

PACIFIC CITIZEN

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Who Killed Florida's Amendment 1?



In the Sunshine State, the motto ‘we’ll get them next time’ may not be good enough.

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In an election for change, old racism has stayed the same in Florida with the defeat of a ballot initiative that would have ended a legacy of anti-Asian sentiment.

“It would have been an ideal time to close this dark chapter in the nation’s history,” said Dennis Murasaki, a longtime Miami resident and JACL member. “But it didn’t happen.”

If passed, Amendment 1 would have removed a 1926 provision from the state’s constitution barring Asian immigrants who were once labeled as “aliens ineligible from citizenship” from owning land.

Instead, voters at the Nov. 4 general elections reaffirmed Florida’s status as the only state in the nation with a racially discriminatory law of a bygone era still on the books. Amendment 1 failed with 52 percent voting “no” and 48 percent voting “yes.” A 60 percent threshold of “yes” votes was needed to make a constitutional change.

It was the closest the state’s now 82-year-old so-called Alien Land Law had ever come to being repealed.

“It’s disappointing,” said Winnie Tang, president of the South Florida chapter of the Organization of Chinese Americans (OCA), who has been working to repeal the law since 2002.

In the post election fervor, many reasons have been given for the failure of Amendment 1 - the most popular being the poor wording of the measure itself, which reportedly confused voters. Even people who knew the history of the Alien Land Laws didn’t know if a “no” vote meant “yes” to a repeal, said Tang.

And the amendment’s use of hot-button words like “aliens” and “property rights,” only stirred opposition from anti-immigrant groups that misinterpreted the archaic label of “alien ineligible for citizenship” to mean the undocumented and potential terrorists.

So Florida voters killed Amendment 1.

But who was really to blame? Was it ignorance of a part of Asian Pacific American history most often learned in college, prejudice, or the lack of a real educational campaign that in the weeks leading up to the elections had even its strongest supporters predicting the amendment’s failure?

Amendment 1 sponsor Rep. Ronald Brisé, D-North Miami, said it’s all of the above.

“This is something that is a shame for the state of Florida to not pass,” said Brisé. “Everyone assumed that this was such a no-brainer that we didn’t think we had to spend money to educate people. All of us who were players should take some blame.”

Legacy of JA Pioneers

Removing the Alien Land Law from Florida’s state constitution would have no effect or fiscal impact. The provision is unenforceable today because of equal protection laws, so it would simply strike out racist words.

“I regret that it didn’t pass,” said Steve Geller, a former Florida state senator who has compared the Alien Land Law to a provision in the state constitution allowing slavery even though the U.S. Constitution bars it.

The wave of Alien Land Laws began in 1913 in California, where residents felt threatened by Issei farmers. At the time, Asian immigrants were prohibited from becoming U.S. citizens, so state laws barring land ownership to “aliens ineligible for citizenship” directly targeted APAs.

But Florida’s APA history stretches back to the early 1900s when the first group of pioneering Issei settled near the modern day city of Boca Raton. Jo Sakai arrived in Florida in 1903 to establish the Yamato Colony.

The colony was established because political leaders wanted to bring Japanese farmers to Florida for economic reasons, said Tom Gregersen, cultural director of the Morikami Museum in Delray Beach. “The economy was in the doldrums and they wanted to bring in people from elsewhere with expertise in farming.”

The Yamato Colony's intent was to have families settle and farm on their properties. The state's Alien Land Law, which was enacted in 1926 and gave the Legislature the power to take land away from JA residents, was not invoked in Florida.

Yuri Long, whose grandfather Henry Kamiya was a colony settler, spent a few years of her childhood in the colony.

"I remember feeding chickens, and seeing a Japanese bath," said Long, a Nisei who now lives in Los Angeles.

By World War II many of the pioneering families had moved on, and the Yamato Colony was used as an Army Air Corp. training area.

"I was surprised that [the Alien Land Law] is still on the books and that the people of Florida voted to keep it," said Long.

Looking to 2010

For the last few years, Geller has fought a lonely battle to repeal the law.

"I did everything I could do," said Geller, a sponsor of Amendment 1 who recently termed out of the Florida Senate. "I got it through legislature. I got press coverage for it. I did my job."

During a historic presidential election, it wasn't easy. But he said he did not get help from the community that was directly affected by the Alien Land Law - Florida's estimated two-percent APA population.

"I would have hoped for more support than I received," said Geller. Promises were made, but when it came down to it, he didn't hear of any local APA leaders speaking at any community functions.

"That doesn't require money, it requires an investment of time."

Murasaki disagrees. The grassroots movement was active enough to get 48 percent to vote to get rid of the provision, said the Sansei. "We didn't get as much media coverage because of the lack of funding."

Proponents of ballot initiatives usually create a funding mechanism for advertising, but one was not set up for Amendment 1, said Brisé.

But on the upside, Amendment 1 has drawn more attention to the cause, said Tang. Now they have to work to get the measure on the 2010 ballot.

Is It Too Late?

“We are going back to basics,” said Tang about working closely with lawmakers to repeal the provision. “If we don’t do it now, it’s going to stay on for generations.”

New Mexico, Kansas and Wyoming repealed similar laws in recent years. But it took two tries in New Mexico, where a group of law students made it their cause to not let the issue fade away from the public agenda, said Gabriel J. Chin, a law professor at the University of Arizona.

“A similar effort is needed in Florida,” said Chin.

Answering the call is Muhammed Malik, a 26-year-old St. Thomas University law student. As a Florida native of South Asian descent, Malik said he became interested in working to repeal the law “to stand up for the rights of our community.”

In the future, he envisions a younger and more diverse pan-Asian coalition.

“It is hoped that with a couple more years worth of sustained community education and more effective intra-group and inter-group grassroots organizing, Floridians of all backgrounds will be able to work together to effect change,” said Malik.

But some are already saying it may be too little, too late.

With Geller termed out of his Senate seat, a new friend is needed in the legislature. Brisé said he would work with the APA community to sponsor a similar measure in 2010.

Geller’s successor Sen. Eleanor Sobel did not respond to the *Pacific Citizen’s* requests for comment.

Since the ballot initiative has failed once, Geller said it may be difficult to get other lawmakers to take up the cause.

It will take time, but the lesson learned from this election is that APA political participation is on the rise, said Chin.

“My hope is someday there is a political price to be paid for ignoring the political interest of APAs.”

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