Intersectionality of Race and Gender: A Story of Transnational Marriage and Chinese “War Brides” in Post-WWII America

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John H. Ting
Introduction

When people first think of war brides, they tend to imagine the thousands of wives of GIs who came to the United States after World War II (WWII). From Western Europe alone, according to the annual statistics of Immigration and Naturalization Services (INS), from 1945-1950 there were 84,517 foreign wives admitted under the War Brides Act. The number of brides from Germany and France alone totaled around 49,000.¹ Others might think of the large number of Japanese war brides who married American GIs stationed in Japan that came to the United States in the 1950s.² China sent only 5,132 during the same period of time³ and it is this group of women about whom little is known this study addresses. Most of the studies on Asian immigrant women by scholars like Erika Lee and Judy Young have focused on the exclusionary era⁴ or pre-WWII era. While there are many studies on European⁵ and Japanese war brides⁶ in the post-WWII era, the only complete work on Chinese brides after WWII was done by Xiaojian Zhao in her study of 1,035 complete files from the Chinese General Immigration Case Files at the National Archive branch at San Bruno, California. Zhao’s work focuses on the role of Chinese war brides in their families in the United States and how their arrival transformed the bachelor Chinese community⁷ into a family-centered one in the post-WWII era. My project broadens Zhao’s work by examining more closely the legal and political controversies surrounding the

³ Zhao, Remarking Chinese America, 79-80.
⁷ Zhao, Remarking Chinese America, 6.
admission of war brides, instead of their social experience, before and during their arrival to the United States. Instead of immigration case files for individual war brides, I use policy and correspondence files from the Immigration and Naturalization Services (INS) to develop my story. A study of the correspondence files relating to the Chinese war brides not only helps to explain their small numbers but also reveals how the law and bureaucracy limited the numbers of Chinese wives entering the United States.

**Who are these Chinese War Brides?**

According to the 1940 Census, taken almost a decade before these women arrived on American soil, the total Chinese population in the United States was 77,504, including both native and foreign born Chinese.\(^8\) Of the 77,504, 21,552 were single males but only 12,118 were below age 35 or most likely to marry. According to Zhao, 12,041 Chinese males were drafted in WWII and the total number of wives entered the United States under the War Brides Act was 5,132. In Zhao’s study 53 percent of the war brides were from the age 26 to 35 while 28 percent were from age 36 to 45. Also, only 10 percent of the women had been married for a year or less by the time they arrived in the United States, suggesting that only a small percentage of Chinese American war veterans went to China to find wives after the war. The number of Chinese Americans who courted and married during the war was even smaller, only 3 percent of the women had been married between one and four years, while 70 percent of them were married for over 10 years and 80 percent of them were married for 5 years and longer.\(^9\) Meanwhile, war-torn conditions in post-WWII China provided a significant “push” for many Chinese women and men to flee the country, but few made it to the United States. The lack of available transportation,

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\(^9\) Zhao, *Remarking Chinese America*, 81-84.
long lines at the U.S. embassy for the required paper work, and the widespread corruption under
the Kuomintang (KMT) or Nationalist party hindered many Chinese, but this study will focus on
a more fundamental reason rooted within U.S. immigration policies: the legal and bureaucratic
restrictions against the Chinese immigrants that prevented the Chinese from entering the United
States even if they might succeed in leaving China.

First and foremost, the long history of exclusionary policies against Chinese since the
1880s that suspended the immigration of Chinese laborers for ten years, later on indefinitely,
successfully limited the number of Chinese males and females who entered the United States.
Though the Exclusionary laws were repealed in 1943 and for the first time the Chinese were
allowed to enter under an annual quota of 105, the limited spots for the alien Chinese meant that
few could legally enter the United States, including Chinese wives (brides). Second, as war
brides, if they were wives of U.S. citizens, they were entitled to non-quota status when entering
into the country. But the legal authorizing of Chinese wives as non-quota immigrants was
omitted under both the 1921 and 1924 Quota Act and the 1943 Chinese Exclusion Repeal Act.10
An act to officially place all11 Chinese wives of American citizens on a non-quota basis without
any time restraint12 was passed on July 2 of 1946, one year after the passage of War Brides Act
in 1945. Hence, Chinese war brides could not enter the country as wives of their GI husbands
without being counted toward the 105 quota as late as 1946. It was no surprise that by 1946, only
252 Chinese were admitted into the United States compared to 3,191 and 3,987 on 1947 and
1948, with most of the last two groups being women immigrants.13

10 In 1930, Congress amended the 1924 Quota Act to allow wives of U.S. citizens to enter if the marriage took place
before the passage of the 1924 Quota Act, which was approved May 26, 1924. See “An act to admit to the U.S.
wives of certain American citizens”. June 13, 1930.
11 Zhao, *Remarking Chinese America*, 79.
12 Ibid., 81-84.
13 Ibid., 92.
stated that a woman’s nationality and citizenship are determined for the most part independently of her husband’s political and national status, instead of the “derivative citizenship” that treats women’s legal existence suspended upon marriage and views her existence based on her husband’s nationality. In essence, the principles of “derivative citizenship” entail that any women who might lawfully marry a U.S. citizen shall be deemed and taken to be an U.S. citizen was compromised by the Cable Act and as a result, before the Repeal Act of 1943 Chinese wives of U.S. citizens were treated as aliens “ineligible” for citizenship instead of U.S. citizens or a “preference immigrant” as wives of a citizen.14

In sum, a pervasive exclusionary ideology and its effective enforcement before 1943 intersected with American women’s fight for independent citizenship to deprive Chinese women access to citizenship under the “family unity” principle: as a result Chinese wives became ineligible aliens. Exclusion and, ironically, American women’s efforts to reform citizenship for women worked together to obstruct Chinese wives from entering the United States legally. Even after the repeal of the Chinese Exclusion in 1943, the small annual quota afforded little if any hope for the Chinese wives. It was not until 1946 that families of U.S. citizens gained full rights to be united with their wives and children, who could now enter the country under non-quota status. While this study explores how Chinese war brides, most of them the wives of Chinese in the United States, struggled for decades for the right to be united with their families, it also demonstrates the ways gender, race, and transnational marriage complicated and eroded the rights of Chinese wives and brides at the expense of their rights as the wives of American citizens.

The Legal and Bureaucratic Lens

With the abrupt isolation of China after the Communists took over in 1949, immigration to the Western world virtually stopped. The Communist takeover also implied that Chinese wives and war brides only had three years to reap the benefit after gaining the right to a non-quota status in 1946. But despite the fact that legal barriers were seemingly cleared away after 1946 and the post-War support for veterans greatly improved the chance of Chinese wives being united with their families, the bureaucratic inertia and resistance to legal and social change still posed a significant hurdle for Chinese wives and war brides seeking admission to the United States. The requirements for alleged Chinese brides or wives to prove their status changed frequently and often caused much delay for the Chinese applicants at U.S. Consulates in China. As late as 1949 both reports concerning the long delay of issuing visas for Chinese at the U.S. embassies and bribes involving embassy and consulate officials collaborating with Chinese immigration “rings” resulted in investigations and resignations of INS officials. The corruption cases that surfaced in the United States and abroad in China further demonstrate the inertia that existed within INS and the State Department against the change of the U.S. immigration policies in favor of the Chinese. The resistance to change came face to face with public pressure from the ACLU and Veteran’s rights groups, and most importantly with public opinion in favor of rewarding WWII veterans for their sacrifice in the War. As a result the Immigration and Naturalization Services faced the dilemma of either enforcing the laws of Congress protecting citizens’ rights to be united with their families or screening out possible frauds. Nonetheless, various bureaucratic forces worked to hinder the entrance of Chinese war brides and wives.
With the abrupt isolation of China after the Communists took over in 1949, it was unlikely that a great number of Chinese wives could ever be united with their families.

The first two chapters of this paper deal with the legal and legislative issues related to the immigration of Chinese brides from the Exclusion era forward. The following two chapters will discuss the bureaucratic hurdles the Chinese faced after 1946, when for the first time Chinese wives were allowed to enter with non-quota status like all other immigrant wives. I hope the research will speak for itself concerning the hardships and complex issues of marriage, gender, and race that Chinese women faced in fighting for their rights to be united with their citizen husbands in the United States.
Chapter 1

Chinese Women: A History of Entry Denied

The historiography of Chinese immigration has demonstrated the repeating pattern of a male-dominated emigration and legal restrictions preventing family unification. The interests of many Chinese immigrants in the second half of nineteenth century, mostly contract laborers, clashed intensely with the restrictive policies of U.S. immigration laws upon their arrival. Despite their efforts to fight the legal battle against the racist exclusion policies, Chinese in the United States, unlike other European immigrants, experienced an almost decade-long “male bachelor” emigration in the United States due to legal and bureaucratic obstacles against them. Though reform occurred during WWII and the Chinese gradually gained equal treatment like other immigrants groups, their struggle for citizenship rights from the Exclusion era to the Post-WWII era defined them as bachelor immigrants.

A Chinese perspective of Chinese Immigration: huashang and huagong

History witnessed repeating patterns of emigration from China to the outside world. From as early as the Tang dynasty (618-907AD) until the decline of the Qing dynasty in the mid-nineteenth century (mid-1850s), China dominated trade in most of the nanyang (Chinese name for Southeast Asia or “South Ocean” region south of China) and turned many Southeast Asian port cities into trading posts for Chinese silk, porcelains, and other manufactured goods. A large number of Chinese merchants and traders traveled and started to settle in these new places, giving rise to the huashang class of traders, merchants, and artisans.¹ This group dominated Chinese emigration, particularly to Southeast Asia, prior to the mid-1850s. But since the European colonists arrived in Southeast Asia in the early sixteenth century, many of the

¹ Zhou, Contemporary Chinese America, 27. During what historian Anthony Reid calls the “Chinese century” (1740-1840), nearly 1 million Chinese were settled in Southeast Asia.
Southeast Asian states were gradually turned into European colonies and by the mid-nineteenth century\(^2\), the significant decline of the Qing Dynasty ended the Chinese dominance of the intra-Asian trade while Europeans transformed Asia’s export economy into their colonialism of East-West trade for manufactured goods, food products, and industrial raw materials. On the one hand, European plantations, mines, and constructions projects demanded cheap labor, on the other hand China’s vast population became a limitless source of such labor and the *huashang* class began to act as agents or partners of the European traders in recruiting and exporting Chinese contract labors known as “coolies” (Chinese word for “bitter strength”).\(^3\) With the help of its centuries old migration networks in Southeast Asia, new waves of *huagong* (Chinese word for “workers”) dominated the Chinese emigration in the second half of the nineteenth century until WWII.

During the peak of *huagong* emigration, the *huashang*-dominated migration stream still continued as from the pre-colonial time, but the higher volume of *huagong* dominated the emigration and most went to Southeast Asia to work for the western colonists while only a small percentage went to the Hawaii and the Americas. From 1851 to 1875, 17\% of the estimated Chinese who emigrated went to the United States while 51\% went to Southeast Asia. Between 1876 and 1900, the period of Chinese Exclusion in the United States, the total number of Chinese heading to Hawaii and the United States dropped below 3\%.\(^4\) Another important characteristic about the *huagong* dominated emigration was its “circular nature” accompanied by high rates of returning to China. It was believed that the patriarchal family system facilitated the formation of

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a “bachelor society” abroad since sons could claim a share of the patrimony upon their return while daughters were forbidden to leave home. Chinese merchants, traders, and laborers were all predominantly sojourning males. They typically left their hometowns behind and returned home to get married leaving their brides behind to take care of parents-in-law and raise children while they routinely sent remittances home and hoped to return soon.\(^5\) It was also believed that it was much cheaper to send money home rather than raising a family abroad, especially in the case of the United States.\(^6\) In sum, during the colonial period from the late 16\(^{th}\) Century to as late as WWII, China was the largest labor export country in Asia sending 45,000 to Hawaii and the United States by 1920.\(^7\) By WWII, more than 10 million Chinese contract laborers emigrated to various parts of the world with nearly two-thirds to Southeast Asia.\(^8\) The emigration of Chinese contract laborers was not a new phenomenon for the Chinese when they arrived at the United States as contract laborers. Though most of them were “sojourners” in the foreign lands, their transnational connection and the desire to be united with their wives and families simply repeated a century-old Chinese immigration pattern. Meanwhile, laws in the United States from the late 19\(^{th}\) century to the mid 20\(^{th}\) century pushed for the exclusion of Chinese that encouraged fewer settlers and fewer family, the fight of these minority of Chinese, most of them huagong, to unite with their families in the face of racial and gender bias policies produced a story this paper intents to tell.

The global pattern of Chinese immigration since the late 1800s began with the rise of free un-skilled labor immigration. While the majority of such emigration went to Southeast Asia, a minority of such group of laborers arrived at the United States as a direct result of its

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\(^7\) Zhou, *Contemporary Chinese America*, 33.
\(^8\) Ibid.
industrialization and the rising demand for contract laborers. These contract laborers helped build railroads on the West Coast and worked in mines and created a male-dominated presence wherever they went. The same pattern of male dominated population was common for the Chinese immigrants even in Southeast Asia. Similarly, the need for family reunification is also a repeating issue for the millions of Chinese immigrants. The desire of the unskilled laborers to be reunited with their wives and families thus clashed powerfully with the racial and gendered bias policies of the U.S. in the late 19th and well into the post-WWII era.

WWII greatly affected Chinese emigration and for the first time a world event pushed the American immigration law-makers to acknowledge the rights of these Chinese laborers by repealing the exclusion policies and allowing Chinese to become U.S. citizens, hence acknowledging their citizen rights to be united with their families. At the outset, WWII also shattered colonial dominance over Asia and within one decade after the war, besieged by Marxist ideologies and the nationalist movement for independence, nearly all of European colonies in Southeast Asia collapsed. With the colonists gone, indigenous nationalist and socialist factions imposed stricter border controls limiting the Chinese emigration into Southeast Asia. Also, Chinese civil war after WWII left China deeply divided between the ruling KMT Nationalist Party and the Chinese Communist Party (CCP). The crumbling economy, high inflation, and rampant corruption in the KMT government and army in China made it extremely dangerous and difficult for “overseas Chinese” to return to China with the aim of moving their families abroad. With limited slots under the 1924 Quota Act and being deprived of non-quota status, legal emigration became almost impossible for Chinese wives and families. The 1945 War

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Brides Act and the public pressure to reward veterans for their sacrifice, however, led thousands of Chinese GIs to successfully bring their wives to the United States. But the 1949 Communist takeover and the founding of the People’s Republic of China under the CCP isolated China from the West and other Chinese immigrant communities in Southeast Asia until the late 1970s. Migration to and from China was strictly prohibited by the communist state and overseas connections were viewed as evidence of espionage and treason, subject to punishment in a labor camp or jail. During the 1950s, the first large group of Chinese who fled to Taiwan with the KMT migrated to the United States (not Southeast Asia) as students, and in the 1960s, children of mainlanders who migrated to Taiwan began to arrive by the thousands headed for U.S. colleges and universities. For almost three decades beginning from the 1950s, students from Taiwan constituted the largest group of Asian immigrants to the United States.11

By the 1990s, there were about 35 million huaqiao or “overseas Chinese” (Chinese term for Chinese who emigrated) and people of Chinese ancestry living outside of mainland China and Taiwan. Of these 35 million, over 80% live in Asia (mainly Southeast Asia) and only about 13% live in the Americas. In the mid-1990s, countries with the largest number of people with Chinese ancestry beside China and Taiwan include Indonesia (7.3 million), Thailand (6.4 million), Malaysia (5.5 million), Singapore (2.3 million), and the United States (2.7 million).12

**Men’s view on Family and Wives**

The first significant group of huagong arrived in the United States in the late 1840s. Most of them came as contract laborers, working mainly in the plantations or mining industry and later on the transcontinental railroad on the West Coast. The influx of cheap labor created a great competition for American workers and resulted in the antimony against the “yellow peril”.

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11 Zhou, *Contemporary Chinese America*, 34.
Consequently, the U.S. Congress in the second half of the nineteenth century imposed elaborate Chinese exclusionary acts. The first of these acts, passed in 1882, suspended immigration of Chinese laborers for 10 years, followed by its subsequent amendments and renewal in 1892, 1894, and 1904. Legal exclusion stifled the growth of the Chinese population in the United States prior to WWII. Most of the Chinese workers were sojourners who came to the United States alone and sent money back home once they earned some. One of the most noticeable characteristics of the foreign-born Chinese communities before WWII was their pronounced shortage of women. The gender ratio of male to females in the 1890 census was 26 to 1. The ratio decreased to around 14 to 1 in 1900, 9 to 1 in 1910, 4 to 1 and 1920, to about 2 to 1 in the 1930 and 1940. It was clear that at least by the 1920s, the huagong Chinese population was a bachelor society with four times or more of males than females. Similarly, the U.S. census reports also show that the number of Chinese living in families fluctuated between 3.6% and 7.2% in 1860 and 1870, and increasing slowly during the twentieth century and peaking at 30% by 1940.14

Scholars who attempted to explain the shortage of Chinese females claimed that though the number of Chinese families seemed to increase suggesting an increase of Chinese women, the increase was due to natural birth of females on American soil, not to immigration.15 The history of other immigrant groups shows that a shortage of women in the first phase of their settlement was the common pattern in the United States. But for the Chinese, the imbalanced sex

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13 Exception exists for Chinese laborers who were in the U.S. on November 17, 1880 under the treaty of November 17, 1880, or have come into the U.S. before the expiration of 90 days after the passage of the Exclusion Act of 1882 See 22 Stat. 58, section 3, 4. Before the exclusion acts, exceptions who may enter the U.S. were 1) Officers of Chinese Government with their household and servant. (22 Stat. 58, section 13) And 2) under article II of the Malloy Treaty of November 17, 1880, Chinese subjects proceeding to the United States as teachers, students, merchants, together with their body and household servants were “accorded all the rights, privileges, immunities and exemptions which are accorded to the citizens and subjects of the most favored nation”. Hence, there were arrivals of wives as family members of the above groups, though in small number.

14 Chan, ed., Entry Denied, 94.

15 Ibid.
ratio lasted much longer, about a century rather than a few decades. Some claim that the shortage of Chinese women in the United States was a product of Chinese patriarchal attitudes that defined the only accepted roles for married women as bearing children and serving their husbands and parents-in-law. Given the central importance of filial piety in traditional Chinese culture, the moral duty of wives to remain in China to wait on their parents-in-law was greater than their obligation to accompany their husbands abroad\textsuperscript{16} and only girls from poor families would leave their homes to earn a living elsewhere as prostitutes or servants.\textsuperscript{17} Other scholars have also argued that since the majority of the Chinese males who came to the United States were sojourners, it was cheaper for them to send savings back home and help sustain their families in China where the cost of living was considerably lower than to bring their families to America.\textsuperscript{18} It was also claimed that since prostitutes were imported to take care of the sexual needs of these sojourning men\textsuperscript{19} there was no need to send for their families in China. Few Chinese men decided to unite with their wives and families in the United States. As Sucheng Chan’s study shows, the “objective conditions, in the form of cost and legal bureaucratic obstacles” as well as “subjective desires to shape their cultural values on their children”\textsuperscript{20} both influenced the thinking of Chinese men as they pondered the possibility of bringing their wives and children to the United States. This paper explores the “legal and bureaucratic obstacles,” which were most fundamental to the shortage of Chinese wives and women in the United States. For even after the repeal of the Chinese Exclusion Act in 1943, only a very small number of the Chinese men could even contemplate the possibility of having the female members of their

\textsuperscript{16} Chan, ed., \textit{Entry Denied}, 94.
\textsuperscript{18} Ibid., 95.
\textsuperscript{20} Chan, ed., \textit{Entry Denied}, 96.
families join them. To the vast majority of the huagong population living the United States who were not exempt, American laws made family life virtually impossible since the 1882 exclusion act.

It is important to note, however, other revisionist works have attempted to challenge the commonly accepted “bachelor society” stereotype of Chinese American communities. Scholars point out that many Chinese male immigrants were in fact married, even though they did not bring their wives and children with them. They conscientiously supported their families and maintained transnational bonds with their kin in China. Some single men, as well as already married ones, wed non-Chinese women in New York and established mixed-raced families.21 Other works also claim that in San Francisco, in the late nineteenth century, evidence of a community increasingly made up of “in situ families” rather than unattached single men, developed over those years.22 While there is no question that patriarchal cultural values, a sojourning mentality, differences in the cost of living, as well as the intense anti-Chinese hostility that existed during the second half of the nineteenth century all worked to limit the number of Chinese female immigrants, it is also evident that from the 1870s onwards, the U.S. judicial system imposed legal restrictions on the immigration of Chinese women. The role of courts in interpreting the Exclusionary statues of Congress forbade the entrance of certain “classes” of Chinese women even if they were married to Chinese men born in the United States. Such power to stop the entrance of all alien Chinese women inevitably became the single most

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significant factor in limiting the family formation in the Chinese community. Hence, despite the attempt by scholars to discover the “restoring of family visibility” in the Chinese American community at the time, legal constraints greatly hindered family reunification by restricting the entrance of Chinese women.

**Legal Status and Citizenship Rights**

Understanding the legal status of Chinese requires a clear understanding of American citizenship rights. In general, one becomes a U.S. citizen by naturalization or by birth. Under the exclusion policies of the late nineteenth century, Chinese were ineligible for citizenship and only those who were born in the United States could become citizens. This group of Chinese Americans numbered about 40,000 by 1940.\(^{23}\) Under the protection of citizenship rights, U.S. citizens of Chinese ancestry are theoretically able to bring their foreign born wives to the States, but due to the exclusion policy this right was not legally established until 1902.\(^{24}\) Before 1902, only 44 Chinese women were admitted to the United States, compared to 64 and 938 in 1907 and 1924.\(^{25}\) By 1922 with the passage of Cable Act and 1924 Quota Act legal immigration and the right to family unification were significantly compromised so that after 1924 no Chinese wives of U.S. citizens were admitted and the number of total Chinese women admitted dropped to about 193 to 271 per year.\(^{26}\) In addition, in the early decades of Chinese immigration beginning in 1850, for reasons previously discussed, many immigrants did not bring their wives and children to the United States. By the end of WWII, the largest and only significant group of Chinese women and wives of U.S. citizens admitted to the United States in 1924 numbered about

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\(^{25}\) Zhao, *Remarking Chinese America*, 15.

\(^{26}\) Ibid.
938 (396 of them were wives of U.S. citizens). This group of women was crucial to the early development of family life in the Chinese American community.\(^{27}\)

A large proportion of early Chinese females immigrants were poor girls who had been sold into prostitution.\(^{28}\) As early as the 1850s and 1860s, San Francisco’s municipal officials made attempts to close down Chinese brothels and limit the entrance of Chinese prostitutes. In 1875, Congress enacted the Page Law that forbade the entry of Chinese, along with Japanese and Mongolian contract laborers, prostitutes and felons. The strict implementation of the Page Law by the American consuls in Hong Kong effectively led to the significant decline of the number of Chinese women until the passage of Chinese Exclusion Act in 1882.\(^{29}\)

The Chinese Exclusion Act of 1882 suspended the immigration of Chinese laborers for ten years and also officially prohibited state and federal courts from granting citizenship to any Chinese-born person. Its amendments in 1884 required wives of Chinese laborers and other exempted immigrants such as merchants, teachers, students, and tourists to carry a non-laborer certificate. Because the new wives of the returning immigrant laborers lacked such documents, they were denied entrance. The court also ruled that wives must take the status of their husbands, laborers as “inadmissible” under the Exclusion Act.\(^{30}\) Wives of Chinese laborers were legally barred from entrance, while wives of merchants were challenged by immigration officials but retained the rights to enter. As mentioned previously, the Chinese wives of U.S. citizens could enter but the right of Chinese Americans to bring their wives was not established until 1902 in *Tsoi Sim v. U.S.*,\(^{31}\) which allowed U.S. citizens of Chinese ancestry to go back to China.

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\(^{27}\) Zhao, *Remarking Chinese America*, 13-14.  
\(^{28}\) Ibid.  
\(^{29}\) Ibid.  
\(^{30}\) Chan, ed., *Entry Denied*, 110.  
married, and bring their wives back to the United States. Yet, the actual number for this group of entering Chinese wives remained very small.\(^{32}\) The passage of Cable Act in 1922, which denied derivative citizenship to wives of Chinese Americans citizens born in the United States, allowed the immigration officials to challenge such notion of “family unity” and barred wives of non-merchant Chinese Americans from entry. The Court ruled in 1925 that Chinese wives of U.S. citizens, not under the protection of treaty, were aliens ineligible for citizenship and inadmissible under the Exclusion Act.\(^{33}\)

The passage of the 1924 Quota Act again made no mention of Chinese wives of U.S. citizens but reiterated the inability of Chinese women to enter and the principle that wives of Chinese merchants would be allowed to enter while wives of U.S. citizens could not.\(^{34}\) In the attempt to secure the right of Chinese citizens to be with their wives, U.S. citizens of Chinese ancestry lobbied hard to include wives of \textit{all} U.S. citizens under the “exempt class” of immigrants in the 1924 Quota Act.\(^{35}\) In 1930, they partially succeeded as Congress amended the 1924 Act to allow entrance of Chinese wives who married prior to the approval of 1924 Quota Act. But even after the repeal of the Chinese Exclusion Act in 1943, immigration of wives of citizens was limited under the quota of 105 per year, despite the fact many Chinese born abroad could now become U.S. citizens and bring their wives to the United States. While it was virtually impossible to bring wives from China even after 1943, the War Brides Act of 1945 allowed a

\(^{32}\) Zhao, \textit{Remarking Chinese America}, 15.

\(^{33}\) Bredbenner, \textit{A Nationality of Her Own}, 126-127.

\(^{34}\) Chan, ed., \textit{Entry Denied}, 126.

\(^{35}\) Exceptions exist under the 1924 Quota Act for 1) an immigrant previously lawfully admitted to the United States, who is returning from a temporary visit abroad 2) those seeking to carry on the vocation of minister of any religious denomination, or professor of a college, academy, seminary, or university; and his wife, and his unmarried children under 18 years of age. 3) An immigrant who is a bona fide student at least 15 years of age and who seeks to enter the United States solely for the purpose of study at an accredited school, college, academy, seminary, or university approved by the Secretary of labor. Hence, 2) technically allowed the first group of wives of American citizens to enter, but they too remain extremely small in number and were often faced with harsh interrogation. (See 43 Stat. 153, section 4(b), (d), (e)).
new opportunity for Chinese GIs to bypass the quota and be united with their wives. Yet, it was not until 1924 Quota Act was amended for the second time that wives married after 1924 could enter as non-quota immigrants. While most immigration groups were mostly single males at first, except groups like the Irish who sent women alone and the Jews who had no choice but to come as families, because of restriction laws the Chinese remained a bachelor community for much longer time.

**Chinese Women and Women’s Citizenship Rights**

During the late nineteenth century when the first wave of Chinese laborers arrived in the United States, a woman’s citizenship still depended upon that of her husband. According to the tradition of English common law, marriage implies that the husband and the wife are “one person in law: that is, the very being or legal existence of the woman is suspended during the marriage, or at least is incorporated and consolidated into that of the husband.”³⁶ Although, as Virginia Sapiro suggests in her article *Women, Citizenship, and Nationality* the U.S. courts still attempted to claim the right to full citizenship for women³⁷ and by the beginning of nineteenth century a more rigorous principle of “family unity” evolved. This model placed emphasis on the oneness of family at the expense of women’s individual citizenship rights. One of the family unity laws, the Act of 1855, stated that any women who married to a U.S. citizen should be deemed and taken to be a citizen. It was believed that the political character of the wife shall “at once” conform to that of the husband.³⁸ Such emphasis demonstrated that a woman was tied to the “political fortunes” of her husband’s country; it was assumed that she would carry out her role in

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³⁷ Ibid. As demonstrated in *Shanks v. Dupont*, Justice Storey wrote that without the consent of both the government and individuals, “marriage with an alien, whether a friend or an enemy produces no dissolution of the native allegiance of the wife” and that even if the woman moved to a foreign country, “expatriation could occur only with direct consent of the government.”
educating her children about the duty and appropriate values of her current country.\textsuperscript{39}

Essentially, women were not understood to have developed substantive independent roots in the political community. Their first tie to a political system could be established by being born within the jurisdiction of the state, but when they married, it was their moral and legal tie to the husband that determined their political character.

In the case of Chinese laborers, whether or not their wives obtained independent or derivative status from their husband did not matter since the Exclusion Act of 1882 and its indefinite extension in 1904 suspended their immigration to the United States.\textsuperscript{40} Neither Chinese laborers nor their wives was allowed to enter as immigrants.\textsuperscript{41} Under the quota system of the National Origins Act of 1924 as well, all Asians countries were excluded from receiving an annual quota that allowed certain number of immigrants to be admitted and naturalized.\textsuperscript{42} The principle of family unity did not have much effect on Chinese family reunification because such interest in family unity-though often used to deny women rights- was a “weaker principle than racism.”\textsuperscript{43} Since the Exclusion laws prohibited any new laborers from entering the country after 1882, it was virtually impossible for the wives to be admitted as laborers by obtaining the status

\textsuperscript{39} Sapiro, “Women, Citizenship, and Nationality”, 9.
\textsuperscript{40} Exception exists for Chinese laborers who were in the U.S. on November 17, 1880 under the treaty of November 17, 1880, or have come into the U.S. before the expiration of 90 days after the passage of the Exclusion Act of 1882. See 22 Stat. 58, section 3, 4.
\textsuperscript{41} The only exceptions were 1) Officers of Chinese Government with their household and servant. (22 Stat. 58, section 13) And 2) before 1882 under article II of the Malloy Treaty of November 17, 1880, Chinese subjects proceeding to the United States as teachers, students, merchants, together with their body and household servants were “accorded all the rights, privileges, immunities and exemptions which are accorded to the citizens and subjects of the most favored nation”. Hence, there were arrivals of wives as family members of the above groups, though in small number.
\textsuperscript{42} Exceptions exist for 1) an immigrant previously lawfully admitted to the United States, who is returning from a temporary visit abroad 2) those seeking to carry on the vocation of minister of any religious denomination, or professor of a college, academy, seminary, or university; and his wife, and his unmarried children under 18 years of age. 3) An immigrant who is a bona fide student at least 15 years of age and who seeks to enter the United States solely for the purpose of study at an accredited school, college, academy, seminary, or university approved by the Secretary of labor. Hence, 2) technically allowed the first group of wives of American citizens to enter, but they too remain extremely small in number and were often faced with harsh interrogation. (See 43 Stat. 153, section 4(b), (d), (e)).
\textsuperscript{43} Sapiro, “Women, Citizenship, and Nationality”, 12.
of their husbands. Furthermore, wives, just like single women, were also subject to suspicions of being prostitutes under the Page Act, particularly when they could not clearly prove their wifely status. On the other hand, a woman of U.S. citizenship who married a non-citizen husband automatically lost her citizenship status. It was believed that marriage was a contract between the spouses and that such union of both ménage and property would fail if the spouses could preserve distinct and separate rights dependent upon two different states. In relation to the Chinese, it may seem that American women of Chinese or Japanese ancestry, who sought husbands from their home country, might lose their citizenship and become ineligible as their husbands. Practically speaking this was unlikely due to the super-abundance of Chinese men versus women in the United States.44

Sucheng Chan’s study of Chinese wives of U.S. citizens suggests that while *Tsoi Sim v. U.S.* established the rights of U.S. citizens to bring their Chinese wives to the United States and be admitted upon arrival, an examination of wives of Chinese U.S. citizens up until the Repeal Act of 1943 oftentimes reveal that they were turned away for two main reasons. First, there were discrepancies in the testimonies given during their hearings, and second, medical examiners found some of them to be afflicted with dangerous contagious diseases. Under Section 22 of the Immigration Act of 1917, the most comprehensive immigration law before the passage of Quota Acts of 1921 and 1924, a wife of a naturalized American citizen, if married after the naturalization of her husband, could enter the country without being detained for medical treatment, even if she might have a dangerous contagious disease. Yet, in a 1921 case denying entrance of a wife of a U.S. born citizen, the wife was not allowed to enter because the judge argued that the 1917 act only applied to “naturalized” citizens and a wife married to a “U.S.

born” citizen still required medical examination before entering.\textsuperscript{45} Furthermore, since the 1882 Chinese Exclusion Act explicitly denied Chinese the right to naturalize, Section 22 did not apply to Chinese wives of U.S. Citizens because Chinese in general are ineligible for naturalization. In other words, the decision implies that the wife of a native born Chinese should not be entitled to the same right given to the wife of U.S. citizens of other races, and hence gave the U.S. citizens who were not Chinese greater privileges and immunities than those of Chinese ancestry. In another case in 1923 involving Chinese wives of native-born Chinese Americans, the Circuit Court also upheld the interpretation that even if existing laws unjustly discriminate against the native born citizen of Chinese race, the remedy lies with the Congress and not with the court.\textsuperscript{46}

Under the same principles of family unity and derivative citizenship, children or “paper sons/daughters” presented a new way to bring women (daughters) into the country. “Paper daughters” is a term taken from the idea of “paper son”, which meant young men who bought documents from U.S. citizens of Chinese ancestry in an effort to enter the county as derivative citizens. As the Exclusion laws were enforced in an increasingly stringent manner, one way the Chinese sought to enter the country was for men who were U.S. citizens to return to China periodically to visit their families and to sire children. While some of the reports were true, others were not. In any case, such reports created “slots” that the father could sell to young men who were not their sons but were eager to come to the United States. But as expected, immigration authorities and judges did not look kindly on such children. One of the reasons daughters were denied entrance was marriage. In most cases studies by Sucheng Chen, daughters were likely to be sent back to China if they were married.\textsuperscript{47} Or in other cases, “circumstantial” evidence such as the use of different dialect of the petitioners and the contradicting facts about...

\textsuperscript{45} Chan, ed., \textit{Entry Denied}, 122-123.
\textsuperscript{46} Ibid., 123.
\textsuperscript{47} Ibid., 130.
the daughter’s hometown and geography were used to discredit the daughters and deny their entrance.\textsuperscript{48}

On the other hand, U.S. born Chinese females faced better fate than the Chinese “wives”. As the U.S. Constitution protects any U.S. citizens from a bill of attainder of ex post facto laws, the court often supported the entry of U.S. born female Chinese on the basis that the Exclusionary laws go beyond their power if they were applied to U.S. citizens regarding their rights to enter into their own countries. Nonetheless, some were denied admission due to inconsistent testimonies or statements compared to those by various witnesses,\textsuperscript{49} though such number remains low.

**Legal treatment of Chinese women: Early state laws**

The first attempts to control the entrance of Chinese women came out of the fear of wide spreading Chinese prostitution in San Francisco during the great influx of Chinese workers. In the second half of the nineteenth century, the Gold Rush brought in an influx of male workers and shortage of women that for several decades after, prostitutes of many nationalities lived and worked in San Francisco. In 1854, the municipal authority tried to suppress the Chinese and singled out Chinese women for “special attention” due to the shortage of Chinese females in comparison to other non-Chinese females.\textsuperscript{50} On March of 1870, the California state legislature passed an act that required all Asian women to “prove” their voluntary coming to the United States and their correct habits and good character. Any ship captain who violated this statue would be charged with a misdemeanor and a fine between $1,000 and $5,000 or be imprisoned for two to twelve months.\textsuperscript{51} In a separate California 1874 statue, the legislature required the state

\begin{flushright}
\textsuperscript{48} Ibid., 131.
\textsuperscript{49} Ibid., 120.
\textsuperscript{50} Ibid., 97.
\textsuperscript{51} Ibid., 98.
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commissioner of immigration to collect from all ship masters a bond of $500 for all non-citizen, “lewd and debauched women”, and people likely to become a public discharge (including lunatics, idiots, deaf, dumb, blind or crippled immigrants). In 1875, the U.S. Congress passed the Page Law that legally forbade the entry of Chinese, Japanese, and Mongolian contract laborers, and women for the purpose of prostitution, and felons.

The job of screening out Chinese women suspected of being prostitutes under the Page Act was left to the U.S. Consular officers stationed abroad, who requested proof that the woman applying to come to the United States did not belong to the prohibited classes before their tickets were issued. The female applicants were also required to have their pictures taken at their own expense and swore to certain state of facts in the presence of witnesses, who also offered sworn testimonies. According to the report by the Special Committee on Chinese immigration of the California state senate, within one year, less than 250 Chinese women arrived in the United States compared to previously, when every steamer brought more than 250. The limit placed on all Chinese women due to fear of prostitution was so significant that even before the 1882 Exclusion Act the mechanism for limiting their immigration was well in place. The main impact of the exclusion laws, therefore, fell not on prostitutes but on other groups of Chinese women of good moral standing.

The Chinese Exclusion Act and Chinese “Wives”

The efforts by the state of California and the U.S. Congress in its passing the Page Law both succeeded in reducing the influx of Chinese alleged prostitutes. But the 1882 Chinese Exclusion law and its subsequent amendments also greatly limited the legal rights of Chinese

52 Ibid., 98-99.
53 Ibid., 105-106.
54 Ibid., 106.
55 Ibid., 108-109. In fact, not much concern was paid to the Chinese women since both 1880 and 1894 treaties never mentioned anything regarding Chinese women.
women, in general, to enter the United States. The group most impacted by the Exclusion Act was the wives of Chinese laborers. In 1882, the Chinese Exclusion Act forbade the entrance of more Chinese laborers and prevented all existing Chinese laborers who left the United States for China from re-entry without a certificate of return. On August 7, 1884, the Circuit Court of the District of California under Judge Sawyer decided in a case relating to the wife of laborers that they could not be admitted unless information about her had been entered into her husband’s certificate of re-entry or she has an independent entry certificate of her own. Similarly, the 1884 amendment to the 1882 Exclusion Act stated that the sole permissible evidence allowed for the entry of all Chinese persons who were not laborers would be a “non-laborer” certificate. In another case of the California Circuit Court on 1884 Justice Sawyer again insisted in his decision that a wife of a laborer took on her husband’s status upon marriage and should be required to show her status on her husband’s laborer certificate to be admitted. Justice Field, presiding judge of the U.S. circuit court on the other hand ruled that the requirement of non-laborer certificate was the main requirement for wives of laborers. And since the wife in the case, Ah Moy, did not have either one, she was denied entrance.56 By 1888, two more amendments were passed57 that made it virtually impossible for Chinese laborers to return to the United States, except for Chinese laborers who had already married and had his wife with him in the United States. Given the small number of Chinese women in the U.S. by the late 19th century, this was an unlikely phenomenon.

56 Ibid., 111.
57 Ibid., 113-114. By October of the same year, Congress passed the Scott Act that made it unlawful for any Chinese laborers who had departed from the country and had not yet returned by October 1 to reenter, while their certificate of return will be void and no effect. An estimated twenty thousand Chinese laborers with return certificates were believed to be abroad at the time. By 1888, therefore, the U.S. Congress has unilaterally abrogated every minimal right it granted to the Chinese laborers under the treaty/ exclusion acts of 1880, 1882, and 1884.
Wives of Chinese Merchants

Experiences of wives of Chinese “domiciled” merchants demonstrate a different story. Chinese merchants were one of the “exempt class”\(^{58}\) of immigrants since the Molloy Treaty of 1880, and their exempt status was reiterated in both the Chinese Exclusion Act of 1882 and later one the Quota Act of 1924. In 1890, the wife of Chinese merchant Chung Toy Ho in Portland, who had married her husband in a proxy marriage, was admitted under the treaty regulations that designate merchants as an exempt class.\(^{59}\) Another similar case was also affirmed in 1897 involving Mrs. Gue Lim who was released on bond and re-married upon her arrival in the United States to her merchant husband. Her action was supported by the Supreme Court in 1900.\(^{60}\)

Though it seems that merchant’s wives generally had relatively little difficulty gaining admission into the country, they did face challenges in proving their marriages especially in proving the special types of marriage that took place for Chinese like “absent marriage” and old men marrying much younger women. The failure of many Chinese men to save enough money before sending for their spouses also decreased chances for admittance.

Chinese Wives under the Quota Acts and the Cable Act

Generally speaking both the 1921 and 1924 Quota acts had little effect on the immigration of Chinese laborers, since before the passage of both acts Chinese immigrants in general were denied entry into the U.S. Laws designed to stem immigration from Asian countries was already common place since the late 1800s in the Exclusion Acts, with the addition of an Asiatic “barred zone” in the 1917 Immigration Act that expanded the geographical compass of

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\(^{58}\) Under article II of the Malloy Treaty of November 17, 1880, Chinese subjects proceeding to the United States as teachers, students, merchants, together with their body and household servants were “accorded all the rights, privileges, immunities and exemptions which are accorded to the citizens and subjects of the most favored nation”. Both the Chinese Exclusion Act and the 1924 Quota Act made exception for all exempt class under the treaty agreement. Hence, there were arrivals of wives as family members of the above groups since 1880 though in small number.


\(^{60}\) Ibid., 116.
that restriction.\textsuperscript{61} By and large, the 1921 quota, designed mainly as a temporary measure by Congress in its effort to create a more “scientific” and comprehensive approach to immigration control\textsuperscript{62} allowed Congress for the first time to reduce immigration by placing greater restrictions on the annual admission of immigrants, especially the “new immigrants”\textsuperscript{63} from southern and Eastern Europe. The 1924 quota that followed, however, not only further discriminated against immigrants from southern and eastern Europe, but also added all Asians by excluding all “aliens ineligible to citizenship”, namely Chinese and Japanese. Consequently, a Chinese wife of a U.S. citizen was not an exception to the rule banning persons ineligible for naturalization to enter the country. But since they were unable to naturalize since 1882, both the 1921 and 1924 quotas simply added a limit on the number of Chinese wives U.S. citizens could bring in the U.S. based on the quota rule.

Rules concerning marriage under both Quota Acts, however, did establish that wives who were foreign citizens at the time of their marriage to Americans were “preference immigrants” suggesting that wives were not recognized as derivative “citizens” automatically upon their marriage to an American. Yet, unless the woman’s marriage appeared to be fraudulent, immigration officials generally allowed her to join her husband in the United States.\textsuperscript{64} Hence, one possible way for Chinese women to get admission to the U.S. was by marrying a U.S. citizen. But it is clear that as preference immigrants, Chinese wives were still quota immigrants, and immigration officials could regulate their entry closely if economic or other circumstances prompted a general tightening of admissions.\textsuperscript{65} And since the Chinese were excluded from any quota allotments before 1943 and were subject under strict Exclusion policies, to enter the

\textsuperscript{61} Bredbenner, \textit{A Nationality of Her Own}, 114.
\textsuperscript{62} Ibid., 113.
\textsuperscript{63} Ibid., 114-115.
\textsuperscript{64} Ibid., 115. But not guaranteed of citizenship after arrival with possibility of being denied.
\textsuperscript{65} Ibid., 115-116.
United States as wives of U.S. citizens guaranteed strict scrutiny with high suspicions from the INS inspectors.

To make matters worse, the Cable Act that was passed in 1922 and its subsequent amendments were part of the feminist reform movement that designated that a woman’s nationality and citizenship were determined for the most part independently of her husband’s political and national status and second, that a child’s nationality might be derived from the mother as well as from the father. Such “progressive” change for women challenged the notion of “derivative citizenship” that considered women’s legal existence suspended upon marriage and views her existence based on her husband’s nationality. In essence, the principles of “derivative citizenship” entail that any woman who might be lawfully married to a U.S. citizen shall be deemed and taken to be an U.S. citizen, while any woman who might choose to marry an alien will lose her citizenship and in most cases, become a citizen of her husband’s country, if the husband chooses to naturalize her. As for Chinese wives who married U.S. citizens, however, they still could not become U.S. citizens since Chinese were ineligible for citizenship under the exclusion policies. But under the accepted tradition of U.S. immigration policies concept of “family unity” (the first of such “family unity” Act was passed in 1855), wives and children of U.S. citizens become “preferred immigrants” who could enter the country upon arrival under non-quota status. The same applied to the Chinese wives of U.S. citizens despite the exclusion policies. Despite the fact that women under the Cable Act gained independent citizenship rights and were to be treated as equal under citizenship laws, such victory ironically made it more difficult for the arrival of Chinese wives and war brides in the late 1940s. Prior to the passage of the Cable and the 1924 Quota, the State Department had permitted Chinese wives of

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66 Ibid., 124. See also the leading pre-1924 case on the admissibility of Chinese wives of U.S. citizens, Tsoi Sim v. United States, 116 F. 920 (1902).
American citizens into the country despite the Chinese exclusion laws based on the husband’s “right to have his wife with him in the country of his citizenship, whatever her race may be.”\textsuperscript{67}

The Cable Act, however, invited immigration officials to challenge this privileging of husbands and their rights. Before the Cable Act though Chinese wives of U.S. citizens had no access to U.S. citizenship, they were still “preferred” under the traditional principle of “family unity” despite the fact they are ineligible for citizenship. Yet, the post-Cable era witness a use of Cable act as a strip of statutory ground from which to launch an assault on the nation that a husband’s credentials for residence and citizenship transferred fully to his alien wife that even the “preferred status” of a wife of U.S. citizen can be ironically compromised under a feminist reform law.

Just like the ambiguous status of wives of citizens during the exclusion era, the 1924 Quota never specified Chinese wives of U.S. citizens as ineligible for naturalization, leaving the Federal courts to determine the admission of these Chinese wives. Under the guiding principle of “family unity” the District Courts in Massachusetts and the Supreme Court in \textit{Cheng Sum Shee} upheld the right of Chinese merchants, many of them legal residents, to have their wives with them in the United States as a “necessary implication” of treaty agreement with China and support from the State Department, despite the fact that the INS tried to argue that the Cable Act prevents such rights.\textsuperscript{68} As for wives of non-merchant citizens, however, the treatment was much different. The State Department, which had intervened on behalf of the merchant’s wives, had done so only because the Department believed the integrity of a treaty was at stake in the case, the Supreme Court ruled in \textit{Chang Chan} that a Chinese wife of a citizen was simply an alien under the Cable Act wishing to enter the United States and as an alien, she was ineligible for

\textsuperscript{67} Ibid., 124.
\textsuperscript{68} Ibid., 126-127.
citizenship or permanent residency under the Exclusionary policies.\textsuperscript{69} Hence, the decision of the Court suggested that the Cable Act could be used to deny American citizens a spousal privilege granted to alien merchants or other exempt class immigrants. It also implicitly acknowledged that immigration officials could treat the foreign wife of a citizen as an independent immigrant unless the law instructed otherwise.

There was no small irony in the Court’s decision, implying that though a married Chinese wife’s legal status as dependent had often been the source of her subordination, but such subordination was their remaining source of legal protection from the racist policies that demanded their permanent exclusion from the United States. The Cable Act and the judicial declaration of their independence as immigrants destroyed such defense and ability to enter into the United States as wives of citizens. Hence, another major legal mechanism created to hindering the immigration of Chinese wives was the Cable Act. Ironically, the Cable Act was intended to secure the citizenship rights of all American women by establishing independent citizenship rights as oppose to the long tradition of a derivative citizenship from their husbands. But as the experiences of Chinese wives demonstrated, derivative citizenship is the only opportunity they had to secure admittance during the Exclusion Era. But as shown in cases of wives of U.S. citizens of Chinese ancestry, even such derivative guarantee to wives and children could be compromised by rulings of the courts under the Cable Act. It is important to note, however, the Chinese community fought hard to claim citizen rights under the old principle of “family unity” policies \textit{after} the 1943 Repeal Act, an effort not fully answered until 1946, a change that required a world war and well after the passage of War Brides Act in 1945.

\textsuperscript{69} Ibid., 127-128.
Chapter 2

Women and Citizenship in Post-WWII era: A Part of the Same Old Pattern?

From the Chinese Restriction Act 1882 until the Cable Act 1922, the right of wives of native-born Chinese to enter the United States as derivative citizens was repeatedly compromised. After World War II, with the arrival of Chinese war brides in the 1940s, the Chinese were still fighting to recover their citizenship rights to be united with their families. Regardless of the fact that the Congress in 1946 largely ignored the rights of Chinese Americans to bring their wives into the United States, an examination of the history of fighting for citizenship rights in the second half of twentieth century and post-WWII era provide great insight into the background of legislation pertaining to the admitting of Chinese wives.

Post WWII Legislation on Chinese Wives

The first opportunity for Chinese wives since the 1882 Chinese Exclusion Act was the 1930 amendment of section 13 of the 1924 Act that allowed Chinese wives of American citizens to be admitted1, provided that the marriage took place prior to May 26, 1924. Unfortunately, this amendment still denied Chinese Americans the right to bring their wives from China if they were married after 1924. Hence, from 1930 and onward, Chinese American men continued to fight for the permanent right to bring their wives from China, regardless when they married. The first bill proposed for this purpose appeared before the House Committee on Immigration of the 78th Congress during the War in 1943 through Senator Sheridan Downey (D-California) and Representative John Lesinski (D-Michigan).2 The presidential message on the opening of the 78th Congress dealt entirely with the war and related matters, most importantly the President

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1 Amending subsection (c) of section 13 of National Origin Act of 1924 (43 Stat. 153). See also section 3 of amended Act of 1924. (46 Stat. 581)
2 See “A bill to provide for the admission to the U.S. of alien Chinese wives of American citizens who are admissible under the provisions of the immigration laws other than those authorizing exclusion on grounds of race or birth in a defined geographical area.” (S. 691, Downey [California]; H.R. 1607, Lesinski [Michigan])
recognized that Chinese exclusion was an inappropriate treatment of a wartime ally and that the Japanese exploited the exclusion laws for propaganda purposes. Although early in the session bills were introduced in both Senate and House to authorize the admission of alien Chinese wives of American citizens, the bill was not acted on, for a more comprehensive proposal to repeal the Chinese exclusion act was under consideration.

During the hearing for the 1943 bill and before the consideration of repeal of the Chinese Exclusion Act picked up speed, the attitude of Congress regarding the possibility of admitting Chinese wives was still under the shadow of Exclusion Era policies and fear of large numbers of entering Chinese laborers. As Rep. A. Leonard Allen (D-Louisiana) put it during the hearing on March 17, 1943, “I think that the gentlemen of this committee in the years that I have been on the committee have had a good many complex problems concerning Orientals…but we simply felt that we could not afford to let down the bars”. The main reason for fear of “letting down the bars” was the concern that the bill would allow Chinese men to go back to get wives indefinitely hereafter, regardless of the fact that there are available Chinese women in the United States. And as Allen put it, this would be a “logical step” to “wipe out the Chinese exclusion entirely”. The fear that a possible flood of cheap labor would undermine the American economy was also hinted at by Rep. Steven T. Mason (D-Virginia) in his prediction of a possible reaction of the House to the bill. As he stated to Rep. Walter H. Judd (R-Minnesota), a witness at the hearing, “I just want to warn you that your argument that the Chinese can outwork and undereat the

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6 See House Committee, Admission to the U.S. of alien Chinese wives of American citizens, 11b. Rep. Mason puts it as “a cumulative affair” as children go back and marry in the future and result in several hundred thousand Chinese women getting in this country. (as opposed to the estimated immediate arrival of 15,000 Chinese women)
7 Ibid., 14b.
Americans will be turned against you on the floor of the House as a reason for not letting them in.”8 Another reason against the bill was the concern of favoritism over other Asian groups. As demonstrated in the testimony of Rep. Allen, “We are giving the Chinese a privilege. Will we not be called upon to grant the same privilege to the native-born Jap and to other people, Hindus and other Orientals?“9 Rep. Curtis also argued that the bill should place a time limit on marriage because “We do not know what is going to be the policy of this country [after the war]. If we determine the future policy favorable to the Chinese, we might bring about problems.”10 Politically speaking, the hearing focused on the effort to preserve the Exclusionary policy rather than to protect the basic rights of American citizens to bring their wives into the U.S.

Much of the questioning also attempted to figure out the position of China regarding the Exclusionary policies. Rep. Allen asked during the hearing, “Is it your [Rep. Judd] opinion that the passage of this bill at this time …would be considered by them [China] as sort of a sop…in other words…the only thing that would satisfy the Chinese on this score would be to remove our race exclusion immigration law?”11 According to Rep. Judd, as long as the exclusion policies that were made “on the basis of race”12 alone were not removed, the bill to admit wives of

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8 Ibid., 2b, 5b-6b. In the hearings on March 3 and March 17, the estimated population of U.S. born Chinese (citizens) at the time was 75,000, 60,000 male and 15,000 females, hence a ratio of 4 to 1. It was estimated, however, in the November 29, 1945 hearing and according to the 1940 census that the U.S. born Chinese are about 40,000. Plus the estimated 10,000 foreign born Chinese Americans there are a total of 50,000 Chinese Americans of both genders. The estimate in 1943 appeals to be the total population of Chinese in the U.S., as the 1940 census demonstrates a total number of 77,504 while native born of 40,262. The census does confirm a 4:1 ratio of the total Chinese population, so 1/5 of 50,000 yield about 10,000 males Chinese Americans at the time. While there’s no estimate of single person in the 1943 hearing, Rep. Ellie’s estimate in 1945 of total of single Chinese was 15,000 to 20,000, around 40% are single of the 50,000. The 1940 census confirms this as it demonstrates that out of the total of 77,504, 21,552 are single males above age of 15, yielding a ratio of 27.8% for single males. Hence, there are about 13,903 (27.8% of 50,000) single male citizens in the U.S. above age of 15. Ellie’s estimates yields at most 16,000 single male citizens and at most 15,000 alien Chinese wives will enter the country immediately if the bill was passed.

9 See House Committee, Admission to the U.S. of alien Chinese wives of American citizens, 13b, 22, Allen also states, “Let one sheep jump over and the whole bunch would want to go.”

10 Ibid., 12b.

11 Ibid., 36.

12 Ibid., 40.
Chinese citizens will only be a “step in the right direction” to the Chinese government leaving
the Chinese “still hurt.” On the other hand, Rep. Judd stated that there would not be “a murmur
of protest” by the Chinese government had the Chinese Exclusion policies be based on economic
standards, illiteracy, or lower standards of living. The politics of maintaining the Exclusion
policies was never more apparent than when Rep. Laurence Curtis (R. Massachusetts) stated, “I
do not think that any change that might be made in regard to the Exclusion Act, putting it on an
economic basis or racial basis, would mean conceding that the majority of the American people
were fundamentally wrong in 1924” because the American people were “motivated by
economic reasons- unemployment and a thousand other things” and they just wanted the
Chinese kept out. The reluctance to change exclusion policies dominated the hearing of the bill.
While there were discussions of possible ways to change the exclusionary policies in order to
win China as an ally for the war effort, the exclusionary tradition fundamentally hindered the
advancement of the bill to admit wives of Chinese Americans, demonstrating its strong role and
political implications well into WWII.

**Postwar Era and the Act of 1946**

Interestingly, or more fortunately, the opposition against the bill to admit alien Chinese
wives of Chinese Americans and the discussion of the need to modify exclusion policies to win
the trust of China did not stop the 78th Congress’ consideration to repeal the Chinese Exclusion
Act altogether in 1943. Already considering China’s position against the Exclusion policies as an
essential step during the hearing, the House committee in October 7th reported the bill to repeal
the Chinese Exclusion Acts and debated on it on October 20th and 21st and passed it on the

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13 Ibid., 36.
14 Ibid., 42.
15 Ibid.
The bill was reported out by the Senate committee on November 26, debated and passed on the same day. The bill was signed by FDR on December 17, 1943. In essence, the act to repeal the Chinese Exclusion Acts would amend the Nationality Act of 1940 to include Chinese persons or persons of Chinese descent to the classes eligible for naturalization, and to assign a quota of 105 per year, married and unmarried. Despite the tremendous political implications of the Repeal Act, the repeal had little effect on the majority of Chinese Americans and their wives who were already here. Throughout the hearings on March 3 and March 17 of 1943, the estimated population of Chinese Americans in the U.S. at the time was 50,000 while the estimate for single persons eligible to marry, most of them males, was about 15,000 to 20,000. Hence, under the ratio of 4 to 1 males to females, there were at most 16,000 single Chinese American men who would be eligible for marriage with a possible interest in bringing their wives in under the proposed bill. Under the repeal act, however, these wives would seek admittance under the limited quota of 105, sharing the slots available with other Chinese males. Faced with the great need within the Chinese community to raise families (or reunite families), considerable pressure persisted to push again for bills that would place these wives on non-quota basis. Without such measures, it was nearly impossible to admit any substantial number of wives.

16 Cong. Rec., 78th Cong., 1st sess., 1943, 89:8635. See also Hutchinson, 264-265.
17 See Hutchinson, 265.
19 See footnotes 88. Also see House Committee on Immigration and Naturalization, An Bill to provide for the admission to the U.S. of alien Chinese wives of American citizens: Hearing on H.R. 1607, 78th Cong., 1st sess., March 3, 1943, 6b. See testimony of Albert Lee, United Chinese Associations. The estimate excludes Chinese citizens who enter under the treaty agreement as officials, students, or merchants, as well as their families, there are only about 7,500 Chinese Americans.
20 According to House Committee on Immigration and Naturalization, Repealing the Chinese Exclusion Laws, 78th Cong., 1st sess., 1943, H. Rep. 732, section 2, 75% of the 105 quota is reserved for Chinese born and resident of China. In 1945, however, according to Edward Shaughnessy, special assistant to the INS commissioner, transportation was closed up after the repeal in 1943, that “very few” Chinese in general came from China to utilize the 75% of the 105 quota that the same 75% was thrown in to aid the 25% of persons born outside of China at the
During the first session of the 79th Congress, the War Brides’ Act of 1945 was passed that placed alien wives of U.S. veterans on non-quota basis.\textsuperscript{21} Under heavy lobbying from the Chinese community six bills were introduced by Congressmen from California to permit the admission of alien Chinese wives of American citizens on non-quota basis.\textsuperscript{22} Of the six, H.R. 4844 introduced by Rep. George P. Miller (D-California) was reported out but was not acted on until the second session.\textsuperscript{23} In the second session, after the passage of a bill to admit alien fiancées or fiancés of members of armed forces on June of 1946\textsuperscript{24}, the bill to admit alien wives of Chinese on non-quota laws under no time restrictions was passed in both chambers and signed into law on August 9 of 1946.\textsuperscript{25} The hearing on November of 1945 for the bill was also highly political in that following WWII, the political implications of the Repeal Act in 1943 and the War Brides’ Act of 1945 were so tremendous, the attitude for the passage of the bill was almost certain. As chairmen Dickstein commented in his effort to combine the six bills during the first session, “…there is no question in my mind that these Chinese, the Americans at least…should have the right to bring in his wife.” \textsuperscript{26} No longer under the influence of Exclusion policies, the main concern during the hearing was whether an abundance of Chinese, already married and newlywed, would come in under the new bill of 1946. In response, many had no concern for the few possible wives who will enter since Chinese immigration was still under the restriction of 105 annual quotas. The concern was mainly on the number of U.S. citizens of Chinese ancestry.


\textsuperscript{22} Namely, S. 412, 580; H.R. 3976, H.R. 4109, H.R. 4179, 4844. See Hutchinson, 270 for details.

\textsuperscript{23} See Hutchinson, 270.

\textsuperscript{24} See 60 Stat. 339.

\textsuperscript{25} See Hutchinson, 272.

who would return to China to marry. In the attempts to figure out how many Chinese Americans would return to China to marry, there were only estimates. According to the 1940 Census that there were about 77,504\textsuperscript{27} Chinese (citizens and residents) born either within or outside of the U.S. Of the 77,504, about 48,600 were male 15 years old and older. Of the 48,000 or so, 21,552 were single and about 11,500 were under 34. The estimated number for single male Chinese citizens who might go back to China to marry would be much less than the 11,500.\textsuperscript{28} In terms of the number of future Chinese arrivals, the quota of 105 per year was limited that only a small number would be eligible to naturalize. Surprisingly, there was no mention of the married men who will send for their wives. The hearing focused on the “bachelor” Chinese who would get married.\textsuperscript{29}

The concern of family unification of Chinese with their wives and children in China to be reunited was not an old issue for Congress. As the hearings of 1943 and 1945 already demonstrated, politicians at the time were well aware of the need of Chinese to be reunited with their wives and families. In other words, though most politicians were not sympathetic to Chinese men who were already married in the hearing of the 1946 Act, they still recognized the tradition of family unification and the divided Chinese families as the main reasons for an unbalanced gender ratio of the Chinese population in the United States. As Capt. John Carruthers of the United States Christian Commission testified in the March 3, 1943, “These [Chinese] men cannot bring their wives into the country unless they were married prior to May 26, 1924. The

\textsuperscript{27} See U.S. Bureau of the Census, \textit{Sixteenth Census of the United States}, Population, 1940; U.S. Bureau of the Census, \textit{United States Census of Population}, 1960: Nonwhite Population by Race, Table 4. The 1940 Census shows a total 25,000 married Chinese and thus those who can send for their wives will be less than 25,000.

\textsuperscript{28} Special assistant Shaughnessy claimed about 40,000 U.S. born Chinese and 10,000 foreign born. Total of 50,000 Chinese American citizens of all ages and both sexes. Under the gender ratio of 4:1, 40,000 are males of all ages, a lot of them are married men or too old to marry. See House Committee, \textit{Admission to the U.S. of alien Chinese wives of American citizens}, November 29, 1945, 14, 16.

\textsuperscript{29} Ibid., last 2 page. See also House Committee on Immigration and Naturalization, \textit{Placing Chinese Wives of American Citizens on a Non-quota Basis}, 79\textsuperscript{th} Cong., 1\textsuperscript{st} sess., 1946, H. Rep. 1325, 2.
result is that there are only about 15,000 Chinese women resident in the U.S., and there are many…divided families.”30 Also as Cardinal O’Connell described in his letter to the House Committee on Immigration, “I’m sure the passage of this bill will be of benefit to our…country at large, inasmuch as it will bring together families who are now unfortunately separated.”31 And as Albert Lee of the United Chinese Associations of New England and New York City stated, “Because of the hardships in breaking up of families that exist, and particularly in recent years because of the war conditions, we…urge your interest…for the admission of wives of American citizens of Chinese race so that they can come to this country and their families be united.”32 As Xiaojian Zhao’s work in Remaking Chinese America demonstrates, most Chinese war brides entering under the 1945 Act were already married and were forced to live apart from their husbands due to exclusionary policies before 1943. The War Brides Act simply enabled these wives to rejoin their husbands in the U.S. According to Zhao, there were 5,132 Chinese wives admitted from 1945 to 1950. In her sample size of 789 and 991 cases, 55% of them were married for more than 10 years and 81% of them were of age 26 and above, respectively.33 During WWII, 12,041 Chinese Americans were drafted, all of them were eligible to bring in wives. By 1950, however, INS admitted only 5,132 wives into the U.S. under the War brides’ Act, while it admitted an addition of 2,317 women under the 1946 Act. 34 The great disparity needs to be explained through the further studying of the INS and its function in dealing with the arriving Chinese wives.

31 Ibid., 4b.
32 Ibid.
33 Zhao, Remaking Chinese America, 82-82.
Despite the lack of sufficient data, the concern of too many Chinese coming to America never constituted a serious threat to the politicians in the passage of the 1946 Act. As the hearings and reports for the 1946 Act show, there were many favorable recommendations\(^{35}\) by both the House and Senate. Two main reasons helped pushed the bill through Congress. First, there did not seem to be any reason why a Chinese wife of an American citizen should not be classed as a non-quota immigrant in the same way as all other wives racially eligible for citizenship. Second, it was clearly understood that the Chinese American citizens and unmarried males were too small in number to bring in a flood of Chinese into the U.S. Lastly, the quota of 105 effectively limited the number of Chinese males and females who could become citizens and hence the number of bachelors eligible to get married.\(^{36}\)

This tremendous change of attitude of Congress has much to do with both the international and domestic politics of the time. The wartime need to gain China as an ally led to the repeal of the Chinese exclusion acts, while the post war public attitude to repay the sacrifice of service men led to the passage of War Brides’ Act and eventually led Congress to recognize the inconsistency of the 1924 Quota Act with the Exclusion Repeal Act and the War Bride’s Act. The passage of the act to admit Chinese wives of American citizens as non-quota immigrants in 1946, in essence, is a much more complicated process than one might imagine. It was a product of the strong political convenience and public attitude of the time. While the role of politics helped change the attitude of Congress and pushed the bill through many political obstacles, the need to gain China as a war ally in 1943 seemed to diverge the focus of the Committee from fears of Asian settlement and Chinese American citizenship rights to interests in Chinese


\(^{36}\) Ibid. Another reason brought up was the inherent unequal treatment of Chinese with the rest of the races eligible to naturalization, in that quota is assigned to Chinese born in all parts of the world, while a British born in the western hemisphere is counted as non-quota.
alliance. As Rep. Dickstein protested during the 1943 hearing the focus of the bill is on citizens’ rights to be with their wives, not China’s position against Exclusion policies. He stated, “It would seem to me that there is a distinction between the bill under consideration and the proposition that you have offered. One deals with American citizens. We cannot look at it from the standpoint of Chinese as individuals. They are American citizens, asking the same right as other American citizens. In order words, we do not care whether China agrees with that or does not agree...”37 As such, the need to fight off Japanese propaganda during the War pushed Congress to consider the repeal of Exclusion policies over the need to admit wives of Chinese American citizens. But nonetheless, the repeal of the Chinese Exclusion policies was an indispensible part of the shaping of immigration laws in the U.S. for Chinese Americans. The Repeal Act legally enabled Chinese to become eligible for citizenship and such fundamental recognition would help Chinese claim their full citizenship rights to unite with their families. Both politics and the War helped the Chinese immigrants gain their full citizenship rights.

The history of the bills related to the admission of Chinese wives and the right to bring wives into the U.S. is a clear mirror of the politics of Chinese immigration laws of the time. Through the manipulation of international and domestic politics, the rights of Chinese American citizens were consistently denied and affirmed. Ultimately, the failure of the U.S. public and Congress up until the end of war to secure the permanent right of Chinese Americans to be together with their wives prompted the on-going effort of the Chinese community to lobby for bills that addressed their rights. The Exclusion era strictly denied such rights to the Chinese, while the 1930 amendment continued to compromise the right of Chinese Americans by stipulating a time restriction of marriage before May of 1924. Meanwhile, the 1943 attempt to secure this permanent right surprisingly led to the repeal of the Chinese exclusion act but still

allowed only 105 quotas for families of all naturalized citizens. It was not until 1946 that the very same efforts to secure the permanent rights of American citizens to be united with families succeeded in the U.S. Congress by placing families of all U.S. citizens of Chinese origin under non-quota status. Most importantly, one needs to recognize that a historical event, world war in the Pacific, worked with Congressional politics to help the Chinese secure their citizen rights for family reunification. While not commonly appreciated, the political tendency to favor diplomatic convenience and domestic public pressure sometimes worked to secure the permanent rights of citizens.
Chapter 3

INS Standard Procedurals: Bias or Not?

The fear of Chinese providing cheap labor that would damage the U.S. economy, much discussed by the 78th and 79th Congress before the passage of the 1946 Act, was never a substantial concern for the Immigration and Naturalization Service (INS). Before the passage of the Repeal Act in 1943, the INS had a long history dealing with Chinese immigration. Many fraud cases involving Chinese created frustration and suspicions of these immigrants. In 1906 the San Francisco earthquake and fire destroyed local public records. Dating from the incident, many Chinese claimed that they were born in San Francisco. Based on this alleged citizenship, fathers claimed citizenship for offspring born in China. The father would report the births of an offspring or two upon his return from Asia, usually sons. Sometimes, the father would report the birth of a son when in reality there was no such event. This was what was termed a “slot” and would then be available for sale to boys who had no family relationships in the United States in order to enable them to enter this country. Merchant brokers often acted as middlemen to handle the sale of slots. Sons who entered the country in this fashion were known as “paper sons.” Such deception, however, resulted from the exclusion law. To the INS, the fact that Congress was willing to allow Chinese wives to enter as non-quota immigrants was not a issue of citizenship rights because it was known that many claimed relationships were fake. The top concern of INS remained to screen out all illegal Chinese immigrants. Many Chinese would see the change of law in the postwar era as an opportunity to enter into the country to adjust to citizenship status. From early on, the INS, aware of fraudulent paper son practices, had little trust in the “war brides” many Chinese women claimed to be.
Where it all started: Early Cases of Procedural Delay

As difficult as it was for Congress to pass the 1946 Bill that admitted Chinese wives of American citizens by placing them on non-quota basis, it was even more difficult to enforce it. The problem for many Chinese wives started before they even left China. According to the mimeographed information sheet distributed by the American Consulate at Canton, China to wives of U.S. citizens applying for the U.S. passports, all applicants needed to obtain an official letter from the INS detailing his or her dates of entry and departure from the U.S. In fact, the instruction also required family members of the applicants to file their dates of entry and departure through the U.S.\(^1\) In fact, such practice was in place even before the passage of the 1946 Act by the U.S. Consular offices during the War. After the war, the first recorded complaints of the slow process of getting files from the INS for alleged U.S. citizens were filed by the State Department on April of 1946 to the INS Central Office demanding “less delay” in “authenticating the certificates of identification” for U.S. citizens of “Chinese race”.\(^2\) As recorded in the correspondence files between the States Department and the INS, this requirement proved to be one of the main reasons for the delay of entrance and detainment of many Chinese wives and children.\(^3\) The situation was exacerbated because by as late as October

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\(^1\) Office Memo, “Correspondence with American Consuls Abroad”, August 1, 1946. Enclosed a copy of the mimeographed information sheet. Immigration Correspondence 1882-1957, RG 85, Subject and Case.

\(^2\) See Office Memo, April 22, 1946, from William H. Horn to assistant commissioner Joseph Savoretti, Office Memo, April 16, 1946, “Expedition of reports to the State Department on application for information by that Department in connection with applications for passports filed by persons of the Chinese race”. Subject and Case Correspondence of the Immigration and Naturalization Service, file 56230/388.

\(^3\) See Lock Loy Wing’s case. In the case of the petition for travel document on behalf of Lock Loy Wing, a son, requiring information about his father. District office again hesitated to release information upon central office’s “limited instruction”. Wing’s lawyer J.P. Sanderson wrote requesting Central Office to allowing district offices to
of 1947 the INS field offices had no clear instructions from the INS Central Office on how to respond to the requests for files from unofficial persons including the applicant’s private attorneys. On June 27 of 1947, Attorney You Chung Hong wrote to the INS field office in San Pedro, California requesting files of Quan Poi Kun, father of his client Quan See Wing, who hoped to come to the U.S. as son of a U.S. citizen. One month later, the report regarding Quan Poi Kun was forwarded from San Pedro to its District Director Carmichael in Los Angeles instead of to Quan’s attorney due to “lack of authority” from INS Central Office to release the files to private persons.  

4 Western Union telegram, Oct. 8, 1947, to INS Commissioner by Y.C. Hong for release of document required by U.S. Consul at Canton. Subject and Case Correspondence of the Immigration and Naturalization Service, file 56230/388.

On August 1, Carmichael wrote to the INS Commissioner in the INS Central Office concerning the proper procedures for dealing with requests from unofficial persons like that of Quan Poi Kin. According to Carmichael, the instruction of the U.S. Consul to request information led to a great increase of unofficial requests. And this ran “counter to what we [INS] understand to be the proper practice in obtaining information from the records of this Service” in which records were obtained only upon official requests directly from the U.S. Consul himself to the INS.  

5 Office Memo, “Correspondence with American Consuls Abroad”, August 1, 1947. File 56230/388.

The contradictory nature of the Consulate General’s instruction hence left many INS field offices confused and uncertain about releasing the required information to private parties like Quan’s attorney and resulted in great delays for the Chinese applicants. On Oct. 3rd, almost four months later, Carmichael asked the INS Central Office again whether or not to release the files requested by Hong, while Hong also wrote to the Central Office on the 8th regarding San Pedro’s lack of authorization from the Central Office to release files for his client claiming that other field offices in San Francisco and Seattle “do comply with release files relating to the applicant’s family history, particularly the child’s father. Subject and Case Correspondence of the Immigration and Naturalization Service, file 56230/388.
requests from Consular office.”6 Finally, on Oct. 14th, the Central Office informed Hong that District Director Carmichael had the authority to make the decisions but on the 16th the Central Office informed Carmichael that the matter is still “being studied” and for the time being simply “comply with all Consular request” with still no mention of how to address private requests.7

As late as October of 1947, there was still no clear policy within the INS in dealing with the procedural requirement of the U.S. Consular office. As a result, holdups occurred for Quan Poi Kun. Such “lack of authority” of INS field offices to release information to private persons8 further delayed the departure of more Chinese from China, many of them war brides. In a similar case, Lock L. Wing, father of the child who claimed U.S. citizenship, delays also occurred to obtain his files. Wing’s case took about two months before the Central Office in September of 1947 ordered files forwarded to the U.S. Consular from the INS field office in Seattle.9 As shown in the cases of Quan and Wing, the Consular’s instruction implies that an American citizen’s children would not be able to come to the U.S. unless the INS cooperated with the Consular service in obtaining the required files to avoid long delays. In other words, delays were possible for all relatives of Chinese Americans, including wives and war brides. Furthermore, the lack of instructions within INS demonstrated the contradiction between the State Department and INS that called for the reshaping of administrative policies within the INS. Even before the arrival of Chinese wives and war brides, procedures for obtaining a U.S. passport at the U.S. Consulate in China for families of American citizens had already caused much confusion for the

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6 See footnote 124.
7 Correspondence files, October 16, 1947, Subject and Case Correspondence of the Immigration and Naturalization Service, file 56230/388.
8 See footnote 122. As it turned out, in the report from San Pedro on July 23, 1947, no files were found regarding the Quan Poi Kun and files found pertained only to his children and wife.
9 On July 11, 1947 Wing’s attorney Sanderson wrote to central office requesting release of field branches the files he requested. It wasn’t until Sep. 3 that the Central office allowed Seattle to release the files requested. On Sep. 19, Seattle filed Wing’s file to U.S. Consul.
INS, protest from the State Department over procedural issues, and most importantly delay for alleged wives and children of U.S. citizens entitled to come to the U.S.

Hints of Discrimination: Detainment Procedures for Chinese Wives and Early Protests

Procedural difficulties affected many Chinese children but also others before they came to the U.S. More problems awaited wives of US citizens who arrived at U.S. ports without verification for entry. As early as January of 1947, the problem of overpopulation in the detention centers occurred. In the letter San Francisco District Director I.F. Wixon wrote to INS Central Office on the “prevailing situation” in San Francisco district on January 21, he described the difficulty of handling the Chinese cases that started to pour in from “General Meigs” on January 17th with 1,200 passengers and 230 Chinese detainees, “General Gordon” on the 21st with 1,100 passengers and 400 Chinese detainees, and the future arrival of “Marine Phoenix” on the 24th with 600 passengers to be detained. On January 28 the San Francisco Chronicle carried an article entitled “Captive Vet Brides” criticizing the holding of Chinese wives and children of Chinese veterans “incommunicado” or without communication with their families. On the following day, the Chronicle reported the complaint from Chairman of San Francisco ACLU Ernest Besig and Chairman of San Francisco American Veterans Committee relative to the delay of admitting Chinese wives and children, as well as holding such applicants “incommunicado”. On January 28, Besig telephoned INS acting commissioner T.B. Shoemaker at the Central Office protesting the practice and complained that in some cases applicants were held from ten to thirty days without seeing their families. Shoemaker explained in the phone conversation that due to the lack of marriage certificates many of the Chinese wives had no

identification papers to establish who they alleged to be. But Besig complained that one cannot get a marriage certificate in China and that there should be “reasonable rules and regulations with reference to relatives and visiting”. He claimed that the practice of INS holding families of U.S. veterans in order to prevent anyone from “getting at them” is “arbitrary” and that the public opinion is going to be against the Service (INS) on this. Indeed, on January 30th, Besig telegraphed Sen. William F. Knowland (R-California) advocating that “reasonable opportunity should be given to close relatives to visit and send messages without censorship” and that “Chinese GI wives are getting worse treatment than other GI wives.” The Chronicle on January 30th reported further on the situation and carried another editorial titled “Immigration Outfit not a Private Militia”, which was exceedingly critical of Mr. Wixon and of the INS Central Office for their instructions to stop giving information to the press on both the 28th and 30th concerning the holdup at the detention center.

Similar criticism came from the Chinese community. The January 28th issue of the China Daily claimed that 350 Chinese war brides were detained, sometimes up to one week. The paper also called for expediting the admittance of Chinese wives on bond or parole and claimed that since San Francisco is the only available port immediately after the war, Chinese veterans coming from all over the country were denied the right to meet their families, and

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14 Ibid. Shoemaker’s explanation to Besig of fear of fraud if allow visitors to see Chinese wives.
15 Ibid.
16 Ibid. Besig also claimed that ALCU will volunteer to defend the Chinese applicants if decided to take the matter to court and “particularly” to Congress.
17 Western Union telegraph, January 30, 1947, Subject and Case Correspondence of the Immigration and Naturalization Service, file 56058/295.
18 The “Chinese community” represented by Meizhou Hua Qiao Ri Bao are mostly non-merchant and more left-wing leaning Chinese workers community, while Da Gong Bao, which based in China, are mainly run by the KMT with the help of affluent Chinese merchant community overseas. For a study on Chinese press in the U.S., see Lai, H. M. “The Chinese Press in the United States and Canada since World War II: A Diversity of Voices,” Chinese America: History and Perspectives, 4 (1990): 107-155.
19 Meizhou Hua Qiao Ri Bao (China Daily), January 28, 1947.
demanding that these veterans should be allowed to see their wives immediately without delay.\textsuperscript{20} On the 28\textsuperscript{th}, the paper also protested the marriage certificate requirement by the INS as reason for detaining wives and claimed that such “excuse” justified treating alleged citizens of U.S. the same as “suspects.”\textsuperscript{21} The paper on the 31\textsuperscript{th} strongly criticized Wixon again for his “excuses” for detaining Chinese wives due to lack of interpreters and claimed that the INS refused to hire temporary interpreters to help reduce the delay.\textsuperscript{22} The protest escalated, however, when prominent Chinese scientist, Shen Wu Wen, destined to work at Yale University on invitation of the U.S. Navy, and Lin Yu Hsu and Yung Kwei Lee, two daughters of prominent Chinese, were detained due to the suspicion of their remaining in the U.S. “permanent or indefinitely” while holding a visitor’s status. In Shen’s case, the report by the assigned INS inspector stated that regardless of Shen’s four-year research contract with Yale, Shen has a visitor’s status upon entrance and hence “doubt existed” as to his intention to “engage in a business of a continuing or permanent nature.”\textsuperscript{23} The case demonstrates the difficult position of Chinese applicants, who despite legitimate reason to enter the U.S. were still examined with suspicion and eligible for detention due to failure of both Chinese and U.S. government to provide the needed documents.

Similarly, lack of official Chinese status for Lin and Yung meant detention despite their relations to prominent Chinese officials. Lin was the step daughter of Dr. Lin Yu Tan in New York, while Yung was the daughter of Frank W. Lee, former Vice Minister of Foreign Affairs.

\textsuperscript{20} Ibid., January 27, 1947.
\textsuperscript{21} Ibid., January 28, 1947.
\textsuperscript{22} Ibid., January 31, 1947.
\textsuperscript{23} According to January 27 & January 28, 1947, \textit{Meizhou Hua Qiao Ri Bao (China Daily)}, New York, NY, the prominent Chinese scientist Shen Wu Wan was held for four days from 17\textsuperscript{th} -21\textsuperscript{st} before being examined by the primary inspector. See also January 26, 1947, “New Instances of Discourtesies to Distinguished Foreign Visitors”, \textit{San Francisco Chronicle}, San Francisco, California. And Office Memo, “Memo for the District Director- Wan Shen Wu”, January 27, 1947, Subject and Case Correspondence of the Immigration and Naturalization Service, file 56058/295.
and currently an Advisor to the Chinese Delegation to the U.N. As Chinese Consul General T.K. Chang protested to the Chronicle, the INS treatment of these two young women showed that it did not know what they and the two men they are related to “represent to both China and the world.”24 However, it is important to note that both applicants faced the same problem as Shen, in that both stated to the inspectors their intention to attend school in the U.S. under visitor’s status. It wasn’t until Chinese Consul General contacted District Director Wixon of San Francisco that the three subjects were paroled under bond. Despite the difficulty of obtaining the needed documents for these applicants and the high chances of being detained, Lin’s case presented a clear picture of the psychology of Chinese immigrants, including prominent Chinese, who could not escape the traces of Exclusionary policies that placed high suspicion on Chinese applicants. As the reports of INS stated, after Lin admittedly her intention to attend school in the U.S., she changed her testimony “after having had an opportunity to discuss her case with other accompanying aliens” that she only intended to stay in the U.S. less than six months. Though it constitutes another subject of inquiry on its own, it is clear that Chinese coming after the 1946 Act did not enjoy an improved treatment and were still compelled to lie about their motive for entering the U.S. On the other hand, it seems that the INS still could not break away from the history and its long experience of dealing with illegal Chinese immigrants that much of the same suspicions were placed even on legitimate immigrants and war brides. Passing the law to admit Chinese wives of U.S. citizens is one thing, the enforcement of the law is far more difficult since changes in the law never guarantee the change of attitude of the agency that will enforce it.

24 San Francisco Chronicle, January 24, 1947.
Reasons for the Delay: An Insider View of INS Procedural Politics

Under the attacks from both the press and activist groups like ACLU, District Director Wixon did offer explanations for the delay and overpopulated conditions in San Francisco. The report of Wixon attempted to offer two explanations. First, prior to the war there was hardly a Chinese wife of a citizen applying for admission; now such alleged wives form “the bulk of Chinese applicants”. Furthermore, for five years since the Repeal Act of 1943 Chinese had been prevented from coming to the U.S. In other words, there was a five year accumulation of Chinese persons who would seek to come into the country, while normally these applicants would be distributed over the five districts of San Francisco, Los Angeles, Seattle, Boston and New York. Now, inasmuch as the only vessel operating between the Orient and the U.S. after the War brought passengers to the port in San Francisco, Wixon’s district had to shoulder the burden by itself. Secondly, the increased workload was coupled with the decrease of manpower. As Wixon explained in pre-war years the District of San Francisco had an “Oriental division” consisting of 30 employees and 7 interpreters. Now the Oriental Division was eliminated and the only section handling the arrivals, the Entry and Departure Section, consisted of only 19 officers, including the chief and Assistant chief of the Section. There were only three interpreters at the time while one resigned on December 26 of 1946. In essence, the shortage meant that the other operations were suspended to take care of the arriving applicants for admission. Various efforts had been considered to lessen the burden of the district by sending Chinese to nearby districts,

27 Ibid. Also, in the later office memo, Wixon reported to Central Office that the temporary interpreters were not satisfactory because of the “alleged over zealousness in interpreting in favor of the applicants for admission”. Office Memo, January 27, 1947, pg. 2, Correspondence file, file 56058/295.
28 Ibid. District director of Del Guercio agreed to accept 150 women and children if the Central Office authorizes it. District of Los Angeles also agreed to accept detainees if authorize by central office. See Office Memo, January 27, 1947, pg. 2, Correspondence file, 56058/295
forcing Mexicans deportees to work in exchange for cigarettes,29 and negotiating with the steamship liners to delay their schedule.30 In his effort to contact the Central Office for instruction, Wixon complained in the letter that, “No steps were taken towards the situation. Instead of our force being increased, it has been cut.”31 The San Francisco district also attempted to alleviate the space difficulties at detention centers by instructing city and county law enforcement authorities that it will “for the time being accept very few apprehended Mexicans” and that INS will make “no attempt to apprehend Mexicans” because of the lack of officers assigned to that work.32

Towards the end of January, the messy situation faced by both the Chinese and INS shifted in favor of the Chinese. On January 31st, the Attorney General ordered W.F. Kelly, assistant commissioner for alien control to conduct an inquiry on the Chinese war brides situation and granted permission for veterans to visit their wives, children, and sent packages to the families.33 In response, INS commissioner Ugo Carund wrote to Senator Knowland while Shoemaker wrote to Sen. Downey (D-California) and Rep. Havenner (D-California) claiming that the previous action of “incommunicado” was taken “on the theory that American interests

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29 Office memo, “prevailing situation San Francisco District”, January 21, 1947, pg. 2-3. In Wixon’s personal and confidential letter to Commissioner Caruki of INS Central Office, he stated that he negotiated with the American President Lines to pay for the transport and meal fee of 100 Mexicans on deportation hearings to the Camp Shoemaker detention center of the Sheriff office of Alameda county in order to make place for the arriving Chinese. He also negotiated with the APL to donate cigarette to pay the Mexicans detainees “as a sort of bribe” to perform work in the detention center in order to keep the facility running. Correspondence file, 56058/295
30 See also footnote 141. It was proposed to the American President Lines the proposition of paying the transferring fee of persons at their own expense or supplement by the company to the different districts, or just for the company to hold these aliens on board. Correspondence file, 56058/295
31 See footnote 144. Wixon claimed that he sent telegram regarding shortage of interpreters on December 26 and 31 of 1946 and that he plan to hired 3 temporary interpreters. Yet no responses were heard from the Central Office and the number of people in SF is still inadequate to the need in the district. See also office memo, January 27, 1947, pg. 2, Correspondence file, 56058/295
33 After the order of Attorney General, the Chronicle stopped all criticism reports. According to Kelly’s report, SF Chronicle is the only opposing press against the INS while all other papers in SF were friendly to the Service and to Wixon. Kelly’s report, February 23, 1947, pg. 3, Correspondence file, 56058/295.
would be best protected” and that the Attorney General has directed that Chinese wives in
detention be permitted to take visitors prior to their cases being handled by the INS.

Yet, the seeming success for the Chinese did not last long. On February 11th, after assistant
commissioner Kelly made a verbal report to the Attorney General on the situation of San
Francisco, the Attorney General authorized the reinstatement of the “no visiting” rule. On
February 13th, Commissioner Ugo Carusi officially telegraphed Wixon to reinstate the “no
visiting” rule in the cases of Chinese applicants who did not have satisfactory evidence of their
right to enter, along with a draft of press release for the change of policy to be released for the
San Francisco area only. The press release officially authorized the detention of applicants by
the Attorney General “if a reasonable doubt arises” and such case would be referred to a Board
of Special Inquiry and up to that point, the applicants are not allowed to receive visitors or
communication. The purpose of this rule, according to the Commissioner, is to “prevent
collusion and frauds against the immigration laws” that long experience has proved the “urgent
necessity” for U.S. In addition, under the old rule, Kelly’s report claimed that all applicants not
in possession of satisfactory evidence of their admissibility will be referred directly to a Board of
Special Inquiry, resulting in a longer period of detainment than under the new procedure, which

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34 Letter by Shoemaker, January 31, 1947, Correspondence file, 56058/295.
35 Letter by Carund to Knowland, February 7, 1947, Correspondence file, 56058/295.
36 According to Kelly’s report on February 23, he claimed that the SF district’s practice and procedural of inspection
did not cause the delay. In contract, cases were disposed of “most expeditiously” that if for any reasonable cause for
complaint, the complaint might be made that insufficient care was exercised in the examination of the Chinese
applicants. In the report, despite the decrease of man power as mentioned by Wixon in his letter, the SF district was
able to clear all of 296 relation cases within 5 days with only 25 held for Board of Special Inquiry, and 18 of which
due to waiting of arrival files or witness that were requested. See also “Complaint concerning the examination and
handling of Chinese applicants for admission at the port of SF”, pg. 6, February 20, 1947, Correspondence file,
56058/295. But the speedy cases were most likely referring to the cases after Attorney General’s order to speedy
process as also recorded by the China Daily on January 31 that praised the INS for its speedy action and the release
of most of detainees from the early January arrivals.
37 Personal correspondence to District Inspector Wixon, February 18, 1947. Correspondence file, 56058/295.
38 In accordance with section 16 of Immigration Act of February 5, 1917. See Personal correspondence to District
39 See footnote 152, press release enclosed.
allowed the primary inspector to examine the case in the absence of a Board. But while the new procedure gave greater discretion the primary inspector examining each case, under the new procedure no communication to visitors, witness, and counsel was allowed.40 The policy demonstrated the indirect relationship between the working of INS to expedite the inspection process and the rights of applicants. While the INS tried to avoid a backlog of delay and detainment, it did so at the expense of the rights of the applicants. In order to shorten the time needed to complete an inspection, the INS gave the inspectors the rights to question the Chinese applicants without counsel or witnesses. Either way, INS could not free itself from the shadow of Chinese fraudulent cases. As Kelly claimed in his report to the Commissioner, the only way to prove a fraud is by “establishing, through an examination of the applicant and witnesses separately, discrepancies calculated to show beyond a reasonable doubt that the relationship does not exist.”41 The fear of fraud led the INS to believe that all Chinese required close examination even if they are legally allowed to enter the U.S. under the 1943 Repeal Act, and at this time most of them were wives of U.S. veterans entering under the War Brides’ Act. It seems that no change had occurred since the Repeal Act. The same fear of fraud conducted by the Chinese was still present in 1947.

In the February 20th detailed report prepared by Kelly, assistant Commissioner for alien control, he justified the new procedure in the realization of the special condition of Chinese “war brides” namely, that “there are no reliable vital records maintained in China and there is usually no evidence of the claimed relationship other than the testimony of the interested parties”. He argued that in view of the “prevalence of fraud” the Service experienced in Chinese relationship

40 Ibid.
41 “Complaint concerning the examination and handling of Chinese applicants for admission at the port of SF,” February 20, 1947, Kelly to Commissioner, 7, Correspondence file, 56058/295.
cases over the last 50 years, each case required a detailed and thorough inspection.\textsuperscript{42} Instead of referring each case automatically to the Board of Special Inquiry, as was done before the War, Kelly argued that the new procedures as authorized by the Attorney General would hasten the process by giving the primary inspector the option of not referring every case to the Board. He also claimed that assuming that the primary inspector “will do everything possible to expedite disposition of these cases consistent with proper enforcement” and that the San Francisco field office is required to keep the Central office posted as to the average period of detention prior to completion of primary examination in these cases,\textsuperscript{43} the new procedures would give advantage to the Chinese applicants. In addition, Kelly claimed that Wixon would try to arrange with the steamship company to obtain the name list beforehand and hence obtain the needed INS files and records prior to each vessel’s arrival.\textsuperscript{44}

Though many of the promises of relief were never fulfilled, by February of 1947, it seems that all forces had turned against the Chinese. In the interview with Besig of the ALCU at San Francisco, Kelly claimed that to his surprise, Besig “could not reasonably object” to the procedures of “incommunicado” before the primary examination order by the Attorney General.\textsuperscript{45} In his interview with General Robert t. Frederick, whom the \textit{Chronicle} claimed was treated with discourtesy by the INS when he inquired for one of his soldiers as to why his Chinese wife cannot be released on bond, Frederick claimed that the report was “absolutely untrue” and that he was treated with the “utmost courtesy” by everyone he met at the office.\textsuperscript{46} The protest by both ACLU and other activist groups seemed to stop in face of the administrative procedures that the INS deemed necessary in dealing with the Chinese war brides situation. By

\begin{flushleft}
\textsuperscript{42} Ibid., 4-5. \\
\textsuperscript{43} Ibid., 6. \\
\textsuperscript{44} Ibid., 8. \\
\textsuperscript{45} Ibid., 14. \\
\textsuperscript{46} Ibid., 10-11.
\end{flushleft}
the end of February, few protests against the INS were found in Chinese newspapers; two months later on May of 1947, the complaints began again.

Protests Resumes: Later Cases of Procedural Discrimination

As Kelly hinted at in his recommendation in his February report to the Commissioner, the INS should not allow Chinese wives to enter without a thorough screening process designed to prevent possible frauds. Though he acknowledged the overcrowding and delay that existed in the San Francisco district, he never intended to compromise the role of INS in fighting against Chinese frauds. Hence, the INS needed to find ways to alleviate the overcrowding situation and at the same time carry out its duty. As Kelly suggested in the report, one way to deal with such a complex problem was to impose a system of screening of all alleged war brides at the U.S. Consulates in China before their arrival to the U.S.47 On May 20th of 1947, the Consular General imposed a new requirement of “nine points” specifically for war brides applicants at all U.S. Consular offices in China. As described by the China Daily, the “sudden”48 action of the U.S. broke the silence of the Chinese Community after the reinstatement of the “no visiting” by the Attorney General three months earlier.

The “nine requirements” of the U.S. Consul included copies of both the veteran and his wife’s proof of sufficiency in terms of economic status, bank account, employment and payroll history, and the most recent tax returns. As for the husbands, a copy of the proof of veteran status was also required if his wife wishes to apply for war bride status.49 Similarly, on May 27th, the Consular gave out another set of new rules for unmarried veterans who wish to return to China to

47 Kelly claimed that preventive measures should be done at the U.S. consular abroad. He recommended two things to be done to help prevent frauds, both of which were not adopted, in investigation claimed child of U.S. citizens born abroad. 1) The child shall have registered at the American consulate before the second birthday, with parent’s proof of citizenship. 2) The child must be admitted to the U.S. before age 7. See report, Pg. 20. By amending section 1993 R.S. See page 19, the strong intend to fight against fraud continued and the great concern over it most likely leading to the new additional requirement for the Consulates.

49 Ibid., May 27, 1947.
marry. Since the Chinese did not issue marriage certificates, the U.S. Consular allowed many to marry under oath with the U.S. Consular offices. But the new rule required that the veterans and their fiancés to provide: valid U.S. passport of the veteran, proof of veteran status, pictures taken of the couple, $1, and the most important and most controversial, a letter of recommendation from his or her local official testifying on behalf of the couple’s marriage. The new rules also required a stamp of seal of the local officials and should include marital history of the wives.\(^{50}\)

As *China Daily* complained, the requirement of recommendation from the local officials encouraged corruption at both township and county level that were prevalent under the notorious KMT government. It claimed that in many cases applicants had to bribe local officials at different levels in order to obtain the letter, and still faced with a small chance of getting to the U.S.\(^{51}\)

Chinese protest resurfaced amidst such discriminatory policies. At least initially, strong protests from the Chinese community in their petition on May 21\(^{st}\) to the Secretary of State\(^{52}\) demanding the rights of Chinese wives of veterans to be treated equally to other European and Australian brides with their veteran husbands never required to provide “proof of sufficiency” before their wives applied for the war bride status\(^{53}\) did yield result. On June 7\(^{th}\) the Secretary of State telegraphed its response stating that applicants for war bride status need not submit all nine requirements except for the purpose of buying ship tickets where documents might be required.\(^{54}\) On July 15, another telegraph stated that the State Department had telegraphed the Consulate at Canton to restrain from requiring “unreasonable” documents in order expedite the process for

\(^{50}\) Ibid.

\(^{51}\) Ibid., September 3, 1947.

\(^{52}\) Ibid., June 1, 1947.

\(^{53}\) Ibid., May 25, 27, 28, 1947.

\(^{54}\) Ibid., June 7, 1947.
war brides. Yet it is important to note that just as the Attorney General order to stop the “no visiting” rule back in January was immediately followed by the bureaucratic change in February due to fear of frauds, the seeming victory for the Chinese on June 7 was followed, on September 3rd, by complaints of the Consulates being hypocrites and that the U.S. Embassies were still requiring information, on their own part, about the veteran’s bank statements, tax return, and income. As shown from both cases of “promise broken”, it seems that as either the Consulates or INS faced with a great number of applicants and decisions made under such complex and sometimes stressful conditions, the basic rights of the citizens were always in danger of procedural convenience or fear of frauds. Such indirect relation between rights and security, similarly, did escape Chinese war brides. Even thought it seems that the status of war brides should almost have guaranteed admittance, as shown in the case of the Consulate’s action, the need to prove the veteran’s ability to sustain the family is more important than allowing the couple to unite in the U.S.

It is crucial to note that the relation between INS and the U.S. Consulates was complex from early on. The relationship between the two was the typical balance of power, or put more pragmatically, a power struggle of the INS will hold on to its duty to screen out all possible frauds and violators of immigration laws, the State Department can only work with it to its best ability under the restraint of State Department instructions. In 1946, the State Department needed the INS for issuing of passports to applicants, but it also wanted this task to be done expeditiously. The INS as a bureaucratic machine required “authorization” of its executive head before it took any actions on its own. And as long as the INS was unwilling to be disconnected from the past and adjust its methods to address the changing laws for Chinese immigrants, the rights of

55 Ibid., July 15, 1947.
56 Ibid., September 3, 1947.
veterans to reunite with their wives had to be compromised in the name of security and well
being of the U.S. Unable to effectively deal with the influx of Chinese applicants, both agencies
resorted to giving more power to the examiners in deciding if the applicants should enter. Do
immigration laws always follow such unproductive strategies between the passing the law and its
enforcement? It seems that the answer in this case is unfortunately yes. The war brides
experiences emphasize the power of inertia within the bureaucracy against change compromising
the basic rights of Chinese citizens.
Chapter 4

Immigration Fraud, Bribery Cases, and Smuggling

On June 24, 1949, Russell C. Luke (Luke Gock Chung) received a letter from his brother Kwak You Luke (claimed son of U.S. citizen Luke Ah Sue) in Hong Kong, asking for help to get out of China. He was told by the officers at the U.S. Consulate in Hong Kong that his papers will take about a year to be processed and approved.¹ About one and a half months later, Kwak wrote another letter to Russell stating that he was still faced with the same delay and he was told again that despite the fact he submitted all the required papers as alleged son of a U.S. citizen, there were “a great many of people who are also anxious to go” and that he would need to wait about half a year or more before his papers reached the top of the waiting list.² After the complaint, Kwak immediately requested an “extra expense” of $200 from Russell. As it turned out, the $200 would be paid to a man named “Chan” whose “business” has “something to do with the officers of American Consulate.” If he pays him $200, Kwak You Luke wrote, his papers would be moved to the top of the waiting list and be processed within a month.³ Kwak urged further that, “If we do not give some money to the officers of the consulate, I will be waiting and waiting until one year or more…It is said we must use some money as a bribe (black market).”⁴ Finally, Kwak said that he is “much sorry” to ask for this kind of support, but there is “no time to wait” because the conditions in China were so bad that if stayed, he could do “nothing to survive” due to the lack of jobs and high inflation in postwar China.⁵ These two letters were presented to the

¹ See Office Memo, August 18, 1949, “Allegations of Bribery in connection with handling of cases of Chinese applicants at the American Consular Office in Hong Kong” from John F. Boyd, District Director of INS Seattle branch to W.F. Kelly, Assistant Commissioner, Enforcement Division, INS Central Office. Subject and Case Correspondence of the Immigration and Naturalization Service, file 56231/504. Letter, dated June 24, 1949, enclosed.
² Ibid. Letter on July 30, 1949 enclosed.
³ Ibid.
⁴ Ibid.
⁵ Ibid.
INS district office in Seattle by Russell on August of 1949. The Seattle district director claimed the two letters were the “first tangible evidence coming to its attention” related to the “rumor” of applicants needing to pay a “fee” for their applications to come to the U.S. As we shall come to understand, similar cases of fraud involving both the INS and the U.S. Consulates abroad dated back to the early 1920s. The high suspicion of fraud of Chinese applicants, including alleged wives and war brides, coincided not just with a history of Exclusion era frauds, but also many cases that occurred in the postwar years between 1945 and 1949. Furthermore, among the cases of frauds, the main concern oftentimes not only concerned the illegal attempts of the Chinese, but also involvement of INS and U.S. Consulate officials who acted as “insiders” in the illegal business.

**Early Illegal Entry Cases**

On September of 1947, Watson B. Miller replaced Ugo Carusi as the INS Commissioner at the Central Office in Philadelphia. In the correspondence exchange between Miller and Sau Ung Loo Chan, Mrs. Chan petitioned on behalf of Chinese victims of the “Chin Sams” cases. According to Mrs. Chan and INS District Director of Honolulu, the name “Chin Sams” originated from the two Chinese males “Chin” and “Sam” who between 1920 to 1924 sold around 900 to 1,000 birth certificates of deceased Hawaiian born Chinese, total about 1,300 dollars. The illegal operation was run by a ring of men operating in both China and Hawaii, including a few within the INS branch office in Honolulu. By devious means the ring secured the birth certificates of these deceased Chinese and sold them together with the help of a few

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dishonest employees of the INS to innocent Chinese who could impersonate the deceased owners of those Hawaiian birth certificates. By painting life in the U.S. as a guarantee of good lives compared to that of China, the ring had no difficulty in finding ready and willing purchasers. It was recorded by INS in Honolulu that about 800 to 900 of these “Chin Sams” were admitted at Honolulu. Yet, as Mrs. Chan claimed, these buyers were “innocent” despite their illegal entries because once they settled down and established permanent homes, the ring threatened the buyers that if they did not pay them large sum of money, they would be reported to the authorities about their illegal status and crime. Hence, the “Chin Sams” lived in “in constant fear of exposure” and in order to avoid prosecution and deportation, they “meekly submitted to extortion and blackmailing” by members of the ring.

The INS refused such a sympathetic view of the “Chin Sams”. In response to Mrs. Chan’s petition, the INS Inspector of Honolulu L.H. Haus countered that the “Chin Sams” were not “innocent” when they deliberately committed perjury on the part of themselves and three or more witnesses during the preliminary examination at the ports of entry and that Mrs. Chan had “grossly exaggerated” the blackmailing conditions of the “Chin Sams” in order to place them in a sympathetic light. It was also believed that the investigation of “Chin Sams” cases of 1924 conducted at the Honolulu INS office culminated in the suicide of Richard L. Halaey, inspector in charge at Honolulu and the dismissal of other employees. As Haus described, the scandal involving INS officials discovered by the investigation in 1924 caused the office to “suffer…from the loss of prestige” that lasted until the present time. Despite the investigation, Haus claimed, past members of “Chin Sams” group have not “hesitated to attempt to perpetrate

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9 See note 178.
10 See note 179.
11 Ibid.
further frauds” on the INS. It is interesting to note that frauds of Chinese immigration had much to do with the collaborating of INS officials. Such connection raised serious tension and protest from the Chinese community against the INS in the postwar era as the Chinese questioned the claims of INS to prevent frauds that led to delay in the admitting process of Chinese war brides. Second, the circumstance of “Chin Sams” parallels the same issue of determining the status of illegal immigrants who resided in the U.S. today. Despite the illegal original entry, the efforts to allow “Chin Sams” to openly admit their original unlawful entry, remove their name from the records of INS by assuming their own names and identities, and be permitted to register under the Registry Act was never debated by the INS at the time or in the letter of Mrs. Chan.

**Fraud and Smuggling of War Brides**

Cases of fraud involving the Chinese war brides were not uncommon. Wixon stated in his July 24th letter in 1947 to the INS Central Office that “little did [Congress] realize what the outcome would be” after the passage of the War Brides Act. He stated that the bringing in of Chinese war brides presented the “greatest avenue for white slavery” that has ever existed in connection with the bringing of aliens to the U.S. 12 Such racket, Wixon claimed that the situation made other rackets look like “small business.” According to the report, there was a constant flow of rich Chinese merchants engaging young Chinese ex-members of the armed forces who had established their American citizenship and had not previously claimed a wife in China, to now go to China and take brides. These wives were in turn sold from $10,000 USD and upwards to become the concubines of rich Chinese merchants or were subsequently sold into white slavery.13 On June of 1947, an anonymous letter was sent to the INS District Office in San Francisco claiming the alleged traffic in female Chinese admitted as the wives of Chinese GIs

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13 Ibid.
under the War Brides Act\textsuperscript{14} and on July 7\textsuperscript{th}, district director Wixon of San Francisco wrote to the INS Central Office stating that there is “a lot of truth” in what is said in the letter, and that “considerable” cases of the Chinese war brides on appeals are fraudulent.\textsuperscript{15} Wixon also claimed that large sums of money were paid to agents in China to recruit girls and that “members of American Consulates are being reached” to act as “insiders” of such illegal business. In the July 7\textsuperscript{th} letter and the subsequent follow up letter on July 28, Wixon requested that investigations be opened on Chinese girls after they were admitted to see if they are “still in the household of the husband,”\textsuperscript{16} supposing all the admitted wives would have fixed address.\textsuperscript{17}

Yet, both letters demonstrate that INS was still clueless and continued to be frustrated by the fraudulent practice of Chinese. Wixon, promising nothing, admitted that the investigation would develop “some startling revelations” that would required a “more thorough” investigation later on.\textsuperscript{18} In fact, in his recommendation against an immediate investigation to the Central Office on July 24, Wixon claimed that an investigation may “take years” just to break up the racket and that it might take longer since Chinatown will definitely “cover tracks” as the communication system among Chinese is an “elaborate one” and they “kept abreast of happenings in the area.”\textsuperscript{19} Most importantly, Wixon argued, the War Brides Act rendered any efforts of investigation meaningless as long as the Chinese brides were not subject under the immigration laws to be checked at the port of entry. The long history of frauds and trafficking involving Chinese greatly altered the perspective on Chinese war brides. Coupled by the failure and constant frustration of INS to counter the complex and secretive working of the Chinese

\textsuperscript{14} Office Memo, July 7, 1947, from District Director Wixon to the INS Central Office. Subject and Case Correspondence of the Immigration and Naturalization Service, file 56231/504.
\textsuperscript{15} See note 183.
\textsuperscript{16} Letter to the Central Office, “Alleged traffic in Female Chinese,” from Wixon, July 28, 1947. Subject and Case Correspondence of the Immigration and Naturalization Service, file 56231/504.
\textsuperscript{17} See note 183.
\textsuperscript{18} See both note 185 and 187.
\textsuperscript{19} See note 183.
“rings”, the War Brides Act on the one hand strengthened the hope of Chinese to immigrate and on the other hand intensified the suspicions against the Chinese during the postwar era.

**Frauds and INS**

Almost simultaneously, charges of possible bribery and fraud cases at INS offices increased and caught the attention of the press within the U.S. On February of 1948, two Chinese men Chen Rai and Li Wai were convicted by the Federal district court in San Francisco for purchasing fake birth certificates of $100 each to apply for a U.S. passport to go to China. Both men were sentenced 18 months in prison. On March 9th, the investigation conducted by the FBI that started in March of 1947 relating to selling fake passports to illegal Chinese immigrants in the U.S. discovered new leads. It was discovered that the illegal business, which based its operation in Philadelphia, involved the local INS district director and officials from the Federal district court. The FBI investigation claimed that the operation had been going on for at least 12 years and at least 500 fake passports were purchased each worth around $1,000. According to the reports, the FBI discovered that many Chinese used the fire of 1906 in San Francisco as a reason to reapply for birth certificates and find ways to apply for passports at the Federal district courts in Philadelphia. On March 14th, the FBI investigation resulted in the arrest of Philadelphia district director and two clerks of both the INS and the Passport division of the district court. All three were summoned to court and resigned on charges of abuse of power and taking bribes. On April 9th, stating their convictions, the Federal district court released the charges and sentence of the officials: the district director was charged with receiving bribe amounting to about $1,350 during his tenure from 1940 to 1948. The former director, tenure from 1914 to 1931, was also

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21 Ibid., March 14, 1948.
22 Ibid.
charged with using the official stamp to forge documents and selling them.\textsuperscript{23} The head of the passport division of district court was charged with approving passport applications without seeing the applicants, collaborating with the district director,\textsuperscript{24} and receiving bribe amounting to $1,050. The clerk at INS was convicted of similar charges. All of them received at least 50 years in prison and a minimum fine of $50,000.\textsuperscript{25} On May 5, 1948, a similar fraud investigation suspected 7 INS officials in the district of San Francisco who also collaborated to forge documents for sale. It was estimated the officials were involved in at least 20 Chinese cases.\textsuperscript{26} On June 14\textsuperscript{th}, an illegal Chinese immigrant charged with purchase of forged documents was convicted and sentenced to one year in prison in San Francisco.\textsuperscript{27}

\textbf{Frauds and the U.S. Consulates}

Oftentimes, fraud cases involved not only recruiting “rings” specializing in illegal immigration in China and their INS “insiders”, they also include officials at the Consulate offices in China who received bribes in exchange for documents needed to enter the U.S. In Wixon’s letter on July of 1947, there was already rumor of a Chinese vice consul being offered money as inducements to the issuance of visas, and the State Department subsequently instructed in a confidential report to all Consulates in China to report on the subject of alleged abuse of visa administration. On November 9\textsuperscript{th} of 1947, the American Consul General in Hong Kong filed its report to the U.S. Embassy at Nanking. According to the report, it was not “unusual” for applicants for visas in Hong Kong who feel that their chances of obtaining a visa are rather

\textsuperscript{23} Ibid., June 23, 1948.  
\textsuperscript{24} Ibid., June 28, 1948.  
\textsuperscript{25} Ibid., April 19-20, 1948.  
\textsuperscript{26} Ibid., May 5, 1948.  
\textsuperscript{27} Ibid., June 14, 1948.
remote, to offer money to clerks in the Visa Section of the Consulate General. Oftentimes, this practice was adopted by the applicants after being notified by the examining officers of the adverse decision; the person seeing to enter the United States would approach a clerk in the Visa section with money in order to enlist sympathy. According to the experiences of officials in the Hong Kong Consulate, many of the Chinese applicants for visas were also coached by “visa brokers” who plied their trade between steamship offices and various consulates. It is also believed that these “visa brokers” charged large fees to applicants for their services. As claimed by the Hong Kong consulate general, even the steamship companies were trying to identify the brokers and were aware of their activities in Hong Kong. On November 20th of 1947, a similar report was filed by the Consul general in Canton, stating that there were “nothing whatever to justify the rumor” of alleged bribery cases in issuing visas for finances and wives of American veterans. But as Consul General Hiram A. Boucher admitted, Chinese immigration “schools” and organizations specializing in illicit immigration existed and there had being “vague charges of bribery” directed at the office in the past to force relaxation of the tightened controls by efforts of these rings.

On October of 1948, ten months after the INS Central Office received both reports from the consulate offices on December of 1947, two editorials from the Chinese newspaper Ta Kung Pao based in Tientsin, China written by Yang Kang strongly criticized the Consulate’s bureaucratic procedures in issuing visa and citizenship applications to Chinese. Particularly, the editorial also claimed wide spread bribery cases at the Consular office and the “legal entry” into

28 See letter from consul general in Hong Kong to Embassy in Nanking, “Alleged abuses in Connection with Visa Administration,” from November 19, 1947. Subject and Case Correspondence of the Immigration and Naturalization Service, file 56231/504.
29 See letter from consul general in Canton to the Secretary of State, Department of States, Washington D.C., “Rumor of bribery affecting consular officer at Canton; cases of fiancéees and wives of American servicemen,”, November 20, 1947,1-2. Subject and Case Correspondence of the Immigration and Naturalization Service, file 56231/504.
30 Ibid.
the U.S., more often than not, it insisted, had to be effected through “bribe taking officials” of the Consulate officers. Despite the article, Consulate General Robert D. Smyth in Tientsin explained to American ambassador J. Leighton Stuart at Nanking that Ta Kung Pao editorials had for some time been anti-American and that the editorial section was written by the staff in Shanghai, and in his opinion, was designed to curry favor among the student class, which is generally opposed to the National Government and therefore to the U.S. for aiding that government. It is important to note that to the Americans, the cry of protests against alleged bribes were the social by-product of Chinese immigrants and their political leanings in China. To the General Consul in Tientsin, the protest was not entirely directed at the INS or the consulate offices per say, rather it is the outcome of the political situation of China. In the article, it is evident that Kang is also critical of the Chinese government for its failure to provide “adequate protection” to overseas Chinese in America, while repeatedly urging them to contribute funds to the Nationalist government without reporting to them how the money was used. For China has done “too little for them.”

Response of INS and U.S. Consulates

The history of Chinese involvement in frauds and bribing officials certainly had great impact on both the INS and the consulate offices in China. As far as U.S. consulates officials and the INS, the War Brides Act put them in a difficult condition of “constantly striving to exercise a reasonable and proper control of visa and citizenship applications without imposing concerns and unnecessary requirements.” In recommending a new approach to solve the dilemma, Consul

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32 Ibid. Also see the anti-U.S. sentiment in China, against Chiang’s government, connects to background in China.

33 Ibid. Enclosed, October 8-9, 1948, Ta Kung Pao, Tientsin, China.

34 Ibid., 3.
General Boucher of Canton responded by suggesting that the INS, instead of the Consulate officials, should be in charge of determining the admissibility of relatives of American citizens. He claimed that access to the INS extensive records of the applicants and their relatives put INS in a “better position” to determine admissibility than consular officers located in China. And instead of issuing passports to relatives of Chinese GIs, the consulate offices should give out “temporary” traveling documents to the applicants and let INS determine admissibility at the port of entry or do follow-up investigations of the Chinese wives after their entrance. Yet, if such measures were taken, it is clear that the INS would be overloaded with cases and the continuing problem of overcrowding and detainment would cause greater protests from the Chinese community and the public. It seems that by 1947, the U.S. Consulate offices like the INS was equally ignorant and unprepared for the changes of law following the passage of War Brides Act and the Act of 1946. With wide spread rumors of fraud and bribery cases, the INS and Consulate offices in China were certainly unwilling to change their suspicious attitudes of Chinese applicants. If not, frauds in both the past and present greatly encouraged both agencies to retain their original stance to exclude illegal immigrants and handle their cases with suspicion. Instead of changing its stance and attempting to enforce the new laws pertaining to Chinese immigrants, both agencies chose to use the old approaches in dealing with Chinese immigrants in face of changing laws and public attitudes. Without adopting a new approach to the Chinese immigration in cases of Chinese war brides, fear of fraud and the increased intensity of investigations would only led to further delay as the two agencies struggled to shift responsibilities to one another, leaving the Chinese dissatisfied and prepared to call for protests. As suspected, the INS was certainly not willing to adopt Consul General Boucher’s recommendation to shoulder the task of examining all applicants. The responsibility of

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35 Ibid., 3.
examining Chinese applicants was given back to the State Department by 1949. In the June correspondence exchange between the INS and the State Department, the INS responded to the request of U.S. Consulates by requesting that for all cases forwarded to the INS by the Consular office for investigation or needing material assistance, the State Department would have to provide the complete residence address of alleged relatives in the U.S. 36 INS assistant director Phelan of San Francisco claimed that the INS oftentimes had “difficulty in locating prospective witnesses” for questioning if the Consular offices did not furnish the information needed to locate them. In any case, the INS still depended on the Consulate offices to supply information of the applicants and their relatives who would act as witness on their behalf. Consequently, the admission of Chinese applicants required that the Consulate offices first find out about the information of applicants’ relatives in the United States while it did its work in China.

Furthermore, the same letter suggested to the Consulate offices that the INS would “appreciate” if an “initial examination” of the applicant using the same set of questions used by the INS in its examination of Chinese applicants would be conducted by the Consulate offices before granting them any traveling documents to come to the U.S. 37 While it took the two agencies almost two years to realize the INS could not carry out the examination alone, it was not surprising, as demonstrated at the beginning of the chapter, that the ambiguous and constantly shifting responsibility in checking applicants resulted in the long delays in China and ports of entry well into 1949.

The INS, in working with the U.S. consulate offices, had been faced with the same dilemma and struggle in attempting to deter frauds and at the same time avoiding delays in

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37 Ibid.
processing each applicant. In authenticating the identity of an applicant, the most original and the only method repeatedly used by the INS had been the age of the applicants, particularly children, in accordance with that of his or her alleged father or mother. Since the time of “paper sons” this method was widely used and accepted as reliable. Towards the end of 1940s, however, due to the passage of War Brides Act and the 1946 Act to admit the wives of American citizens on a non-quota basis, the Chinese cases became more complex as INS and the Consulate officials struggled to screen out frauds under strong public pressure for fair treatment of families of American soldiers. For the INS, the struggle resulted in much delay, overcrowding of detainment centers, and protests from both the ACLU and the Chinese community. Meanwhile, for the U.S. Consulate offices, the struggle resulted in increased numbers of alleged bribery and fraud cases. In both cases no satisfactory outcomes were produced for the Chinese community. As late as 1949, rumor of frauds, bribes, and conviction of immigration officials continued to haunt both agencies and the Chinese community.

In general, the attempt to solve the dilemma ultimately resulted in the tug-of-war of shifting responsibility between the two agencies while the old problem remained and Chinese applicants suffered delays. Finally, on June and July of 1949, two serious proposals were submitted to the Department of State attempting to cope with the Chinese applicants. The proposal in June 8 was forwarded by district director Wixon of San Francisco on behalf of Dr. Winfield H. Scott, an American physician and Consul General at Canton at the time, to recommend the use of blood tests to determine the relationship of the children and their alleged parents. 38 Scott proposed that although the method is still being “brought to the attention of the State Department,” he believed that “the psychological effect alone of such requirement would

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38 Letter from District Director I. F. Wixon to the American Consul in Canton, “Proposal regarding Inspection and Investigation in China of Chinese Applicants for Admission to the U.S.,” June 8 and June 20, 1949. Subject and Case Correspondence of the Immigration and Naturalization Service, file 56280/439.
be most salutary and would give fraudulent claimants pause.”39 It was also suggested that the expense of the blood test should be borne by the claimant. In principle, the use of blood tests served to determine if a child could be the offspring of the two parents so that it should be possible to “exclude more couples than one could exclude single persons.”40 Another method seriously considered was proposed by Gordon Lee Burke, former consul general at Canton for many years. In the July 19th memo summarizing the meeting he had with the Passport Division of the Department of State, he recommended placing inspectors or investigators in the main towns of each of the “four districts” in Guangdong province of China. According to Burke and his long experience in Canton, most of the people who came to the U.S. came from the “four districts”41 and 75% of the persons from the “four districts” came from the Toishan district.42 Burke suggested that investigators or officers would have to travel no more than 15 to 20 miles to any place in the districts to checkup on claims of applicants as to their place of birth and relationship to the person who desired to bring them to the U.S. He believed that the only way to limit fraud was to have these officers make investigations in the “four districts” to show that the villages people say they come from are either non-existent or bear no resemblance to the description they gave to the immigration or consular officers. This recommendation demonstrates that as late as 1949, the INS and the State Department were still attempting to use the old method of questioning Chinese applicants about the details of their home in authenticating their claims. Despite its earlier efforts to most effectively deal with Chinese applicants, the INS and the U.S. Consulate still could not accept the rights of Chinese war brides

39 Ibid.
40 Ibid.
41 Also known in Chinese as “Sze Yup”, which consists of Yan Ping, Hoiping, Sunwui, and Toishan districts. While in the neighboring district of Chung Shan, most immigrate to Hawaii.
and children entering into the U.S. under the War Brides Act. As the same report indicated, although lack of police protection in China presently made it impossible to send officers to the districts, when the conditions returned to normal “the plan may be put into effect, if desired.”

The attempt to restore the old method by sending U.S. investigators to China was nevertheless seriously considered by the State Department along with the use of blood tests. A history of suspicion still led both agencies to pay much attention to the ability to answer detailed questions about an immigrant’s hometown rather than focusing on the legal rights of Chinese war brides to be united with their families.

The seeming increasing rumors of fraud and bribery cases greatly influenced both INS and U.S. Consulate offices to find ways to solve their long dilemma of screening out frauds and at the same time protect the rights of all immigrants. Unfortunately, such efforts failed to protect the legal rights of children and wives of Chinese GIs as both agencies failed to clarify the procedural requirements for Chinese applicants. While the INS attempted to decrease the possibility of frauds by requesting Consulate offices in China to screen out applicants by its standards, the Consulate offices returned the favor by stating that the INS was better suited to screen out Chinese applicants with sufficient records. As both agencies faced with charges of fraud and bribery, both agencies reacted by blaming the other in procedural technicalities that resulted in a tug-of-war of shifting responsibility for neglect of the basic citizen rights of Chinese American GIs to be with their families. Lost in their bureaucratic “inertia” both agencies were reluctant to change their practices in face of new laws in the postwar era. As a result, protests never calmed down while frauds continued to plague the agencies as the public continued to put pressure and criticism on the agencies. Yet, neither seemed able to find a way to solve the immigration “dilemma” that immigration laws were designed to exclude rather than accept

43 Ibid.
others. This policy stance not only compromised basic individual and citizenship rights, it reflected the slow process of immigration agencies to adopt changes. Instead of adopting new approaches to the new problems, officials oftentimes resorted to using the old tool for the new project. In coping with the change, both failed to recognize the need to change first by accepting rather than excluding what were considered to be “suspicious” immigrants.
Conclusion

The legal history of Chinese immigration and the fight of Chinese for equal treatment under the immigration laws demonstrated that race, genders, and partnering in a transnational marriage worked together against the rights of Chinese “brides” to enter the U.S. and compromised citizenship the citizenship rights of their citizen husbands. My original intention for this study was to investigate the stories of Chinese war brides by studying individual cases files or oral history archives. But with the limited time allotted to me I realized that it would be extremely difficult to effectively identify war brides among the thousands of case files at the National Archive in San Bruno, California. Furthermore, Professor Xiaojian Zhao has already written upon the personal stories of more than 1,000 women represented in the San Bruno files. I decided to broaden the stories of these war brides by examining the legal and political history surrounding their admission to the U.S. including the inner working of Immigration and Naturalization Services (INS) in dealing with these Chinese wives cases. As I dived into hundreds of correspondence files at the National Archive in Washington D.C. related to the admission of Chinese women, I discovered the rich and complicated story told here. As Zhao had already hinted, many of the brides were married wives of U.S. citizens who were enlisted during WWII. While time did not allowed me to dig into the psychology of these Chinese GIs and reasons for enlisting in the armed forces, the legal history suggests that Chinese men, especially U.S. citizens, had fought since the late 1890s for the rights to be united with their wives and families. Initially these Chinese Americans had to deal with the lasting effect of suspicion of Chinese women under the Page Act and exclusion policies. They never legally secured the right to unite with their wives until the 1902 legal victory in Tsoi Sim v. U.S., which suggested Chinese wives of U.S. citizens could enter the U.S. despite the exclusion policies. The right was
compromised by the Cable Act in 1922 and the Quota Act of 1924 that not only allowed immigration officials to challenge the status of “preference immigrants” but also limited the number of admittance each year for the Chinese so that even if they had the right to be admitted, in fact the number of those admitted significantly decreased. The same quota limit greatly handicapped the immigration of Chinese wives after the repeal of the Chinese exclusion policies in 1943: only 105 could enter the country per year. It was not until public pressure and opinion supporting veterans of U.S. armed forced that more than 5,000 Chinese “war brides” were admitted into the United States. The contradiction between the War Brides Act and the lack of non-quota status of Chinese wives of U.S. citizens became so obvious that wives of Chinese Americans were finally granted non-quota status in 1946. But even after the legal change Chinese had to deal with the bureaucratic inertia that prevented a smooth execution of the laws in favor of Chinese immigration. Legal changes did not translate to bureaucratic action until the agencies “adapted” to the new rules. The struggle of Chinese was not just a legal one, but also bureaucratic one.
Bibliography

Primary Sources

Manuscript Collections

Immigration Correspondence 1882-1957, Subject and Case Correspondence of the Immigration and Naturalization Service. Records of the Immigration and Naturalization Service, Record Group 85, National Archives Building, Washington, DC.

U.S. Government Publications


Newspapers

Meizhou Hua Qiao Ri Bao (China Daily News), 1946-1948.

Da Gong Bao (L’impartial), 1947-1948.


Secondary Sources

Books


Virden, Jenel. *Good-bye, Piccadilly: British war Brides in America*. Chicago: University of


**Articles**


