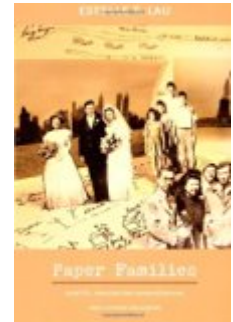


Estelle Lau. *Paper Families: Identity, Immigration Administration, and Chinese Exclusion.* Durham: Duke University Press, 2007. 232 pp \$21.95, paper, ISBN 978-0-8223-3747-8.



Reviewed by Hans Vought

Published on H-SHGAPE (December, 2008)

Commissioned by James Ivy

Estelle T. Lau, an independent scholar with a Ph.D. in sociology from the University of Chicago and a law degree from Harvard University, has revised her dissertation into this volume. It examines the relationship between Chinese immigrants and the U.S. immigration officials charged with trying to keep them from entering the country. She posits that immigration entry is "a site around which a regularized pattern of action developed that defined and created the groups involved," and therefore "should be regarded as significant in establishing elements of immigrant identity, as well as elements of U.S. government bureaucracy" (p. 1). Lau's thesis is that the relationship between immigrants and the Immigration Bureau, because it was established on the hostile basis of domination and resistance, was dialectical: the Chinese American community developed in large part through attempts to evade the Chinese Exclusion Act, while the immigration bureaucracy developed through its attempts to enforce the law. She argues that Chinese immigrants' creation of fictive kin and exploitation of American ignorance

and stereotypes about Chinese people produced "a web of interdependence and sponsored mobility that required and created both trust and closure from those who could not be trusted, thereby fostering an insular community of Chinese that, at once, disturbed basic family structures but created new ones" (p. 2).

Lau's research relied mostly on Immigration Bureau files. She randomly selected twenty files at ten-year intervals, with some additions, for a total of approximately 190 files from 1885 to 1943. She also conducted ten family interviews, but she found, unsurprisingly, that people were unwilling to divulge much about illegal immigration. She therefore supplemented her data by examining some files from the Immigration and Naturalization Service's (INS) Chinese Confession Program, which ran from 1955 to 1970 and offered adjustment of status to those who confessed to their own (and others') illegal entry. This data set offers snapshots of the evolution of the strategies employed by both Chinese immigrants and immigration officials. It does lead the reader to wonder,

however, how representative the selected files are.

In her first chapter, Lau reviews the passage of state and federal restriction laws. California tried repeatedly to prohibit Chinese immigrants from entering the state from 1855 to 1879, but such attempts were struck down in federal courts. Effective restriction was therefore enacted by the federal government in 1882, with the passage of the Chinese Exclusion Act. This law barred working-class Chinese (the so-called coolies) from entering the country, but allowed Chinese laborers already residing in the United States to come and go freely with an identifying certificate from the customs collector. The 1888 Scott Act, however, barred readmission of a Chinese laborer unless he (almost all Chinese immigrants were male) had property worth one thousand dollars or family in the United States, which barred the return of over twenty thousand Chinese Americans. Significantly, the act defined Chinese by ancestry rather than nationality, so that immigrants from Hawaii or Southeast Asia who were of Chinese descent were affected. The 1892 Geary Act denied bail for Chinese immigrants in habeas corpus cases and required them to register with immigration officials. The lack of a proper certificate could lead to deportation. A Chinese wife of a U.S. citizen was only allowed to enter if her husband was a merchant, not a laborer. In 1903, the administration of Chinese exclusion was combined with the Immigration Bureau, which handled European immigration, in part to apply the harsher judicial review standards that had been developed for European immigrants to the Chinese. When the Chinese Exclusion Act was repealed in 1943, the racial definition of Chinese identity was kept, and 25 percent of the 105 quota slots were reserved for immigrants who were not from China.

Lau describes legal and extralegal challenges to exclusion in chapter 2. While the 1905 boycott by Chinese and Chinese Americans was not very effective, legal challenges were surprisingly suc-

cessful. Lau notes that between 1882 and 1890, 7,080 petitions challenged customs collectors' adverse rulings in San Francisco, and 85-90 percent were successful in overturning the decision. She explains that this high rate was due to the different evidentiary standards employed by bureaucrats and the courts: the collector's office allowed the examiner broad discretion to disbelieve evidence, required two white witnesses to support the Chinese immigrant's testimony, and forbade legal counsel for immigrants. The 1891 Immigration Act curtailed other immigrants' access to federal court, upheld by the U.S. Supreme Court in *Nishimura Eiku v. U.S.* in 1892, but this did not apply to the Chinese until immigration administration was consolidated in 1903. An 1894 law made the decision of the customs or immigration official on alien admission final unless appealed to the secretary of the treasury, but the Supreme Court ruled in 1898 in *U.S. v. Wong Kim Ark* that a Chinese American claiming U.S. citizenship by birth must be granted access to the courts. In *U.S. v. Ju Toy* (1905), however, the justices ruled that a citizenship claim was not sufficient grounds for the courts to hear a case concerning the right of entry unless unlawful government action could be shown. This ruling, by the way, is still in effect today.

Chinese entry in spite of the exclusion laws is the topic of chapter 3. Lau describes the process, familiar to immigration historians, of creating "paper partners" in Chinese American businesses and "paper sons" in Chinese American families. Such identities were then sold to facilitate admission to the United States. Fictive partner status in an ongoing business was sold for one thousand dollars to prospective immigrants. "Paper sons" were admissible because children of U.S. citizens were eligible to immigrate and become U.S. citizens. The loss of government records, particularly due to the 1906 earthquake and fire in San Francisco, left immigration officials no way to disprove the claims of Chinese immigrants. In many cases, generations of paper families were created,

whose members often did not know if other "relatives" were actually related or not. Lau describes how Chinese immigrants took advantage of Americans' ignorance of the lunar calendar, local dialects, and customs, as well as the belief that all Chinese looked alike. However, would-be immigrants were required to memorize "an astonishing level of detail concerning family, friends and neighbors, the family home, the surrounding environment, and events which the inspectors felt were relevant to the applicant's history" (pp. 47-48). Discrepancies could discredit testimony, but so could too-perfect answers, which suggested coaching. The illustrations include several examples of coaching papers and maps used by Chinese immigrants.

In chapter 4, Lau discusses the development of the immigration bureaucracy in response to Chinese circumvention of the exclusion laws. She describes the Immigration Bureau as having a "Janus-face" of "hyper-bureaucratization and hyper-discretion" (p. 67). Officials assumed that the inability to verify testimonies was evidence of fraud, and therefore broad discretion was found necessary by the bureau and permitted by the courts. At the same time, bureaucratization, especially uniform interrogation procedures, developed to get around the problem of establishing veracity. In effect, Lau argues, the Immigration Bureau decided that consistency would be accepted in place of truthfulness. The problem of identifying individual Chinese immigrants was never satisfactorily solved, however. Reentry certificates included brief physical descriptions, but these were not found helpful in distinguishing individuals. Proposals to use the Bertillon identification system or fingerprinting were rejected, but Lau was unable to determine why.

Lau concludes in chapter 5 by describing the long-term effects, as she sees them, of this dialectical relationship between Chinese immigrants and the Immigration Bureau. She points out that the decision by some to participate in the Chinese

Confession Program created tensions in the Chinese American community, as people were forced to decide whether to regain their old identity and abandon their new one. She notes that many families had passed their false histories on to their children and grandchildren, and were reluctant to reveal the truth. Lau also suggests that the legendary "clannishness" of Chinese Americans may be due in large part to the necessity of maintaining secrecy and deception in response to the exclusion laws. Finally, she argues that Chinese exclusion began the adversarial relationship between immigration officials and immigrants that continues to this day, and that the bureaucratization of immigration restriction created the quasi-police role of the INS.

In general, Lau has written a valuable contribution to the literature on Chinese immigration. It does not break new ground, but rather adds detail to the picture already painted by such historians as Sucheng Chan (editor of *Entry Denied: Exclusion and the Chinese Community* [1991]), Andrew Gyory (*Closing the Gate: Race, Politics, and the Chinese Exclusion Act* [1998]), Erika Lee (*At America's Gates: Chinese Immigration during the Exclusion Era, 1882-1943* [2003]), Mai Ngai (*Impossible Subjects: Illegal Aliens and the Making of Modern America* [2004]), and Lucy E. Salyer (*Laws Harsh as Tigers: Chinese Immigrants and the Shaping of Modern Immigration Law* [1995]). Lau comes at the subject from the perspective of sociology, so she naturally focuses more on process than on change over time. Greater attention to historical nuance, however, might have helped her to avoid tautology in describing the dialectical relationship that is the centerpiece of her thesis. She notes that enforcement of Chinese exclusion moved from the Customs Bureau to the Chinese division within the Treasury Department's Bureau of Immigration in 1895, and then to the consolidated Immigration Bureau in the Department of Commerce and Labor in 1903. She does not examine, however, the bureaucratic changes resulting from the switch from enforce-

ment by an agency (Customs) to whom exclusion was a peripheral concern to one (Immigration) to whom it was a central concern. Surely this move accounts for some of the increased bureaucratization. Likewise, she pays no attention to changes in enforcement due to more lenient or harsh administrations. For example, the Immigration Bureau was run on a far more lenient basis by Oscar Straus in the (Theodore) Roosevelt administration and Charles Nagel in the Taft administration than it was by Anthony Caminetti in the Wilson administration.

Lau also assumes prejudice without necessarily demonstrating it. She fails to explain why, if immigration officials were so biased and suspicious, most Chinese immigrants got in anyway. The 17 percent rejection rate for Chinese immigrants was considerably higher than the 2-3 percent rate for Europeans, but still, over 80 percent of Chinese immigrants entered the United States. Lau criticizes the excessive discretion of immigration officials as unfair, but frequently notes that the inspectors' suspicions in the cases she examined were later verified. Lau should perhaps consider more carefully how much the assumption of fraud was due to prejudice and how much it was due to experience. Along these lines, greater comparison with European immigration is needed, both to test the uniqueness of the Chinese case and to show how enforcement of Chinese exclusion influenced the administration of European immigration. These minor criticisms notwithstanding, Lau has provided valuable case studies that enhance our understanding of how Chinese exclusion was enforced and how Chinese immigrants responded to that enforcement.

If there is additional discussion of this review, you may access it through the network, at <https://networks.h-net.org/h-shgape>

Citation: Hans Vought. Review of Lau, Estelle. *Paper Families: Identity, Immigration Administration, and Chinese Exclusion*. H-SHGAPPE, H-Net Reviews. December, 2008.

URL: <https://www.h-net.org/reviews/showrev.php?id=23387>



This work is licensed under a Creative Commons Attribution-Noncommercial-No Derivative Works 3.0 United States License.