Chapter Six

The Cold War Chinese Immigration Crisis and the Confession Cases

> The subpoenas in question can only be used for the obvious purpose of oppressing and intimidating the entire Chinese American community in San Francisco and, whether intentional or otherwise, they are having the effect of stigmatizing the social and family status of a respected community with criminal coloration.
>
> —Chinese Six Companies, 1956[1]

THE CHINESE have the dubious distinction of being the only group to be excluded from immigration into the United States explicitly by name. The Chinese exclusion laws, which barred all Chinese laborers from entry and prohibited Chinese from acquiring naturalized citizenship, generated the nation's first illegal aliens as well as the first alien citizens. Although the Supreme Court ruled in 1898 that Chinese born in the United States were citizens, the premises of exclusion—the alleged racial unassimilability of Chinese—powerfully influenced Americans' perceptions of Chinese Americans as permanent foreigners. Excluded from the polity and for the most part confined to Chinatown ghettoes and an ethnic economy, Chinese Americans remained marginalized from the mainstream of society well into the twentieth century.[2]

Chinese Americans' political and social standing in the United States rose and fell on multiple occasions from the 1930s to the 1960s, along with shifting American foreign policy and war interests. During the Sino-Japanese War in the 1930s, American sympathies lay with China. The United States was not a party to the conflict, but the Roosevelt administration sent arms to China and American missionaries' firsthand accounts of the war inspired widespread sympathy for the Chinese people. For example, Pearl S. Buck's *The Good Earth*, a humanist narrative of the Chinese peasantry, was one of the biggest best-sellers of the 1930s, according to one source second only to *Gone with the Wind*.[3] China had long been the "sick man of Asia," but Americans now read a noble pathos in its suffering, and Chinese Americans benefited from the association.

The Sino-Japanese War prompted widespread mobilization among Chinese Americans to support China. Chinatown communities hosted mass demonstrations, raised funds, and organized campaigns to stop the shipment of American scrap metal to Japan. Gender did the work of Chinese nationalism to particular effect, especially with the American public. The beautiful, Wellesley-educated Soong May Ling (Madame Chiang Kai-Shek) won the hearts of Americans in her tour of the United States. After Pearl Harbor and the American entrance into the Pacific war, China became a formal ally of the United States. Over twelve thousand Chinese American men and women served in the U.S. armed forces, and many construed their contribution to the war in terms of patriotism and national loyalty to both the United States *and* China.[4]

In 1943 Congress repealed the Chinese exclusion laws as a wartime measure to counter Japanese propaganda that held up Chinese exclusion as evidence of American's anti-Asiatic race policies.[5] But Congress's continued antipathy towards Chinese migration was evident in the annual Chinese quota of 105. This quota was unlike all other immigration quotas in that it was not for China but for all Chinese in the world, regardless of their country of birth or residence. The global Chinese race quota addressed the ways in which the Chinese diaspora mapped onto the system of national origins quotas. With the repeal of exclusion, Chinese in the British colony of Hong Kong would have had access to Britain's vast, mostly unused quota, and Chinese living in Cuba and other parts of the Western Hemisphere would have had unrestricted entrance. The global race quota was necessary to limit Chinese immigration.

Yet, the repeal of Chinese exclusion was an important democratic reform that ended a sixty-year-long racist policy. Exclusion's repeal legitimated Chinese immigration, allowed Chinese to naturalize as citizens, and opened the way for nonquota family migration. During the war Chinese Americans made other democratic gains as well: the war economy created opportunities for Chinese American employment outside of the Chinatown ethnic economy and the narrow occupational streams (Chinese hand-laundries and restaurants) that served white Americans. In the immediate postwar years a small number of Chinese intellectuals and professionals immigrated to the United States, as well as war brides and other family members of Chinese Americans. An expanded and reinvigorated Chinese American middle class began to live in suburbs and in university communities. In these ways Chinese began to move out of marginal, isolated Chinatown communities.[6]

Yet, the Chinese Revolution of 1949 and the advent of the Cold War attenuated and complicated the modest wartime progress that Chinese Americans had made in their legal standing and socioeconomic position. In a few short years the dominant image of Chinese lurched from despised oriental "other" to wartime ally to dangerous Communist threat. In the context of shifting

political winds both Chinese Americans and the U.S. government grappled with the legacies of exclusion. In particular, exclusion had generated a widespread practice of illegal Chinese immigration. William Jack Chow, an immigration attorney, estimated that at least half of all Chinese immigrants during the exclusion era entered the United States illegally. A conservative estimate, based on a review of official data, indicates that at least 25 percent of the Chinese American population in 1950 was unlawfully present in the United States.[7] Most of the illegal immigrants comprised so-called paper sons—tens of thousands of Chinese who entered the United States during the first half of the twentieth century by posing as the sons of Chinese with American citizenship by native birth.

While Chinese Americans sought to resolve this problem as part of a post-exclusion trajectory toward legitimate migration and citizenship, the government felt during the Cold War a new urgency to eliminate illegal immigration. During the mid-1950s the United States Departments of State and Justice waged a coordinated campaign to eliminate paper immigration, culminating in the Chinese Confession Program sponsored by the Immigration and Naturalization Service. The INS pledged to help legalize Chinese who confessed to their illegal status, and the vast majority of the thirty thousand people who were involved in the program did in fact become legally resident aliens or naturalized citizens. The benefits of legal status, however, did not come without conflict or without cost. The politics of the Cold War and McCarthyism shot through the government's campaign against illegal immigration and the Confession Program, shaping the government's perception of Chinese immigration and impelling the process of negotiation by which Chinese Americans relocated their place in American society.

Exclusion and Paper Sons

The Chinese exclusion laws (1882–1943) barred all Chinese from entering the United States save for merchants and their families, students, treaty traders, and diplomats. Although not a few Chinese laborers entered the United States by surreptitiously crossing the Mexican or Canadian borders, many more gained entry by posing as persons who were legally admissible, often with fraudulent certificates identifying them as merchants or by claiming to be American citizens by native birth or as the China-born sons of U.S. citizens, known formally as derivative citizens.[8] Two Supreme Court rulings during the 1890s encouraged a trend toward native-birth citizenship claims. In 1895 the Court limited judicial review in cases where the customs collector rejected the prospective immigrants' claims to exempt status, making it more difficult to enter with fake merchant papers. In 1898 the Court upheld birthright citizenship for Chinese under the Fourteenth Amendment. Citizenship claims were further encouraged by the San Francisco earthquake and fire of 1906. It has become nearly legendary that the destruction of the San Francisco Hall of Records enabled Chinese to assert native-birth citizenship because no records survived to contradict them. Thus, claiming derivative citizenship became the principal method of illegal immigration of Chinese laborers during the exclusion era. Between 1920 and 1940, 71,040 Chinese entered the United States as derivative citizens.[9]

Central to the problem of illegal Chinese immigration was the inability of the state to authenticate the identity of Chinese entering the United States. Typically, young Chinese men arriving in America during the first decades of the twentieth century claimed that they were born in the United States and taken back to China at a young age by their parents. When customs and immigration inspectors excluded Chinese entering without documentation, Chinese turned to the courts to overturn those decisions. Federal judges supported Chinese exclusion but felt obligated to hear habeas corpus cases, and once Chinese petitioners gained a hearing they found the courts inclined to accept uncontradicted oral testimony. Between 1891 and 1905 the United States District and Circuit Courts in San Francisco heard over 2,500 cases brought by Chinese petitioners and ruled favorably in over 60 percent of them.[10]

The courts' discharge papers in these cases *created* documentation of native-birth citizenship where none had previously existed. Chinese immigrants thus invented a system of illegal entry built entirely upon a paper trail derived from the state's efforts to enforce exclusion. In many instances, documentation supporting the identity of two or three generations of American citizens—including certificates of identity and citizenship, passports, and an ongoing registry of names of children born in China to American citizens—rested on a slender reed of evidence: an oral claim. Moreover, the authorities' interrogations of Chinese claimants and their witnesses about family history and the details of village life, which were originally devised to uncover fraud by finding discrepancies in testimonies, turned into something of its opposite by creating a record of facts that could be coached, memorized, and recited. The interrogations became increasingly elaborate over the years, but if that made the process of memorization and recitation more difficult, it did not solve the problem; it only enlarged the body of evidence. Thus the logic of enforcing exclusion compelled immigration officials to impose an upward spiral of evidentiary requirements upon Chinese immigrants; but, at the same time, the authorities mistrusted the entire register of documentary evidence that they had created. Captives of their bureaucratic procedures, immigration officials were indignant that they were mocked by impostors—the service frequently remarked that each Chinese woman residing in the United States before the 1906 earthquake would have had to have given birth to hundreds of sons to account for all the native-born citizens and despaired

they could ever solve the problem of paper immigration. General Joseph Swing, the immigration commissioner during the Eisenhower administration, recalled, "Ever since the first Chinese came over here . . . the male Chinese went back . . . and he'd come back with a man child, and that went on, until there were ten, eleven children, all male, over the years. Well of course, it was a big fraud. . . . Going way back, the whole gang's illegal. They just had us spinning our wheels, trying to track these things down."[11]

The government and Chinese viewed paper immigration across a wide cultural divide. If the authorities believed Chinese were immoral because they knowingly broke the law, Chinese believed paper immigration was morally justified because it was one of the few ways to enter the United States when exclusion made legal immigration impossible. Chinese believed exclusion was immoral, even if it was legal. Testifying before a Congressional panel in 1952, Edward Hong of the New York Chinese Consolidated Benevolent Association explained the feelings of many Chinese Americans: "It is the fact that [Chinese Americans] do not have a chance to obtain and enjoy the freedoms of a democratic government in a legal manner that forces them to seek these privileges under any means whether legal or illegal."[12]

Legally, the authorities found paper immigration nearly impossible to eliminate, because it rested on documentation that was created by the state. Thus, just as oral testimony and interrogation helped create that body of evidence, "confession" became the only method of proving its fraudulent character. The question was: What would induce Chinese paper immigrants to confess?

The Cold War Immigration Crisis: Hong Kong

The impetus for solving the problem of paper immigration grew out of a crisis in Chinese immigration during the 1950s that reflected both the legacy of Chinese exclusion and Cold War politics. The roots of that crisis lay in part in the great increase in the number of Chinese seeking entry into the United States when unsettled conditions created by civil war and revolution in China prompted many Chinese to emigrate. Congress repealed the exclusion laws in 1943, but only a few could hope to enter the United States under the annual quota of 105. Most Chinese found alternative legal avenues for immigration as war brides and wives of citizens, refugees, and derivative citizens.[13]

After the Chinese Revolution in 1949, the American consulates in China closed, and several thousand visa and passport applications that had piled up during the war years were forwarded to the consulate at Hong Kong. In 1950, 117,000 Chinese American derivative citizens applied for passports at the United States Consulate at Hong Kong in order to join their families in

America, 67 percent more than had applied in 1940. Passport applicants were confronted with a four- to twelve-year wait for processing.[14]

In 1950 the Passport Division of the State Department issued special regulations for Chinese derivative citizens applying for passports. Applicants had to submit affidavits from the American father in triplicate, photographs from childhood onward, and other documentation difficult or impossible for many Chinese to acquire. Chinese without birth certificates had to produce "an identifying witness, preferably an American citizen, well and favorably known to the consular office." In 1951 the consulate began to use blood tests to determine paternity. It soon added bone x-rays to ascertain age. The scientific value of these tests was doubtful even at the time, but the courts upheld their use. Yet, even while demanding extraordinary forms of evidence, the consulate did not always accept them. An immigration attorney recalled, "Even if you passed the blood test, they might reject it if they felt they weren't fully satisfied. . . . Sometimes a marriage certificate was accepted by the passport office as documentation to show a child's legitimacy, but the same marriage certificate was rejected by the U.S. consular office in Hong Kong as documentation for the wife's visa."[15]

Investigators subjected applicants to severe interrogation, with questions even more numerous and detailed than in the past. They required applicants to answer eighty-one questions in writing (Question 22: "List all the people who lived within five houses on all sides of your last place of residence in China before you came to the U.S. and state their relationship to you if any") and then sit through one or more lengthy oral interviews. Discrepancies between declared statements and other testimony sometimes prompted investigators to visit the applicant's home, searching for incriminating evidence, such as family letters, a practice that the consulate knew infringed upon the subject's rights. The San Francisco paper *Chinese World* editorialized that the hurdles in the passport application process at Hong Kong were "so harsh and oppressive that even legitimate applicants cannot surmount them."[16]

Moreover, changes in immigration policy enacted in 1952 further restricted the rights of Chinese Americans by giving consular officials final authority to grant visas and by eliminating the right of judicial review in citizenship matters as provided by the Nationality Act of 1940. Between 1952 and the end of 1955, when the new provision went into effect, over twelve hundred Chinese American derivative citizens who were denied passports by the consulate in Hong Kong filed civil suits in United States District Courts in California, asking for declaratory judgment on their claims to citizenship.[17]

In 1955 the consulate still had over one thousand passport cases pending in which fraud was suspected. The State Department was determined to investigate "every single case" so that "we will not again be inundated with a flood of illegal Chinese." Representatives of the State Department conducting

a site visit to the Hong Kong post in the spring of 1955 found the consular staff suffering from an "acute feeling of frustration" owing to the huge volume of cases and the "deviousness of all but a very few of the applicants they face." Morale at the post was so low that the visiting officials declared that Hong Kong was "without exaggeration . . . the worst of any Foreign Service post" they had ever seen.[18]

The consulate's fixation on fraud was imbued with the anti-Communist politics and anti-China policy of the time. By the mid-1950s the United States considered China its number one enemy; by 1954 the Korean War ended with the United States accepting a stalemate at the 38th parallel and the Americans were paying for 75 percent of the French military operation in Vietnam. The Eisenhower administration believed that the real threat in Vietnam, as in Korea, was China. During late 1954 and 1955, the United States came dangerously close to war with China over Jinmen and Mazu, tiny islands a few miles off the Chinese coast that had been seized by Chiang Kai-shek's forces when the deposed Nationalist government retreated to Taiwan in 1949.[19]

Relations between the United States and China during the mid-1950s thus seemed to rest on a hair trigger, and the implications were not lost on Chinese Americans and their relatives seeking entry to the United States. Framed by the Chinese Revolution, the issue of citizenship was not confined to Chinese Americans but was international, facing other overseas Chinese as well, especially in Southeast Asia, where 90 percent of all overseas Chinese resided. Eisenhower believed the twenty-two million overseas Chinese in Asia formed a fifth column for China. The Kuomintang also warned that Communist China would claim the citizenship of the overseas Chinese and, presumably, their loyalty. The warning was ironic, for the Kuomintang had been built with overseas Chinese support and funding, and had pursued an aggressive overseas Chinese policy based on the principle of *jus sanguinis*—that persons of Chinese blood, regardless of their country of birth, are citizens of China. When the Chinese Communist Party assumed power in 1949, it inherited an overseas Chinese "problem" that had evolved historically throughout Southeast Asia. Longstanding social and economic resentment towards the Chinese combined with fear of subversion. During the mid- and late 1950s, China attempted to reduce tensions with the countries of Southeast Asia by eliminating dual citizenship of overseas Chinese and distinguishing between Chinese nationals and citizens of local countries of Chinese descent.[20]

The central figure in the American campaign against immigration fraud in Hong Kong was the consul general, Everett F. Drumright. A former "China hand," Drumright was one of the few Foreign Service officers who did not come under attack during the early 1950s by McCarthy and Nixon for "losing China." The son of a midwestern farmer who struck oil in Oklahoma in 1902, he was the most politically conservative member in the Foreign Service in prewar China, a distinction that led his colleagues to sometimes call him "Right Drum" and went a long way to place him above suspicion by the McCarthyites.[21]

Drumright led the American consulate at Hong Kong during the mid-1950s, at the height of the Cold War. An emphatic anti-Communist politics and racist suspicion of Chinese informed his approach to the immigration crisis. In December 1955, Drumright submitted an eighty-nine-page white paper to the State Department that directly linked the problem of fraud to Communist infiltration. The report alleged that Communist China was exploiting a widespread "criminal conspiracy," which included a fantastic multimillion-dollar black market operating in Hong Kong, San Francisco, and New York (complete with blood-type-matching services designed to thwart the new regulations). Drumright alleged there were 124 "citizenship brokerage houses" openly operating in Hong Kong, though he gave no evidence for the charge. He warned that China was sneaking espionage agents into the United States by purchasing false papers and that the Communists planned to organize the newcomers who are in the United States illegally and therefore are "open to blackmail." The passport fraud rings, Drumright warned, had to be "destroy[ed] . . . for once and for all, thus bringing to an end a unique history of illegal immigration and of resisting Americanization while buying and selling the rights of American citizenship before Communist China is able to bend that system to the service of her purposes alone."[22]

Drumright gave no evidence that China was sending spies into the United States, but he saw potential spies everywhere. The consulate believed a so-called smile campaign, conducted by the Communists towards overseas Chinese and their families in southern China during the mid-fifties (reclassifying families from "landlord" to "peasant" status, returning their houses, increasing rations, relaxing remittance procedures), was part of a Communist strategy to gain influence in the United States. By giving benefits to Chinese Americans' relatives in China, the consulate reasoned, the Communists would make Chinese Americans dependent upon them and therefore vulnerable to blackmail. It speculated that the Communists would gain further influence in the United States as the sons and paper sons of Chinese Americans, having been schooled in the Communist education system and served in the People's Liberation Army, emigrated to America. The consulate worried further about a Communist-backed "marriage racket." It alleged that the Communists sent "Chinese girls" into Hong Kong, where they married Chinese Americans and then sought entry into the United States with no other evidence of identity than their Hong Kong marriage certificate. The consulate despaired that it had "no way to even begin a security investigation" of such persons. In fact, the Communists' overseas Chinese policy was more complex than the fifth-column theory suggested. China was more concerned with keeping a smooth flow of remittance than exporting revolution.[23]

The Drumright report also betrayed racial hostility and suspicion towards

the Chinese reminiscent of exclusion-era rhetoric. Drumright offered a crude analysis of Chinese culture, citing adoptions, plural marriages, multiple naming, and preference for male children as a "common cultural occurrence" that becomes "a perfect alibi" for illegal activity. Moreover, he alleged that Chinese were culturally inclined to fraud and perjury since they "lack a concept equivalent to the Western concept of an oath." In the final analysis, Drumright simply did not want to see so many Chinese immigrating into the United States. He recalled the late-nineteenth-century vision of the Chinese yellow peril and raised the specter of race riots and exclusion. Noting that 99 percent of Chinese immigration from Hong Kong was on a nonquota basis, Drumright suggested that the nonquota immigrants were somehow cheating the quota system that had, after all, been designed to limit Chinese immigration. He compared the 1940s, when the Chinese population of the United States increased by over 50 percent, to the 1870s, "when an increase of 67 percent so alarmed the West that Exclusion was enacted within a few years."[24]

However, Drumright opposed the State Department's decision to increase the investigative staff at Hong Kong and argued with his colleagues in Washington about it for over a year. Drumright believed it would be an impossible expense to investigate every case. He doubted there were enough competent and loyal local Chinese whom the consulate could hire for an expanded investigative staff. He also complained that the Hong Kong police would not give the consulate access to its files or issue search warrants for "home visits," making consular investigations more difficult. Drumright argued that direct investigation was not necessary except in unusual cases. He advocated instead a much easier method: if an applicant failed to meet the consulate's standards of evidence, passports and visas could be denied on the simple grounds of "identity not established."[25]

Since the consulate had erected nearly insurmountable barriers to proving identity and suspected every applicant of fraud, Drumright's method would have denied passports and visas to virtually all applicants. State Department officials regarded Drumright's views and practices with unease. A formal review of Drumright's report and recommendations concluded that denying passports and visas on the basis of mere suspicion, without investigation, was arbitrary and probably violated due process. Some officials also believed the standards of evidence imposed at Hong Kong were unreasonable.[26]

But Drumright continued to frustrate and embarrass the department, especially in visa cases, where he had final authority. He suspended hundreds of cases indefinitely—including those where evidence had already been submitted and the petition already approved by the INS—rather than grant the visa. He refused to respond to inquiries from members of Congress about specific cases.[27] The consul general believed the State Department should not bend to "bureaucratic pressure" from congressmen who were manipulated

by Chinese American "pushers." In fact, the latter were wealthy Chinese American supporters of the Republican Party and the Kuomintang whom both Congress and the State Department were reluctant to offend.[28]

Drumright's position was actually the logical extension of the government's historical policies for authenticating the identity of Chinese immigrants. Drumright understood that Chinese determined to enter the United States could thwart nearly any requirement imposed by the government. Caught in an upward spiral, Drumright advocated policies that were so extreme as to lapse into farce. For example, when blood tests were first imposed in the early fifties, a negative result was considered proof that the claimed relationship was false. In 1956 Drumright wanted to also reject applicants who tested positive because he believed impostors had learned to match their blood types before making their claims—begging the question of what purpose a blood test served if any result was grounds for denial. Drumright wanted to fingerprint applicants, subject suspected impostors to polygraph tests, and install hidden microphones in interrogation rooms to monitor the consulate's Chinese interpreters, whom he did not trust. He deemed "worthless" and wanted to reject out of hand as inconclusive old certificates of identity, tax statements, remittances to family members other than the applicant, and letters without postmarked envelopes. He even suspected that Chinese made fake confessions after investigators produced evidence of fraud. "If an immigration family claims six sons and one is shown to be a blood fraud," he said, ". . . the family will . . . decide to 'confess everything.' The new family history will, however, continue to show all of the other five sons." While continuing to raise the standards of evidence, Drumright offered what he believed was the only way out of the spiral: just say no.[29]

Consistent with the premises of Chinese exclusion, Drumright believed Chinese immigration could not be addressed within existing law but was a special problem requiring special solutions that is, arbitrary power to deny Chinese entry to America. The State Department, whose standards of evidence for Chinese derivative citizens were already above and beyond those required of other derivative citizens, nevertheless argued that its policies and procedures should apply globally. Within that framework, it believed fraud could be uncovered only by directly investigating each case that came under suspicion.[30]

This is not to say that the State Department was any less committed to the anti-China, anti-Communist agenda. Drumright had strong support within the Far Eastern Bureau in the department. Scott McLeod oversaw the State Department's programs and divisions dealing with visas, passports, consular affairs, refugee admissions, as well as personnel and internal investigation—a massive "security" portfolio that critics claimed he directed as "Big Brother" and with "savage tactics." But the conflicts between Drumright and the State Department did reflect tensions in Washington over both immigration and

foreign policy. While Drumright guarded the gate in Hong Kong with single-minded anti-Communist and anti-China determination, the State Department, while sharing the same fundamental position, also had to navigate foreign policy with the Nationalists in Taipei and the British colonial authorities in Hong Kong. The department worried that criticism of its policy and actions from those quarters would embarrass the United States. It was sensitive to charges of racial discrimination, knowing that such charges damaged the international image of the United States, and may have felt particularly vulnerable to criticism of the Chinese quota, which was based on race, not national origin.[31] Although nativists in Congress, led by Francis E. Walter, the cosponsor of the 1952 Immigration and Nationality Act, blocked immigration reform throughout the 1950s, the Eisenhower administration advocated reforming the quota system and viewed such reform as part of the United States' ability to present itself as the leader of the free world.[32]

Despite their differences, the consul general and State Department officials in Washington generally agreed that nearly all, if not all, Chinese passport and visa applicants at Hong Kong were impostors and that decisive action was needed to keep them from entering the United States. By September 1956 the department had assigned twenty-three additional investigative teams to Hong Kong. And, if Drumright lost the immediate battle over passport and visa procedures, he did not suffer politically from it. In 1957 he was named United States Ambassador to Nationalist China.[33]

The Cold War Immigration Crisis: Chinatown USA

The Department of Justice carried out the domestic component of the government's campaign against illegal Chinese immigration. In February 1956 the United States attorneys in San Francisco and New York impaneled grand juries to investigate fraudulent entry by Chinese. Whereas the enforcement of immigration policy in matters of admission and deportation was an administrative procedure, the Justice Department's action exposed Chinese paper sons to felony charges of fraud, perjury, and conspiracy.

The grand jury in San Francisco subpoenaed the officers of Chinese family and district associations, as well as the "lists, rolls, or other records of membership of the association during the entire period of the association's existence, all records of dues, assessments, contributions, and other income of the association, and all photographs of the membership or any portion thereof." The Justice Department believed that Chinese joined their true family association, not the association of their paper name. It therefore believed that the family associations' files contained "independent, accurate records of Chinese family relationships" that could be used to challenge the legitimacy of citizenship claims in the cases pending in District Court. The U.S. attorney assembled a task force that included five investigators from the State Department Office of Security, eight investigators from the INS, and three United States marshals. Teams from the U.S. Attorney's office and the district office of the INS fanned out throughout Chinatown on the morning of February 29 and served the subpoenas on thirty-four family and district associations. The order gave twenty-four hours to comply.[34]

On March 1 the grand jury began proceedings at the Post Office building in San Francisco. Some fifty Chinatown residents and family associations leaders appeared, many armed with "pasteboard boxes full of papers and photographs." Jack Chow, an officer of the Gee Tuck Sam Tuck Family Association and an assistant district attorney under Edmund Brown, and Earl Louie, president of the Louie Fong Association and a member of the Central Committee of the California Republican Party, were among those present. In a dramatic move, the San Francisco Chinese Six Companies, the original and preeminent Chinese benevolent association in America, challenged the subpoena. The family associations refused to turn over their records, charging the subpoena was so vague as to constitute unlawful search.[35]

The grand jury investigation frightened and outraged the community. Lim P. Lee, the head of the Cathay Post of the American Legion, who later became the postmaster general of San Francisco, recalled, "Chinatown was hit like an A-bomb fell. Streets were deserted. Restaurants dropped income. Shoppers avoided Chinatown, and for three weeks it was a ghost town." Rumors circulated that Chinese would be rounded up en masse and deported, or, alternatively, put into "concentration camps."[36]

The state's attack on the Six Companies was ironic, since the local Kuomintang, which overlapped with the Six Companies leadership, had colluded with the FBI and INS to harass and deport Chinatown leftists during the early 1950s. Chinatown politics had enjoyed a period of popular-front unity during the 1930s and 1940s, but that situation changed after the Chinese Revolution and the advent of the Cold War. By 1956 organizations of the Chinese American left, such as the Chinese Hand Laundry Alliance and *China Daily News* in New York and the Chinese Workers Mutual Aid Association and the Chinese American Democratic Youth League in San Francisco, were crippled by state repression and local Kuomintang opposition.[37] When immigration politics reached into the community at large, Chinatown politics were severely fractured and the leadership of the community's resistance fell largely to the Chinese Six Companies.

The Six Companies' role in the immigration crisis recalled its historical position in the Chinese community dating back to the late nineteenth century. An associative council comprising all the family and district associations and led by the Chinese merchant elite, the Six Companies was an instrument of social and labor control within the community as well as its representative to mainstream society and voice of protest to the government.

During the exclusion era, when Chinese were ineligible for citizenship and excluded from the polity, the Six Companies carved out a narrow legal space within which it fought for the interests of Chinese in America. It used the federal courts adroitly to challenge Chinese immigration policy, taking many cases as far as the U.S. Supreme Court. Although the Chinese lost more cases than not, they achieved some significant victories, such as the ruling in *Wong Kim Ark* (1898), which upheld birthright citizenship under the Fourteenth Amendment for Chinese born in America.[38]

In response to the immigration crisis in the 1950s, Chinese again relied on legal means to protect themselves. But after World War II, Chinese Americans began to develop some political influence, owing to the repeal of the exclusion laws, a loosening of immigration restrictions, and the maturation of a generation of American-born Chinese, especially in California.[39] Candidates running for political office in San Francisco courted the Chinatown vote, and Chinese who were aligned with the Kuomintang supported the Republican Party in the belief that the latter was the strongest ally of the Nationalist government. These developments enlarged the space within which Chinese could organize their resistance.

When the grand jury subpoenas were served on the family associations, the Six Companies mustered a legal challenge literally overnight. It then moved to mobilize public support. On March 16 the Six Companies held a press conference where it said it would cooperate with the authorities in any investigation of Chinese that was a "legitimate and proper avenue of inquiry" but condemned the blanket subpoena in harsh language that reflected its essentially nationalist world view, claiming the subpoena was being used for the "obvious purpose of oppressing and intimidating the entire Chinese American community in San Francisco and, whether intentional or otherwise, they are having the effect of stigmatizing the social and family status of a respected community with criminal coloration."[40]

Several community organizations participated in the press conference, including the conservative Chinese Chamber of Commerce and Chinese American War Veterans Association, the more moderate Cathay Post, and the liberal Chinese American Citizens Alliance. The leadership of this united front was clearly in the hands of the Six Companies, which had the added moral authority derived from being the victim of an injustice. At the same time, the left was absent from the meeting as well as from any collective protection organized by the Six Companies.[41]

Chinese in New York watched with alarm as the situation unfolded in San Francisco. In response to reports that the INS had raided the Chinese New Year celebrations of numerous family associations in San Francisco, New York's Chinese Consolidated Benevolent Association (CCBA, the counterpart of the Six Companies) ordered all New Year banquets in New York canceled. The CCBA also retained a lawyer and, in an open letter printed in the China-

6.1 During World War II and the Cold War, the U.S. government promoted a positive image of Chinese Americans who were aligned with the Chinese nationalist government. This merchant lived in Brooklyn, New York, 1942. (Courtesy of Marjorie Collins, FSA/OWI Collection, Library of Congress.)

town press, advised Chinese organizations and individuals "molested without cause" to report the matter to the CCBA, which would "assume its responsibility . . . to make preparations to protest . . . for their legislative rights according to law and according to justice." CCBA leaders also appealed to the Nationalist Chinese government to protest the Grand Jury actions.[42]

The grand jury proceedings met a storm of protest in the Chinese press. One paper deplored the "blunderbluss" tactics of the government that "failed to distinguish between racketeers and the long-established, reputable family associations." The press obtained a copy of the Drumright report from the U.S. Attorney's Office, adding fuel to the fire in Chinese press in both the United States and Hong Kong. The *World Journal* published a pamphlet with a lengthy critique.[43] Dai Ming Lee, editor of the *Chinese World*, polemicized against the Drumright report every day for two weeks. He criticized Drumright for ignoring Chinese immigrants' contributions to building the American West and "cast[ing] the antecedents of the Chinese in America in the

role of criminals." Lee suggested that "methods that might have been taken out of the communist manual are being used upon children of Chinese Americans applying for a passport in Hong Kong." The *Hong Kong Tiger Standard* called the Drumright report "too fantastic for words" and said it was designed to "stir up the American public, which is given to hysteria on the slightest provocation."[44]

On March 20 Judge Carter granted the motion of the family associations to quash the subpoenas, agreeing that the blanket nature of the subpoena violated their Fourth Amendment rights. Carter said the subpoenas were "oppressive," "unreasonable," and "had the effect of a 'dragnet.'" The United States Attorney's Office, while still alleging "suspicion of fraud involving every family association," said it would conduct a "more limited probe."[45]

In fact, investigations in both the United States and Hong Kong continued. The State Department's Office of Security, the INS, and the FBI assigned additional investigators to assist the U.S. attorneys, especially in San Francisco, where the investigation was "bogging down" due to a lack of manpower.[46] Having lost in the matter of the mass subpoena, the U.S. attorney subpoenaed specific family association records in connection with specific individuals under investigation. In June the Welfare Committee of the Chinese Six Companies announced it had agreed to cooperate with the INS in the questioning of the officials of certain associations. But Chinese continued to resist in a number of ways. The CCBA in Boston, New York, and Washington instructed local family associations to relocate the names of paper sons from the records of their true family associations to the association to which the paper name belonged.[47]

Individual Chinese who were called before the grand jury were not entirely cooperative. A field report submitted to the State Department Office of Security, summarizing thirty cases heard by the San Francisco grand jury during the month of April 1956, shows that in four cases Chinese refused to cooperate outright, two by invoking the Fifth Amendment and two by failing to appear. In eighteen cases, more than half, Chinese dropped their suits and withdrew their applications for passports pending in Hong Kong; in exchange the U.S. attorney dropped criminal charges. In five cases Chinese maintained they were true sons or daughters while admitting to paper names. In only three cases did Chinese admit to creating or using false immigration "slots." The Justice Department was sufficiently frustrated that it considered filing charges against the CCBA for obstruction of justice for advising Chinese to not cooperate with the investigations.[48]

In Hong Kong, too, Chinese resisted by refusing to cooperate with investigators. Many witnesses "disappear[ed] rather than be interviewed" and many subjects "refused to respond to questioning or cooperation in any way." Although the task was more difficult, the consulate nonetheless completed the investigation of fifty cases by the end of July. The consulate reported indica-

tions of fraud in all fifty cases, but it obtained direct confessions only in twenty-six cases, of which half were confessions by true sons or daughters using paper names. Only one case revealed an exchange of money for papers. In fourteen cases the subjects either disappeared or refused to incriminate themselves.[49]

The high incidence of Chinese who were true family members using paper names suggests paper immigration had become a burden for many Chinese Americans. Once the paper trail had started in the early twentieth century, Chinese Americans using paper names had no choice but to perpetuate the false lineage in order bring their true family members into the United States. The high percentage of direct confessions by true family members using paper names suggests that they did not believe they had really committed a crime, even if they knew they had technically broken the law. Those Chinese confessed believing, perhaps, that the authorities would recognize their moral innocence and not prosecute them. At the same time, Chinese who asked that their civil suits be dismissed or refused to testify understood that without confession the prosecutors would not have enough evidence to obtain a conviction. Ironically, the U.S. attorney pursued criminal charges against Chinese who confessed to being true sons using paper names while it declined to prosecute cases stipulated for dismissal, even though the latter were more likely to involve the use of paper names by people of no relation or the sale of false immigration slots for profit.[50]

As a result of the coordinated investigations the district court dismissed some two hundred civil suits and the grand juries in New York and San Francisco handed up thirty-eight indictments. The authorities exposed only one "racket," operated by a prominent New York Chinatown businessman who owned two restaurants and a travel agency. Prosecutors said the latter was a "front" for an illegal immigration operation with connections to doctors who certified blood types and lawyers who handled the applications. They claimed that he filed sixty-five actions for more than one hundred applicants between 1949 and 1952, although they tried and convicted him in connection with only five cases. The trial also revealed that he made a profit of $23,000 in two years from selling false papers, a substantial sum but far less than the $3 million a year originally alleged by the government.[51]

Indeed, the actual cases involving fraud that were brought by the government hardly matched up to the sensational charges made by Drumright and the Justice Department. While paper citizenship was widespread, the result of sixty years of exclusion, contemporaries believed that the practice of buying false papers had ceased by the early 1950s because it had become widely known that the American consulate at Hong Kong was blocking most citizen-claimant applications. Observers also wondered why Communist China would try to sneak spies into the United States by what had become the most ineffective means of illegal entry, when agents could, for example, simply

pose as seamen and jump ship.[52] The problem was not Communist infiltration or multimillion-dollar rackets, but the existence of tens of thousands of ordinary Chinese Americans who were related in some way to a paper citizen.

The INS Chinese Confession Program

In March 1957 the CCBA called a nationwide Chinese American conference on immigration reform in Washington, D.C. It was an unprecedented gathering, drawing 124 delegates from thirty-four cities from all regions of the country, including such unlikely places as Savannah, Minneapolis, Cleveland, and Houston. Howard Pyle, a White House assistant to President Eisenhower, addressed the conference. Delegates passed fourteen resolutions, mostly concerned with increasing Chinese immigration and reforming the discriminatory aspects of American immigration policy. A resolution to admit Chinese refugees to work as agricultural laborers, similar to Mexican braceros, recalled the CCBA's historical role as a labor contractor.[53]

The conference reflected some subtle shifts in the CCBA's perceptions of its role in community politics and evinced a growing sophistication in political lobbying. Significantly, the conference promoted an image of the Chinese as solid *American* citizens, not overseas Chinese. The issue of China was absent from the conference call and agenda. Conference delegates challenged the notion that the Chinese were not American in resolutions and statements that pronounced their commitment to being "good citizens" of the United States.[54]

Following the conference, the CCBA continued to lobby for reform. CCBA leaders held private discussions with the INS to promote legislative reforms, discourage immigration raids into the community, and find ways to adjust the status of the paper immigrants. Toward achieving the latter goal, CCBA leaders agreed to promote the service's Chinese Confession Program.[55]

The San Francisco district office of the INS started the Chinese Confession Program in 1956. The program was a procedure for an administrative adjustment of status. If Chinese who had entered the country by fraudulent means made voluntary disclosure of their false status, the service said it would assist confessors, "if at all possible under the law," to adjust their status. Under existing law, persons who were in the country illegally were eligible for a suspension of deportation and permanent resident status if they had resided in the United States continually for seven years. Aliens who served in the armed forces for ninety days were eligible for naturalized citizenship.[56]

According to an internal INS report, the service organized the confession program as a result of its experience in a case involving the Leong family of San Francisco. Leong Bok Yin had established himself as a native-born citizen in 1902 by means of a habeas corpus proceeding. In 1955 the American consulate at Hong Kong received information suggesting that Leong was not in fact a citizen and that therefore thirty-four people who claimed to be his descendants, including seventeen who had already immigrated into the United States, were also not citizens. However, the service only had sufficient evidence to deport three of them. Upon learning that ten of Leong's alleged descendants were either veterans or active members of the armed forces, the INS interviewed the veterans and explained that if they confessed they would be eligible for naturalized citizenship under their real names. After extensive family consultations, the entire family confessed. The service had thus discovered a method of exposing an entire family tree.[57]

In June 1956 Bruce Barber, the San Francisco district director of the INS, spoke before a meeting of the Cathay Post of the American Legion in San Francisco's Chinatown, recruiting veterans to confess in exchange for naturalized citizenship. By November the district had exposed 113 Chinese Americans holding false claims of citizenship and voided claims to citizenship of 73 others still in Hong Kong and China. In February 1957 the INS central office approved expansion of the program to the rest of the country. Instructions emphasized that no promises of immunity from prosecution should be made but that "every medium [should be] used to advise Chinese in the United States regarding the possibilities of adjustment under the law." The INS conducted the confession program with a great deal of discretionary authority. No statute governed the program, nor was there provision for general amnesty. Immigration Commissioner Joseph Swing and Congressman Francis E. Walter decided that the program did not need or warrant legislation.[58]

The INS's approach to confession derived from traditional law enforcement technique, in which confession and testimony against others are exchanged for immunity from prosecution. Recognizing that the INS successfully prosecuted cases of fraud only when investigators obtained confessions, Ralph Stanley, an INS investigator, urged that the agency give "every possible sympathetic consideration" to adjusting the status of confessors who appeared at trials as government witnesses. Stanley believed Chinese would cooperate because they understood that the failure to cooperate might "ultimately involve themselves and members of their immediate families in criminal action."[59] Given the atmosphere of anti-Communism, grand jury investigations, and rumors of mass deportations, it is not surprising that Chinese under investigation found reason to confess.

The confession program aimed to correct limitations in the investigations conducted by the Departments of State and Justice in Hong Kong and the United States. As reports of those investigations indicate, painstaking investigative work led to direct confessions in only about 50 percent of the cases. It was just as likely as not that the authorities would produce only inconclusive

evidence of fraud. Even when Chinese were induced to confess, the authorities solved only individual cases, which did little to eliminate the *system* of paper immigration.

The INS thus hoped that the confession program would eliminate that system. It believed it could foreclose future illegal immigration by securing the confessions of entire families. As the Leong family case demonstrates, exposure of an entire family tree included the disclosure, and therefore the elimination, of false "slots" that were still unused. The INS held out the possibility (never the promise) of relief only to confessors who named all names. Investigator Stanley explained, "If this program is to be of value to this Service, it is imperative that full information concerning all family members be obtained and that the Chinese not be permitted to testify solely concerning his own individual identity and nationality."[60]

INS investigators worked patiently and persistently to get the confessions of whole families. Stanley noted that it could take as long as a year to obtain an entire family's cooperation and explained the need to "save face" for true family members who were caught in the web of illegality of their kin. An immigration attorney who handled confession cases in New York's Chinatown similarly recalled that service investigators often seemed like "social workers," who assisted families with their confessions.[61]

Yet, the process of individual and family confession was not always smooth. Many families divided over whether or not to confess, sometimes quite bitterly. And, although service publications described the confession program as a benefit for which Chinese could voluntarily apply without fear of prosecution, the program was not entirely voluntary or free from the taint of criminality. It began in 1956 when the grand jury and Hong Kong investigations were still taking place, blurring the line between voluntary confession and criminal proceedings. Moreover, the INS aggressively sought to induce confessions from people whose names surfaced in investigative leads from anonymous telephone calls, letters, and coaching material seized by the service. In many such cases, INS investigators called Chinese in for "informal interviews," where they would confront them with some evidence that suggested fraud or news that a paper brother living in another city had confessed. The Chinese often upheld their original story but then returned a few weeks later with an attorney and confessed.[62]

Confession entailed a formal interview with INS officials. After several years the program became somewhat routinized. Confessors answered questions according to a standardized form, confessing their fraudulent claim to citizenship and listing the names of their true family and paper family members, including their whereabouts. They were asked if they had ever been convicted of a crime, voted in an election, served in the armed forces, belonged to the Communist Party or believed in "communistic aims." Moreover, confessors had to turn over all documents of citizenship and write in

their own hand, "I hereby surrender my passport" (or certificate of identity). At the conclusion of the hearing, INS officers required confessors to state that they were "amenable for deportation" and then instructed them to apply for a suspension of deportation and for permanent resident status or naturalized citizenship, depending on their eligibility. A memorandum was then referred to the INS board of special inquiry, where a hearing officer ruled on the confessor's status.[63]

The vast majority of confessors successfully received legal status, but some were found ineligible for relief. Of those, a relatively small number were deported; others remained in the United States because the U.S. attorney declined to prosecute and the INS shelved their cases—a mixed blessing, since they were left with no status at all. Sometimes an unsympathetic hearing officer simply denied relief to confessors even if they were eligible for adjusted status. In one case, a seaman who had jumped ship was advised by his attorney to confess; he was denied a suspension of deportation because the hearing officer did not believe it would be "unconscionable" to deport him. The seeming arbitrariness of the service's rulings and the lack of statutory or even published guidelines led immigration attorneys to complain that they could not properly advise prospective confessors. Not surprisingly, many Chinese immigrants mistrusted the program, especially in the beginning, and the INS considered the cooperation of the CCBA essential to giving credibility to the program.[64]

According to published statistics on the confession program in the INS's *Annual Reports* from 1957 to 1965, at least 11,336 Chinese Americans confessed to having entered the United States under false claim of citizenship. Another 19,124 people were implicated as holding false citizenship by the confessions of others. Finally, some 5,800 "slots"—names of nonexistent persons not yet used for illegal entry—were closed (table 6.1).[65]

If the confession program offered a resolution to the problem of paper immigration, the INS consistently denied that benefit to Chinese American leftists. The INS kept copies of the subscription list of the left-wing *China Daily News* and membership lists of groups like the Chinese Hand Laundry Alliance and the Chinese Workers Mutual Aid Association dating back to the 1930s and continued using those lists to determine eligibility for relief. Typically, in denying an application, the INS would refer to "confidential information the disclosure of which would be prejudicial to public interest," which was understood to mean "communist."[66]

During the early 1960s left-wing activists whom immigration and FBI agents had harassed over the years became subject to deportation and criminal proceedings once their false status was revealed by the confessions of others. In New York, Louie Pon of the Hand Laundry Alliance and Yee Sun Jok, an employee of the *China Daily News*, were deported in 1964 and 1966, respectively, after each was exposed as a paper son.[67]

TABLE 6.1
INS Chinese Confession Program, 1957–1965

Year(s)	*Confessed*[a]	*Implicated*[b]	*Slots Closed*[c]
1957, 1958, 1959	1,700	NA[1]	NA
1960 (Northeast only)	151	158	327
1961	1,248	2,235	1,187
1962	1,419	3,003	1,391
1963	2,241	4,233	NA
1964	2,579	5,911	1,192
1965	1,998	3,564	1,192
Total	11,336	19,124	5,800

Source: INS Annual Reports, 1957–1965.
[a]Number of persons who made direct confession of illegal status.
[b]Number of persons named by confessors as illegal, but no direct confession.
[c]Number of future illegal entries eliminated.
[1]NA: Not available.

In San Francisco, the owners of the World Theater, Karl Fung and Lawrence Lowe, were charged with fraudulent citizenship. Several members of the Chinese American Democratic Youth League, familiarly known as *Min Qing* (Democratic Youth), were arrested on criminal charges of fraud related to their alleged illegal entry into the United States. In August 1962 a federal grand jury in Tacoma, Washington, indicted Maurice Chuck for procuring a certificate of citizenship in 1954 as a result of "false and fraudulent statements." Chuck had come to the United States in 1948 at the age of fifteen to join his father, who was a paper son. He soon joined the Min Qing and wrote articles for *China Daily News*.[68]

Chuck's father, Hwong Jack Hong, had participated in the confession program and was subpoenaed to testify against his own son. During the trial, father and son stayed in the same hotel room. Their relationship had never been easy: Maurice Chuck had grown up in China without knowing his father, and when he came to the United States, they clashed over Maurice's radicalism. In Tacoma, the elder Chuck cried every night over the government's forcing him to testify against his son. The court found Chuck guilty and stripped him of his citizenship. He served three months of a five-year prison term.[69]

In 1961 Kai G. Dear, also of the Min Qing, was tried on criminal charges of conspiracy for entering the United States as a paper son in 1933 at the age of ten, falsely representing himself as a citizen by voting in elections, and serving as a witness at his wife's naturalization hearing in 1956. The case against Dear was based on the confession of his aunt. Dear's defense attempted to show that the INS had a secret list of Chinese American organizations, including the Min Qing, the members of which were to be denied the benefits of the confession program, but the court quashed the subpoena issued by Dear's lawyers for the INS. Dear too was convicted and stripped of his citizenship.[70]

The confession trials served not only to punish Chinese American leftists but as a public counterpart to the loyalty statement each confessor was required to make. The price of disloyalty was high: the accused faced charges that were often abusive and frivolous, involving crimes allegedly committed when they were children, as well as possible deportation or imprisonment. Their families suffered humiliation and anguish as their relatives were subpoenaed to testify against them, even though the INS had assured the community that confessors and their families would not be prosecuted.

The confession program served as a means of renegotiating the terms of Chinese Americans' citizenship. Although Chinese Americans and the INS approached that negotiation from asymmetrical positions of power, Chinese Americans resisted the state's efforts to criminalize the entire community. The Six Companies and CCBA successfully mobilized both legal and mass opposition to the grand jury's mass subpoenas and offered legal counsel and community support, which also made individual acts of resistance possible. They also utilized their connections within the Republican Party and the Kuomintang to lobby the State Department. The CCBA, of course, also benefited from the government's use of the confession program to further weaken the Chinese American left and strengthened its own political position in the community in the process.

The resistance offered by Chinese was not without effect. Whereas the Hong Kong investigations and grand jury proceedings granted no reward for admitting fraud, the confession program afforded benefits to both Chinese Americans and the state. The bargain at the core of confession—legalized status for those already settled in America in exchange for closing off future paper immigration—settled, for the most part, the legacy of illegal immigration from the exclusion era.

Yet, if confession follows sin and redemption follows confession, the community could not entirely redeem its virtue. Cold War politics and the sensationalized investigations against fraud reproduced racialized perceptions that all Chinese immigrants were illegal and dangerous. Confession legalized Chinese paper immigrants, but it did not necessarily bring them social legitimacy. The official history that racialized Chinese as unalterably foreign and unassimilable remained unchallenged. Dai-Ming Lee called for the government to recognize the "human aspect" of illegal immigration and suggested that public officials could "foster respect for the law by careful observance of the spirit as well as the letter of the law." To "condemn an entire racial group," he said, was "repugnant to the spirit of American justice."[71]

An official amnesty program might have resolved the problem, because amnesty is based on forgiveness, removes the stigma of wrongdoing, and suspends the letter of the law in the interest of justice. President Roosevelt's statement in 1943 that Chinese exclusion was a "historic mistake" and an "injustice to our friends,"[72] provided a basis for amnesty. Although the confession program fell short of such a resolution, it nevertheless stabilized the grounds upon which Chinese Americans would continue to strive for racial equality and the full rights of citizenship in the latter half of the twentieth century.

Part IV

PLURALISM AND NATIONALISM IN POST–WORLD WAR II IMMIGRATION REFORM