which "created a tax on the chemical and petroleum industries and provided broad Federal authority to respond directly to releases or threatened releases of hazardous substances that may endanger public health or the environment" and was applicable to both long- and short-term removals and actions.[12]

Petitioners argue that they were or likely have been exposed to environmental contamination while the U.S. occupied the bases and that the U.S. Congress clearly outlined that CERCLA is applicable to the U.S.' overseas military bases because of the

[12] http://www.epa.gov/superfund/policy/cercla.htm, last accessed June 2, 2014

definition of the United States as ""the several States of the United States, the District of Columbia, the Commonwealth of Puerto Rico, Guam, American Samoa, the [U.S.] Virgin Islands, the Commonwealth of the Northern Marianas, and any other territory or *possession* over which the United States has jurisdiction." Furthermore, they argue, the Defense Environmental Restoration Program (DERP) also lays out this applicability to overseas bases when it says "The Secretary shall carry out…all response actions with respect to releases of hazardous substances from each of the following…each facility or site which was under the jurisdiction of the Secretary and owned by, leased to, or otherwise possessed by the United States at the time of actions leading to contamination by hazardous substances."[xlii][13] Furthermore, they rely on international principals and the "view that activities within a country's jurisdiction or control should not cause significant injury to the environment of another country." Their stance is that the U.S. is responsible for the long-term damages accrued by the Clark and Subic bases.

Countering their argument, the respondents asked for a motion to dismiss, citing the Federal Rule of Civil Procedure (12(b)(6)), because the petitioners "fail[ed] to state a claim upon which relief can be granted." The original district court granted the motion, dismissing the claim and concluding that CERLA does not apply to extraterritoriality, because Congress will make that intent clear in their writing.[xliii] Respondents appealed and presented their arguments to the ninth circuit of the U.S. Court of Appeals. The court affirmed the district court's decision by concluding that the petitioners "failed to state a proper claim under CERCLA" because there is no evidence that either law was intended to apply to extraterritoriality, the timing of the claim–in 2002, the facilities had been under Philippine control for ten years and is no longer under U.S. control–and the lack of

[13] http://www.law.cornell.edu/uscode/text/10/2701, last accessed June 2, 2014

an agreement between the two nations for the assessment. Because so much time has elapsed between the U.S.-controlled base and the Filipino-run Freeport, Courts cannot order the military to assume any responsibilities towards the environmental hazards in the area. The area was no longer under U.S. control, territory, or sovereignty. Indeed, the Court concluding that any contamination or injury to the Philippines should have been negotiated prior to the military withdrawal.[xliv] Additionally, sovereignty is again evoked because the Court points out that American law is only applicable domestically, and it would be "unreasonable" to assume that a claim could be made on a foreign land.[14]

The 1946 MBA between the Philippines and the United States stipulated U.S. use of military bases and facilities in the country, the two largest of which were Subic Bay Naval Base and Clark Air Field. While the agreement included the U.S. right to improve neighboring constructions (such as bridges), and the health and sanitation in areas surrounding the base, the U.S. was not required to return the bases in the same condition they were received, nor was the Philippines obligated to provide compensation for any improvements on the land. This provision released the U.S. from any long-term obligations dealing with the environmental impact of the bases.

The Treaty of Friendship, Cooperation and Security, which would have extended the MBA by ten years, and did have environmental regulations, including having the U.S.

[14] Other reasons for the dismissal include that the CERCLA outlined specific steps for foreign claimants, which included having an agreement between the two nations and that the foreign country make reciprocal amends to U.S. claimants, and the judges concluded that the petitioner arguments centered on the Clark and Subic facilities, not in the "navigable waters, territorial sea, or adjacent shoreline of a foreign country" as described in relevant section. Furthermore, other avenues available to the petitioners, provided by Congress, were not explored - e.g. the Foreign Claims Act "for compensating any 'inhabitant of a foreign country' for property loss, personal injury, or death incident to noncombat activities of U.S. armed forces occurring outside the United States" - and these avenues clearly specified their applicability, and that the language of the CERCLA – the use of "district" "state" and the lack of provisions for foreign sites on the National Priorities List, whose entries are eligible for funds, and the legislative and academic use confirms the domestic nature of the law. Finally, the Court was not convinced of the petitioners' use of international principals, particularly the Restatement of Foreign Relations Law of the United States because the Restatement is not law and at times are not in line with other U.S. positions.

and Philippine commanders establish "an environmental program and formulate substantive environmental protection standards governing the disposal of hazardous or toxic waste consistent with laws of general applicability in the Philippines. It would also have empowered the Philippine government to monitor and verify U.S. adherence to the substantive standards."[xlv] More specifically, the U.S. Commander would be held responsible "for the management and control of the disposal of hazardous or toxic waste generated by the operations, activities and training of the U.S. forces."[xlvi] However, this treaty was not ratified by the Philippine Senate; instead by a vote of 12-11, the Philippine Senate voted for the withdrawal of the U.S. military, and these proposed environmental protections were not in affect, leaving the U.S. with little to no responsibility to the hazards.

The petitioners wanted a full environmental impact study, and although the extent of the long-term environmental damage of the bases is unknown, U.S. officials did have some sense of their hazardous impact. Before the U.S. withdrew, the U.S. General Accounting Office gave a report to Congress entitled "Military Base Closures: U.S. Financial Obligations in the Philippines" which included known environmental damages and outlined the obligations, if any, of the U.S.[xlvii] The damages initially identified[15] at the SBNB included: underground storage tanks without leak detections, no drainage systems in the fire-fighting training facilities, and no completed sanitary sewer system and treatment facility – it is estimated that of the five million gallons of daily sewage only 25% is treated.[xlviii] Pollutants from the fire-fighting facilities, the ship repair facility and the power plants went directly into the water and air, respectively. U.S. officials said that all of these things do not comply with U.S. EPA standards, and that estimates to

[15] These are based on limited environmental surveys that did not include soil or water tests

clean-up and restore the area would be upwards of $25 million, the average cost of cleaning up the worst hazardous waste sites in the U.S.[xlix]

John, the aforementioned American who spent many of his formative years at Subic Bay because of his dad's military assignment, talked about the Kalaklan River that separated the base from Olongapo City –it was known as "shit river" because the sanitary waste flowed directly in it. Nevertheless, the servicemen and Filipinos would race along the river using fishing boats, canoes, or whatever was available.

Although the U.S. had to deal with short-term obligations when the military was located there, including helping to provide health and sanitary measures in and around Olongapo as well as with immediate issue that cropped up everyday with their personnel, there was no responsibility for the long-term impact of their presence.

Discussion

The beginning of this chapter laid out the following puzzles: What happens when you have two distinct populations interacting with shared but also competing interests, values, and legal traditions? More specifically, in the case of global borderlands, what are the legal issues that arise within such semi-autonomous spaces such as overseas military bases and Freeport zones? How do people and the law manage disputes? How are authority/jurisdiction, rights, nationality, class, and gender legally mediated and connected? In what ways do international legal treaties and cases transform and/or reinforce everyday practices, meanings, and interactions among different groups of people? How do cases tried in the U.S. court system interact with cases tried within the Philippine system and with everyday practices in the Philippines? Although this chapter does not fully answer all of these questions, it provides careful examination of some of

the crucial issues involved, and shows, in the same vein as legal pluralist scholars[1] the varied ways legal statuses are negotiated.

Using U.S. and R.P. legal cases from WestLaw, LexusNexus, ChansRoble Virtual Law Library, Lawphil.net, and applying insights from the legal pluralism and legal geography literatures, I uncovered a wide variety of relevant cases, ranging from those stemming from crime/policing to employment benefits and intimate relations. Using four types of cases - crime/policing, property/organization, citizenship, rights, and responsibilities, and the environment – I create and explore analytic types on the kinds of conflicts that occur within global borderlands. The analysis of these descriptive subjects reveals deep debates and negotiations that revolve around the issues of nationality versus territory (as seen through sovereignty and dependency), administrative versus territorial sovereignty, blood and marriage, as well as short- versus long-term obligations. Although the specific history of the Philippines as a 50 year colony of the U.S. and then host to the U.S. military on a permanent basis until 1992[16] shapes these negotiations in very specific ways, it reveals important issues that can arise in places and spaces that are based upon international, cross-national exchange.

Through an analysis of the legal cases and newspaper articles, I show how people and law manage disputes in a variety of ways. These disputes are shaped by and shape everyday interactions between people and how these interactions are viewed – for example, when Filipina women are seen with U.S. military personnel and assumed to be prostitutes or in sexual relationships with them. Activists, petitioners, government officials and others use the media to try and shape the discourse of these disputes, while

[16] The U.S. military continues to be in the Philippines via the VFA, but there is no permanent base presence. However, this may soon change as agreements have been reached regarding the U.S. military return to the SBFZ, taking over the former SBFZ airport

judges use their court rulings to affirm or redefine broader national relationships between countries. This can be seen not only through the Subic Rape Case but also through the situation of Amerasian children in the Philippines and the legacies of the environmental impact of the bases. Further analysis of property and organizational cases reveal how administrative and territorial rights can be disentangled. These relationships and conflicts as they relate to authority/jurisdiction, rights, nationality, class, and gender are legally mediated through courts and judges' political leanings, as well as through one-on-one diplomacy in action, on the streets, in the press, and in micro cross-national relationships.

I also find how international legal treaties and cases transform and/or reinforce everyday practices, meanings, and interactions among different groups of people *vis a vis* discourses related to issues of sovereignty and authority that reinforce inequality. For instance, these international laws and codes mediate marital, romantic and parental relationships. However, legal treaties and cases also are shaped by the micro-interactions between groups of people, as is the case of the 1979 MBA amendment that stipulated Filipino security guards around the SBNB to avoid American-Filipino conflicts. I also find that national sovereignty as it relates to courts is not impermeable to cases tried in other sovereign nations' courts. For instance, the U.S. court system systemically shapes the Philippine judicial and executive systems and everyday Philippine interactions through its decisions regarding the legal legacies of military bases, which have reverberations across time and space. These decisions have implications for the health of Amerasian children left behind by their fathers, generations of people effected by the former bases environmental damage, and the economic status of people once formally and informally tied to the base.

[i] CA GR CR HC No 02587:7

[ii] No. 93-124C

[iii] See Montes, Maria B. 1995. "U.S. Recognition of Its Obligation to Filipino Amerasian Children Under International Law" *Hastings Law Journal* 46:1621-1641; Levi, Robin S. 1992. "Legacies of War: The United States' Obligation Toward Ameriasians" *Stanford Journal of International Law* 29: 459-502; Kolby, Elizabeth. 1995. "Moral Responsibility to Amerasians: Potential Immigration and Child Support Alternatives" *Asian Law Journal* 2:61-85; Ahern, Joseph M. 1992. "Out of Sight, Out of Mind: United States Immigration Law and Policy as Applied to Filipino-Amerasians" *Pacific Rim Law & Policy Journal* 1(1):105-126; Mermelstein, Richard T. 1983. "Welcoming Home Our Children: An Analysis of New Amerasian Immigration Law" *Boston University International Law Journal* 2:299-316; Collins, Kristin. 2000. "When Fathers' Rights Are Mothers' Duties: The Failure of Equal Protection in Miller v Albright" *The Yale Law Journal* 109(7):1669-1708 for further analysis of this case and other laws/legal cases dealing with Filipino Amerasians

[iv] Zelizer, Viviana. 2005. *The Purchase of Intimacy*. Princeton: Princeton University Press, p. 49

[v] Berman, Paul Schiff. 2009. "The New Legal Pluralism" *Annual Review of Law and Social Science* 5:225-242; Griffiths, John. 1986. "What is Legal Pluralism?" *Journal of Legal Pluralism and Unofficial Law* 24:1; Tamanaha, Brian. 2007. "Understanding Legal Pluralism: Past to Present, Local to Global" *Sydney Law Review* 30:375; Michaels, Ralf. 2009. "Global Legal Pluralism" *Annual Review of Law and Social Sciences* 5:243-262; Merry, Sally Engle. 1988. "Legal Pluralism" *Law & Society Review* 22(5):869-896

[vi] e.g., Merry 1988

[vii] e.g., Benton, Lauren. 2001a. "Making Order Out of Trouble: Jurisdictional Politics in the Spanish Colonial Borderlands" *Law & Social Inquiry* 26(2):373-401; Benton, Lauren. 2001b. " 'The Laws of This Country': Foreigners and the Legal Construction of Sovereignty in Uruguay, 1830-1875" *Law and History Review* 19(3):479-511; Shamir, Ronen. 2001. "Nation-Building and Colonialism: The Case of Jewish Lawyers in Palestine" *International Journal of the Legal Profession* 8(2):109-123

[viii] Snyder, Francis G. 1981."Colonialism and legal form: The creation of "customary law" in Senegal." *The Journal of Legal Pluralism and Unofficial Law* 13(19): 49-90.

[ix] Fadmy, Ziad. 2013. "Jurisdictional Borderlands: Extraterritoriality and 'Legal Chameleons' in Precolonial Alexandria, 1840-1870" *Comparative Studies in Society and History* 55(2):305-329

[x] De Sousa Santos, Boaventura. 2006. "The Heterogeneous State and Legal Pluralism in Mozambique" *Law & Society Review* 40(1):39-76

[xi] e.g., Scheppele, Kim Lane. 2010. "The Constitutional Role of Transnational Courts: Principled Legal Ideas in Three-Dimensional Political Space" *Penn State International Law Review* 28:451; Fischer-Lescano and Gunther Teubner. 2004. "Regime-Collisions: The Vain Search for Legal Unity in the Fragmentation of Global Law" *Michigan Journal of International Law* 25:999-1046; Riles, Annelise. 2008. "The Anti-Network: Private Global Governance, Legal Knowledge, and the Legitimacy of the State" *American Journal of Comparative Law* 56(3):605-630; Knop, Karen. 2008. "Citizenship, Public and Private" *Law and Contemporary Problems* 71:309-341; Shamir, Ronen. 2005. "Without Borders? Notes on Globalization as a Mobility Regime" *Sociological Theory* 23(2):197-217; Weiss, Dana and Ronen Shamir. 2011. "Corporate Accountability to Human Rights: The Case of the Gaza Strip" *Harvard Human Rights Journal* 24:155-184; Teubner, Gunther. 2010. "Constitutionalising Polycontexturality" *Social and Legal Studies* 19:1-25

[xii] Yilmaz, Ihsan. 2008. "The Challenge of Post-Modern Legality and Muslim Legal Pluralism in England" *Journal of Ethnic and Migration Studies* 28(2):343-354

[xiii] Fadmy (2013)

[xiv] Blandy, Sarah and David Sibley. 2010. "Law, Boundaries and the Production of Space" *Social & Legal Studies* 19(3):275-284; Butler, Chris. 2009. "Critical Legal Studies and the Politics of Space" *Social & Legal Studies* 18(3):313-332; Delaney, David, Richard T Ford, and Nicholas Blomley. 2001. "Preface: Where is Law?" in Nichols Blomley, David Delaney and Richard T Ford (Eds) *The Legal Geographies Reader* Pp xiii –xxii Oxford: Blackwell Publishers

[xv] Department of State Telegram June 1974, February 1975, April 1976a, April 1976b, April 1976c, April 1976d, August 1976; Letter to Ambassador G Mennen William 1969

[xvi] The naval base itself served as a prostitution hub for military personnel, and was a port for drugs coming from Hong Kong. Many crimes were committed by and within intra-nationality groups and property,

including –smuggling items from the duty-free area to outside, arson, black market activities, drug possession and distribution, embezzlement, larceny, theft and murder (e.g. G.R. No. L-17621, A.M. No. P-08-2454, WC NCM 60-00871, No. 205-65, NCM 76 2034, NCM 73 0061, No. 54036, NCM 77 1913, NMCM 83 1675, NCM 75 2744, NMCM 81 1487, NMCM 81 1487, No. 19,919, No. 20,601, No. 24,354, NCM 72 2534, No. 34,357, NCM 74 0296, NCM 74 3452, NMCM 83 1087, No. 01–4005, NMCM 90 1079, No. 87-496, No. 64,814).

[xvii] NMCM 88 2113; No. 16,718; G.R. No. L-11737; G.R. No. L-11737; G.R. No. L-50276, NMCM 83 1751, NCM 74 1562, No. 13,304, NMCM 83 1087; NCM 76 2012

[xviii] This echoes Weber's definition of power as "the probability that one actor within a social relationship will be in a position to carry out his own will despite resistance" (Weber, Max. 1978. *Economy and Society* Edited by Guenther Roth and Claus Wittich Berkeley: University of California Press, p. 53) and the state as an actor who "successful upholds the claim to the *monopoly* of the *legitimate* use of physical force in the enforcement of order" (Weber 1978:54).

[xix] see CA-G.R. SP. NO. 97212 for copies of these notes

[xx] CA-G.R. SP No. 97212

[xxi] G.R. No. 175888

[xxii] G.R. 176051, G.R. 176222

[xxiii] G.R. No. L-57540

[xxiv] G.R. No. L-30650

[xxv] G.R. No. L-17621

[xxvi] The U.S. relinquished the city to the Philippines in 1959. Only after an exchange of notes between the American Embassy in Manila and the Philippine Department of Foreign Affairs, did the U.S. relinquished its rights to the area; U.S. Department of State: 1959; R.P. Republic Act No. 4645: 1966; Francia, Luis H. 2010. *A History of the Philippines: From Indios Bravos to Filipinos*. New York: The Overlook Press; Rimmer, Peter J. 1997. "US Western Pacific Geostrategy: Subic Bay Before and After Withdrawal" *Marine Policy* 21(4):325-344

[xxvii] G.R. No. L-36409

[xxviii] G.R. No. L-55912

[xxix] G. R. No. 156888

[xxx] G.R. No. L-24294

[xxxi] G.R. No. L-45319

[xxxii] G.R. No. 111230, G.R. No. 125416

[xxxiii] Attorneys for Plaintiff Class: 10

[xxxiv] Defendant's Motion to Dismiss, 29-30

[xxxv] e.g. 1987 Homecoming Act, aka Indochinese Refugee Resettlement and Protection Act, Pub. L. No. 100-202; for failed Amerasian bills that also exclude Filipino Amerasians, see: 2003 H.R. 3360 1987 S. 1601, 2005 H.R. 2687, 1985 H.R. 1684

[xxxvi] e.g. Gastardo-Conaco, Cecilia and Carolyn Israel-Sobritchea. 1999. *Filipino-Amerasians: Living in the Margins* Quezon City: University Center for Women's Studies Foundation; No. 93-124; Montes 1995; Kutschera, PC, Jose Maria G Pelayo III, and Mary Grace Talamera-Sandico. 2012. "The Continuing Conundrum of Southeast Asia's 50,000 Filipino Military 'Amerasians'" *International Proceedings of Economics Development and Research Journal (IPEDR)* 48(14):62-67*;* Ahern 1992; Kolby 1995

[xxxvii] e.g. Kutschera et al 2012, Gastardo-Conaco and Sobritchea 1999

[xxxviii] Gastardo-Conaco and Sobritchea (1999

[xxxix] e.g. WC NCM 60-00615

[xl] G. R. Nos. 77737-38

[xli] G.R. No. L-18566

[xlii] 10 US Code § 2701(c)(1)(B)

[xliii] No. C02–05651JW

[xliv] No. 04-15031

[xlv] United States. General Accounting Office. 1992. Report to Congressional Requesters: Military Base Closures: U.S. Financial Obligations in the Philippines, p. 30

[xlvi] Treaty of Friendship, Cooperation and Security 1991, Article VIII: 43

[xlvii] U.S. GAO 1992

[xlviii] U.S. GAO 1992, p 27
[xlix] U.S. GAO 1992: 27
[l] e.g. Benton (2001a, 2001b)

Chapter 4: Socio-Spatial Organization of a Global Borderland

In recent years, sociologists have begun to recognize the importance of *place*, a geographic location with material form imbued with meaning that is both an independent variable and a mediator of social life.[i] Studies of place and space tend to focus on spatial organization and/or social and cultural meanings. This chapter follows in the footsteps of urban cultural sociologists who emphasize how these two factors mutually reinforce one another.[ii] The Subic Bay Freeport Zone (SBFZ) is a particularly strategic location to study the forms of interaction that occur between groups precisely because its colonial military history is paired with its current focus on attracting international businesses and tourists. Additionally, because the SBFZ occupies the same physical space as the former SBNB, it lets me investigate into how colonial socio-spatial organization, cultural practices, and moral discourses influence and interact in the contemporary era.

Given that local Filipinos took over the physical location of the SBNB and transformed it into a site of international exchange, how did they use the leftover built environment and socio-spatial organization? Why and how do certain American practices continue, and what meanings do local workers, local visitors, and foreign visitors give them? To answer these questions I combine what Borer identifies as the Urban Cultural perspective, which emphasizes that narratives and symbolism "play essential roles in the social life of cities,"[iii] and the Urban Political Economy perspective, which stresses that culture depends on broader structural forces. I find that the boundaries initially erected by the military, which served to differentiate between American and Filipino as well as between military and civilian, have been adopted and transformed by elite Filipinos to perpetuate familiar patterns of inequality based on skin color, nationality, and class. From

these patterns, I argue that places of unequal power have structural and spatial residues that continues to influence interactions, cultural practices, and discourses even after a place's original use is transformed. Although this research is based on a single, extreme case study that involves multiple types of global borderlands, the theory that places of power have historical legacies should also apply elsewhere; for example, former prison buildings should have spatial and behavioral echoes from the past that inform their present uses, and places such as Mexico City, which was built over the Mexica's (aka Aztec) capital of Tenochtitlan, should be influenced by its original form.

I first outline the influence of socio-spatial organization and history on cities, then describe how both boundary-making cultural practices and moral discourses are used to differentiate places. Next, I briefly introduce the SBFZ, and then discuss my data and methodology. Finally, I outline my findings: how the SBFZ's socio-spatial organization directly and indirectly excludes the poor, as well as how cultural practices related to order and disorder, and moral discourses formerly associated with the military base continue, to differentiate the SBFZ from the surrounding city of Olongapo.

Inequality and post-colonial socio-spatial makings of place

Research on spatial organization examines relative locations, geographical patterns, and these pattern's consequences.[iv] Social relations are spatially and hierarchically organized, and a large body of sociological research identifies these patterns and consequences.[v] Territoriality–that is, the control of space–is a social process, and "stratification of places" creates advantages and disadvantages.[vi] In this way, power and privilege are reproduced socially and spatially.

Much of the literature on cities, spaces, and inequality focuses on global cities – their internal spatial polarization, and where they rank globally.[vii] The literature on colonial and postcolonial settings also shows how power and privilege are reproduced through space. For example, the physical patterns of colonial urbanization reflected socioeconomic classes and distinctions between groups based on tastes.[viii] In colonial Vietnam, this is seen through the differences between residences in the French Quarter versus elsewhere, and *who* occupies *which* residences,[ix] and Myers argues that colonial and postcolonial Zanzibar were similarly ruled *vis-à-vis* the "manipulation of space in the interests of the state's dominance and legitimacy."[x]

In Southeast Asia, cities are characterized by elite's increasing shift from public to private space.[xi] For example, Manila is an increasingly privatized city, where once-public spaces have been transformed into private ones. The result is a stark socio-spatial polarization between rich and poor. Like people in gated communities and fortified enclaves around the world, the wealthy live in carefully planned spaces that are often self-contained, while the working poor and unhoused live outside these areas, and each community is governed separately.[xii]

However, these highly segregated places–whether upscale malls, exclusive residential communities, or tax-free economic zones–are often imposed on local spaces and their creation frequently displaces the poor. They are planned and enacted city spaces of segregation. In contrast, local Filipinos took over the SBNB after the military's withdrawal, to keep it from being looted, and petitioned the national government to create the Subic Bay Freeport Zone (SBFZ). Residents excluded from the area because of the military's presence were displaced generations ago, when the occupation began.

Additionally, Olonagpo City was not then urbanized; it was still a small fishing village housing a small, unorganized Spanish artillery. The base's gated entrances served as barriers against unwanted Filipinos–non-workers and unescorted guests–and these barriers were institutionalized over a period of almost one hundred years. These differences raise important questions. Did the takeover that created the SBFZ make this space more accessible to previously unwanted Filipinos? How did Filipinos utilize and/or transform the leftover American structures?

Boundary-Making Cultural Practices

The meanings that people use to define themselves as well as places directly and indirectly involve boundary making by differentiating between "us" and "them" or "ours" and "theirs." Geographic boundaries carry symbolic meanings that enforce social boundaries.[xiii] Chicago School and contemporary ethnographies show how the spatial organization of where people work, live, avoid, and visit influences their lives. Places' imageries, characters, and cultures have implications for policy, and symbolize "who belongs," thus implying who does not belong.[xiv]

The meanings that people assign to cultural objects are not static, rather, they are malleable and depend on context.[xv] In the transformation from colonial to postcolonial, these meanings and practices become particularly important and are continually negotiated, contested, and manipulated to promote certain ideologies and distinctions such as national and cultural identities, and myths, as well as economic advancement.[xvi] For example, looking at Mexico City, Low[xvii] demonstrates how the grid plans and public central plaza designs of postcolonial Spanish American towns are sites of tension and symbolic spaces where meanings from the past influence the present via excavation rights

and control over space, while Yeoh[xviii] details how Singapore's government officials sought to reshape the nation's historical and contemporary narratives by transforming of ethnic communities to "Historic Districts."

Similarly, Manila's segregation derives not only from the city's socio-spatial organization, but from people's "sense of place," where "certain types of places (enclaves or slums) or the people associated with those places elicit certain introspective states (mental states, including affect and motivation), which, in turn, predispose certain segregating practices."[xix] These practices include consumption patterns and the selection of residences, a defining status characteristic (Connell, 1999).

The enclosed spaces of Special Economic Zones (SEZs), including Philippine Economic Zones, are tax-free areas within countries that are meant to attract foreign businesses and investment recall the previous discussion of the privatization and segregation of cities. Much of this research tends to focus on structures and practices that have created, increased, and perpetuated the feminization of global labor and the gendered discourses and organization of work in SEZs, which often involves low-wage jobs with minimal labor protections and job security.[xx] Scholars have argued that SEZS represent "exceptional spaces of neoliberalism,"[xxi] while others contend that workers experience these zones as a continuation of the informal labor processes that occur outside them.[xxii] These spaces are also differentiated by practices. For example, Sklair[xxiii] and Bach[xxiv] separately show how the Shenzhen Special Economic Zone and its surrounding villages maintain distinct appearances through practices related to order and disorder, and these differences create a symbolic story–"if Shenzhen is a narrative about speed, progress and civilization, its villages serve as the narrative's other."[xxv] In the Philippine FZs, through

the practice of requiring *barangay* (neighborhood) clearance passes and using employment agencies, corporations can avoid "unwanted" workers who may be pro-union "troublemakers" and cultivate a compliant workforce.[xxvi]

In this article, I extend Low's work on Mexico City to the Philippines to illustrate how global borderlands, places of unequal power, influence cultural practices and discourses in a way that people take for granted. I show how these influences are not necessarily contested, and how places that change ownership can both be adapted for new uses and also maintain legacies from their original use. Additionally, I focus on how the cultural practices that occur within the SBFZ compare to those outside.

Morality and Place

Morality and moral discourses are another way to construct boundaries. Like cultural boundaries, moral boundaries are shaped by structural conditions, geographic locations, and lifestyles, and are defined based on group characteristics.[xxvii] By moral discourses, I mean "understandings of good and bad, right and wrong, worthy and unworthy that vary between persons and between social groups," which are socially and historically constructed (Hitlin and Vaisey, 2013, p. 55).

One type of moral ordering revolves around dirt and pollution. Mary Douglas[xxviii] argues that categorizations of "dirty" and "clean" are products of systemic ordering and classification. Societies use different definitions of acceptability and prohibitions, and these reflect symbolic patterns that maintain status and social order by enacting social relations. For example, in the U.S., litter is perceived as a sign of disorder, something negative, unwanted, and avoided, and an indicator of a "bad" neighborhood.[xxix] People and places seen as "dirty," "unclean," and "dangerous," or as "clean" and "safe," reflect and

maintain social stratification.

Murphy and Hogan[xxx] found that in Metro Manila, gated communities and other policed and exclusionary zones are linked to perceptions of order as "good" and distinct from the disorder of the rest of the city. Indeed, Garrido[xxxi] specifies that the elites' exclusive spaces–upscale shopping malls, residential communities, and business centers–are seen as "modern" and "rational," a "model" community that serves as a direct contrast to the "disorder" of the rest of Manila. This differentiation of space by morality and order also extends to Manila's public parks.[xxxii]

Another type of moral ordering revolves around military bases, which represent a particular colonial and/or postcolonial space when operated by a dominant foreign power. Many researchers have examined bases' symbolic representations, linking them to disparities in class structure, material goods, national identity and crimes in places such as Okinawa, Korea, Vietnam and the Philippines.[xxxiii] In particular, U.S. overseas military bases are seen as an extension of America's empire. These researchers focus on the immoralities associated with base life, including prostitution, sexism, racism, gender-based crimes, environmental hazards, the extralegal status of soldiers, and the maintenance of political and economic domination.[xxxiv]

In this article, I refer to hegemony, using Gramsci's view, as the historically and socially constructed ideals and values of a dominant actor that are imposed on others,[xxxv] and to the disparate power imbalances that exist between the U.S. and Philippines. Here, I use Weber's definition of power as the ability of an actor "to carry out his own will despite resistance."[xxxvi] In discussing hegemony or power imbalances, I also note how the non-hegemon or the actor with less power (in this case, Philippine officials), have agency

and can manipulate the "rules of the game" to achieve their own aims. I purposely do not use the term "neocolonialism," because I believe referring to hegemony or power imbalances is a more accurate portrayal of U.S.–Philippine relations. The differences in the global fields–a relational approach to studying the material and cultural dynamics within the international arena[xxxvii]–during America's colonial era and today are distinct, and should not be overlooked. In the colonial age, an imperial power could kill without impunity, and rule its colony, directly or indirectly, as ruthlessly or benevolently as it wished, with little concern for other world powers. Today, however, states have audiences–governmental, international, non-governmental, and other civil actors–that can hold them accountable (the varied impact of this accountability is an empirical question), and these actors can mobilize technology to broaden the impact of their messages and critique those who overstep their boundaries worldwide. These are important constraints that influence how states act and respond. A focus on neocolonialism also tends to downplay local actors' agency in the cultivation and maintenance of bases.

Though the scholarship that focuses on overseas military bases tends to focus on the people who are most disenfranchised, the U.S. military cannot and/or would not maintain a presence where it is are universally unwanted. It is often the political elites who desire the military presence and allow the U.S. to maintain a base.[xxxviii] But what about locals who work in these spaces–what are their understandings and thoughts regarding the bases? The SBNB existed side by side with Olongapo City for over a century. Compared to its sister base, the Clark Air Force Base in Angeles City, Philippines, the SBNB employed almost four times as many local workers.[xxxix] Given this integration with the local labor economy, what are the views of people who worked and interacted within the base? What

are the cultural and social implications of taking over an excluded space, particularly one that is controversial? What, if any, legacies remain? How do current locals and foreigners visiting this space view it and the legacies of the U.S. military?

Subic Bay Freeport Zone, Philippines

Although the base was dismantled in 1992, this did not indicate the end of the U.S. military in Subic or in the Philippines. In addition to continuing to honor the 1951 Mutual Defense Treaty that unites the Philippines and U.S. when either is attacked in the Pacific, in 1998, the two governments signed the Visiting Forces Agreement, which details the rights and responsibilities of each nation when U.S. military and civilian personnel visit the Philippines for military training and exercises. The history of the U.S. military in the Philippines has always been contested, and the symbolism of this relationship can be seen through the 2005–2009 Subic Rape Case. "Nicole," a pseudonym given to the rape victim by the courts and media to protect her identity, was raped by Lance Corporal Daniel Smith in the SBFZ. He was initially found guilty of the crime by the Philippine court system, but the decision was overturned on appeal. In the media, and in some judges' opinions, this case was said to represent continued U.S. hegemony and Philippine dependence.

The unequal relationship between the two continues today. In 2012, the U.S. accounted for 10.22 percent ($7.55 billion) of imports, and 12.26 percent ($8.85 billion) of exports,[xl] while the Philippines received $129,434,000 in non-military aid and $27,000,000 in U.S. military aid.[xli] However, the role of Asian and Pacific countries is steadily increasing. For example, the Philippines received 12.64 percent ($9.34 billion) of its imports and sent 23.04 percent ($16.6 billion) of its exports to China and 11.35 percent ($8.39 billion) of its imports and 13.12 percent ($9.47 billion) of its exports to Japan.

The end of a permanent U.S. base marked the beginning of the SBFZ. In anticipation of the military pullout, the Philippine government created the SBFZ through Republic Act 7227. The accompanying influx of locals from the April 2012 opening of the Harbor Point mall provides an opportunity to highlight how racial/ethnic, class, and nationality distinctions interact with cultural meanings of a space (see figure 1).

[Insert Figure 1]

Using a cultural and relational analytic approach to the data, as described in Chapter 1, I highlight the effects of the SBFZ's socio-spatial organization, cultural practices, and moral discourses, as well as how these three change depending on location. By culture, I refer to the complex, rule-like structures that are shaped by individual and societal resources and which people use strategically, but inconsistently.[xlii] Through ethnographic observations, I pay close attention to not only "what they say" but "what they do" as well as "what is there" and "what is not there." I also account for what Lamont[xliii] calls proximate structures–the individual resources people use and encounter in their environment–and remote structures–the societal characteristics of the nations in which people live. This approach highlights how people's discourses, practices, and understandings of the world, themselves, and others are shaped by, and shape, the cultural, social, and economic backgrounds that directly and indirect affect their lives. By interviewing workers and visitors to SBFZ, I focus specifically on those included in this space. In doing so, I chose to not focus on those excluded from these sites, including prostitutes, activists and the poor. However, these voices have been the focus of critical

and feminist researchers, who use the bases and Freeport Zones as symbols of U.S. imperialism and Philippine dependence.[xliv]

Stratification of space

The Setting

The "Main" or Magsaysay gate was built by the U.S. military as the primary way for U.S. and Philippine military personnel and civilians to enter SBNB (see Figure 2). Around the gate are signs. Some are official, warning of a curfew for minors or that all employees and students must have their IDs visible. Others advertise events at SM mall, the mall just outside the FZ, Harbor Point (HP), the mall just inside the FZ, and other venues. There is a guard station in the gate, and the door is often wide open, with two or three guards sitting and/or standing around it. The guards, with guns and batons holstered on their hips, watch people as they walk through the gate's queues. Daily, I observed students and workers checking their lanyards to make sure their IDs were easily seen.

[Insert Figure 2]

The Main gate is one of many structures taken over by SBMA officials and Filipino volunteers when the military withdrew and left behind an estimated $8 billion in infrastructure.[xlv] The spatial layout of these facilities was originally planned to differentiate officers from enlisted men and areas for work from areas for leisure. How did local Filipinos use the leftover built environment and socio-spatial organization? I argue that the spatial legacies left behind by a former colonial and military power have been adapted by elite Filipinos, and now serve to reproduce inequalities in two ways: direct and

indirect exclusion of the poor.

Direct Exclusion of the Poor, Preference for Foreigners

The Philippines is a class-based society intertwined with racial and ethnic disparities that were institutionalized during Spanish rule. These racial/ethnic and skin color boundaries are not a definitive color line;[xlvi] rather, they rely on a more permeable color gradient. With the exception of indigenous groups such as the Aetas, who share a distinct phenotype and continue to be displaced and occupy the lowest rung of the socio-economic and educational ladders,7 Philippine race relations are similar to those found in Brazil, where race refers to skin color or physical appearance, and where national dialogues of race mixing (of Spanish in particular) are romanticized.[xlvii]8 For example, high-status, light-skinned urban families of Spanish descent are at the top, followed by those of Filipino-Chinese descent, and indigenous, dark-skinned Filipinos are at the bottom of the hierarchy.[xlviii] Additionally, when the U.S. military withdrew, it left behind an estimated 50,000 Amerasians, children with Filipina mothers and American military fathers;[xlix] these children, particularly those with African American fathers, are also routinely discriminated against.[l]

Philippine class and racial/ethnic inequalities are evident in the direct and indirect exclusion of the poor, who are often dark-skinned, from the SBFZ. The direct exclusion occurs through the control over who enters. The first step in this process relies on the bridge leading to the gated entrance. Aside from the holiday season, vendors selling food, gum, candy, and the like stay near the bridge's entrance, with only rosary sellers and the *mga pulubi* (beggars) operating further down the bridge, providing a setting of routinized

unequal interactions. The vendors and *pulubi* have a captive audience passing through: the relatively more wealthy foreign and Filipino workers and visitors to the SBFZ.

The guarded entrance to the SBFZ serves as a barrier against these interactions, keeping out *mga pulubi* and informal vendors. SBMA laws require all vendors in the SBFZ to be registered, and require residents, employers, employees, and students to apply and pay for SBMA IDs, which serve as gate passes. The exclusion is normalized, and it is very rare for vendors and beggars to try to enter the prohibited area. In the nine months I traveled daily to the SBFZ, I witnessed this happening twice, and the guards turned them away. The IDs serve as an entrance pass, but daily shoppers and visitors are not required to have them. Signs inform the public that guards have the authority to search any people, bags, and items entering or leaving the area.[li] Aside from gate pass requirements, no formal laws specify which categories of people are to be allowed or denied entry. In an informal conversation, an HP worker said that there are no formal laws, but that *mga pulubi* are kept out to maintain order. An SBMA Law Enforcement official I interviewed clarified in a follow-up email:

> *There are no specific rules as to who are "allowed" to enter the Subic Bay Freeport Zone ... as it says, Freeport ... so everyone is welcome, for as long as they obey the laws being implemented, i.e. traffic rules (with or without a SBMA police on the road, they have to follow the rules. na-observe mo naman un dba [you observed that, no] when u were here. It's like, un kasi ang 'na-impart ng mga [because want to impart the] US serviceman when the area was still a US Naval Base. kaya [able to] strictly enforced ang traffic rules). Under Chapter X, Other Provisions, Section 97, Security: Function of SBMA Security Force. SBMA security force agents shall police and maintain law and order within the boundaries of the Subic Bay Freeport. Access into and departure from the SBFZ shall be fully controlled by SBMA security agents (e-mail communication, March 7, 2013).*

The guards' authority to search serves as one way to legally enforce the informal norms of exclusion by stopping people based on their presentation of self. As my informants noted, this is because rich and poor Filipinos are easily identified via their

clothing, shoes, and general appearance. These taken-for-granted differences are evident to workers and visitors alike. The policing of the gate and the marketing of the SBFZ ensures that this space is a segmented marketplace, replicating hierarchies based on class and nationality,[lii] where the poor are kept out, and visitors who stay inside can remain unaware of the vast poverty that dots the landscape right outside the gates.

Denying entrance is just one way this norm of exclusion is enforced. The other is preferential treatment of foreigners. For example, in my daily trips to and from the SBFZ I was never stopped by a guard nor did I ever see another foreigner stopped, whether they were military or civilian and regardless of their race/ethnicity or skin color. Additionally, along with their dependents, any foreigners who are able to invest at least $250,000 in the SBFZ, or any foreign retirees who have a pension or who work less than 750 hours during the year but make at least $50,000, can be granted a permanent resident visa, circumventing the Bureau of Immigration and Deportation.[liii] All of this constitutes an institutionalized and very visible public form of segregation and preferential treatment based on wealth and nationality. It is clear to locals that the SBFZ is for foreigners and middle- to upper- class Filipinos. The preferential treatment for foreigners is not a given in all contexts or across time. In various places and in various times around the world, foreigners were/are viewed as "other" and suspicious. For example, in the U.S., after the terrorist attacks on September 11, 2001, Arabs were viewed in this negative light. However, in spaces based on international exchange, many foreigners of different nationalities are actively cultivated.

Indirect Exclusion

Inequalities also persist in the form of indirect exclusion of the relatively poor via

the spatial layout of the SBFZ. It has a Central Business District (CBD), which represents the main hub of daily activity. Here there are restaurants, universities, hotels, HP, SBMA offices, the boardwalk, docks, and a ferry to Grande Island. These service-based activities may appear to be the Philippine equivalent of cosmopolitan canopies, places where civility and kindness are institutionalized, regardless of race, class, gender, or age,[liv] but a closer look reveals that racial, national, gender, and class distinctions are not ignored. Rather, these inequalities seep into and are interwoven with these very spaces and interactions. Foreigners and Filipinos both travel to SBFZ precisely because of the economic and other types of inequality that exist, and unlike American urban cores, in the CBD there are no poor residents, only the mostly transient affluent who choose and can afford to stay in the area.

Reflecting characteristics of American suburban sprawl rather than a more typical city in a less-developed country,[lv] the areas within the FZ are arranged into distinct clusters exclusively for technical, manufacturing, shipping, service, and retail businesses. Leaving the main hub of the CBD requires transportation. Popular Philippine modes of public transportation such as jeepneys (originally American WWII jeeps), trikes (motorcycles with side cars for passengers), and pedicabs (bicycles with side cabs for passengers or cargo) are not allowed in the FZ. Because two of the main duty-free stores, Royal Subic and PureGold Duty Free, are in Gateway Park, about a 5- to 7-minute drive away from the CBD, the companies provide free shuttles for shoppers. There are also small, white shuttles that serve the same functions as jeepneys: fare-based transportation with specified routes. However, they are stripped of the personalized decorations that characterize jeepneys.

Three highways, Rizal, Argonaut and Corregidor, link these various areas together, but aside from the free shuttles to the duty-free stores, employer-provided transportation, and the white shuttles, expensive taxis or private vehicles are the only means of travel. These are financially out of reach for the vast majority of Olongapo City residents. An average family of 4.5 living in Central Luzon made 139,000 Php (Philippine pesos), or $3,390, in 2009 (Philippines National Statistical Coordination Board 2009). This translates to 386Php or $9 per day for the entire family. Taxi rides start at 50Php around the CBD, while a one-way ride to Zoobic Safari costs 400Php, more than an entire family's daily income. Taking into account the cost of transportation and not including the price of admission (500Php per person), a fun-filled day at the zoo is out of the question for most Filipinos.

The SBFZ also has three gated, and relatively expensive, residential communities. Living in these areas requires vehicular transportation, and workers travel on the aforementioned shuttles. Although residents could use public transportation, in practice they do not. Transportation is another marker of distinction. The location of these communities serves two purposes: blocking residents who are unable to afford rent inside the SBFZ, which is more expensive than outside, and not allowing any unwanted persons into the gated and guarded residential areas. It prevents unwanted class/ethnic interaction. These communities and other SBFZ establishments that cater to foreigners and upper-class Filipinos also maintain standard American amenities such as an American toilet with a lid, toilet paper, running water, hot water, and air conditioning. In contrast, the bathrooms in the SBMA office buildings do not have toilet seats, nor do they offer toilet paper; the norm is to bring your own. These basic amenities are taken for granted by many

foreigners, but outside the SBFZ, they are not guaranteed.

Cultural practices of places

These differences inside and outside the SBFZ relate to various cultural practices, but why and how do these continue? I argue that institutional memory of the American bases continues to influence the cultural practices of the SBFZ. Three of the most visible examples that derive from the U.S. military concern the maintenance of order: (1) preservation and development of American and modern facilities, (2) cleanliness and litter and (3) traffic patterns.10

The SBMA, accountable to the president of the Philippines, governs the SBFZ. Past and present SBMA officials, rather than try to cover up any stigmas or associations with the U.S., have striven to maintain and preserve the institutional memory of the American bases through rules regarding the construction of buildings. Although American symbolism is present in urban and semi-rural locations in the Philippines, where various media are in English, and American food, drink, and clothing brands are popular–for example, Coca-Cola is found in small *sari-sari* stores–the SBFZ's "aesthetics of politics"[lvi] weave together American and Filipino myths and symbols that simultaneously refer to the base as a mythic institution rooted in Olongapo's past and present, and to the economic, social, and cultural progress of Filipinos and their future.

For example, more than 1,800 housing units were left behind and these were converted into three long-term residential communities: Cubi, which houses mostly foreigners, and Binictican and Kalayaan, which have Filipino and expatriate residents (interview with SBMA Law Enforcement Department staff member, September 14, 2012). Guidelines prohibit residents from changing the façades of their homes because SBMA

wants "to preserve the architectural features," which are military in nature.[lvii] Furthermore, the majority of SBFZ facilities use former American buildings without making substantial changes to their structure or appearance (see figure 3). I argue that they do this not only to avoid costs and maintain architectural integrity and infrastructure for utilities, but also to strategically and symbolically link the SBFZ to the U.S. and distance it from Olongapo and signaling to potential business partners the availability of up-to-date facilities.

[Figure 3 about here]

These differences can be seen in views from the SBFZ borders. For example, the Kalaklan Gate, at the far end of the CBD, borders the Olongapo City cemetery and is along a major roadway that connects Olongapo City to surrounding *barangays*. From the bridge at Kalaklan Gate, I noted that inside the SBFZ, buildings have large spaces in between them and are built with solid materials; there are clean roads with road signs and surface markings. Standing in the same spot, I could turn around and look into Olonapo City and notice the differences–closely packed houses built with leftover materials, such as tin, and garbage alongside the street, houses and river. These differences can also be seen alongside Rizal Highway, which runs over one of Kalaklan River's many drainage canals. During my fieldwork, I would ride a shuttle over this river every week. On the SBFZ side of the river are boats and yachts owned by members of the Subic Bay Yacht Club. A glance to the other side shows houses made of tin, showing the stark contrast between the rich inside and the poor on the outside.

But these differences go beyond snapshots comparing the inside and outside of the FZ. Officials use strict enforcement of rules and regulations as another way to institutionalize the memory of the base. Filipino visitors and workers mention the

strictness of the SBFZ. This includes the absence of *mga pulubi*, street children, and stray animals, as well as the maintenance of sanitation standards for housing and businesses, the presence of armed SBMA police and security personnel, and the absence of public urination.[lviii] One white American businesswoman who shuttles between the SBFZ and Taiwan marks the boundaries between SBFZ and Olongapo by exclaiming that she could not leave the SBFZ without seeing public urination and the abuse of animals.

One of the first differences between inside and outside the SBFZ that Filipino workers, Filipino visitors, and foreign visitors mention is its cleanliness. Just as the SBFZ lacks *mga pulubi*, the poor, and street children, it also lacks litter. In the Philippines, although there are general environmental laws and programs that prohibit littering (Presidential Decree No. 825 [1975], Administrative Order 341 [1997], Republic Act 9003 [2001]), the norm is to throw trash on the ground as you walk. In American suburbs, littering is an invisible action, because people seldom see the perpetrators,[lix] but here I have witnessed people hold onto trash as they walk through the SBFZ, only to throw the litter on the ground as soon as they pass through the bridge and enter Olongapo City. Although a lack of institutional collection or trashcans contributes to litter (Murphy, 2012), it does not account for the presence of all the litter. For example, the SM mall and other small stores right outside the SBFZ have trashcans outside their storefronts while they are open, and they employ workers to clean inside and outside the store. Yet litter remains, often right next to the trashcans. Additionally, a peek inside the SBMA trashcans shows that often they are not filled with garbage, but rather with leaves and sticks, as well as Styrofoam or plastic containers; the presence of trashcans does not automatically mean that litter is placed in these receptacles.

The SBFZ's general absence of litter results from a combination of enforcement of environmental laws within the SBFZ, the hiring of workers to clean the area, and the institutional legacy of the military base. It is considered a good thing by visitors and workers. When the base was operational, American rules prohibited trash on the ground, and when the Americans withdrew, people continued this practice not only because of continuing laws–the first SBMA chairman strictly implemented the rules and regulations to preserve these behaviors–but also because it had become routinized. But such practices are more strictly enforced in some areas than in others. For example, near the gated entrances as well as within and around businesses, litter is absent. However, a walk around various parts where there is not a lot of foot traffic and visitors shows that certain FZ pockets continue to accumulate litter. The institutional legacy of the military does not evenly influence the cultural practice of littering.

The differences in cultural practices of order and disorder extend not only to littering but also to traffic, and are also noted by workers and guests of different nationalities. Outside the SBFZ, jeepneys, trikes, pedicabs, cars, and vans zigzag across roads, crosswalks, and driving lanes, which serve only as loose guidelines. At important intersections, police help direct traffic, while traffic lights are obeyed depending on time of day, location, and degree of congestion. Inside the SBFZ, however, rules are more strictly enforced: drivers must come to a full stop at intersections with stop signs or red lights; yield to drivers who have the right of way; pull over for emergency vehicles; use proper lanes; obey speed limits; wear seat belts, and have a valid driver's license, vehicle registration, and SBFZ vehicle passes/decals.

Violating these rules incurs a warning on the first offense, and then a fine up to

5,000Php. Guards at major intersections and driving entrances maintain lists of violators so they can be informed of their offense via mail or upon their next entrance to the FZ (interview with SBMA Law Enforcement Department staff member, September 14th, 2012). However, as in the case of litter, these laws are less likely to be followed in out-of-the-way, unpopulated places.

Morality within places

Order and disorder also carry moral connotations, so that the boundary is not just spatial but moral. As Douglas[lx] shows, practices and moral discourses of pollution and cleanliness reinforce social relations and stratification. What meanings do local workers, local visitors and foreign visitors give to the stratification of the SBFZ and Olongapo *vis-à-vis* cultural practices? I argue that moral discourses of who and what are "good" and "bad" maintain the social boundaries that differentiate the SBFZ from Olongapo City and distinguish the type of people that visit and work in both places.

The legacies of the American military continue to influence these distinctions in two ways. First, the Filipinos I spoke with–both those who were SBFZ workers and visitors as well as those who had never visited the SBFZ–continue to refer to it as "the base," maintaining its distinction from Philippine society and as a place for foreigners and elite Filipinos. Below, I describe how the base and U.S. comparisons continue to influence these discourses through perceptions of work. Second, the cultural practices of building maintenance, littering, and traffic correspond to constructions of the SBFZ as "good" while Olongapo City is disordered and "bad." My interviewees, regardless of nationality, appreciated the order and cleanliness that differentiate the SBFZ. For example, Theo, a Black South African missionary, describes these differences

> *The difference between Freeport and Olongapo City is like the Egypt land and the Promise land, it's much different. Freeport is much clean and much controlled because it was a navy place and also the nice mall that they built it, the Ayala Mall…but outside the Freeport, Olongapo is nice because of SM Mall, but it's controlled, and compared* [to] *here, you have a lot of poverty in Olongapo when it's compared with Freeport…in Olongapo, you see the real world. You see the people in the streets.*

Four female former base workers explained the differences between working during the base's era and working in the contemporary FZ. Aida, 61, and Marilyn, 51, are friends and both agreed when Marilyn told me that the base was "*mas maganda na 'yon kasi alam mo, mataas ang labor. Kasi we were paid by hour*" [it was better then because, you know, higher wages. Because we were paid by the hour]. This is an important distinction, since Philippine businesses pay employees by the day, not the hour. Additionally, they received, as Aida put it, "Actual training 'yun. Mga actual training" from the military. Marilyn expands, "*May certificate from the US Department of Labor, because we were under the US Navy … Kami, sa isang quarter, merong three weeks na schooling, merong exam, grade, English, Science, Mathematics and drawing*" [We have a certificate from the US Department of Labor because we were under the US Navy…We, in one quarter, have three weeks of schooling, there were exams, grades, English, Science, Mathematics and drawing]. Furthermore, the military provided safety shoes and goggles and instituted five-day workweeks and eight-hour workdays. In contrast, I have witnessed SBFZ construction workers illegally wear flip-flops while working. The strict implementation of rules does not necessarily apply to various types of work.

Aida and Marilyn also cannot understand Japanese and Korean businessmen and note how these visitors ignore Filipino overtures of friendliness. Compared to their experiences with East Asians, they say that "it's easier to communicate then [with

Americans during the operation of the base], because most Filipinos speaks both English and Tagalog. Now, very few could speak, let's say, Korean or Chinese … [in contrast] The Americans or somebody will greet you, "Hello!" "Have a nice day!" "Good morning!"

Local workers at HP mall described the differences between the SBFZ and Olonagpo as well as why they preferred to work inside versus outside of it: because it is "more organized," "hospitable," "strict," "safer, better secured," and "civilized"; they "control the people" and it is a "good place to work" with "work [that is] more stable." These rules that regulate the SBFZ and keep it as a preferable place to work, also extend to foreigners. David, an 18-year-old part Native Hawaiian naval mechanic in port did not like the strictness and commercialization of the SBFZ and preferred the neighboring Barrio Barreto. He illustrated the difference:

> *Me and my friend, we're in Olongapo. We were drinking. We walked by into the Freeport Zone. It was like 11:30 where I have to be back by midnight … We started walking back and my friend starts throwing up. Fuck. Looking at it, he's just throwing them all over the place … Then he decided he wants us to go and take a pee. So he starts peeing in a park by a tree … and like this asshole coming by and saying, "I'm going to call the police." "Well, he's drunk. Just leave him alone ... I was like, "He can barely walk. He doesn't even know what a toilet is right now." He started calling the police. It's just my friend got drunk and he couldn't walk anymore. I was drunk as shit too. I was like–I put him over my shoulder and I started running with him on my shoulder. I don't know how I did it … It was dumb because that guy … he's going to call the cops he just started calling him. I got mad at that because he's like–out in Barrio Barretto … I'm like, the locals would just be like, "I was just going here." "Just go in the bathroom here. It's all right." They understood … and they're just trying to help us out. That's what I like about Barrio Barretto, they help you out compared to this fuck–I hated it.*

According to SBMA Law Enforcement Department (LED) statistics provided to me by an official, there were 295 crime incidents in 2007, 195 in 2008, 116 in 2009, 128 in 2010 and 106 in 2011. In 2012, from January to June, there were 23 incidents, 48% (11 of 23) were related to theft. The LED does not keep track of the nationalities of perpetrators or victims. In comparison, the Olongapo City Police Department reported 2,195 crime

incidents in 2011, which represents a crime rate of 898 incidents per 100,000 people, higher than the national figure, and 80% (1,094 of the index crimes) were related to robbery and theft.[lxi] The SBFZ has more land and is less densely populated, covering 262 square miles and is home to 6,124 residents,[lxii] while Olongapo City covers 71.5 square miles and is home to 247,842 residents.[lxiii] Although these figures suggest less crime, they do not take into account the number of visitors to the SBFZ–an estimated 4 million in 2011–or unreported crimes. Tracy, a white Canadian who has worked in the SBFZ since its creation had a different perception of crime:

> *[SBMA police] don't enforce [laws] anyway so it doesn't matter. Sorry. I know I sound really negative but it's just–where you get a bigger influx of people of course there's more crime, if you will, mostly petty crime but copper theft is a huge problem here. Anything that's got copper in it, street lights, sometimes two kilometers of street lights will not be working, we find out because they're stealing the wires constantly, which is a shame. Law enforcement officials here are civil servants and they don't care, [there are] photo[s] of them sleeping, playing Angry Birds at work on the computers, and watching somebody burn the rubber off, then the cables, to get the wires. The perimeter fence that surrounds the Freeport it's all been cut with bolt cutters and people just walk through ...*

Reporters from the newspaper and website Subicbaynews.net similarly report, with photographic evidence, how SBMA police will stand by while thieves steal cable wires.[lxiv]

Local workers, local visitors, and foreign visitors also assign moral meanings in their discourse about the SBFZ and the institutionalized practices related to littering and traffic. For example, Boy, a Filipino contractor with the SBMA said that "the traffic rules is a good example, here everybody follows the traffic. The moment you step up in the gate. Its good in FZ … I think there in FZ much more order, as a practice to continue [the] orderly [nature of the] military base to the economic zones." HP workers also note that another reason they prefer working within the FZ is that it is "spacious" and "clean." Tom, a white American tourist who said he was in Subic "for the beautiful women" described these differences from a foreigner's perspective:

> *I like the mall here because it's clean and organized and there's no pollution … of course, it's pretty obvious you're riding a bus and you see the Freeport. When you first come, you know exactly what it is … It's a nice mall, it's a nice coffee shop, clean, and it's not a bad place to come hangout for a while … I don't like driving around over in Olongapo because there are so many jeepneys and there [is] so much pollution in there.*

But the influx of more locals is threatening to undo or transform these moral meanings. Filipino and foreign visitors who were linked to the former base expressed frustration about the appearance of so many local Filipinos, because the rules, regulations, and behavioral practices that have maintained the ordered status quo were disintegrating. During the holiday season, with the Night Market attracting shoppers who otherwise would not enter the SBFZ, garbage littered the nearby sidewalk and street. Cyril, a Filipino SBFZ visitor whose mother and father worked at the former base, related this anxiety:

> *Maybe what I generally fear is having Harbor Point [mall], [there is] a lot more people who aren't from here, you know? Because if you're from Olongapo or Subic, you know. Everyone knows everyone basically if you're from here. But now, there's so many new faces. You don't know right away, who they are. First, you just think, oh no, they're not from here?! So what I fear is over population since there's a lot of visitors that don't know, in general, the rules and regulations here. I fear that the discipline inside here will vanish. Because of course, some other people throw their waste or garbage in random places. But us, generally, we're not like that. We don't spit on the floor. Normally we don't do that.*[lxv]

The Harbor Point mall is less than three years old, so any permanent changes remain to be seen. The discipline, safety, and security of the former base bleeds into the perception of the SBFZ, and changes that bring more locals in are threatening to those with nostalgia for the base because lingering cultural practices and moral discourses are disintegrating.

Conclusion

Place, as a geographical location with material form imbued with meaning, is an independent actor that influences behavior and culture.[lxvi] The spatial organization of

places has distinct consequences related to patterns of segregation, which are intensely guarded by residents.[lxvii]

As a former space of the American military and current site of a Freeport Zone–an example of a particular type of global borderland–the Subic Bay Freeport Zone provides a unique case for understanding the significance of the power of place by examining how, despite the fact that local Filipinos took over the SBNB and helped transform it into a FZ, elites continued to perpetuate Filipino inequalities through its socio-spatial organization, cultural practices, and moral discourses. Although SEZs around the world have practices that differentiate them from surrounding communities, what I have shown here is how the SBFZ's practices and discourses are rooted in its physical and discursive history as a U.S. military base. This analysis adds to the growing literature on place by demonstrating how legacies continue to have a lasting influence on practices and discourses, even after places are transformed from their original use. It shows how places of power have structural and spatial residues that reverberate in the present era, though these legacies may differ depending on the form of the original place, its occupants, and its uses, as well as the surrounding community and the place's relationship with it.

More specifically, I discuss the ways that the leftover American socio-spatial boundaries and their related cultural practices and moral discourses continue to reflect and reinforce social and moral boundaries based on nationality and class. These legacies ere adapted by elite Filipinos to continue the separation of the rich from the poor. The recent agreements between SBMA and the U.S. military on the U.S. military returning and taking over the now discarded SBFZ international airport may only increase and sharpen these divides, reviving more stringent divisions from when the permanent base was there.

Chapter 4 Endnotes

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[lxvi] Gieryn (2000); Paulsen (2004)

[lxvii] e.g., Massey and Denton (1993)

Chapter 5: Managing Asymmetries in Global Borderlands

A key feature of global borderlands is that the nature of their inequality is such that the everyday unequal interactions between different groups of people reflect differences not only between classes, but also broader power structures between countries, since they are foreign-controlled. However, unequal relationships are not exclusive to global borderlands. A key component of the global or world city hypothesis is that the economic concentration within global cities necessarily relies on economic and social polarization, and that the creation and maintenance of global cities relies on the growing chasm between the very rich and the very poor, which includes particular relationships involving race, gender, and immigrant status–though others maintain that global cities can be linked to a rise in professionalization.[i]

Particularly when they are in developing countries, global borderlands–like many other places–are also built on structural foundations of inequality. The establishment and closing of U.S. military bases are associated with changing patterns of employment, travel, and crime.[ii] Interdisciplinary and feminist research, which dominates the literature on U.S. overseas military bases, tends to focus on the negative consequences of these installations, including human trafficking, sex tourism, violations of sovereignty, and anti-militarism, seeing them as outlets of imperialism.[iii]

Research on SEZs reflects the variability in the definitions, functions, processes, and outcomes of these zones. For example, Ong explores "neoliberalism as exception" and analyzes how our traditional understandings of citizenship and sovereignty is being unraveled and re-conceptualized through government use of neoliberal ideology to advance market-based economic and technological approaches as development

strategies.[iv] In SEZs, this is seen through the exclusion of citizenship for some populations (the poor, women, low-skilled workers) who are overregulated, and "graduated citizenship" of others, who are less regulated, based on race and ethnicity. However, the concept of neoliberalism as exception is not geographically bound but also includes changing definitions, for example, of gender. Alternatively, Sklair and Robbins advocate a global-systems theory that, similar to the approaches by Zelizer[v] and Bandelj[vi], highlights how transnational practices operate in economic, political, and cultural-ideological spheres that are "superimposed upon each other rather than separate spheres."[vii] Using a transnational (transcending nation-states) rather than an inter-national (between nation-states) approach, he uses Mexican *maquiladoras* and the Shenzhen Special Economic Zone to explore the effects of export-led industrialization fuelled by foreign investment and technology on temporary urbanization, the emergence of new classes who benefit from the creation of these zones, and how they influence the ways that capitalism is integrated within countries.[viii]

Global borderlands' spatiality is an important characteristic, as is the focus on social and cultural exchanges and not just labor and other types of economic exchanges. In contrast to Ong, my analytic approach is not limited to the Western, neoliberal economic and political influence but highlights specific cultural understandings, historical connections and institutions that structure the varied forms of interaction within these spaces; additionally I use the term nationality as opposed to the concept of citizenship, since regulations are based on a continuum and differ according to the aforementioned forms of interaction between countries that are themselves shaped by history, culture, and institutions. Though this approach is similar to Sklair's, it differs in

that I analyze specific between-country relationships, not transnational processes, to explore the varied cultural understandings, historical connections, and social structures of and between local workers, local visitors and foreign visitors.

But how do Filipino workers, Filipino visitors, and short-term and long-term foreign visitors manage their interactions considering their variable economic and social statuses? This chapter identifies forms of inequality within global borderlands, and how various participants manage these forms. I first describe the structural inequality that serves as the foundation of interactions within the SBFZ. Next, I analyze strategies people use in their management of inequality. I do this by examining how these inequalities vary depending on organizational forms (including a comparison of two recently constructed malls–one inside the FZ and the other outside, and the varied organizational forms of foreigners, such as their associations with missionary or military ships), the use of language, in the avoidance of interaction, and in gendered geography. This is followed by an examination of various consumption practices, and on the management of money. Finally, I conclude with an outline of strategies used in dealing with bureaucracies.

Structural inequality

The SBFZ, like other types of global borderlands, actively cultivate varying types of foreign exchange. Here, this cultivation takes the form of foreign and Filipino (both local and from other places in the Philippines, including Manila) tourists, as well as through the hosting of missionary and U.S. military ships. According to SBMA statistics, in 2011 there were a total of 4,631,696 SBFZ visitors, of which only .5% (22,554) were foreigners. During my fieldwork, I counted 2,488 foreigners inside the SBFZ, of which

211 were Black males, 39 Black females, and 304 White women. Additionally, I counted 339 men accompanied by a Filipina woman–of which 19 were Black men–and six pairs of two White men and two Filipinas. 11 of the 2,488 foreigners were White children and six were Black children, while 19 White men were observed with a Filipino child. In contrast, outside the SBFZ, I counted 351 foreigners, of which 44 were Black males, 27 White women, and two Black women. There were 83 men accompanied by a Filipina, of which 7 were Black men, and I observed one White woman with a Filipino man. There were also two White women with two children, and one White woman and one child. Additionally, there are 37 SBFZ hotels to help accommodate the foreign visitors and rich Filipinos. Seven of these hotels are available for long-term leasing, and they house 2,392 hotel rooms ranging from 1600 to 8000 Php per night.[1]

It is important to note that as in many places, structural inequality underlines interactions between workers and consumers, as well as foreigners and visitors. For example, there is a significant wage differential between local workers and both local and foreign visitors. Wages of Harbor Point employees range from 230 to 330 Philippine pesos (Php). The average fast food meal in the mall costs upwards of 79 to 99 Php, almost one-third of their daily wage. This is in contrast to meals that include rice and drinks offered at local *palengke* (market) stalls that range from 30 to 65 Php. When workers spoke of lunch, they talked about how they brought their lunch to work and very rarely ate at fast food or other restaurants in the mall because of the price. Eating "out" is a luxury workers can rarely afford, reserved for special occasions or for payday. Contrast this with Fernando, a self-employed Filipino businessman, a consultant and advisor to the

[1] This does not include the 275Php per night that the only SBFZ dormitory offers. These rates differ not only by hotel, but also by day (whether weekday or weekend night)

SBMA, whom I saw nearly everyday at a coffee shop inside HP; sometimes he would read a paper and drink coffee, while at other times he conducted business meetings, treated colleagues to *merienda* (snacks) and used the coffee shop as a work space. His salary was 100,000 Php per month. Calculating workers' monthly salary using a six-day workweek, workers' monthly salaries are 6% (5,520Php) to 8% (7,920Php) of his.

Conversely, according to a December 2011 report and not including other monthly benefits such as meal, transportation, and communication allowances, a clothing stipend, bonuses, free power consumption and free housing, and an "extra-ordinary and miscellaneous expense" account, the SBMA chairman had a base salary of 130,880.77 Php per month, and an SBMA manager received 44,661Php per month in addition to his/her monthly meal, transportation, and communication allowances, clothing stipend, bonuses, a limited amount of free power consumption and a free housing unit.[ix] Meanwhile, American military salaries, which ranged from $1,000 ($600 in cash, $400 towards bills through allotments) every two weeks to $80,000 per year and others' salaries–including an American "sexpat" (a term used by a Peace Corps Volunteer (PCV) to describe a sex tourist) whose annual salary ranged from $20,000 to $60,000 depending on the year and a British businessman who did not want to disclose his salary but said it was "a range. Quite a lot," these HP workers' salaries are extremely low–though PCV's salaries are comparable at 150Php per day and missionaries raise their own money before they embark on their trip.

Despite the structural inequality of wages, workers tell me that they prefer to work inside the SBFZ, in part, because employers adhere to minimum wage requirements. Whereas outside, companies often only provide daily wages ranging from

110-220 Php, inside the workers I interviewed were paid a daily wage falling between 330 and 425 Php. Wages in the Philippines vary based on region (for example, the SBFZ and Olongapo are both in Region III), sector of work, and how many employees are hired, and the wage rates of HP employees is in accordance to national laws. According to a 2012 bill by the Department of Labor and Employment's National Wages and Productivity Commission on setting the minimum rage in Region III, the minimum wage for retail/service with less than 16 workers is 277Php and those with 16 or greater employees, is 291Php. HP employees actually earn more than the minimum set by the national government.[x]

Aside from the vast disparities in income, the organizational structure of work and consumption practices shape the interactions that occur within them. For HP employees, the crossing into the SBFZ is part of their daily lives. Because HP is so close to the gate, workers often only venture inside the FZ to go to work–the geography of their visits are limited to this specific area, and they rarely venture into other locations. Similar to other types of establishments outside the SBFZ, HP employees are required to wear uniforms, with makeup as a work requirement for women. Most of the interactions these workers have with foreigners–with the exception of a couple of my interviewees having foreign friends–is through employee/customer exchanges.

Managing inequalities

The asymmetries that occur within global borderlands are shaped and structured by the varied forms of time, space and organization that occur within them. This includes whether foreigners are long- or short-term visitors, are associated with organizational structures, the geography of where Filipino employees work, the organization of their

employment, and the amount of time they spend there, the resources of Filipino visitors–and how this relates to means of transportation–how they structure their leisure time, and how these all interact and connect. Although I will reference other SBFZ employment opportunities and travel destinations, my focus is on the recently constructed Harbor Point mall (HP), located next to the SBFZ's gated entrance.

My focus on HP provides a "strategic research site" to analyze the varied ways locals and foreigners manage asymmetries that occur within global borderlands for a number of reasons. First, as an upscale mall that is also close to the gated entrance of the SBFZ, it attracts both foreigners and locals, which allowed me to observe interactions between local workers, local visitors, and foreign visitors, and is a prime space to recruit them for interviews. Second, its close proximity to SM, which is step from the SBFZ's main entrance, and their successive openings a few months a part leads to a nuanced comparison of the two malls to how the SBFZ's boundaries contribute to the stratification of social relations. For example, a handful of Filipino local workers and visitors spoke of SM as being more convenient for locals, while HP is more convenient if you have a car. However, each stands on the other side of the river from the other, and it is less than a five-minute walk from SM to HP. The actual convenience of the two, in terms of proximity–not including the gated entrance and the unofficial and official policing of who is allowed inside and outside SBFZ that provides a barrier between them (as discussed in chapter 4)–is the same. The sheer walking distance between the two does not account for the difference in who works in, and who gives patronage to, which mall and why. Additionally, as I discuss below, the meanings of food and other types of goods within or outside the FZ allows me to analyze, in a similar vein to Mary Douglas' work *Purity and*

Danger, how meanings of cleanliness, dirt, and quality perpetuates the stratification between social groups. Lastly, it also provides a site that, in contrast to factories, is relatively easy to access, observe, and recruit interviewees.[2]

The role of spatial organization in the management of inequalities

In the course of my fieldwork, I witnessed the construction and opening of HP, and the differences between the SBFZ prior to its opening, and after, were immense. Prior to its construction, I walked through the gated entrance, and the site where HP would eventually stand, to the other end of the FZ where the Subic Bay Metropolitan Authority (SBMA) government offices are located and was surprised to witness very few people, the majority of which were local and not foreigners. After its completion, in part of a field note dated September 4, 2012, I observe that here at "Harbor Point, this is the busiest I've seen the SBFZ. It was what I had been expecting the first time I came. There are [comparatively] tons of foreigners" –this is in contrast to the relatively few people I witnessed inside the SBFZ, regardless of nationality, before its construction. The construction of the mall brought thousands of workers, who are likely one generation removed from the former military base, into the area that had lost a significant percentage of its workforce when FedEx transferred their Asia-Pacific hub from the SBFZ to Guangzhou, China in 2009.

When asked to compare HP with SM, Filipino workers and visitors described HP in similar terms as the SBFZ more generally, using words such as "boutique," "*maganda* [beautiful]", "*maluwang* [spacious]," "safe," "*maayos* [orderly]," "*Mas bago, mas maganda* [newer, better]," "*mas kumpleto sila* [the complete package]," and "a big place and much attractive." Angie, a 22-year-old Filipina worker at HP whose role is customer-

[2] However, note I did get permission from the HP executives to pass out fliers while on the premise.

facing, describes it as "*new and maraming foreigners and Filipino na nagco-come dito sa Harbor Point because mas maganda siya compared to other malls, it's bigger… and 'yung facilities mas maganda,* [new and more Filipinos and foreigners come to Harbor Point because it's more beautiful than other malls, it's bigger, and their facilities are better]," and according to HP worker Julio, the SBMA also takes immediate action to stop crime and maintain the peace, and this is an additional benefit of working inside. Similarly, Juana, a 39-year-old Filipina high school teacher who visits HP, says

> *Actually, maganda naman na may Harbor Point. Kasi kumbaga, maraming napapasyalan, marami kang nakikita, marami kang napagpipilian in terms of quality. 'Yung medyo matataas na quality ng mga iba't-ibang mga products. Plus 'yung mga facilities, 'yung mga amenities na binibigay nila na maaaring makita sa ibang bansa, pwede naming makita diyan sa may Harbor Point* [Actually, I really like having Harbor Point. Because I like that there's a lot to visit, a lot to see, and a lot of choices in terms of quality. Their products have a higher quality and they have a lot of different products. Plus their facilities, they have amenities similar to what you see in other countries; you're able to see those at Harbor Point.]

Harbor Point is considered the better, newer, and higher quality mall, where you can find boutique-like shops, as well as facilities and amenities that are similar to what you find in malls in foreign countries. This offering of foreign experiences, goods, and services is seen as a key factor into why HP is the better and more sought-after alternative to SM, which opened only a few months prior to HP's opening, so it is just as "new" as SM. Mary, a Canadian SBFZ businesswoman, described to me how mall executives vis-à-vis their construction workers were competing to see which would be the first to open its doors. In fact, SBMA "fast-tracked" the accreditations for HP businesses to encourage more SBMA investors.[3] Ayala – the owners and developers of Ayala malls, of which HP

[3]These requirements include SBMA Business and Investment Department leisure business registration, "accreditation permit for suppliers, contractors or service providers from the Accreditation Department; building permit from the Building Permit and Safety Department; environmental permit from the Ecology Department; gate passes for employees from the Office Services Department; sanitary clearance from the Public Health and Safety Department; and vehicle passes from the Transportation and Communication

is one–press releases and newspaper interviews regarding its opening describe the energy-efficient mall as having a "casual, resort-oriented ambience" having "over 300 local and foreign merchants, a game zone, and dining and entertainment areas" and with the tagline of "Where Everyday's A Holiday."[4] The language used by locals to describe HP when comparing the two, show how SM exemplifies the opposite of HP, since SM is geared more to locals (who also tend to be from lower socio-economic classes), and is "*maliit* [small(er)]" and "[more] crowded." This discourse used by locals to describe the malls contributes to social stratification by differentiating the "sense of place"–where "certain types of places (enclaves or slums) or the people associated with those places elicit certain introspective states (mental states, including affect and motivation), which, in turn, predispose certain segregating practices" (Garrido 2013 p. 1344)–associated with each mall.

The differences in the spatial organization of the malls further contribute to this reproduction of social stratification. HP has two stories[5] and is home to over 400 international and local stores, nine of which are duty-free.[6] The mall is laid out horizontally and has integrated nature–through the planting of trees, flowers, and other plant life alongside the perimeters of the mall–in its outdoor space, and within the parking lot. Two of the mall's buildings are connected by a central, outdoor space that has a water fountain, two escalators, a carousel, a children's play area that includes

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Department" and fees to the Treasury Departmenthttp://businessmirror.com.ph/home/regions/22063-400-companies-to-locate-at-ayala-mall-in-subic-freeport last accessed September 25, 2012

[4] http://lifestyle.inquirer.net/46979/a-mall-for-the-'active-lifestyle'-rises-in-subic accessed September 25, 2012

[5] HP does have a third story; however, this is only a small section in one of the buildings and is dedicated to a movie theater.

[6]http://www.sbma.com/index.php?module=pagemaster&PAGE_user_op=view_page&PAGE_id=240 last accessed September 25, 2012; follow-up email with HP official on 9/25/2012. The nine stores that have VAT (value-added tax) free status include: TGI Fridays, Army Navy, Western Appliances, Totally Toys, Nike, Johnny Rockets, Bulgogi Brothers, I-Click Shop and GQ Barbershop.

motorized cars for children to drive, a space designated for exhibitions–such as local photography–a space for the workers at the restaurant Johnny Rockets to dance to classic 1950s songs, and outdoor seating sections by the two coffee houses that anchor and stand as pillars to the mall's main, outdoor entrance. Additionally, a stage in the center of the indoor section of this horizontal, upscale mall hosts weekly exercise classes like Zumba, concerts for popular Filipino singers such as Princess, and televisions shows, including auditions for Pilipinas Got Talent–a spin-off of the television show "America's Got Talent." Within each of the two buildings, there are numerous spaces designed on each floor that allows for a view to the floor and the activities below it, and there are a handful of small and large kiosks that are sprinkled around certain sections of each floor.

In contrast, SM has four full-length stories, and during the time of my fieldwork, it was home to 32 stores,[7] the majority of which are domestic, 30 kiosks (not including those inside the SM supermarket) and is completely enclosed. Escalators connecting all floors are placed directly in the mall's center, which is marked by a smaller rectangle shape that leaves space open from the first floor to the roof of the last floor. This also creates a space in the middle of the mall, where you can look down from the top floor, and stare down, viewing all the people on each set of escalators. In addition to stores located alongside the rectangular space on each floor, there are small kiosks that outline the inner rectangle space that runs along the perimeter of the escalators. In addition to these small kiosks, larger kiosks are located between the outer wall of the stores and the small kiosks lining the center space. The sheer number of structures within a relatively small place contributes to this sense of a cramped and crowded feeling spoken of by

[7] Where a "store" is counted as having a separate storefront alongside the walls. SM department store was counted as three separate stores since it has a separate entrance for the stores on each floor (and they are connected internally by escalators).

interviewees. And although I also saw a weekly Zumba class advertised, to be held on its roof, SM does not have adequate space to effectively compete with HP in hosting large-scale events and attractions. The construction and layout of these buildings and their stores have real consequences for the perceived sense of spaciousness or crowdedness, which further perpetuates stratification since certain types of people shop and prefer one over the other.

The organization of foreigners is as important to understand as the organization of work vis-à-vis the differences in HP and SM. In addition to long-term visitors, two sets of foreign visitors I encountered during my fieldwork at HP were missionaries whose ship was in port and U.S. military personnel, whose ship was also docked in one of the SBFZ's ports. On the surface, these two organizations can be seen as diametrically opposed–one travels to ports with a mission of educating the poor through selling books at affordable prices, and spreading the gospel of Jesus Christ. The other's presence abroad signals, in this case, the military might of the U.S. and the unequal relationship between the U.S. in its continuing role as a global hegemon, and the Philippines' relative dependence or lower standing. However, the institutional organization of these two ships is surprisingly similar, as is their missions, and historically, their tactics. For example, the ships have similar laws regulating alcohol use, prohibited items (weapons, drugs, alcohol), relationships, clothing worn while on and off the ship, morality clauses, and specifications of expected behavior off the ship, in accordance with, and respect for, the local port's norms and cultures.

The ships' organization, rules, and regulations similarly structure certain types of interactions its participants have with locals and with the SBFZ's facilities, while the

differences in each organization's goals, activities and the selection effect of the people who join each organization, accounts for the observed differences. These observed differences include, for example, the highly sexualized interactions between the American military men and Filipina women versus the patronizing interactions between the missionaries and Filipino street children. Regarding similar missions, both are there to educate Filipinos for, in the foreigners' view, the better: one, in the use of weapons, military tactics and military exercises, and the other, in the gospel and the differences between Christians and Catholics, something that was described to me by one interviewee as "quite difficult" because Catholic Filipinos referred to themselves as Christians. Historically, missionaries, similar to the use of military might, have served as instruments of pacification, assimilation, and colonization.[xi]

The role of language in the management of inequalities

Interactions within the Philippines are often structured through notions of formality and respect. One way this is seen is through the use of "po" at the end of a sentence when speaking to someone older than yourself. Another designation is the use of honorary titles such as "*ate*" (older sister) or "*kuya*" (older brother). However, for Filipino HP workers, foreign customers signaled the use of English and they did not use these Philippine honorary signals–unless inadvertently–because the foreigners would not know their meaning. English was the *lingua franca*, and one of the many reasons Koreans are disliked as customers is because they have a relatively poor grasp of the English language and are seen as "rude," whereas Americans are easy to understand and are "nice."

Matthew, a 23-year-old HP worker said, "I like foreigners or a white man or anyone. Because foreigners for me, here on Harbor Point, they treat you, they treated you as a friend, even though they are customers," and Roberto, a 26-year-old HP worker, concurs, telling me that "*Halos 'yung lagi naming nakakasalamuha 'yung mga customer, lalo na 'yung mga Americans. Mababait po sila eh, sila pa 'yung unang babati sa'yo gano'n. Parang mafi-feel mo 'yung ano eh, mabait sila*. [We always meet those customers, usually Americans. They're all nice. They are likely be the first to greet or approach you. You can really feel that they are good people.]" The courtesy of American foreigners stands in contrast to Filipino customers, who could be "stuck up." Workers' code-switching to English, as well as their use of "sir" or "ma'am" in place of "po," can be seen as an alternate sign of respect, in place of those traditionally used, deferring to the language that customers are able to speak and understand.

This variation in modes of address, however, also correspond to the variation in rules over behavior. I have witnessed and encountered HP employees using nothing but formalities to all customers, and indeed, workers similarly shared how customers–no matter their nationality–have no rules to adhere to in the store, except to not bring in food or drinks. The saying "the customer is always right" was used frequently and people explained to me that no matter if they were in the wrong, their job was to first apologize, and second, try to please the customer. Only one person noted a difference, where Filipinos are not allowed to get drunk and be inside SBFZ, much less HP, but foreigners are allowed to consume alcohol and security guards do nothing to stop or warn them. This fits into my observations of security guards speaking to two young–perhaps nine years old– Filipino boys who were sitting outside the HP Starbucks and whom they

ushered away from the tables, and my never witnessing any type of exchange between guards and foreigners that was not part of a routinized interaction, such as the checking of bags before entering the mall or checking receipts as people walk out the stores with a purchase. Elaine, another local worker, when asked about this, attributed any differences in foreigners' behavior to ignorance of Philippine law, rather than something more nefarious, and equates this ignorance as a valid reason for breaking any legal rules, regulations or behavioral norms.

But how are workers' use of varying modes of address and these worker-consumer interactions perceived by foreigners? To begin, the U.S.-Philippine relationship is frequently primed for foreigners of different nationalities since the historical legacies of the U.S. military continue to persist in multiple ways within the SBFZ (see chapter 4). Additionally, foreigners interact with Filipinos in a variety of ways–as a customer, employer, friend, or family, and these interactions vary depending on time (whether foreigners are in the Philippines for long- or short-term), space (the role of geographic convenience), and organizational structure (military, missionary, business, or tourist). For example, the aforementioned notion of respect was brought up in my interviews with foreigners of different nationalities. Rob, a 39-year-old African American seaman, responded to my question on whether he thinks he's treated similarly or differently than others based on his nationality and gender, said that he is always addressed as "sir" at the end of every sentence. This formal address is not something he's experienced in other ports–even in other Southeast Asian ports, including Singapore or Thailand.

However, this treatment of him, with Filipinos addressing him as "sir" is something that cannot be understood only by his military status or the previous presence

of a military base, since the same conditions apply to Thailand. Rather, it's rooted in the specific U.S.-Philippine "special relationship" built on "benevolent" colonialism. However, Anthony, who has been in the SBFZ since 1995, talks about the decreasing use of English among locals, except for the rising middle class in the media who always speak "Taglish [a combination of English and Tagalog] because they want to throw down your throat the fact that they can speak their English and good English." Anthony associates this decline with the removal of the base. He notes that the "respect that they had for foreigners has evaporated" and that "the awe has gone down."

In contrast to Rob as a short-term visitor, Anthony has a long view of interactions with Filipinos and suggests this decline of English and respect go hand-in-hand with the pullout of the American base and it can be considered a good thing. Although Anthony sees this as a declining trend, multiple foreign visitors told me about receiving preferential treatment in lines by being served first. Local workers also note this disparity. However, while most see this either as a sign of "respect" or of preferential, positive treatment, Gloria, a white American businesswoman who has also been in the SBFZ since the 1990s, attributes it to

> [Filipinos] want[ing] me to get out of the place. So they'd put me on the front of the line to get rid of me. They don't want me sitting there, fiddling or reading books or taking pictures or anything. For that they'll try to help you and get you through things. That's nice, but it is the feeling that they don't want me there. It's not really the feeling that, "Oh we're so glad to see you." It's really that they want me out, which works in my benefit because it just gets through sooner, but I don't want to cut in line. I think that's wrong. For me, that feels uncomfortable. "Oh no it's okay, it's okay" but they want to get rid of me. They want me out of there as soon as possible. … It's actually uncomfortable to me when I get more attention because I'm a foreigner. I don't feel like, "Oh, I'm being special." I like, "Wait a minute, all us are line", so that's what I think happens. There are other people manipulating the system, so I think it has gotten worst again.

It is not a positive attribute, but rather a strategy for Filipinos to usher foreigners outside of the local businesses.

However, not only do locals use positive words such as "safe" to describe the environment of HP, but HP workers also prefer to work inside the SBFZ as opposed to outside, and they see the strictness of the FZ's rules and regulations (see chapter 4) as a benefit. Even for those who saw no difference between working at HP and working outside the FZ, these jobs were preferred. This is because inside, jobs are more stable and come with benefits such as the Social Security System (SSS) and PhilHealth (health insurance). Linda, a local visitor who was one of the original volunteers that secured the area after the U.S. military pullout, notes how the organization of work within the SBFZ has changed since the U.S. military left.

When the base was operational, the U.S. military was the second largest employer in the Philippines, pumping an estimated $500 million each year into the local economies of Olongapo and Angeles (site of Clark Air Force Base). More than 80,000 people in Central Luzon made their living from the bases.[xii] SBNB also had a four-year apprenticeship program for Filipino college graduates, and during the Vietnam War, the Aetas (one of the Philippines' indigenous peoples) of Subic trained troops in jungle survival skills.[xiii] Filipino employees also had a five day, eight hour work week, were unionized, and through the 1968 Base Labor Agreement and the Collective Bargaining Agreement between U.S. Armed Forces and the Federation of Filipino Civilian Employees, Filipino civilian workers–excluding those privately contracted–were eligible to receive a lump sum separation allowance when the U.S. military withdrew including "severance pay, a cash payment for accumulated sick and annual leave, and a pro rata portion of the calendar year-end bonus" which resulted in a total cost of approximately $71.3 million.[xiv]

Because of the large number of both American and Filipino veterans of the U.S. military, the only U.S. Veterans Affairs office outside the U.S. is located in the Philippines. However, U.S. and R.P. legal cases also show that many former base employees have sued the U.S. Office of Personnel Management (OPM), as a representative to the U.S. military, to receive retirement benefits. These cases were adjudicated in favor of the U.S. military because of the Filipinos' work was classified as temporary or non-entitled. So although there is nostalgia for the base's era–and a base is in works, though on a much smaller scale–this nostalgia does not cover or erase the wrongs omitted by the U.S. military. The relationship between the U.S. and R.P. is complex, rooted in a colonialism that ruled "benevolently" through local elites and continued inequality, but is also rooted through a nostalgia and good will on the part of former Subic Bay base workers and manipulation of Filipino elites of American policies.

Drawing from her memories of this previous era, Linda says that now, work is based on contracts–not hours–which benefits the employers and corporations, rather than the workers themselves. However, the HP employees I interviewed noted that these contracts are renewable and provide more stable employment since in outside, non-contract jobs; they can be fired based on whim.

However, I argue that HP's adherence to standards is because it depends on interaction with customers (many of whom are foreign), is located centrally within SBFZ, and is marketed as a luxury destination. A comparison with Hanjin Shipping, a Korean-owned SBFZ company, reveals the differences in Filipinos' perceptions of SBFZ work and a company's adherence to employment standards when the company is hidden from public interactions. For example, Hanjin is associated with workers' rights violations,

including abuse, mistreatment, lack of meal breaks, and sickness and death due to accidents; these violations have resulted in complaints to the SBMA, worker protests, and a recent memorandum of agreement with the Philippines' Department of Labor and Employment (DOLE), which will now conduct regular inspection of SBFZ businesses.[xv] One case regarding two workers who were allegedly illegally dismissed made it to the Philippine Court of Appeals and the Philippine Supreme Court, which upheld a local ruling that the workers "are entitled to reinstatement to their former positions without loss of seniority rights and payment of full back wages, inclusive of allowances, from the time their compensation was withheld from them up to the time of their actual reinstatement."[xvi] Rosa,[8] a local visitor who used to work for a Korean company inside the FZ, told me her own story of how Koreans treated Filipinos like they were not *tao* (people), saying that it was not uncommon for the Koreans to physically hit or assault employees. Within the factory walls, workers are shielded from the accountability that is associated with employees interacting with comparatively rich customers, Filipino and foreign alike.

Avoiding interaction

Although global borderlands actively cultivate cross-national exchange, foreign long-term visitors, as well as short-term military personnel, consistently spoke of strategies they used to avoid such exchange. For Gloria, this includes going to the Royal, a duty-free SBFZ supermarket, when it is raining or during mealtimes so as to avoid large crowds of Filipinos, while Rebecca tells me how she and her foreign friends come to the SBFZ once a month for coffee, precisely so they can talk freely about the troubles they are experiencing with the various Filipinos they encounter in their daily lives. They know

[8] Pseudonyms are given to all interviewees

that the people they discuss cannot afford to travel to the SBFZ so this space becomes a haven from their daily life and interactions. They also engage in "foreign-watching" guessing how long other foreigners–mainly men since she told me that I was one of the only non-missionary foreigner she has seen–have been in the area and the purpose of their trip.

In many cases, the SBFZ provides a respite for foreigners from local Filipino informal vendors, *pulubi* (beggars), and street children–people they encounter if they cross the Main gate's bridge into Olongapo City–since the SBFZ is seen by many as for rich Filipinos and foreigners (see chapter 4). However, a key exception to this is when a U.S. military ship is in port. Getting permission from the Subic Bay Metropolitan Authority (SBMA), the local government, informal vendors setup tents alongside the boardwalk, many of whom sell military-geared items (including wooden carvings with various military emblems on them and t-shirts outlining the specific ship's port schedule). Rob and Phil–a Hawaiian American naval seaman–separately detail their strategies of avoiding these vendors, including the wearing of sunglasses, so the Filipinos don't know where their eyes are looking, and the use of headphones to feign preoccupation and being too busy for them, or in the case of Olongapo City and the Main gate's bridge, avoid eye contact with the *pulubi* and street children begging for money or food.

Rob and Phil also separately talk about using in port, off ship time to be away from people–particularly Americans though it also encompasses Filipinos. This relates to the organization of the military and the constant surveillance of actions of their personnel. The ship itself is crowded, with the civilians and military separated, but each having to share one large room with bunk beds with all others in this division. They each sleep, eat,

and work together, and when not in port, they are together almost all twenty-four hours in a day. The isolating of themselves–from renting a hotel room to sleep in a "nice" bed to visiting the mall or other places by themselves–is a way to reclaim their privacy. For Phil in particular, these strategies can be seen as a pushing back against the close monitoring he experiences in the military. It is why he prefers going to HP Starbucks versus HP Coffee Bean right across the aisle–the former he can sit and stay without buying coffee and he perceives this as not being monitored by the staff, whereas in the latter, he was asked by an employee to leave the outdoor seating section because he didn't buy anything; the seating was "for customers only." It's also why, as described in chapter 4, he didn't like being told by a local Filipino that he's calling the cops because Phil's friend was drunk and publically urinating inside the SBFZ and why he prefers spending time outside the SBFZ, in Barrio Barretto, where locals "understand" and allow him and others to do as they please (with regard to public urination).

It is when Filipinos are assisting or exchanging goods and services based on reciprocity with foreigners that foreigners seek their presence or befriend locals. For Phil, this involved doing a welding favor for two Filipino workers on the military ship, who, in response, later treated him and one of Phil's friends to free beers at a bar that night. After that exchange, they "were cool" with each other. For Rebecca, it was two Filipinos who own a non-SBFZ store near where she lives. These two individuals will give her extra meat or vegetables when she is running low on money and who will–she perceives–give her a fair price for other foods. Ayanda, a South African missionary, told me about how he found friends in this country through his evangelism and these friends treated him to

meals, including *balut* (a Filipino food that is a fertilized egg). These relationships are cultivated through Filipinos' willingness to help foreigners acclimate to the country.

Gendered geography

Interactions are also shaped by the gendered geography found in the SBFZ. By gendered geography, I refer to how "gender relations [are] significant in the structuring of space and place, spaces and places."[xvii] This is seen in how both foreign and local women accounted for where they traveled to, and where they did not visit in the SBFZ. Sophia, a mixed-race female in the U.S. Navy tells me:

> I don't like [the SBFZ] so much. I feel like it's more towards the male community. It's well limited in everything that we can do. I guess as a female you can either shop, do your nails or whatever but as a guy, it's like – it's more open for you. … Guys love it here, I don't know, they come here they get marry. We can't do much. Because of the bars and the girls, it's very different; this is not my favorite port. … Personally, I've seen that people per se females here are more friendly towards the guy than they are towards the girl and you know when you go into a bar, if there's a guy, they actually provide better service for him than for females so.

Sophia stays away from the boardwalk, which is lined by bars that also attract a lot of local females. For Sophia–and she suggests that other female Naval personnel feel similarly–gender trumps nationality in terms of the customer service (or lack thereof) she receives, the types of activities she can do, and where she can visit. Rebecca, a White American Peace Corps Volunteer (PCV) also details conflicting reports on how her gender shapes where she goes in the FZ. She feels safer going to the bars along the SBFZ's boardwalk when the U.S. military are in port because American men take "no" for an answer, but Filipino men do not, and this is in part because members of the military police can be found in these bars and they regulate the behavior of their men. Yet, she also feels safer walking in Olongapo City because locals recognize her and the SBFZ is too isolated at night. She recounted the time she and her four friends–two Filipinas and two American PCVs–were subject to sexual harassment one night while

walking within the FZ. She was afraid because she thought, despite her American nationality, nothing would have happened to those men if they had tried to attack her and her friends.

Similarly, the missionary women I spoke with told me that they tended to prefer staying inside the ship at night or if they went out, to go with a group of people for safety reasons. In fact, the ship's "social policy" or SP, state that people cannot go out by themselves, except during the day and within the SBFZ. If they go outside, another person must accompany them. If they go out in groups, there are restrictions. Even numbered groups must be comprised of members all of the same sex, otherwise if someone wanted to go out in mixed-sex company, the group must have odd numbers. This regulation of behavior is institutionalized through the ship's SP.

For many of the local women visitors I interviewed, bars within the FZ also signaled an unwelcomed area for them. Jael, Marisol, and Cyril–a gay male–together tell me about the bars within the FZ, saying how they don't go there, but offering to take me there, though they qualified this statement with "we won't even go in." Jael tells me how "once a ship embarks, a lot of [Filipina] girls do come here. So most of the people from that ship thought that all of the women here are all the same. They thought of them as prostitutes. … [and] still, some foreigners who visit here still think that all the girls are the same as before." Despite earlier telling me they appreciated the strictness of the SBFZ, wanted to maintain "the culture here, which is American" and lamented the litter and disorganization that accompanies the influx of more locals to SBFZ due to the opening of HP, they also confront the very gendered expectations that certain foreign men have, and this–along with the increase of SBFZ bars–shapes where they visit (see

chapter 3 for an in-depth analysis of the Subic Rape Case and how the rape of Filipina Nicole sparked national dialogues regarding Philippine dependence and U.S. power).

Similarly, Maria appreciates how the strictness of the SBFZ and HP influences these interactions. Contrasting her current work with her previous stint as a bartender she says that

> Foreigners are okay. It depends 'cause if I'm going to base it from before where I used to work, I always deal with drunk guys because I used to be a bartender, *medyo makulit sila* [they were a little irritating]. *Pero dito* [But here], since they are sober, *okay lang* [they're ok]. *Makikipag-usap ka sa kanila* [You can talk with them].

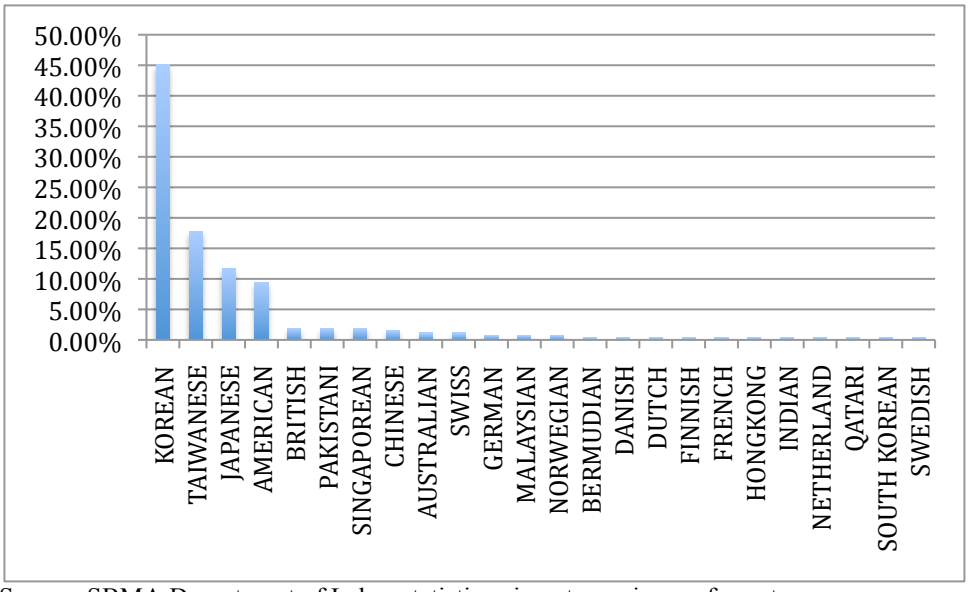
However, other female workers say they still experience foreigners flirting with them and asking for their telephone numbers. Sexual harassment is not limited to outside the SBFZ, but also occurs within, though the structure of work at HP makes the frequency of this much less than, for example, a bar. I experienced something similar while going to a SBFZ gym. With the exception of two people, all customers were Filipinos. One of the foreigners was a white Australian older man, whom I witnessed regularly commenting on Filipinas' body, also told me that I was "turning into a nice shape" while looking up and down at my body.

Managing goods and services

The foreign exchange that occurs within global borderlands not only involves direct person-to-person interaction. It may also take the shape of the intertwining of foreign corporations, goods, and services with local ones. According to 2011 SBMA raw statistics given to me, there are 1,069 companies in the SBFZ. Foreign-owned companies represent 25% (264/1069) of the companies in the SBFZ, while 58% (624/1060) are Filipino-owned, 16% (174/1069) are owned by a joint company that has at least one Filipino partner, and .01% (7/1069) are owned by a joint company among various foreign

partners. Korean (119 companies or 45.08%) companies make up the largest share of foreign-owned SBFZ companies, with Taiwanese (47 companies or 17.80%), Japanese (31 or 11.74%) and American (25 or 9.47%) companies making up the next largest share, and the rest ranging from five (British) to one (e.g. Qatari) businesses (see table 1). The post-bases transformation of the SBFZ has resulted in the cultivation of East Asian companies, which now dominate the market in sheer number of businesses.[9]

Table 1: Percent of Sole-Owned SBFZ Foreign Companies by Nationality as of January 2012



Source: SBMA Department of Labor statistics given to me in raw format

Legal histories in the management of goods and services

The legal management of goods and services within this space has changed over time. The 1947 Military Bases Agreement (MBA) between the U.S. and R.P. regulated the flow and management of goods and services within the SBNB. This included U.S. rights to retain certain U.S. bases and to use others and "all the rights, power and

[9]This does not include the size of the company nor the number of employees, I have information only on the raw counts of SBFZ businesses

authority" within the bases' land, air, and sea limits. This includes U.S. rights to construct, occupy, and control facilities, weapons, vessels and the like, free air, land and sea movement between ports, and the use of public utilities such as highways, railroads, and bridges. The U.S. government and military organizations, as well as related personnel, were free of all import, duty, income, and other taxes for "material, equipment, supplies or goods" as well as food stores and clothing related to the base. This income tax, duty, and custom free status applied to both U.S. citizens and U.S. nationals, along with their families, for income related to the base.

The agreement also stipulated that the U.S. could maintain government "agencies" within the base, that included "concessions, such as sales commissaries and post exchanges, messes and social clubs, for the exclusive use of the United States military forces and authorized civilian personnel and their families" and all goods sold were free of taxes, duties and Philippine inspection. However, there was also a caveat that "administrative measures shall be taken" by the U.S. to prevent this right from being abused by goods being resold outside the SBNB. However, this did not prevent related illegal acts from occurring. Among Americans, these acts took the form of arson, smuggling, larceny, theft, black market dealings, illegal foreign exchange (Philippine pesos received through illegal activity, then traded in for U.S. dollars) and drug possession and distribution among others.[xviii] Theft and the making and delivering of bad checks are among SBNB-related crimes committed by Filipinos and tried by Philippine courts,[xix] while theft, smuggling, and conspiracy are related to crimes perpetrated by people of different nationalities.[xx]

The U.S. also had the right to establish and maintain a U.S. postal office for exclusive use to base-affiliated people, and agreed to train and recruit eligible Filipinos to the U.S. Armed Forces. In conjunction with the R.P. government, the U.S. also agreed to take steps to improve the health and sanitation of the areas alongside the bases, and also agreed to pay compensation for any injuries due to these improvements. For any historical sites of importance to both countries, there was an agreement for both to maintain them, and for those significant only to the U.S., for the U.S. to be responsible for any maintenance and improvements.

Furthermore, the U.S. had no obligation to return any facilities in the same condition in which they received them. In contrast, Philippine commercial vessels had the right to use U.S. bases, and the R.P. government had the right to copies of Philippine aerial photographs and any surveys. All mineral resources remained the right of the Philippines, despite U.S. use, but they agreed to not give any rights or permissions related to these mineral resources, and to the base in general, to third parties. Additionally, the Philippine government was not required to compensate the U.S. for any of the facility, environmental, or other types of improvements. These rights and uses of Philippine structures were free of rent. However, this military relationship did come with millions of dollars in military and non-military aid. Additionally, Philippine political elites, including former presidents Cory Aquino and Ferdinand Marcos, used the bases' symbolism and physical presence for their own advantage (see chapter 2). So although the U.S. exercised unequal power in its role as a socio-political hegemon, and greatly benefited from these agreements–at the expense of the Philippines and its government –it is not the case that

locals were without agency, rather, they were able to manipulate negotiations to their benefit.

Amendments to the MBA later clarified, expanded, and refined these rights and the management of goods and services. For example, a 1965 amendment stated that alongside a U.S. Treasury facility, a Philippine bank branch was established inside SBNB, while the 1979 amendment declared that the bases are now under Philippine control through a Philippine base commander; however, U.S. personnel still maintained control over facilities and personnel. Additionally, a 1981 amendment outlined services related to the exchange of personnel between the two countries (e.g. American military personnel in the Philippines and Filipinos in the U.S., who are part of the Philippine military), a 1987 amendment outlined the rights and services (including free transportation and negotiations on, among others, severance bay, health insurance, and forms of currencies paid), a 1982 amendment specified the management of varied forms of cargo (transit, official), and a 1988 amendment regulated the storage and movement of U.S. nuclear weapons in the Philippines.

A key conflict during this time was related to the tax-free status of military base employees. In a 1990 R.P. Supreme Court case, six base employees–all of whom were U.S. citizens, though four of those were nationalized citizens whose country of birth was the Philippines–the issue of who pays income tax and how that relates to length and intention of stay was addressed. Although the Court found that all of the petitioners met the exempt status per the MBA, this exemption did not extend to the filing of income taxes. Rather, the burden of proof of this special status is theirs, and they have to show that all of their income derived from base-related activities and not Philippine sources.

American armed forces remained in the Philippines post-1992 military base withdrawal. For example, a 1993 agreement specified that these troops, who were in the Philippines related to defense-related activities–vis-à-vis the 1951 Mutual Defense Treaty–held similar legal status as those extended to U.S. embassy technical and administrative staff. The 1998 Visiting Forces Agreement (VFA) between the U.S. and R.P., that is currently in effect, outlined the primary status of U.S. personnel and the management of related goods and services. For example, U.S. military personnel are exempt from passport or visa requirements, only needing a personal, government-issued identity card and an individual or collective document authorizing travel, while civilian personnel require passports, but not visas. Similar to the MBA, the VFA stipulates that any U.S. government "equipment, materials, supplies, and other property" and "reasonable quantitative" of personal items are free of all duties, taxes and other fees. One of the main differences between the MBA and the VFA revolves around the implications of having a large, permanent base presence. For example, the VFA does not contain any language in the ownership of facilities or land.

These tax incentives are also a foundation on which the SBFZ was built. As Republic Act (RA) 7227, the government act creating the zone, notes it is "a separate customs territory ensuring free flow or movement of goods and capital," providing tax-free incentives, with a goal of "attract[ing] and promote[ing] productive foreign investments." Furthermore, it declared "no taxes, local and national, shall be imposed" within the Zone. A 2007 amendment, RA 9400, stipulated that in lieu of taxes, businesses will pay five percent–the original three percent described in RA 7227–of gross income earned. This income is earmarked: three percent to the national government and two

percent to SBFZ for distribution to local governments effected by the zone. In addition to tax-free incentives, businesses can have up to 100% foreign ownership; there is no control over foreign exchange; and expatriates are able to obtain special visas.[xxi]

In the original rules implementing the SBFZ and stipulating the power and authority of the local government, the Subic Bay Metropolitan Authority (SBMA), SBFZ residents may import an unlimited (but in non-commercial quantities) duty, tax, and custom free goods, and freely consume, purchase or lease duty and custom-free goods from other SBFZ residents and businesses while within the area; however, they are also subject to Philippine income tax. Likewise, non-SBFZ residents may freely consume items within the SBFZ. Although they can bring customs-free goods outside the FZ, they can only do so once a month, and the total cost of said goods cannot exceed $200. If it does exceed $200, they will be subject to taxation. These regulations have become more lax, in part, so SBFZ businesses can make more profit.

These tax-free incentives for businesses, however, are not beyond regulation. Eligible items include direct wages and the importation of raw materials, while expenses related to repairs and maintenance are not. There are also two types of businesses within the SBFZ, those that are SBFZ locators (the SBMA term for businesses) that are entitled to these incentives, and those that are not. The SBFZ locators must apply for tax exemptions, and meet certain requirements, including being a separate SBFZ entity. This is a key difference between the Duty Free Pure Gold, which is a separate SBFZ tax-free entity, and the Pure Gold at Harbor Point, which is not yet an SBFZ entity and is not yet entitled to tax-free privileges. Registration is overseen by the SBMA Business and Investment Department, and is a 14-day, two-stage process, with additional requirements

post-certification. Non-SBFZ locators are overseen by the SBMA Accreditation Department. They operate within the SBFZ, and may be branches of other business, but are not separate entities located within it, and are not eligible for the same incentives.

Who is eligible for these tax-free incentives, and under which conditions are these incentives granted, have been the subject of much contestation, both organizationally and individually. For businesses, this involves disputes that occur when non-SBFZ suppliers shift the value-added tax (VAT) on to SBFZ purchases,[xxii] debates over the eligibility of alcohol and cigarette deductions,[xxiii] and during which time of the year to calculate foreign exchange rates when dealing with multiple currencies and various deductions.[xxiv]

Additionally, the SBMA regulates the use and number of imports. For example, according to the 2014 SBFZ Investor's Guide, motor vehicles fall into three categories: utility-service ones, which are "indispensable" to SBFZ businesses, and this includes delivery trucks, cargo vans and buses; tourist-service vehicles, which are those "indispensable" to tourist industries (e.g. hotels, resorts, theme parks) and must have a value of less than $50,000; and finally company-service vehicles which are SBFZ businesses' service vehicles. The rules prohibit the importation of luxury motor vehicles (such as Rolls-Royces, Jaguars, Bentleys, and Ferraris), for company-service use, unless (a) it is a "green" or an environmentally-friendly vehicle or (b) for the private use of SBFZ company Presidents, Chairmen, and Board of Directors Members. Furthermore, SBFZ businesses must have an investment of $250,000 (or the Philippine peso equivalent) or 50 regular employees for each vehicle admitted

Individually, negotiations involved whether foreigners working within the SBFZ are subject to Philippine income tax or can avail of the tax-free incentives.[xxv] The Court

ruled that businesses, not individuals, are covered under the tax-free incentives of RA 7227, arguing that in their arguments, petitioner(s) chose to highlight certain language–"no taxes, local and national, shall be imposed within [the SBFZ]")–without taking into account the context. For example, the subsequent sentence reads "in lieu of paying taxes, 3% of the gross income earned by all business and enterprises."

Tim, the Aussie businessman married to a Filipina, refers to these distinctions as being "ripped off." He gave me an example of Freeport gas stations including VAT in their prices, thus profiting from their tax-free status by pocketing the difference in the purchase and sale of gasoline. To counter this, he has to manually deduct the VAT in his business expenses since he does not receive this deduction when filling up his vehicles with gas. When I told Tim that not all of SBFZ companies received the same tax exemptions, he was surprised. Similar to many foreigners and Filipinos alike, he assumed all SBFZ businesses are VAT-free.

Meanings and differentiations of goods and services

The differentiation between goods and services available inside and outside the SBFZ, as well as the meanings associated with the management of money, contribute to symbolic separation of SBFZ from the surrounding city of Olongapo. Within the SBFZ, there are three duty-free stores: Royal Subic, PureGold Duty Free (PGDF), and Trader's World–the first two require a shuttle ride or private transportation because they lay outside of the Central Business District (see chapter 4). HP is also home to a PureGold store (HP PG), though it is not duty-free. Although as previously stated, while many locals and foreigners alike assume that all the businesses are VAT-free, in actuality many are not. Businesses have to apply for this exempt status, it is not a given. However, in the

discourses surrounding the differences between goods and services inside and outside the SBFZ, this VAT-free designation is used for all SBFZ stores, and the difference in tax-exempt status between PGDF and the HP PG is unremarked. What is noticed, however, are the differences in the goods and services provided. For example, the HP PG sells cigarettes, but the PGDF does not.

Although there was no consensus among or between local workers, local visitors and foreign visitors regarding the differences in the quality and pricing of foods within and outside the SBFZ, the ways in which the perceived differences are spoken about reveal, in a similar way to what Mary Douglas shows in her book *Purity and Danger*,[xxvi] how social relations are symbolically stratified through discourses on what is considered "good quality," "poor quality," "dirty," and "fresh." The stratification of foods revolves around the axes of quality, price, and convenience.

For instance, Lily, a 22 year old Filipina local HP worker who is taking classes at a SBFZ college, is renting a bed ("a bed spacer") while working and going to school, and travels home to Bataan on her day off, says "*Kasi 'yung palengke po mas afford at saka mas malapit sa amin* [because at the local market, it's more affordable and nearer than them (Royal or PureGold)" and "*Siguro sa super market masasabi mo po na talagang malinis 'yun ganun, at saka 'yung price po talaga ng super market mataas* [Maybe at the supermarket, they say it's cleaner, but the price is more expensive at the supermarket]." She also says that while television commercials suggest that Royal or PureGold have cheaper prices because it is VAT-free, she finds when she goes there, prices are actually more expensive than the local markets.

Others similarly echo this sentiment of expensive, frozen, less quality food at Royal or PureGold, compared with the local market, where foods are cheaper and fresher. However, Aileen, another HP local worker, maintains that foods, while more expensive, are of a higher quality at the duty-free stores when compared to local markets.

For others, like Pat, a White British businessman married to a Filipina, presentation of food matters. He explained

> In [HP PureGold], we get some of the other products. Some of the vegetables are quite nice because they prepare them and they look presentable. I'm 100% for presentable. If it's cheaper in the market but there are things crawling all over it, I won't go there, cheap or not.

But this difference in categorizing foods from local markets as "dirty" and those from supermarkets as "clean" or "presentable" is not limited to foreigners, because Tim, an Australian businessman married to a Filipina, has his wife shop at local markets because they're fresher. His wife, Cathy, walks in on our interview and tells me that people who are "smart" shop at the local markets, because they are so much cheaper and fresher. Tim concurs, saying only those who do not know the difference between fresh and old food–particularly fish–purchase their food at supermarkets like Royal and PureGold. There is a perceived trade-off between duty-free store foods that are clean, but more expensive and sometimes of less quality, and dirty foods that are cheaper and higher quality.

Others also pointed out that there's a difference in the *amount* you can buy, and my own experience confirms this. The supermarket has goods already in bulk or packaged together, whereas at the *palangkes* (local markets) you are able to specify the exact amount of food you wish to purchase. Additionally, at the local markets, prices are flexible, while in supermarkets, they are fixed. However, people do not just differentiate

between price and quality but also the type of foods you can purchase. Bea, a Filipina visitor, expresses a common sentiment among Filipino interviewees, when she says that she is particularly excited to buy "real" Hershey's chocolates. Duty-free stores are for imported, specialty goods. Filipino visitors in particular–since geography and convenience is a factor into calculating where to shop, and local markets tend to be closer to home–plan strategies of where to purchase which foods. Local markets are for fish and vegetables, supermarkets, for meats, and the duty-free stores for imported items, including chocolate and canned goods. Although missionary and military ships provides three meals per day and eliminates the need to purchase local food, the non-military and non-missionary long-term foreigners I interviewed similarly allocated their time and travel between grocery stores. However, the preference for foreign, or imported, goods was much greater.

Royal and PureGold Duty Free do not consistently stock products, for example, one shipment they will receive Friskies cat food, but it will remain unstocked for weeks if not months. Instead, they will import a different brand. For example, Whiskas, instead of Friskies, cat food. One strategy foreigners use to combat this limited availability is through the creation of text alert and wish-list systems regarding the presence of the wanted goods. Mary tells me how she and the other foreigners she knows text each other when a certain brand of food will come into either store, and when she finds something she likes, she will stock up on it. For example, Mary does not like eating rice, a staple food in the Philippines; rather, she prefers eating potatoes. She found canned potatoes one day at Royal, and bought almost all of the cans, since it is a rare good. After one of her friends texted her that there was only one can left, Mary offered her some from her

personal stash. Furthermore, when someone they know is going to Manila–even a local chef–or abroad, they will put together wish lists for items that are difficult to find in the Philippines. The payment of these items revolve around specific currencies–for example, Mary will match the originally currency used to pay for the goods. If bought in U.S. dollars either in the SBFZ, elsewhere in the Philippines, or from another country, she will repay in U.S. dollars. The same strategy applies to goods bought with Philippine pesos.

Rebecca similarly serves as the conduit for foreign foods for her fellow PCVs since she lives so close to the SBFZ, while Gloria describes building a long-term relationship with Royal. She does this by recommending brands that will not be as expensive to import or those that can be shipped in from Manila, as well as explaining to the staff the importance of "get[ting] a little bit of Whiskas and a little bit of Friskies each time" so pets won't get sick. Pat, however, has not thought about this strategy of relationship building, since he lamented that he craved British food and cannot find, for example, Hein's baked beans in any store. Foreigners actively cultivate, or lament the lack of, ways to purchase their desired foreign goods because their meanings are of "home"–they remind people of their respective country of origin and provide comfort.

Fernando, a Filipino businessman and SBMA contractor, although originally stated he shopped at whatever store was closer to him at the time, when pressed, admitted that although he thinks the local markets are "dirtier" and "cheaper" they also have higher quality fruits and vegetables than Royal or PureGold so he buys those goods there, and shops at the duty-free stores for chocolates, mineral water, and wine. However, he also fretted about how HP and the duty-free stores would negatively impact the local *palengkes* and their workers; however, my interviews suggest that the SBFZ stores

supplement, rather than displace, the role of *palangkes* since shoppers differentiate what goods they purchase at each store, with duty-free stores having a specialty niche of imported goods.

This discursive stratification extends to other goods and services found inside the SBFZ. A handful of the local workers visit HP on their day off to window shop or go to the beach. Inside the SBFZ, although there are some beaches located outside the Central Business District that charge admissions, going to the beach along the main boardwalk is free. This is in contrast to the beach alongside the main highway connecting various *barangays* to Olongapo City, where hotels and other stores set admission prices to enter. For local visitors, window-shopping at HP was also a highlight of their trips. Most Filipinos–workers and visitors alike–mentioned that the strictness of the FZ meant that you are able to do more or engage in more activities (such as drinking or smoking) outside of the area, and that this regulated behavior within the SBFZ extended to everyone. For example, Cyril tells the story of how even the wife of former President Ramos was given a speeding ticket, though her being ticketed probably had much more to do with the Gordon-Ramos feud (see chapter 2) than an evenly enforced law, while Jael appreciates the ability to job outside and enjoy the fresh air. This is in contrast to Olongapo City, filled with pollution from varied forms of transportation, and with no designated areas to jog. However, with the exception of Fernando with his 100,000 Php monthly salary, most Filipino workers and visitors I interview only selectively purchased SBFZ non-food goods and services because it is so expensive.

In contrast, foreigners, through the eyes of Filipino workers and visitors, did not have to closely count their money as much as Filipinos did. For example, local workers

noted the differences between foreigners and locals who shopped in their HP stores. Juana, a 20-year-old local HP worker and bed spacer in Olongapo City, echoes a common sentiment expressed by other workers when she says:

> *Siguro po kasi 'yung mga foreigners po minsan mas mapera po sila kesa sa mga Filipinos. Pero meron din na mga Filipinos na mayayaman. Ganon po. Kasi po ang mga foreigners dito, kung ano 'yung nagustuhan nila sa item namin, kukunin na po nila agad. Unlike po sa Filipinos, maraming tanong. Sa mga foreigners, "I like this one!" Then magpe-pay na po sila. Straight po sila*
> [Maybe because the foreigners sometimes have more money than Filipinos. But there are also rich Filipinos. Because foreigners here, if they see something they want, they grab it immediately. Unlike Filipinos, they have a lot of questions. The foreigners [are like] "I like this one!" Then they pay for it. Straight to the counter]

But this perceived difference in wealth, income, and discretionary spending also plays out in the discourses of most of the foreigners I interviewed–with the exception of Rebecca, the PCV who earned only 150Php per day, less than Philippine minimum wage–because whether stores were VAT-free, and the respective money it saves, was irrelevant. What mattered was the availability of goods.

Additionally, often foreigners preferred shopping inside, rather than outside, precisely because the SBFZ offered fixed prices, whereas outside, prices were flexible This desire for fixed prices is because there is a common fear of being taken advantage of by Filipinos and other related issues that arise in the bargaining of price. In the case of local markets, I was told by multiple foreigners–long- and short-term alike–that they were charged a "skin" or "foreigner" tax, where goods and services are more expensive precisely because they are foreigners. Tim equates the more expensive prices in the SBFZ to being ripped off by businesses. Therefore, he has his wife shop outside so to get the cheaper, Filipino price. He and his family only use the SBFZ for businesses, home, and specialty recreation. These recreational activities exclusive to the SBFZ include Zoobic Safari, the only tiger zoo in the Philippines, and Ocean Adventure, a water park.

Similarly, Mary, a white Canadian business woman, sends her maid to pick up groceries in the local markets as a strategy to avoid the foreigner tax, while Gloria prefers going to the store when it is raining or during meal time so as to avoid crowds. She also makes it a point to take her car to the SBFZ dealership for repairs because she knows they have authorized replacement parts; at a mechanic shop outside, she's found that people, when faced with ill-fitting or incorrect replacement parts, will physically enlarge the hole in the car to make it fit.

However, there are exceptions to this stable price and better service within the FZ. One is the mark up of alcoholic drinks in bars when military ships are in port, and non-military foreigners also noticed this markup. Another is what Phil experienced, and he attributes this to all stores increasing their prices because the military personnel are restricted to the SBFZ and a small portion of Olongapo City. He recounts:

> The other night, I went to [a bar] and I ordered two beers, drank them. I got my bill back, it was like 600 pesos. I go, "What? What the fuck–for two beers?" "No, sir. You ordered this and that." "No, the fuck, I did not. I ordered two beers." "No." "Where's your manager?" "Okay. Never mind. I'll come back with the right receipt." He comes back with the right receipt. It came out to, like, 200 pesos something.

He has to remain vigilant about the items charged on his receipt and what he pays, because otherwise he may be charged for items he did not purchase or consume. A common complaint from U.S. military personnel is that when they are on liberty, or off-duty, there is nothing to do. Particularly for the males, drinking and boredom go hand-in-hand, so often, and this is true for Phil, he spends his money primarily on alcohol. If he is drunk, he sometimes does not think to look at his receipt, and this is one avenue in which bars can generate extra revenue. For him, there is a sense of being taken advantage of because he's a foreigner. It fosters resentment, and he feels as though there is little he can

do about it. If he gets into an argument with the bartender–which he sees as a response to being taken advantage of–he may get into trouble because of the agreements the U.S. military has in place with the local port. Although businesses are able to report his behavior, he's mostly afraid of being policed by commanders or fellow servicemen who "throw people under the bus" or are "snitches" because they report any arguments. This would result in him receiving an "alcohol-related incident" in his file.

Despite SBFZ taxis having meters and set prices for how much rides cost, depending on location–drivers keep a lamented paper with these designated prices inside their cab–this mark up also includes the use of taxis both within and outside the SBFZ. Kevin, a white American male in the Philippines "for all the beautiful women" tells me that one strategy he uses to counter formerly agreed on prices being raised once they arrive at the destination: to no longer talk to the cab drivers and to get the money ready as soon as he is in the cab, giving it to the driver immediately upon arrival, and jumping out of the car. While Rob, the African American seaman previously mentioned, uses the strategy of walking away until the cab driver agrees to what Rob thinks is a fair price.

Finally, another exception is the aforementioned pop-up tents of informal vendors who are allowed inside the SBFZ when a military ship is in port. Rob knows that bargaining in traditional craft markets is something that you "absolutely" do. However, he admits that he doesn't do it as much because it's already so inexpensive in comparison to home. He "know(s) that these people will go a lot lower but I'm not that type. I probably should be tighter on money but I really am not." The way and amount of bargaining reflects his moral self. He bargains, because he knows he should, but also won't go too low because he's not the type to take advantage of others. He tells me how

while in port, he specifically shops for souvenirs from these markets, particularly for his daughter, because "the story behind it, the history behind it, that's what's important to me." Most recently he wanted to purchase a wooden emblem of the merchant Marines, and he tells me how he found which vendor to buy from:

> The guy who actually did my clock, I didn't talk him down at all in his pricing. He charged me 1700 pesos [for] the round wooden [emblem] that had my name. The reason why I didn't try and bargained with him or try and get the price down is because he had these wooden pitchers looking thing with little wooden cups. I asked him how much that was for the set and he told me 1500 pesos. I walked down two tents, same pitcher, same size, one huge, one bigger, same exact size, same cups, everything, and I asked the guy. I said, "How much is that?" "4600 pesos." I was like, "What?"…[so I went back to the previous vendor] because I knew that guy was -- yeah, maybe he was charging me more. Maybe he charged me more than what he would have done it for, but he wasn't trying to just blatantly rip me off.

He develops trust for one vendor in particular, because his price–in comparison to another vendor two tents down–seems reasonable, even if, he acknowledges, it still may be more expensive than if a Filipino were to buy it. He rewards that vendor to some degree, for not having what he considers exorbitant pricing, and he does this by continuing to purchase all the souvenir goods he needs from that same vendor. This ability to bargain or not is also, Rob perceives, the way to tell the difference between a store being "real" versus counterfeit. He questioned the authenticity of the Mac store inside Harbor Point–it's location inside the upscale mall does not do anything to persuade him–until he tried to bargain and was told that the prices were set by Apple. That's how he knew it sold real Apple products. Because it was a real Apple store, he bought a wireless device, since it would have cost the same amount if he bought it online and had it shipped. In contrast, for Filipino visitors, the location of branded items (e.g. Nike shoes)–those found inside HP or the SBFZ more generally–signaled its authenticity and quality, whereas Filipino workers noted that branded items, such as Nike shoes, were also

available outside the FZ and did not similarly differentiate the authenticity and quality between the SBFZ and non-SBFZ goods.

Managing monies

The management of monies was also a common theme of many of my interviews. For local workers and local visitors who only occasionally traveled to the SBFZ, the specific budgeting of their monies was a concern. Similar to other types of Filipino migrants, whether internationally or domestically to large cities,[xxvii] many of the workers commonly practiced dividing their salaries, with as much as half or more allocated to their respective head of household, most commonly their mothers (if living with their family), or head of family (sending the remittances to the home in the province in which their family still lived). Additionally, although it may not be surprising given their low incomes, household chores and bringing food to work for lunch are often strategies used to reduce costs. It is part and parcel of their daily responsibilities, and they scrimp to save money for necessities. Otherwise, it is "wasteful" and as Layana, a 20 year old HP worker who lives in a one room dwelling with her baby, live-in partner, and sister tells me

> *Ako naman kasi, I usually play lang ng games sa laptop eh. Watch TV gano'n lang. I don't usually go out, lalo na 'yung kunwari fun na manood ng sine. Medyo gastos 'yun eh. Not now*. [For me, I usually only play games on my laptop. I like watching TV. I don't usually go out, like watching movies? You'll be wasting money. Not now].

To her, spending money on bills, transportation, food and saving for her baby are more important. Leisure activities, in comparison, are not important.

This allocation of household chores–including cleaning, laundry, grocery shopping, cooking, care taking of children–is something that differentiates the foreign visitors I interviewed from the locals. Local workers, and most of the local visitors, did

these chores themselves or had family members do them so as to save money. For the long-term foreigners, each had at least one maid or household helper. While for Gloria, that took the form of someone coming in once a week to clean the cat hair lying around the house and doing the rest herself–because otherwise she felt like she had to "babysit" the Filipino cleaners to make certain they cleaned to her specifications and did not drop or break anything–for others, it often involved long-term, live-in help. For Mary, this took the form of a maid who grocery shopped to avoid the foreigner tax, for Pat and his Filipina wife, this involved the hiring of a live-in nanny to help raise their child who also attended Brent International School, while Tim and his Filipina wife have two live-in maids to assist with cleaning and other household duties.

Although Pat and Tim own several businesses, Mary only makes $13,000 per year–which translates to approximately 520,000 Php using a 40 Php to $1 exchange rate–so although she describes her salary as "not much," it is enough to support her, her lifestyle (including the regular purchase of foreign groceries), and a live-in maid. Furthermore, each of these three individuals–Pat, Tim, and Mary–along with any family they had, regularly attended recreational activities, including trips to Zoobic Safari, a tiger zoo, and Ocean Adventure, a water park. Marisol recalls that the foreigners she knows "like nature" and to be alone on the beach or in the forest, whereas regular Filipinos go to internet cafes, play computer games and surf the internet. She differentiates reasons why her American friends come here–for nature, to relax and be alone–to the daily life of most Filipinos.

For HP businesses, and presumably others as well, workers have to be diligent about checking for counterfeit money, something I both witnessed during my

observations in various stores in and around the mall and encountered. For example, I went to the HP Starbucks on a near daily basis during my nine months of fieldwork, and I got to know many of the workers. After getting money from a nearby ATM, I would often use the opportunity to purchase my drink at Starbucks as a way to get change, since informal vendors, jeepneys, and shuttles do not take large peso bills. One day, I was told that the 1000 Php bill I gave the cashier, Josie, was counterfeit. I received that bill directly from the ATM located alongside the entrance doors of SM and literally walked directly from the ATM outside the SM, to the HP Starbucks. Josie beckoned her manager, Jaime, who told me that counterfeit bills also come from ATMs and banks. Afterwards, I went to the bank inside SM, whose customer service representative checked my bill and declared it non-counterfeit and did not know why I had any problems. She gave me new bills per my request. In an informal conversation that took place a few days after my formal interview with her, Rebecca told me that it was only because these Starbucks workers knew me that it went smoothly, that "they were so nice" and accepted a different bill, because she's witnessed other instances where security guards had to be called in and were questioned whether or not they had made the counterfeit money themselves.

Although many tried to set aside money to save, particularly if they had children, none of the locals I interviewed maintained a bank account nor regularly had or spent foreign money, with the exception of one local worker who had previously worked in Singapore and still had a handful of Singapore dollars around his house. Even in the case of receiving remittances from abroad, these remittances are then exchanged into Philippine pesos upon direct receipt. This is a common practice–relatives sending, for

example U.S. dollars, but the recipients receiving it in local currency. Similarly very few Filipinos I interviewed had credit cards–debit cards, while available in the Philippines is not something that is commonly used in Olongapo City–though HP workers had ATM cards because they received their paycheck through an ATM.

In contrast, the missionaries I interviewed received a weekly allowance that was given out in either their original form or in local currency. Similarly, the military ship had a person come on board to exchange their currency to local pesos, though many opted to use ATMs to get local currencies. The ATM has replaced the use of a foreign exchange on the ship. Since the transformation of the former naval base to the SBFZ, most stores accept only pesos. There are a few exceptions–the duty-free stores and some hotels also accept U.S. dollars. Another exception is that of SBMA. In interviews, SBMA lease agreements, and in court documents, I find that the SBMA frequently requires half of their fees, at least for foreigners, in U.S. dollars. However, most HP stores–not kiosks–accept credit cards, making the exclusion of U.S. dollars irrelevant, since customers can directly use their U.S. dollar credit cards at these stores.

Foreigners also selectively used their credit or VISA debit card. As Rob told me, he used his credit or debit card at the Mac store but also at Starbucks "because, like Starbucks to me feel so American that it's like, 'It's all right. It's going to be all right,' implying that his card may not be "all right" if used at other Philippine stores, presumably because his card information might be stolen. Many long-term foreigners also told me how they selectively use their cards. There are some, like Gloria, who use it everywhere she can because it provides extra documentation, while others, like Kevin, use it only for "large" purchases, such as airplane tickets, and even for that, only when

purchasing tickets from reputable, and international, companies. Although reasoning differs among them, they each differentiate their credit card from cash use. Similarly, long-term foreigners also–with the exception of Rebecca for whom the Peace Corps set up a Philippine bank account–had multiple accounts, and differentiated these accounts based on currency (Philippine peso, American dollar) and use (small, personal purchases, large-item purchases such as air flights, business expenses).

Managing bureaucracies and conflict

Although managing interactions with SBFZ and other forms of bureaucracies outside the SBFZ are something short-term foreign visitors may have little to no experience with, it is something commonly experienced by local workers, local visitors and long-term foreign visitors. For local workers, this often takes the shape of the hiring process. Many of my interviewees described the SBMA hiring process as complex and difficult, particularly if you did not have a friend to help you with the process and/or if it was the first time trying to find employment within the SBMA. Within the SBFZ, all hiring is supposed to go through the labor office, whose workers then provide files of appropriate candidates to businesses, though in HP, there are exceptions made since a handful of my interviewees applied directly to HP. Prospective workers must meet the following requirements: SBMA ID/gate pass, NBI (National Bureau of Investigation) clearance, HP ID, store ID, medical records, transcripts, and a letter from their *barangay* [neighborhood] captain [the elected official who represents the *barangay*] who testifies to the candidates' "moral being," something that Kelly[xxviii] finds is one way to exert informal control over workers because *barangay* captains have influence over families. Who you know, and how connected or liked your family is, helps land you a job since

they can navigate the process for you and recommend you for hiring. This type of corruption is something at least one worker mentioned as the main thing they disliked about the SBFZ. This generalized form of corruption permeates the SBFZ, it is not a practice that is left outside its gate.[10]

For long-term foreign visitors living inside the SBFZ, part of encountering its bureaucracy is realizing that the stated rules and regulations does not coincide with enforcement, particularly in places outside the main Central Business District areas, and dealing with threats from fellow residents. For example, Mary also had a "major conflict" with an SBMA Department Manager and received death threats and her tires were slashed for what she perceives as her just trying to get the SBMA to enforce housing rules. Similarly, Gloria was contacted by the American embassy in Manila regarding complaints by Filipino residents about her trying to get her neighbors to adhere to SBMA standards. However, Gloria also realizes that as a foreigner, things could be much worse and gives an example of her riding in the passenger seat of a car with a Filipina friend of

[10] I experienced this complicated and delayed bureaucracy and corruption. both outside and within the SBFZ. I visited the regional trial courts in Olongapo City multiple times, trying to get physical copies of local court cases involving the former U.S. Subic Bay Naval Base and the SBFZ. Each time, I had to return with another form to get signed by various officials. I luckily had my aunt with me to help navigate the complex Philippine bureaucracy, and a security guard told her that the reason I was encountering so much difficulty and push back was because the workers were expecting a bribe. When I shared my concerns about this, my aunt likened it to the meal incentives I offered interviewees. I felt I could not in good conscious bribe any officials for the information; however, I did feel comfortable giving a thank you gift, in the form of a meal, to the various people who helped me, after the fact. Additionally, one of the judges whose court handled some cases involving minors, said that the delay – in his office at least, I had to go to five different branches of the regional trial courts – was not due to bureaucracy but rather he wasn't going to give this information to every "Tom, Dick, and Harry" that requested it. In the end, I did receive a list of case, and physical copies of a handful that weren't destroyed during the 1991 Mt Pinatubo eruption. Inside the SBMA, I received permission from the Chairman to look at their various legal contracts. Due to a miscommunication on my part regarding the scanning of information, I was no longer allowed to look at the documents, had to get a letter of recommendation from the Olongapo City mayor, and write an apology letter so I could continue to do work in the SBMA, and have SMBA officials give me statistics regarding crime and tourism – where one official told me that they usually did not give the information out because it could be used against them (this information does not include any identifying information nor nationality of either perpetrator or victim) but because I was approved, they did.

hers outside the SBFZ. One of the jeepney drivers–whom she describes as a "little mafia group, they're very thug-like"–hit her friend's car. She recounts

> I mean they were pounding on her windows. I went around and started taking pictures of them. I had the guy threaten me and I still didn't move. She was still inside the car. … Scared to death, right on Gordon Avenue and they hit her car when they went around the corner. So, totally it was not her fault, but they're threatening her and intimidating her. She took them to court and got ten pesos every two weeks because she just didn't want to cave in, but I mean it was one where there were no witnesses. Okay, there were hundreds of witnesses but no one would speak against them

This taking a person to court as a strategy of avoidance, delaying prosecution of matters until one person eventually does not show up in court or gives up is something that shows up in court documents–vis-à-vis seeing the same set of parties file multiple grievances and appeals, with the documents referencing the earlier filings–and in interviews. For example, Pat tells me that it is a strategy some of the local Filipino customers:

> We've got a lot of problems with debt. People don't pay their debts. People just have lots of problems on it and we eventually try to solve things with the Philippine legal side and that's terrible. It's very frustrating. Even though we get all the way up to court cases, you can delay it forever by turning around and paying the right people just a little bit of money and of course, it will get delayed. So I'm not impressed with the Philippine legal side. I think my [Filipina] wife can agree as well.

Similarly, corruption takes the form of customs, where interviewees told me how you are able to ship in anything you want–legal or illegal–for $250,000. This dissuaded at least one person, who now buys things from the Chinese in the Philippines, because he still has to pay that amount for "legitimate business expenses." While another had already secured a personal motorcycle for importation–free of duties per SBMA rules–but when it arrived, he and his lawyer went back and forth with SBMA lawyers because they wanted to change the rules and not allow "second-hand" imports. In the end, he had to agree to export the motorcycle as soon as he was able.

Conflict with customs-related issues also played out in court cases, where I found, among Filipino actors, instances of smuggling, misclassification of items, SBMA holding containers after payment, and the contestation over investor rights and whether they were conditional or absolute.[xxix]

In addition to the legal conflicts over the ambiguous wording and common knowledge of VAT-free status described in a previous section, varied forms of contracts have been subject to much debate. This includes contestations and negotiations over the bidding process–the process by which SBMA invites companies to bid on SBFZ contracts,[xxx] exclusive rights to provide services–such as telecommunications[xxxi]–and subleasing agreements.[xxxii] In the case of the Hong Kong-owned Legend International Resorts Limited (LIRL), SBMA took possession of the property due to non-payment.[xxxiii] SBMA intimidation into signing an amendment, fraudulent claims of loss, temporary retraining orders, and multiple motions filed by each party all occurred in the no less than seven separate cases filed in the court.

This strategic use of the law in the SBFZ or former SBNB is not limited to Filipinos against foreigners or other Filipinos. For example, not only did Filipino former civilian base workers sue the U.S. military vis-à-vis OPM for more benefits, as described in a previous section, but U.S. military personnel also sued the U.S. OPM saying that the preference for Filipino civilian workers, as laid out in the 1968 Base Labor Agreement, was discriminatory to them.[xxxiv] Furthermore, and also related to employment and discrimination, seven Filipinos separately claimed to the Court that because they were born during American colonial rule, they were dual citizens of the Philippines and the U.S.[xxxv]

Conclusion

Interactions are shaped not only by individual social position (worker/consumer, military/civilian, rich/poor, foreign/local, geography) but also by the organizational structures (HP, Hanjin shipping, military and missionary ships) that exist within the SBFZ and the SBFZ's gendered geography. In this chapter I document the various ways individuals and organizations manage the asymmetries that occur within the former naval base and the SBFZ. This includes first, describing the structural constraints and asymmetries that exist between different groups of people (local workers, local visitors, foreign visitors) and differentiating the varied forms people manage interactions, goods, services and money, as well as bureaucracies and conflicts in this semi-autonomous space geared towards international exchange.

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[ii] e.g., Thanner, Meridith Hill and Mady Wechsler Segal. 2008. "When the Military Leaves and Places Change: Effects of the Closing of an Army Post on the Local Communiti" *Armed Forces & Society* 34(4):662-681

[iii] e.g., Hughes, Donna M, Katherine Y Chon and Derek P Ellerman. 2007. "Modern-Day Comfort Women: The U.S. Military, Transnational Crime, and the Trafficking of Women" *Violence Against Women* 13(9):901-922; Gonzalez, Vernadette. 2007. "Military Bases, 'Royalty Trips,' and Imperial Modernities: Gendered and Racialized Labor in the Postcolonial Philippines" *Frontiers* 28(3):28-59; Yeo, Andrew. 2010. "U.S. Military Base Realignment in South Korea" *Peace Review: A Journal of Social Justice* 22:113-120

[iv] Ong, Aihwa. 2006. *Neoliberalism as Exception: Mutations in Citizenship and Sovereignty* Durham: Duke University Press, p. 6

[v] Zelizer, Viviana. 2005. *The Purchase of Intimacy*. Princeton: Princeton University Press

[vi] Bandelj, Nina. 2009. "The Global Economy as Instituted Process" *American Sociological Review* 74(1):128-149; Bandelj, Nina. 2002. "Embedded Economies: Social Relations as Determinants of Foreign Direct Investment in Central and Eastern Europe" *Social Forces* 81(2):411-444

[vii] Sklair, Leslie and Peter T Robins. 2002. "Global Capitalism and Major Corporations from the Third World" *Third World Quarterly* 23(1):81-100, p. 82

[viii] Sklair, Leslie. 1992. "The Maquilas in Mexico: a Global Perspective" *Bulletin of Latin American Research* 11(1):91-107; Sklair, Leslie. 1991. "Problems of Socialist Development: The Significance of Shenzhen Special Economic Zone for China's Open Door Development Strategy" *International Journal of Urban and Regional Research* 15:2, 197-215

[ix] Subic Bay Metropolitan Authority. 2011. "SBMA Board of Directors and Officials: Summary of Salaries, Benefits and Allowances, as of December 31, 2011"

[x] R.P. Department of Labor and Employment. 2011. "Wage Order No RBill-16: Setting the Minimum Wage in Region III"

[xi] see Steinmetz, George. 2014. "The Sociology of Empires, Colonies, and Postcolonialism" *Annual Review of Sociology* 40:77-103 for a review of the sociology of empires

[xii] United States, 102nd Congress. 1992. "Implications of the US Withdrawal from Clark and Subic Bases" Hearing before the Subcommittee on Asian and Pacific Affairs of the Committee on Foreign Affairs, House of Representatives. Washington: U.S. Government Printing Office

[xiii] e.g. United States. 1986. "Assessing America's Options in the Philippines." House of Representatives, Committee on Foreign Affairs, Subcommittee on Asian and Pacific Affairs, the Woodrow Wilson International Center for Scholars and the Congressional Research Service. Washington: U.S. Government Printing Office

[xiv] United States. General Accounting Office. 1992. Report to Congressional Requesters: Military Base Closures: U.S. Financial Obligations in the Philippines, p. 11-12

[xv] Torres, Estrella. 2012. "DOLE, SBMA Sign Deal to Protect Subic Freeport Workers" *BusinessMirror*, accessed July 15, 2013, http://www.businessmirror.com.ph/index.php/en/news/regions/6603-dole-sbma-sign-deal-to-protect-subic-freeport-workers

[xvi] G.R. No. 170181

[xvii] Massey, Doreen. 1994. *Space, Place and Gender* Cambridge: Polity Press, p. 182

[xviii] e.g., WC NCM 60-00871; No. 54036; NMCM 84 4445; NMCM 90 1079; No. 205-65; NCM 76 2034; NCM 73 0061

[xix] e.g., G.R. No. L-17621; NMCM 88 2113

[xx] For a 1991 theft case involving Filipino nationals and an American see No. 64,814; a 1963 case of smuggling and conspiracy among Filipinos and American military personnel see: No. 16,718; and a 1916 case involving an alliance of Americans, Filipinos, and Chinese smuggling opium

[xxi] SBMA 2014: 11; see chapter 4 for more discussion of preferential treatment of foreigners

[xxii] CTA Case No 5895
[xxiii] CTA Case No 7575
[xxiv] For a case relating to a Taiwanese business, see CTA Case No 6314
[xxv] CA-G.R. SP No. 78075; CTA Case No 6267
[xxvi] Mary Douglas
[xxvii] e.g. Parrenas, Rhacel Salazer. 2001. *Servants of Globalization* Stanford: Stanford University Press
[xxviii] Kelly (2001
[xxix] See for example CA-G.R. SP No. 111627, CA-G.R. SP No. 104835, G.R. No. 160270
[xxx] For an example that includes a business from the British Virgin Islands, see G.R. No. 131367
[xxxi] For an example involving an American business, see G.R. No. 185159
[xxxii] For a case involving a Japanese couple, see G.R. No. 150490
[xxxiii] CA GR CV No 87281
[xxxiv] No. 80-1924; No. 79-1485
[xxxv] Civil Action No. 08–1384 (JR); Civil Action No. 08–1466 (JR); Civil Action No. 08–2035 (JR); Civil Action No. 08-1086 (JR); Civil Action No. 08–1247 (JR); Civil Action No. 08–1251 (JR); Civil Action No. 08–1318 (JR)

Figure 1: The Harbor Point Mall inside the Subic Bay Freeport Zone



Source: Fieldwork

Figure 2: Guarded Entrance to the Subic Bay Freeport Zone



Source: Fieldwork

Figure 3: Adaption of Military Buildings—Subic Bay Metropolitan Authority Headquarters



Source: Fieldwork

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