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# Y.C. Hong Championed Chinese Inclusion:

BEFORE CONGRESS AND FOR MY FAMILY

BY CHERRY GEE\*

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**D**ECADES BEFORE AMERICANS heard calls for a “Muslim ban,” there was the Chinese Exclusion Act of 1882, the first U.S. law to base immigration on ethnicity.<sup>1</sup> Until that time, the United States had been open to most who wanted to come here. The law and its successors halted entry of Chinese laborers into the U.S. and prohibited those already here from being naturalized. The laws were not repealed until 1943.

Against this backdrop, You Chung (Y.C.) Hong fought for immigration reform and Chinese immigrant rights, becoming one of the foremost authorities on these issues. In his decades-long career, the attorney and activist helped thousands of families, especially those from Guangdong Province in southern China. Mine was one of them.

Then as now, the promise of a better life was the main reason people wanted to emigrate. In the mid-nineteenth century, the California Gold Rush and the building of the Transcontinental Railroad created a great demand for cheap labor. Thousands of Chinese workers voluntarily and legally came to “Gam Saan” (Gold Mountain) to seek their fortune. The 1870 Census reported that more than 99 percent of them settled in the West.<sup>2</sup> However, as the economy declined over the years, complaints grew that these workers were taking jobs from and lowering the wages of native-born whites, fostering a climate of racial bias, resentment and hysteria against the Chinese.

This eventually led to Congress passing the 1882 law, halting the entry of Chinese laborers for ten years, even though the Chinese represented only .002 percent of the nation’s population.<sup>3</sup> There were exceptions for diplomats, merchants, teachers, students and tourists but that required going through an arduous process with no guarantee of success. The law was renewed several times and extended indefinitely in 1902.

The politics of World War II — China was an ally — helped pass the 1943 Magnuson Act repealing the 1882



*The author and family in China, 1949.*

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ban. Although Chinese were no longer barred, the new law set a quota for them at 105 a year. That figure covered immigrants from anywhere in the world, even those who had never lived in China or been a Chinese national. (European quotas were based on country of citizenship.)<sup>4</sup> This so-called national-origins standard remained until the Immigration and Nationality Act of 1965 replaced it with a system based on caps per country and a total annual number of visas, and categories for certain skills. In 2012, the House of Representatives issued a formal resolution of “regret” for the Chinese Exclusion Act.<sup>5</sup>

During the years the laws were in force, thousands of Chinese challenged them through different strategies. It was against this back-

drop that Hong fought for repeal and for immigrant rights. At 28, he became president of the Chinese American Citizens Alliance, an Asian civil rights organization. He testified before congressional and presidential commissions for repeal. He made friends with politicians to try to win them over to his cause.

Hong’s activism was likely rooted in his own family’s history in America. He was born in San Francisco in 1898, the son of immigrants from China. His father had come to work on the railroads in the late 1800s but died when the boy was five, leaving Hong’s mother to raise two young children. After graduating high school in the Bay Area in 1915, Hong started an English language school for Chinese immigrants, while he also did book-keeping for restaurants.<sup>6</sup>

Around 1918, Hong moved to Los Angeles and was an interpreter for the U.S. Immigration Service. Two years later, at the suggestion of an acquaintance, he enrolled in USC law school’s night program. He was so poor he had to borrow textbooks from classmates, according to a brief profile in a USC publication. In 1923, he was the first Chinese American to pass the California state bar exam, even before he graduated from law school, and with two degrees.<sup>7</sup>

An injury when Hong was a baby caused a spinal deformity, and he stood only 4 foot 6 as an adult. Overcoming

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**A** plaque in Los Angeles' New Chinatown commemorates Y.C. as the first Chinese American lawyer in California, however, Hong Yen Chang was the first Chinese American attorney in the United States. A judge in New York allowed the Columbia law school graduate to be naturalized, and he was admitted to the New York Bar in 1888. But in 1890, the California Supreme Court denied Chang a law license on the basis of non-citizenship. Although the court found Chang qualified to practice law, it ruled that New York erred in allowing his naturalization, because "persons of the Mongolian race" were not allowed to be citizens under the exclusion act. Anti-Chinese feelings in California were especially strong because so many of the workers had settled here and competed for jobs. In 2015, the high court unanimously reversed its 125-year-old ruling and posthumously awarded Chang his license. "More than a century later, the legal and policy underpinnings of our 1890 decision have been discredited," the court wrote in its unsigned decision.<sup>8</sup>

physical disability and poverty early in life may have prepared him well for the challenges of his lifelong fight for Chinese rights and against racial discrimination. When he first set up his law practice, the Los Angeles Bar Association would not admit him because he was a minority, according to his son Nowland, also an attorney.<sup>9</sup>

Hong was also a government lobbyist, civic leader and a founder of Los Angeles' New Chinatown, where his former office has been preserved by the new owner. Hong died in 1977 in Los Angeles at age 79. But a large part of his legacy is the seemingly mundane work he did on more than 7,000 immigration cases in which he helped his clients navigate the U.S. bureaucracy. Most of Hong's clients were working-class immigrants, like my father, who had little money and few English language skills. They were likely as unaware as I was about Hong's broader advocacy for Chinese civil rights and his renown. His was just a name I'd heard adults mention when I was child until I saw the 2016 exhibit about him at the Huntington Library, Art Collections, and Botanical Gardens in San Marino, which acquired his family papers in 2006.<sup>10</sup> When I asked my brother if Hong might have handled my mother's and my immigration cases in the 1950s, he said, "of course," adding that Hong was also the attorney on his own case and those of most immigrants in Chinatown at the time.

One of the main methods Hong employed to help his clients was to use another U.S. law to get around the

exclusionary statutes. In 1898, in the case of *United States v. Wong Kim Ark*, the U.S. Supreme Court established that a child born in the U.S. of Chinese parents who had permanent residency was a citizen.<sup>11</sup> But U.S. law also deems children born overseas to American citizens to automatically be citizens, and thus entitled to entry.<sup>12</sup>

It was Hong's job to help his clients prove such familial ties, which was not an easy task. Although some men who applied to bring their wives and children to the U.S. were citizens, others claimed to be citizens and that their records had been destroyed in the San Francisco earthquake of 1906.<sup>13</sup>

To prevent fraud and to weed out so-called "paper sons" (those who purchased false family documents and claimed to be children of citizens), U.S. officials required extensive physical examinations and asked hundreds of questions of applicants. Some of the queries might be as detailed as, how many steps are in your house in the village. Or the would-be immigrant might be asked to draw a map of the village. Many of these people were held at Angel Island in the Bay Area until officials were satisfied. If the answers didn't match, they were deported.

Li Wei Yang, curator of Pacific Rim Collections at the Huntington, in an online 2016 article, cited a case in which one of Hong's clients was rejected "after a 'study' of his bone structure determined that his age was different" from what he had asserted.<sup>14</sup> In some cases, relatives and friends had to provide detailed affidavits confirming family details such as marriage dates, the names of guests at their wedding and their children's birth dates. Yang noted that "Hong never knowingly promoted the use of a false identity" by his clients.

Because of federal privacy laws, Hong's client files are closed to the public until 75 years after inception of the



*Y.C. Hong and Governor Ronald Reagan, photograph, late 1960s.*

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Y.C. Hong's business card/business flyer, ca. 1928.

CREDIT: THE HUNTINGTON LIBRARY, ART COLLECTIONS, AND BOTANICAL GARDENS

case or when the client has died. I was able to see mine, my brother's and my late mother's. They were thin but maybe that meant we were luckier than most. Besides a few official documents and some letters, there are only two short, signed documents from a relative and a friend serving as character witnesses for my father. No long questionnaires, no maps.

I was only four years old in 1953 when I left China, and have had many questions about our family history. I have always known, for instance, that I left China for Los Angeles as a U.S. citizen, one of the few details my mother was able, or willing, to tell me. Now I know that I came by that through birthright citizenship. She told me many times that a professional photograph taken of our family when I was one year old, just before my father returned to the U.S., saved my life. It was proof that we were a family. I have the original and had expected to see a copy in the file but it wasn't there.

Another document listed the times my father traveled between the U.S. and China, and when he and my mother got married. There is a letter from Hong to the American consul general in Hong Kong indicating that my mother was applying for a non-quota visa as the wife of a citizen, or in the alternative, for one under the "preference quota." There is a scribbled note, likely written by Hong, on a carbon copy of a letter he wrote to the American consul general in Hong Kong in 1952, saying that "wife is still in village unable to get out," but no reason is given. There also is nothing about why we had to wait months in transit in Hong Kong. I recall relatives saying then that it had something to do with my papers, not my mother's. It took more than a year after her application was approved before we left for the U.S., but I know of families that waited a decade or longer.

I still have questions but through Hong's files, I've been able to fill in some gaps in my early life. Hong's contribution to Chinese immigrant civil rights is incalculable, but his work on cases like mine shows how he also made a big difference in individual lives. His business card from 1928 includes these words: "As a licensed attorney, I special-

ize in immigration cases. These blessings I wish for my compatriots: businesses that flourish; fortunes smoothly sought; once done, a safe and speedy passage home."

As U.S. District Judge Ronald S.W. Lew, whose family's immigration case was handled by Hong, told the Los Angeles Times in 2005: Hong "was very small in stature, yet he was so powerful because of what he did."<sup>15</sup> ☆

#### ENDNOTES

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7. *Ibid.*
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11. *United States v. Wong Kim Ark* (1898) 169 U.S. 649.
12. 8 U.S. Code § 1401; Andrew Glass, "U.S. enacts first immigration law, March 26, 1790," *Politico.com*, Mar. 26, 2012, <http://www.politico.com/story/2012/03/the-united-states-enacts-first-immigration-law-074438>.
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15. David Pierson, "Chinatown Time Capsule," *L. A. Times*, May 18, 2005, <http://articles.latimes.com/2005/may/18/local/me-chinatown18>.