

GABRIELA Network

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AN OPEN LETTER TO PRESIDENT BARACK OBAMA ON THE REPERCUSSIONS OF THE NICOLE/VFA CASE FOR AMERICANS OF PHILIPPINE ANCESTRY, FILIPINAS & WOMEN IN GENERAL

March 18, 2009

His Excellency, Barack H. Obama
President of the United States of America
The White House
1600 Pennsylvania Avenue, NW
Washington DC 20500
Cc: Secretary of State Hillary Clinton; Speaker of the House Nancy Pelosi

Dear President Obama:

We write to you because we are disturbed and anguished by reports that the U.S. government was complicit in the attempt to frustrate the course of justice with regard to the rape conviction of Lance Cpl. Daniel Smith in the Philippines.

A majority of our members are women of Philippine ancestry who already have to contend with the persistent reputation of Filipinas as among the most trafficked women in the world, both in the international labor and sex markets, and as among those so victimized by sexual and domestic violence.

Nine of the eleven women recently killed by intimate partners in Hawaii were Filipinas, who also comprise 40% of women killed by intimate partners in San Francisco. Filipino-American communities, from New Jersey to Honolulu, suffer a high rate of violence against women. This perception of Filipinas as "fair game" for sexual and other forms of violence was created, among other causes, by more than a hundred years of being prostituted to the U.S. military.

Enabling a member of the U.S. military now to avoid legal repercussions for having sex, to the rowdy cheers of his fellow soldiers, with an indisputably intoxicated 22-year-old woman, who was then tossed out of the van in a state of semi-undress and semi-consciousness, is certainly not the change we have been waiting nor looking for. These facts were not disputed at the trial in the Philippines that convicted Lance Cpl. Daniel Smith in 2006.

Many states in the United States itself accept by law the fact that **an inebriated woman cannot consent to have sex. This inability to give consent supersedes any other circumstance that may appear to encourage sexual attention, like wearing a short skirt, being flirtatious, or even kissing the violator.** In those states, what transpired between "Nicole" and Cpl. Smith would be considered rape, especially as nothing was brought forth at the trial that would imply consent on Nicole's part.

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We worry now that because of this bargain between the U.S. and Philippine governments, U.S. military personnel may return to the U.S. believing that soldiers have the right to force sex upon women in whatever circumstance. No doubt you are already familiar with the unconscionable rate of sexual harassment, rape and violence against women suffered by female soldiers and military wives. This will but add to the U.S. military's mistaken impression that war, occupation or just being more powerful and with more weapons than anyone gives them the right to defy U.S. laws, host countries' laws and international law.

The Nicole incident happened in November, 2005 and the following year, in September, 2006, 14-year-old Abeer Qassim Hamza was gang-raped and murdered, along with her parents and younger sister, by U.S. troops in Iraq.

If, way back in November 2005, the U.S. government and the U.S. military had taken a strong stand against our troops inflicting sexual violence/violence upon women in general and upon women of host countries in particular, then we would not have this spectacle of avowed "liberators" gang-raping and killing those they purportedly "liberate."

Instead, the U.S. military threatened the Philippine government with cancellation of humanitarian aid, with cancellation of joint military exercises, and the U.S. Embassy in the Philippines did everything possible to frustrate the carrying out of justice for the rape of Nicole.

This is not the change we waited for.

In this era of change you vowed to bring with your inauguration as president, **at the very least**, we are asking for specific provisions protective of women, and against violence against women, trafficking and prostitution in each and every military agreement, every Status of Forces and Visiting Forces Agreement, that U.S. enacts with another country.

This would help institutionalize, on a global scale, the pro-women stance that your administration made visible through your signing of the Ledbetter Act and the creation of the White House Women's Council.

Thank you. We await your reply – preferably with action.

Respectfully yours,

Annalisa Enrile (interim Chair)

Candace Custodio (Chair-elect)

Jollene G. Levid (Secretary-General)

GABRIELA NETWORK OF THE MARIPOSA ALLIANCE

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Endorsers:

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