EXCLUSION INFORMED THE Chinese American historical experience in many ways. It codified Chinese as the racial "other" in America—unwanted, unassimilable, ineligible to citizenship. It justified the segregation and marginalization of Chinese from the mainstream of American social and economic life. Its consequences included the transoceanic separation of families and the development of a largely homosocial culture in the United States.\footnote{And, because illegal entry is a concomitant of all restrictive immigration policy, exclusion also created a large population of Chinese illegal immigrants in America. Data from the United States Immigration and Naturalization Service indicate that at least 25 percent of the Chinese American population in 1950 was illegal.} And, because illegal entry is a concomitant of all restrictive immigration policy, exclusion also created a large population of Chinese illegal immigrants in America. Data from the United States Immigration and Naturalization Service indicate that at least 25 percent of the Chinese American population in 1950 was illegal.\footnote{Most of the illegal population comprised "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. The widespread practice of paper immigration during the exclusion period not only exacerbated the stigma of illegitimacy associated with exclusion, but also reinforced the isolation and insularity of Chinatown communities by requiring immigrants to maintain complex internal networks of protection.}  

After Congress repealed the Chinese exclusion laws in 1943, and especially after World War II, Chinese Americans and the federal government both grappled with this particular legacy of exclusion. Chinese Americans hoped to resolve the problems of social isolation and family separation that resulted from exclusion and illegal immigration. Government authorities, long frustrated by their inability to end the system of paper immigration, found in the context of the anti-China politics of the Cold War a new urgency to eliminate that system. During the mid-1950s the United States Departments of State and Justice waged a coordinated campaign against paper immigration, culminating in a "Chinese Confession Program" sponsored by the Immigration and Naturalization Service (INS). In exchange for information that exposed the false gene-
alogies that perpetuated the immigration of paper sons, the INS pledged to assist confessors to obtain legal status.

The vast majority of the 30,000 people who were involved in the Confession Program did, in fact, become legally resident aliens or naturalized citizens. The program thus benefited a large segment of the Chinese American population. At the same time, the government’s campaign against illegal immigration and the administration of the Confession Program by the INS ensnared Chinese Americans in a dynamic which combined Cold War and racial politics, compromising the legitimacy of their newly won legal status. This article investigates the events and conditions during the post-exclusion, Cold War years that set the terms and conditions for ending the system of paper immigration and considers how, in the process, the place of Chinese in America was renegotiated and redefined.

“GOING WAY BACK, THE WHOLE GANG’S ILLEGAL.”
—General Joseph Swing, Commissioner of Immigration

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 many Chinese laborers entered the United States by surreptitiously crossing the Mexican or Canadian border, many more gained entry by posing as persons who were legally admissible, often with fraudulent certificates identifying them as merchants. Increasingly, Chinese seeking entry into the United States claimed to be American citizens by native birth or the China-born sons of those citizens—known formally as derivative citizens. Between 1920 and 1940, 71,040 Chinese entered the United States as derivative citizens.

Central to the problem of illegal Chinese immigration was the inability of state authorities to authenticate the identity of Chinese entering the United States. Most Chinese made their initial claim to American citizenship without documented proof. Ultimately the government itself—the federal courts, the INS, and the State Department—created and conceded documentation of identity and citizenship to Chinese laborers entering the United States. Typically, during the first decades of the twentieth century, young Chinese men arriving in America claimed that they were born in the United States and taken back to China at a young age by their parents. It has become nearly legendary that the destruction of the San Francisco Hall of Records by the earthquake and
fire of 1906 enabled Chinese to assert native-birth citizenship because no records survived to contradict them. Chinese entering as citizens at the turn of the century were also aided by the unwitting practice of the courts, to which many Chinese turned in order to overturn unfavorable decisions made by customs and immigration inspectors. Although judges sitting on the federal bench at the turn of the century supported the policy of Chinese exclusion and believed that Chinese witnesses lied in hearings, they often were, to use Lucy Salyer’s phrase, “captives of the law,” especially the tradition of habeas corpus and rules of evidence. The court 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. The courts’ rulings became the documentation for American citizenship and the foundation of citizenship for future generations.

The experience of the Yee family is illustrative. On 28 September 1903, Yee Ot Wah, aged 28, arrived in San Francisco on the SS Doric. He claimed he was an American citizen by native birth, but produced no witnesses to testify on his behalf. The immigration inspector refused to land him and ordered him deported. Yee filed a writ of habeas corpus in District Court. At his hearing, a man named Yee Chuck Wah testified as his brother. Yee Chuck Wah said that Yee Ot Wah was born in 1875 on Clay Street in San Francisco and, when he was four years old, was taken back to China by his parents. On the strength of the brother’s sworn testimony, Judge John DeHaven discharged Yee Ot Wah as a citizen.

In March 1922, Yee Ying Toy arrived at San Francisco, claiming to be Yee Ot Wah’s son and thus a citizen by derivation. Yee Ying Toy said he had no witness because his father died of typhoid in 1906, but he presented the latter’s discharge papers from the District Court as proof of his father’s citizenship. An attorney for Yee Ying Toy said the father’s death certificate was destroyed in the earthquake and fire of 1906. However, immigration officials located the mortuary records of one “Yee Dot Wa,” a 44-year old unmarried laborer who died of tuberculosis in 1906. Yee Ying Toy was admitted on the basis of this evidence, albeit an imperfect corroboration.

In 1969, Yee Ying Toy, who was at this time 56 years old, appeared at the INS office in Detroit and confessed that he was not the true son of Yee Ot Wah. He confessed that his true father had paid $2,000 for the papers of Yee Ot Wah so he could immigrate to the United States. Yee’s
confession further revealed that he had two paper brothers, that is, two others who had also immigrated as sons of Yee Ot Wah; one was a true nephew of Yee Ot Wah and one, like Yee Ying Toy, was no relation. Moreover, Yee Ying Toy confessed that he had, in turn, brought in two of his own true sons using the Yee family name, and had also reported to the INS the birth of a third, fictitious, son in China.8

Thus Chinese immigrants created a system of illegal entry built entirely upon a paper trail derived from the state’s very 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 which 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 state’s problem, it only enlarged the body of evidence.9 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 documentation that they had created. Captives of their bureaucratic procedures, immigration officials were indignant that they were mocked by impostors—immigration officials frequently remarked that each Chinese woman residing in the United States before the 1906 earthquake would have had to have given birth to 800 sons to account for all the native-born citizens10—and despaired they could ever solve the problem of paper immigration. Gen. 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

Paper immigration had both cultural and legal consequences. Culturally, it contributed to a racialized view of Chinese as unscrupulous, devious, and immoral. Mary Coolidge observed in 1909 that “all Chinese are treated as suspects, if not criminals.”12 The common practice of
illegal immigration underscored the belief that Chinese were an unassimilable race which had no legitimate claim to American citizenship, notwithstanding the Fourteenth Amendment; the California nativist lobby called Chinese born in the United States “pseudo-citizens.” The presumption that all Chinese were illegal immigrants also informed the collective experience of Chinese in America. Arriving Chinese immigrants, legal and illegal alike, bonded as brethren, as the racially despised “other,” in the crucible of immigration inspection. As one immigrant detained on Angel Island wrote, “America has power, but not justice; in prison, we were victimized as if we were guilty.”

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. Indeed, 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: “[T]he immigration laws are . . . discriminatory and so hard on the immigrants that it forces them to perpetuate fraud against the American government.” These discrepant perceptions and values were part of exclusion’s legacy and would have to be addressed in any attempted resolution of illegal immigration.

Legally, the authorities found that paper immigration was 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: under what conditions could Chinese paper immigrants be induced to confess?

“IDENTITY NOT ESTABLISHED.”
—Everett F. Drumright, U.S. Consul General, 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. That quota applied to all persons of Chinese descent in the world, defined by a one-half blood quantum, regardless of country of birth, residence, or citizenship. Most Chinese seeking legal entry found avenues for non-quota immigration as war brides and wives of citizens, as refugees, and as derivative citizens.

After the Chinese Revolution in 1949, the American consulates in China closed, and the 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. Applicants confronted a four- to twelve-year wait for processing.

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 United States consular office in Hong Kong as documentation for the wife's visa."

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.\textsuperscript{22} The San Francisco \textit{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."\textsuperscript{23}

Many Chinese American derivative citizens whom the consulate denied passports appealed to the federal courts for relief, as their forbears had done at the turn of the century. Between 1952 and 1955, nearly 2,000 Chinese American derivative citizens filed civil suits in United States District Courts in California, asking for declaratory judgment on their claims to citizenship. The civil suits placed the State Department in a position of having to prove the consulate's judgment of fraud.\textsuperscript{24} But in 1955, the consulate still had over 1,000 passport cases pending in which fraud was suspected.\textsuperscript{25} Representatives of the State Department's Bureau of Security and Consular Affairs conducting a site visit to the 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.\textsuperscript{26}

Owing to the backlog of applications and the pending civil suits, a sense of crisis loomed at the State Department. Determined to investigate "every single case" in which there was suspicion of fraud so that "we will not again be inundated with a flood of illegal Chinese," the department decided to increase the investigative staff in Hong Kong from 22 to 120; Congress granted the department an additional $500,000 to pay for it.\textsuperscript{27}

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 Sen. Joseph McCarthy and Vice-President Richard Nixon for "losing China." The son of a Midwestern farmer who struck oil in Oklahoma in 1902, he was the most politically conservative member of the Foreign Service in pre-war China, a distinction which led his colleagues to sometimes call him "Right Drum" and went a long way to placing him above suspicion by the McCarthyites.\textsuperscript{28}

Drumright led the American consulate at Hong Kong at the height of the Cold War. By the mid-1950s the United States, having stalemated in Korea and paying for 75 percent of France's military operation in Viet-
nam, considered China its number one enemy. 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 1949.29

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.30

When the Chinese Communist party assumed power in 1949 it inherited an overseas Chinese “problem” that had evolved historically throughout Southeast Asia. Long-standing social and economic resentment toward the Chinese combined with fear of subversion.31

Although the overseas Chinese community in the United States was much smaller and more economically marginal than those in Southeast Asia, the same anti-Communist politics and racist suspicion informed Drumright’s approach to the immigration crisis. In December 1955, Drumright submitted an 89-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 multi-million 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 subject to blackmail." The passport fraud rings, Drumright warned, had to be "destroy[ed] once and for all, . . . before Communist China is able to bend that system [of illegal immigration] to the service of her purposes alone."32

Drumright gave no evidence that China was sending spies into the United States, but the consulate saw potential spies everywhere. It believed a so-called "smile campaign" conducted by the Communists toward overseas Chinese and their families in southern China during the mid-1950s (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.33

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 it had "no way to even begin a security investigation" of such persons.34 In fact, the Communists' overseas Chinese policy was much more complex than the fifth column theory suggested. Notwithstanding the dubious notion that the politics and behavior of overseas Chinese could be manipulated by either the Communists or the Nationalists, China had, by 1954, begun moving away from the historical policy of jus sanguinis. Its interests in the overseas Chinese were aimed at keeping a smooth flow of remittance and supporting its foreign policy goals of peaceful coexistence, not exporting revolution.35

The Drumright report also betrayed racial hostility and suspicion toward 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 "common cultural occurrences (that) become 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 non-quota basis, Drumright suggested the non-quota 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.”

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 exorbitant expense to investigate every case. He argued that direct investigation was not necessary except in unusual cases and 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.”

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 great 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.

But Drumright continued to frustrate and embarrass the department, especially in visa cases, where he had final authority. He suspended hundreds of cases indefinitely on the vague grounds of “identity not established,” including cases where evidence had been submitted and the petition already approved by the INS. He refused to respond to inquiries from members of Congress about specific cases. 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.

Drumright’s position was actually the logical extension of the government’s historical policies for authenticating the identity of Chi-
Chinese immigrants. Drumright understood that Chinese determined to enter the United States could thwart nearly any government requirement. Caught in the historical spiral, Drumright advocated policies that were increasingly extreme. For example, when blood tests were first imposed in the early 1950s, a negative result was considered proof that the claimed relationship was false. In 1956, Drumright also wanted to 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. He 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.41 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.42

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.43 The State Department, whose standards of evidence for Chinese derivative citizens were already above and beyond those required of other derivative citizens,44 argued that Chinese immigration should be regulated by the same policies and procedures that it applied globally. Within that framework, it believed fraud could be uncovered only by directly investigating each case that came under suspicion. Drumright appears to have dodged the policies of the Passport and Visa offices for as long as he did because he had personal and political support in the Department’s Bureau of Far Eastern Affairs. He was also stubborn and ill tempered.45

The conflicts between Drumright and sections of the State Department reflected tensions in Washington over both immigration and foreign policy. Drumright evinced an old-line exclusionist mentalité combined with the shrill anti-Communism of the post-war China Lobby, and he guarded the gate in Hong Kong with single-minded anti-Communist and anti-China determination. The State Department shared many of the same assumptions but sought a more subtle, modern policy that was not explicitly racist.
Moreover, the department had to balance its commitment to halting illegal entry with other concerns. It had to navigate the waters of 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.\textsuperscript{46} Although nativists in Congress, led by Francis E. Walter, the co-sponsor 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.\textsuperscript{47}

Despite their differences, the Consul General and State Department officials in Washington generally agreed that decisive action was needed to keep Chinese impostors 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 policy, he did not suffer politically from it. In 1957 he was named United States Ambassador to Nationalist China, in which post he served as a staunch supporter of the Chiang regime.\textsuperscript{48}

\textit{“STIGMATIZING THE SOCIAL AND FAMILY STATUS OF A RESPECTED COMMUNITY WITH CRIMINAL COLORATION”}

—Chinese Six Companies

The Department of Justice carried out the domestic component of the government’s coordinated effort against illegal Chinese immigration. In February 1956, the United States Attorneys in San Francisco and New York impaneled grand juries to investigate Chinese fraudulent entry. 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 member-
ship 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 United States Attorney assembled a task force that included five investigators from the State Department's Office of Security, eight investigators from the INS, and three United States Marshals. Teams from the United States Attorney's office and the district office of the INS fanned out throughout Chinatown on the morning of 29 February 1956 and served the subpoenas on thirty-four family and district associations. The order gave twenty-four hours to comply.

On March 1 the grand jury began proceedings at the Post Office Building in San Francisco. Some fifty Chinatown residents and family association leaders appeared, many armed with "pasteboard boxes full of papers and photographs." Among the family association officers present were Jack Chow, an assistant district attorney under Edmund Brown, and Earl Louie, a member of the Central Committee of the California Republican party. But they did not testify. In a dramatic move, the San Francisco Chinese Six Companies, the original and pre-eminent Chinese benevolent association in America, challenged the subpoena. Chow, Louie, and the officers of the other family associations refused to turn over their records, charging the subpoena was so vague as to constitute unlawful search.

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, alternately, put into "concentration camps."

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. 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 Consolidated Benevolent Association (CCBA), known in San Francisco as 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 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 United States 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 birth-right citizenship under the Fourteenth Amendment for Chinese born in America.

In response to the immigration crisis in the 1950s, Chinese again relied on legal means to protect them. 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. 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 were the strongest allies 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 who were “legitimate objects 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.”

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.

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, the New York CCBA ordered all New Year banquets in New York canceled. The CCBA retained a lawyer and, in an open letter printed in the Chinatown press, advised it would protect and fight on behalf of those “involved in misfortune without cause.” CCBA leaders also appealed to the Nationalist Chinese government to protest the grand jury actions.

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 United States Attorney’s office, adding fuel to the fire in the Chinese press in both the United States and Hong Kong. The New York World Journal published a pamphlet with a lengthy critique. Dai Ming Lee, editor of the San Francisco English-language Chinese World, polemicized against the Drumright report every day for two weeks, criticizing 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.” 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.” The South China Morning Post articulated the view of many Chinese that they were not really culpable
for criminal acts because illegal immigration was “basically due to the Asiatic exclusion laws.”

On March 20 Judge Oliver 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 ruled that 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.”

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 United States Attorneys. Having lost in the matter of the mass subpoena, the United States 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 officials of certain associations. But the 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.

Individual Chinese who were called before the grand jury responded in ways that 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 the Chinese refused to cooperate outright, two by invoking the Fifth Amendment and two by failing to appear. Eighteen cases, more than half, were dismissed. That is, Chinese plaintiffs dropped their suits and withdrew their applications for passports pending in Hong Kong; in exchange, the United States Attorney dropped criminal charges. In five cases Chinese maintained they were true sons or daughters who had used paper names. In only three cases did Chinese individuals 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.

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 cooperate in any way.” If the task was more difficult, the consulate nonetheless completed its goal of investi-
gating fifty cases by the end of July. The consulate reported indications 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.72

The revelation of many Chinese who were true family members using paper names suggests that paper immigration had become a burden for many Chinese Americans. Once the paper trail started in the early twentieth century, Chinese Americans using paper names had no choice but to perpetuate the false lineage in order to bring their true family members into the United States. The high percentage of confessions by true family members using paper names also 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 refused to testify understood that without a confession the prosecutors would not have enough evidence to obtain a conviction. Ironically, the United States 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.73

As a result of the coordinated investigations the District Court dismissed some 200 civil suits, and the grand juries in New York and San Francisco handed up thirty-eight indictments.74 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 the government originally alleged.75

Indeed, the actual cases involving fraud that the government brought 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. The problem was not communist infiltration or multi-million dollar rackets, but the existence of tens of thousands of ordinary Chinese Americans who were related in some way to a paper citizen.

"I HEREBY SURRENDER MY PASSPORT."
—required of Chinese confessing fraudulent claim to citizenship

In March 1957 the New York and San Francisco 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.

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 unassimilable foreigners. The delegates issued a statement declaring, “To be good citizens has always been our objective. . . . We must do our utmost to fulfill our responsibilities and obligations by renewing our pledge as loyal American citizens,” and pointed out that fostering the welfare of Chinese in the United States “thereby contribut[ed] to towards the general welfare of America.” Moreover, the issue of China was absent from the conference call and agenda.

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.80

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.81

According to an internal INS report, the Service organized the Confession Program as a result of its experience in a case involving the Lew family of San Francisco. Lew 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 Lew was not in fact a citizen and that therefore thirty-four people who claimed to be his descendants, including seventeen who had already immigrated to the United States, were also not citizens. However, the Service only had sufficient evidence to deport three of them. Upon learning that ten of Lew’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.82

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.83 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 [be] used to advise Chinese in the United States regarding the possibilities of adjustment under the law.”84 Moreover, 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 Rep. Francis E. Walter decided that the program did not need or warrant legislation. 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 non-existent persons not yet used for illegal entry—were closed (see Table 1).

### TABLE 1
Chinese Confession Program 1956–1965

<table>
<thead>
<tr>
<th>Year(s)</th>
<th>Confessed&lt;sup&gt;a&lt;/sup&gt;</th>
<th>Implicated&lt;sup&gt;b&lt;/sup&gt;</th>
<th>Slots closed&lt;sup&gt;c&lt;/sup&gt;</th>
</tr>
</thead>
<tbody>
<tr>
<td>1957, 1958, 1959</td>
<td>1,700</td>
<td>n/a</td>
<td>n/a</td>
</tr>
<tr>
<td>1960 (northeast only)</td>
<td>151</td>
<td>158</td>
<td>327</td>
</tr>
<tr>
<td>1961</td>
<td>1,248</td>
<td>2,235</td>
<td>1,187</td>
</tr>
<tr>
<td>1962</td>
<td>1,419</td>
<td>3,003</td>
<td>1,391</td>
</tr>
<tr>
<td>1963</td>
<td>2,241</td>
<td>4,233</td>
<td>n/a</td>
</tr>
<tr>
<td>1964</td>
<td>2,579</td>
<td>5,911</td>
<td>1,192</td>
</tr>
<tr>
<td>1965</td>
<td>1,998</td>
<td>3,564</td>
<td>1,192</td>
</tr>
<tr>
<td>Total</td>
<td>11,336</td>
<td>19,124</td>
<td>5,800</td>
</tr>
</tbody>
</table>

Source: INS Annual Report, 1957–1965

Notes: <sup>a</sup> number of persons who made direct confession to illegal status; <sup>b</sup> number of persons named by confessors as illegal, but no direct confession; <sup>c</sup> number of future illegal entries eliminated

The Confession Program aimed to correct limitations in the Departments of State and Justice’s investigations 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 Lew 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. Ralph Stanley, an INS investigator in San Francisco, 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.”

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.

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 the Service seized. In many cases, INS investigators called Chinese whom they suspected of fraud for “informal interviews,” where they confronted them with some evidence that suggested fraud or news that a paper brother living in another city had confessed. Investigator Stanley believed Chinese would cooperate because they understood that the failure to do so might “ultimately involve themselves and members of their immediate families in criminal action.” Thus Chinese called in for questioning often upheld their original story but then returned a few weeks later with an attorney and confessed. 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.

Confession entailed a formal interview with INS officials. 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, 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.

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 United States 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.

The INS also used its discretionary authority to deny consistently the benefits of the Confession Program 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.”

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.96

In California the authorities vigorously prosecuted paper sons of the left. In San Francisco the owners of the World Theater, Karl Fung and Lawrence Lowe, were charged with fraudulent citizenship.97 In 1961 the INS began deportation proceedings against Happy Lim (Lim Gim Foo), the secretary of the Chinese Workers Mutual Aid Association, for illegal entry as a paper son in 1922. The authorities believed Lim was a communist and pursued his case aggressively, although it never produced sufficient evidence to deport him.98

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 the China Daily News.99

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.100

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.101

The confession trials served not only to punish Chinese American leftists but as a public counterpart to the loyalty statement each confesser 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 possibility of 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.

"WHILE UPHOLDING THE LAW, THE HUMAN ASPECT SHOULD NOT BE IGNORED."
—Dai-Ming Lee, editor, San Francisco Chinese World

The cultural arrogance of the authorities, combined with the politics of the times, dictated that paper immigration be cast as a mass criminal conspiracy. But it would be more accurate to view paper citizenship as part of a culture constructed by a minority population under conditions of exclusion and social segregation. That culture was drawn from China and built on premises of extended family loyalty and group survival made necessary by life in America. Exclusion created the conditions for paper immigration as well as an insulated environment that both protected illegal immigrants and kept the community isolated from mainstream society.

The Confession Program enabled Chinese immigrants to take a step out of the shadow of exclusion. By legalizing the Chinese paper sons, the program eliminated one source of the community’s social isolation and enabled their sons and daughters, the next generation of Chinese Americans, to better make their claim to the rights and privileges of citizenship during the 1960s and 1970s. Moreover, by clearing up family relationships, the Confession Program allowed Chinese Americans to immigrate their true relatives into the United States. That step had important, if unintended, consequences for Chinese immigration. It laid the basis for many Chinese Americans to take advantage of the preference categories for family reunification enacted in the immigration reforms of 1965, and thus contributed to the significant increase in the level of Chinese immigration experienced since that time.

The Confession Program served as a means of renegotiating the terms of Chinese Americans’ membership in the nation. Although Chinese
Americans and the INS approached that negotiation from grossly unequal positions of power, Chinese Americans resisted the state’s efforts to criminalize the entire community. The Six Companies and CCBAs successfully mobilized both legal and mass opposition to the grand jury’s mass subpoenas, and offered legal counsel and community support which 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 weaken further the Chinese American left and strengthen 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.

That bargain was not without its price. Left-wing activists were the most visible sacrifice, and thousands of families privately endured an uncertain and anxious process. And, if confession follows sin, it also implies redemption, but the community could not entirely redeem its virtue. Cold War politics and the sensationalized investigations against fraud reproduced racialized perceptions that Chinese immigrants were unalterably foreign, illegal, and dangerous. Thus while confession legalized Chinese immigrants, it did not necessarily bring them social legitimacy. 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.” The “condemnation of an entire racial group,” he said, was “repugnant to the spirit of American justice.”

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 against the Chinese people” 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 struggle for racial equality and the full rights of citizenship.
NOTES

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2. INS annual reports from 1957 to 1965 indicate 30,460 Chinese whose claims to American citizenship were revealed as fraudulent, amounting to 25.8 percent of the 117,629 Chinese counted in the 1950 U.S. Census.


4. Chinese exclusion was first enacted in 1882 (22 Stat. 58) and extended indefinitely in 1904 (33 Stat. 428). Under Section 6 of the law, persons of the exempt classes were admissible with certificates issued by the Chinese government attesting to their status. Congress repealed the exclusion laws in 1943 (57 Stat. 600).

5. A trend toward native birth citizenship claims was encouraged by two Supreme Court rulings during the 1890s. Lem Moon Sing (158 U.S. 538 [1895]) limited judicial review in cases where prospective immigrants’ claims to exempt status were rejected by the customs collector. In Wong Kim Ark (169 U.S. 649 [1898]) the Court upheld birthright citizenship for Chinese under the Fourteenth Amendment. The Nationality Act of 1870 (16 Stat. 2254) granted “derivative citizenship” to children born abroad of American citizens. The Immigration Service treated Chinese American derivative citizens entering the United States for the first time as though they were immigrants, subjecting them to immigration inspection and interrogation. Throughout the exclusion era Chinese could hold American citizenship only by native birth and derivation; the exclusion laws deemed Chinese to be ineligible for naturalization. Ineligibility was extended to Japanese and Asian Indians by two Supreme Court rulings, Ozawa (1922) and Thind (1923), and was the foundation for Japanese exclusion in the Immigration Act of 1924. On the racial prerequisites of naturalization, see Ian Haney-Lopez, White by Law: The Legal Construction of Whiteness (New York, 1995).


8. File 9969–36, Segregated Chinese Files, Immigration and Naturalization Service (INS), Record Group 85, National Archives, Pacific Sierra Region. The same scenario is enacted in hundreds of Chinese case files in the custody of the National Archives. Although Yee Ying Toy’s confession revealed two generations of paper sons, the record does not show whether or not Yee Ot Wah’s original entry was based on a fraudulent claim. The man who testified as his brother might have been a true brother or might have been an arranged witness secured by the Six Companies.

9. The interrogations, concerned with minutiae like “in what direction does your house face?” and “how many oxen does your village own?” had nothing to do with the immigrants’ real lives but only with INS’s transcripts of past interviews, against which each incoming immigrant’s answers were compared. Madeline Hsu, “Gold Mountain Dreams,” p. 51.

10. U.S. Department of Labor, Annual Report of the Commissioner General of Immigration to the Secretary of Labor, 1925, pp. 22–23. Chinese immigrants were overwhelmingly male owing to the practice of sending men to labor for remittance and the inadmissibility of Chinese alien wives of American citizens, hence the term “paper sons.” There were some “paper daughters,” but they were relatively few. See Sucheng Chan, “Exclusion of Chinese Women,” in Entry Denied, ed. Sucheng Chan, p. 130. Chinese women immigrants at the turn of the century mostly comprised wives of merchants and prostitutes, the latter often brought in under the guise of servants, daughters, or wives of merchants. See Judy Yung, Unbound Feet: A Social History of Chinese Women in San Francisco (Berkeley, Calif., 1995).


13. The concept of ineligibility to citizenship, based on a supposed unassimilability, was the central theme of the California Joint Immigration Committee (CJIC), the leading Asiatic exclusion lobby during the early twentieth century. In addition to calling American-born Chinese “pseudo-citizens” the CJIC commonly referred to Chinese and Japanese as “ineligibles,” as though ineligibility—a legal status—were a natural state of being. See, for example, V.S. McClatchy, “Addendum to Speaker’s Brief,” 10 October 1932. Statements 1932, CJIC, Bancroft Library, University of California, Berkeley.


16. The global, race-based Chinese quota was thus qualitatively different from all other immigration quotas, which were based on country of origin. To underscore the point Congress granted a separate annual quota of 100 for “non-Chinese persons” of China. By establishing a racial quota for Chinese, Congress sought to prevent Chinese from emigrating from Hong Kong under the British quota and to forestall unlimited emigration of Chinese from Latin American nations, which had no quotas. See Fred Riggs, Pressures on Congress: A Study in the Repeal of Chinese Exclusion (New York, 1950), pp. 38–51; E.P. Hutchinson, Legislative History of American Immigration Policy (Philadelphia, 1981), pp. 309–13.

17. After World War II, Congress established non-quota immigration for war brides and Chinese alien wives of American citizens. A 1947 amendment to the


20. A federal district judge found the use of blood tests by the INS to be discriminatory because they were applied only to Chinese cases (*Lee Kum Hoy et al. v. Shaughnessey*, 133 F. Supp. 850 [1955]), but the Supreme Court ruled their use was legitimate as long as the INS agreed to apply blood tests to all citizenship claimants without regular documentation such as birth certificates (*Hoy v. Shaughnessey*, on certiorari [1957]). Some Chinese opposed the blood test as a form of “self-incrimination,” since it could only disprove, and not prove, paternity. See *Chinese World* (San Francisco), 8 November 1955.


24. Section 503 of the Nationality Act of 1940 (54 Stat. 1148) provided the right of judicial review in contested citizenship claims. That right was repealed by the Immigration Act of 1952, but a grace period was established which allowed claimants until 31 December 1955 to file suits. Everett F. Drumright, Consul General, “Report on the Problem of Passport Fraud at Hong Kong,” Foreign Service Despatch 931, 9 December 1955, pp. 19–29. File 122.4732/12–955, Central Files, General Records of the Department of State, RG 59, National Archives, 46. See also *San Francisco Examiner*, 1 March 1956.


27. Basil Capella, Bureau of Far Eastern Affairs, to Everett Drumright, 15 November 1955; Scott McLeod, SCA to Walter Spencer Robertson, Bureau of Far Eastern Affairs, 8 September 1955; Loy Henderson, Department of State, to Harley Kilgore, Senate Sub-Committee on Appropriations for the Departments of State and Justice, 23 February 1956, all 1–C/4, SCA. The plan called for increasing the number of American investigators from seven to thirty; the remaining positions were to be filled by local Chinese investigators who would work under the Americans’ direction. See also *Chinese World*, 24 March 1956.


30. The Kuomintang’s policy was consistent with the racialized Chinese immigration laws of the U.S., which also defined Chinese on a global, racial basis. The racial basis of Chinese exclusion and post-exclusion immigration quotas reinforced the Chinese concept *hua qiao* (overseas Chinese).


33. Maurice Rice, Consul, “Recent Communist Chinese Policy toward American-Chinese,” Foreign Service Despatch 1485, 5 June 1956, 2. 1–C/4, SCA. Rice stated that communist propaganda aimed at youth was so successful that “occasional American-Chinese visiting Hong Kong have informed the Consulate General that they do not wish to apply for their sons or grandsons to go to the U.S. since the Communists have ‘ruined their minds.’”

34. Ibid., p. 34.

35. Fitzgerald, *China and the Overseas Chinese*, pp. 100–107. Fitzgerald cites Liao Ch‘eng-chih, a high-ranking official in the official Overseas Chinese Affair Commission, as having instructed, “Overseas Chinese shall not make revolution. They will not succeed even if they make revolution.” Fitzgerald also contends that overseas Chinese since 1949 have been predominantly “non-compliant” to Beijing political direction, notwithstanding the real and alleged participation of ethnic Chinese in indigenous revolutionary movements.


37. Everett F. Drumright, “Proposals to Better Cope with the Problem of Fraud at Hong Kong,” Foreign Service Despatch 942, 13 December 1955. Also Drumright to Capella, 18 October 1955. 1–C/4, SCA.


39. The Passport and Visa Offices were especially frustrated by Drumright’s “suspend and defer” practice and demanded that it be stopped. Frances Knight, Passport Office, to Haywood P. Martin, Executive Director, SCA, 5 December 1955, and Rolland Welch, Visa Office, to Martin, 15 December 1955. 1-C/4, SCA.

40. Drumright to Capella, 18 October 1955; Minor report, 6. See also Drumright, “Proposals to Better Cope with the Problem of Fraud at Hong Kong.”

41. Drumright, “Proposals to Better Cope with the Problem of Fraud at Hong Kong.”

42. Drumright to Scott McLeod, 4 May 1956. 1–C/4, SCA. On fraudulent confessions, see Drumright, “Report on Problem of Passport Fraud at Hong Kong,” p. 37.

43. Drumright to McLeod, 21 June and 25 July 1956. 1–C/4, SCA.

44. See note 16.

45. The Far Eastern Bureau believed Security and Consular Affairs was unfair to the Consul General and held reservations about the Minor committee’s treatment of the Drumright report. The department treated Drumright carefully, going so far
as to send Scott McLeod, the administrator of SCA, to Hong Kong in January 1956 to personally explain the department's policies to him. H.P. Martin, Executive Dir., SCA to Scott McLeod, 25 January 1956. On Drumright's temperament, see Jack Minor and Halleck Rose to Scott McLeod, 14 July 1955.

At the same time the Department proceeded to implement its policies in Hong Kong. The Office of Security took administrative control of the consulate's investigative unit and continued to dispatch investigative teams to the post. Dennis Flinn, Director, Office of Security to Aaron Coleman, Chief, Investigative Section, American Consulate General, Hong Kong, 9 December 1955. 1-C/4, SCA.

46. Scott McLeod to Drumright, 14 September 1956. The department authorized Drumright's request to fingerprint visa and passport applicants but insisted that provisions for fingerprinting be applied globally to pre-empt charges of racial discrimination. Minor report, 8. On Chinese quota, see note 16.


Reformers opposed the quota system principally because it discriminated against eastern and southern Europeans, although the Chinese race quota embarrassed many liberals. Walter believed reforming the quotas would lead to "an influx of Orientals" into the United States. Wagner, "Lingering Death"; David Reimers, Still the Golden Door: The Third World Comes to America (New York, 1981); Meg Greenfield, "The Melting Pot of Francis E. Walter," The Reporter (New York), 26 October 1961.


52. Newspaper clipping, 2 March 1956, unidentified source, in 56341/51.6, Records of the INS, Washington, D.C.


58. On the experience of Chinese Americans in the post-World War II period, see Roger Daniels, *Asian America: The Chinese and the Japanese in the U. S. since 1850* (Seattle, 1988); S.W. Kung, *Chinese in American Life* (Seattle, 1962); and especially Rose Hum Lee, *The Chinese in the United States of America* (Hong Kong, 1960), the most comprehensive contemporary study of the post-war period. Lee believed the growth of the American-born Chinese population would lead to the decline of the CCBA.


60. Leftists who were called before the grand jury were by this time too isolated to resist on their own. On March 6 Happy Lim, the secretary of the Chinese Mutual Aid Workers Association, responded to an order to appear and testified before the grand jury. Lim told the grand jury that the association had been a clearinghouse for Chinese salmon cannery workers in Alaska during the 1940s but that the organization was now defunct. San Francisco *News*, 7 March 1956.


62. Shing Tai Liang interview with author, 14 January 1993; Memorandum of Conversation, Wellington Koo, Chinese Ambassador, Mr. Sebald, Far Eastern Affairs, Mr. McConoughy, Chinese Affairs, “U.S. Grand Jury Investigations of Chinese Passport Fraud Cases,” 13 March 1956. 1–C/4, SCA; State Department to Chinese Embassy, Aide-Memoire, 27 March 1956. 1–C/3.1, SCA.

63. Ibid.


65. *Chinese World*, 18, 20, 21 April 1956. Dai Ming Lee was a Constitutionalist who represented a political position both anti-Communist and anti-KMT.

66. *Hong Kong Tiger Standard*, 3 March 1956; *China Mail*, 27 March 1956; *South China Morning Post*, 29 March 1956, all cited in “Hong Kong Press and Governmental Reaction to Consular Fraud Problems at Hong Kong,” Foreign Service Despatch 1330, 14 April 1956. 1–C/4, SCA.


68. Dennis Flinn, Security, to Scott McLeod, SCA and Edward Crouch, Budget, “San Francisco Passport and Immigration Frauds, Grand Jury Investigation” (staff paper), 25 April 1956. 1–C/3.1, SCA. In San Francisco the State Department and
INS fought over jurisdiction and control of the investigation. Flinn believed the INS's participation in passport investigations was part of INS Commissioner Swing's plan to get "his own Foreign Service."


72. Aaron Coleman, Chief, Investigative Section, American Consulate General, Hong Kong, to Dennis Flinn, Director, Office of Security, 15 May 1956; Coleman, “Report on Civil Action Cases to be Investigated in Hong Kong,” Foreign Service Despatch 102, 7 August 1956. 1–C/4, SCA.

74. Scott McLeod to Lou Henderson, “Summary of Accomplishments in Passport Investigation Field from May 1, 1955 to July 31, 1956”; 14 September 1956 1–C/4, SCA.


76. Benjamin Gim interview.


79. The convenors clarified to the press that the conference proceedings would have “no international significance” and the Nationalist embassy in Washington announced it would play no role. Chinese World, 7 March 1957; Chinese World, 9 February and 20 March 1957.

80. Shing Tai Liang interview.

82. Ralph Stanley, Oriental Fraud Unit, to Ralph Harris, Assistant District Director for Investigations, San Francisco, 19 December 1956, 56364/51.6, Records of the INS, Washington, D.C.
83. Ibid.; INS Southwest Region Investigations Monthly Activity Report, 15 November 1956, 56364/51.6, Records of the INS, Washington, D.C.
84. Raymond F. Farrell, Asst. Commissioner, Investigations Division, Central Office, to Regional Commissioners, 6 February 1957, 56364/51.6, Records of the INS, Washington, D.C.
85. Joseph Swing interview, p. 54; Benjamin Gim to author, 4 March 1993. The September 1957 act, Public Law 85–316, 71 Statute-at-Large 639, has been mistakenly construed as the legal statute governing the Confession Program. However, the INS would not apply the 1957 law to paper sons; according to the Service, Congress intended that law to assist Mexican immigrant families who would suffer hardship if an illegal family member were deported. The Service reasoned that Chinese paper sons were ineligible for relief under the 1957 amendment because
they had entered as citizens and not as aliens, and had therefore not gone through immigrant inspection, a specious argument since the INS had ruled on the admissibility of derivative citizens since the 1890s (see note 5). In 1972 the Ninth Circuit of U.S. District Court overturned that policy and ruled that confessed paper sons were eligible for relief under the 1957 act. By that time, however, the Confession Program no longer existed. See Lee Fook Chuey v. INS, 439 F. 2nd 244.


87. Ibid.
88. Ibid.; Benjamin Gim interview.
89. Benjamin Gim interview; Maurice Chuck interview.
90. Stanley to Harris, 19 December 1956.
91. Ibid.
92. Benjamin Gim interview.
98. INS Order to Show Cause, Lim Gim Foo/Hom Ah Wing; Memo, Emil Pullin, INS San Francisco to INS District Director, New York, 19 March 1962; INS Record of Sworn Statement by Tom Na Hong, 3 April 1962, New York; letter, Lloyd McMurray to George Daily, 5 December 1961; letter, Emil Pullin to McMurray, 13 December 1961; all in Lim Gim Foo aka Hom Ah Wing INS file #HO 100-372911; letter Curtis Lyman to Emil Pullin, INS, in Hom Ah Wing FBI file #A11-407-961. INS and FBI files FOIA requests, Gordon Chang.
99. Maurice Chuck interview.
100. Maurice Chuck interview; U.S. v. Chung Man Hwong, Case 16869, U.S. District Court, Western District of Washington, Southern Division, Tacoma.