**The Tower of Gratitude Script Episode of Golden Dreams**

Script by Benjamin Werkley, Dalton Emig, and Zach Grossman

# **Script Key:**

**What different things mean when reading the script:**

**B. =** Line said by Ben

**D. =** Line said by Dalton

**Z. =** Line said by Zach

*Italics Mean Stage Instructions*

**Bold means to emphasize the point being made**

Underline means to draw out the point a little

(Writing note:) means that this is simply a note to the other readers/writers of this script indicating some sort of change that will be made later on

[ ] means that this is a location where we will insert something (probably a clip from an interview) later on in the writing process

# Beginning of episode trigger warning:

**Z.** Before we begin we’d like to warn listeners that this episode contains references to sensitive topics such as violence, forced sterilization, and deportation. The names of individuals have been changed and censored to respect attorney-client privilege as well as the privacy of those involved. Please do not attempt to seek out or contact any individuals mentioned in this podcast. We would also like to mention that AI was used to generate some of the voices used for dramatizations in this episode.

# *Series intro music picks up and then leads into the Intro and gradually gets quieter as the intro goes on*

**D.** A pagoda, seven stories tall, constructed of multicolored papers stands in the corner of a room. An orange spire is nestled at the pinnacle of the structure at the tip of the steep sloping roof. Beneath it, flags of yellow, orange, green, and white hang from the tip of the roof to the clawlike edges of the pagoda’s top ceiling. At each subsequent layer the structure gets wider and wider a new picture hanging from the walls on the outside. The bottom the building is surrounded by a fence bearing an intricate and beautiful dragon design. The Tower of Gratitude today resides in the office of attorney Jeff Lobach. The Tower of Gratitude is a zhezhi paper sculpture gifted to Lobach by the passengers of the *Golden Venture*. Lobach was one of the many lawyers who worked to secure the passengers’ freedom.

**B.** Hello everyone and welcome back to *Golden Dreams* this is The Tower of Gratitude.

**D.** I’m Dalton Emig

**Z.** And I’m Zach Grossman.

**B.** And I’m Benjamin Werkely.

**B.** In this episode we will be discussing the role that lawyers from York, Pennsylvania had to play in the story of the *Golden Venture*. Everything from their **expedited training**, to the **initial** hearings for the passengers, and the appeal process for the *Golden Venture* passengers, and how a **failed case** can be the difference between residency and deportation. All that and more in this episode of *Golden Dreams*.

*Transition music into Act 1*

# Act I:

**Z.** After a harrowing four-month journey around the world and a tragically fatal night for some, the remaining survivors found themselves in the cold, unyielding grasp of the law.

**B.** Typically in cases such as this, immigrants could claim asylum status, appear in court, and be released in swift order. However, the Immigration and Naturalization Service (also known as the INS) began to feel that this procedure acted as a magnet for increased immigration from China.[[1]](#footnote-0) So the INS made the decision to keep them in detention. This crucial decision changed the process; instead of releasing the passengers while their asylum claims were processed, the survivors were then forcibly taken by the INS to detention facilities across the United States.

**Z.** Some were kept in various locations across the nation such as, New York, Northern Virginia, Louisiana, California, and Mississippi. Though nearly half of the almost 300 passengers were transported to York, Pennsylvania.[[2]](#footnote-1)

**B.** The passengers have been branded ‘illegal aliens’ by the INS and it was in York that these 154 passengers awaited their hearings to determine whether they could stay in the country they had fought so hard to reach, or be deported back to the tyranny and oppression that many of them had fled.

**B.** Unlike traditional defendants, [pause] undocumented immigrants are not guaranteed a court-appointed attorney at their hearings. In *Shaughnessy v. United States*, the Supreme Court held that once a person has entered the United States, they’re granted all of the legal rights of the Constitution. **However,** those rights do not extend to immigrants who have yet to officially enter the United States.[[3]](#footnote-2) The key word in that decision is *officially* because someone who has been apprehended by border authorities is not considered to have entered the country officially.And the INS claimed that since law enforcement had cordoned-off the area of Rockaway Beach where the *Golden Venture* had landed and had apprehended most of the passengers within that area, that the passengers had **not** officially entered the United States. This is **despite the fact** the passengers had swam ashore from the ship. [[4]](#footnote-3) So the chances for the passengers at achieving the freedom that pushed them to flee from China seemed hopeless. The passengers were stuck in a legal system that they didn't understand with hearings in a language that they didn’t speak rapidly approaching. This was where the York Bar Association stepped in.

**Z.** This is Jeff Lobach. He was the President of the York County Bar Association back in 1993. As president of the York County Bar Association, Lobach wanted to expand their pro-bono legal services. And until the INS contacted him, they had more lawyers signed up for the pro-bono program then they had clients to represent.

**Jeff Lobach:** On June 6th we saw videos on the news of refugees or detainees being transported to York County Prison. They had been aboard a ship actually for a hundred days that had ran [sic] aground near Rockaway Beach in New York. The Clinton administration had decided that they were going to change policy on the handling of detainees like this and decided to take them all into custody … and their public statements indicating that they were going to use them to send a message to China that sneaking onto our beaches wasn’t going to work.” So these folks were detained [sic] in York County because we had some capacity for federal prisoners and we received a call from what was then called the Immigration and Naturalization Service…And the request was can we represent these detainees? They wanted them all to have a lawyer, which we thought was normal but in this case it turned out it was window dressing. But, and [sic] we considered it and I said “Yes, we will do it!”[[5]](#footnote-4)

**D.** In our interview, Lobach recalled how there were few experienced immigration attorneys in York or its surrounding areas.

**Jeff Lobach:** And so we gathered a few regional immigration lawyers, because there were not many at that time. We now have now four here, but at the time there were only one or two in our towns. We asked for volunteers, we got about 30 volunteers, mostly lawyers and a few paralegals. We conducted two sets of classes with the immigration lawyers telling us what the issues are in a deportation hearing or exclusion hearing and giving us some materials so we could at least have some rudimentary knowledge to represent our clients.[[6]](#footnote-5)

**D.** This collection of lawyers held a wide variety of legal backgrounds, none of which had any experience in immigration law. York was a conservative community with a history of racial division. A local joke states that the state of Pennsylvania can be divided into three areas: Eastern Pennsylvania, Western Pennsylvania, and Alabama down the middle. York County is a part of that Alabama section.[[7]](#footnote-6)

**Z.** This group of lawyers, determined to help the Golden Venture passengers, had to rapidly prepare for the endeavor at hand. Craig Trebilcock, a personal injury lawyer, immediately embarked on a crash course in immigration law.[[8]](#footnote-7)

**Craig Trebilcock:** I was still a pretty young attorney, I think I was about…33 years old when the Golden Venture arrived. And one of my partners appeared in my doorway of my office and said “Hey I signed up to represent some Chinese guy at a project that the Bar Association is running, but I have a conflict that day that they are doing the training. Can you go for me?” Well when your partner says: **can** you go? What he’s really saying is you’re **going to** go (laughs) So I of course said yes, I’d be happy to go. And that’s how I got involved.[[9]](#footnote-8)

**B.** This lesson consisted of a three-hour training session that was mostly centered around the large amount of paperwork involved in asylum proceedings.[[10]](#footnote-9) Yet the overwhelming task at hand did not shake their determination to defend the passengers of the Golden Venture. Despite their preparations, there was no sufficient learning that could prepare the YBA lawyers for the issues they would **soon** confront.

*Musical Transition*

**D.** The lawyers were facing down a wave of immigration reform goals and situations without precedent regarding their asylum seeking clients. At the end of their training session, the lawyers received their clients. They were handed a list of names and asked to pick one.[[11]](#footnote-10)

**Craig Trebilcock:** They handed around a list of names. It was just a list of names, nothing about their case, nothing about them personally, it was just a print out. Number 1 is this name, number 2 is that name. And at this point I wasn’t very versed in pronouncing the names of people from China, and they are generally replete with lots of Zs and Xs. And I looked down the list and there was this guy’s whose name was Pin Lin and I said that's my guy! There's no Xs or Zs in it, it will be easy to pronounce. So it was pretty anticlimactic how I picked him, it was very superficial. I knew I would not embarrass myself when I went out to the prison and was introduced to him by trying to have an American guy pronouncing a Chinese name.[[12]](#footnote-11)

**D.** Not long after selecting their clients, the lawyers traveled to the York County Prison to meet them in person for the first time.

**Craig Trebilcock:** Going out to the prison to meet my guy, I hadn’t prejudged the case at all, but … I had the criminal trial attorney's jaundiced view, from having come out of the military, that almost everybody lies to their attorney. It may be a big lie, it may be a little lie, but everyone likes to spin the story that makes them sound like the hero and blameless, there is going to be some level of bs in the story you’re told by your client. Part of your role as the attorney is to decide if this is serious bs or not serious bs.[[13]](#footnote-12)

**Z.** CraigTrebilcock had low expectations going into the prison to represent his client. The INS had told the attorneys that all of the passengers were **lying** and simply telling them stories that the Snakeheads had fed them.

**Craig Trebilcock:** I go to the York County Prison, I come into the room where this guy I picked off a list and…have never met before is gonna meet with me. And he comes into the little attorney client room which is kind of like a very small maybe…six foot by eight foot concrete block room. There’s a table between us. He’s on one side of the table, I’m on the other, and I have a translator with me. And this guy is scared you-know-what less, he is [sic] his eyes are bugging out, his eyes are watery, he’s shaking, he won’t make eye contact with me and I’m trying to figure out what the heck is going on here? And I explained to him through the translator a couple of times: “I’m here to be your lawyer and everything we talk about is going to be private and between us. I’m not from the government,” cause I thought he might be thinking that I’m from the INS? Maybe he’s confused about what this is all about? And that was one of the biggest challenges to begin with. But then it became clear through my translator that in China an attorney is much different, they are basically there to help prepare you to plead guilty. They are not there to get you off because almost nobody gets off in China, it's a communist dictatorship. You’re not going to get a fair trial. So the lawyer that’s there to represent you is really there to help set you up.[[14]](#footnote-13)

**B .** The YBA lawyers were working against the clock. They had only been given a few days to prepare their cases.[[15]](#footnote-14) With most cases, lawyers are given **month**s or **even years** to prepare their cases, but because the INS had put these cases on a fast track, they only had a few days to prepare before they entered into the courtroom.

**B.** Jeff Lobach thought he had a pretty good case. His client had been a protester in the pro-democracy movement of in the 1980s and had fled aboard the *Golden Venture*. My classmates discussed this movement in more detail in a prior episode, but this was the same pro-democracy movement as the one that had led to the Tiananmen Square protests and massacre back in 1989.

**Jeff Lobach:** His involvement was as… the way ZZ translated it was… like Propaganda Minister, public affairs, for the sect or the cadre of pro-democracy people in Fuzhou. And most of what he did was send faxes. You don’t know what faxes are probably but that was how they communicated with Beijing. And they were faxing all around the country and he was sort of the PR Guy. So he was studying to be a Chinese language teacher.[[16]](#footnote-15)

**B.** Craig Trebilcock also thought that he had a solid case since his passenger was a father fleeing the one-child-policy.

**Craig Trebilcock:** He told me his story which was kind of the classic: I had a couple of children, the government came in, beat me up, fined me, were gonna sterilize me so that I couldn’t have any more children, against my will. Which ya’know, basically a forced surgery. And levy this huge fine, which is the equivalent of several years pay. So I heard his story out and then I did this little game that you can do with your clients when you first meet them: I tried to get him to lie to me because I wanted to test out how sincere his story was. I said: “Well I understand all of that. Now your case would be much stronger, and you would have a much better chance if this happened.” I’m throwing him a big piece of bait, right on the hook. Bite on the hook and show me that you’re now also gonna now say: “oh yes that also happened” because then I would know he’s one of the guys who was lying to me. He's just here because life is better here than…ya know being a poor guy in China and all that. But he’s like: “No no, that didn’t happen at all.” And I’m going ‘hmm, that’s interesting.’ And then I’d take a different path. And I’d say “So you said this happened, and then this happened, and then this happened, did this also happen? Because this would make your case much stronger!” I wasn’t trying to plant lies on him, I was trying to get him to embellish his story. And he was like: “No no, that didn’t happen at all. Like I told you, this is the way it happened.” And I’m going: “Huh…why isn’t this guy lying? The Immigration Service told us all these guys are liars! And they're gonna make up this story just to get here so they can, you know, take jobs!” So that was the first inkling I had as a very experienced trial attorney at that point that this guy doesn’t seem like he’s gonna make up a story to strengthen his case.[[17]](#footnote-16)

*Transition music plays into the next line*

**B.** One of the most unique aspects of this story is the relationships between the attorneys and their clients. In the beginning, they were formal, just like any other attorney client relationship.

**Jeff Lobach:** Well, it was like a lawyer-client at the beginning. But we got to be friendly during the course of preparing his case because it was slow going. To just extract the story and hearing about the voyage itself was…almost unbelievable. About the storms that they were in, about the lack of food, about the brutality of the Snakeheads, about the length of the voyage. They went around the long way. Stopped at Kenya for a long time. In the heat, they were all down in the hold. It was awful.

*Dramatic music begins to play in the background of the audio*

**B.** But over time, the attorneys and their clients became even more friendly with each other

**Jeff Lobach:** We started to become friends. My wife, who I would tell about this, came in to visit him regularly. My sons were too young to visit, but they made signs for the vigils: “Free Mister: his last name.” And he started to become a family member before we actually got him out of prison.[[18]](#footnote-17)

**Z.** Attorney Frank Countess, who was fresh out of law school at the time, and the youngest lawyer working on the asylum claims of the *Golden Venture* passengers, recalled how he and his family would support the passenger he was representing.

**Frank Countess:** So we had a fairly steady stream of individuals visiting and believe it or not, bringing presents. I believe occasionally we would make contributions to his prison commissary account. There's [sic] like certain things they can buy in the prison commissary if they have a few dollars but yes, a few of my family members took him on…and he knew it. He knew it.[[19]](#footnote-18)

**D.** In this unfamiliar setting, the lawyers gave it their best. These trials were unlike anything they were expecting.

**Craig Trebilcock:** It was kind of a prison classroom, they used it for classes when the inmates would be allowed to have classes to develop skills or whatever. So it was kind of very much like a low-end high-school classroom just cinder block walls except no-windows, one door coming in. You walk in [sic] there were three cheap fold-out tables. One for the judge, one for the defense, one for the Immigration Service Prosecutor.[[20]](#footnote-19)

**D.** Jeff Lobach remembered some of the odd practices in his interview.

**Jeff Lobach:** The decisions were made before we got in. We couldn’t get a continuance under any circumstances. We were volunteer lawyers and we were disrespected by the immigration judges, and the good cases and the bad cases were all being treated the same: asylum denied over and over again.[[21]](#footnote-20)

**D.** A set of lawyers also came down from New York City to represent some of the passengers. These lawyers were complete strangers and none of the York lawyers knew who they were. Both the attorneys and the passengers began to suspect that these lawyers weren’t here out of the kindness of their hearts. Trebilcock recalled these lawyers in his interview.

**Craig Trebilcock:** There were several attorneys who were well known in the New York/New Jersey area to have been retained by or cooperating with the Chinese mob to ensure this investment was protected. So, how many people were represented by people having that interest? I don’t know.[[22]](#footnote-21)

**Z.** The judges brought in by the INS weren’t acting like typical judges. It seemed that the fight they had on their hands was useless: the judges had already made up their minds.

**Craig Trebilcock:** The judge was not on a big elevated bench like in a courtroom in the civilian world like the courtroom I used to sit in or a federal courtroom. He’s just sitting at another folding table. So as I come up and hand him my documents, he’s got his folder open and I can see the pre-written opinion in front of him denying my client’s case. It's all typed up, all the citations are there explaining word for word why my client is being denied his asylum case. Now that is there before the hearing is even over. I may not be the world’s greatest attorney, but I recognize the basic concept that the judge should not decide that you lose before the hearing is even **over**.[[23]](#footnote-22)

*Dramatic transition music plays*

**Z.** Despite the lawyer's best efforts, many of the passengers failed to gain asylum. The INS fervently argued that the passengers had failed to present a good case for asylum and set the passengers to be deported. Frank Countess recalled this:

**Frank Countess:** Did seem that they were…not necessarily moved by the stories we told, the arguments we made, and they seemed to rule in a fairly expeditious and clerical fashion and the overwhelming majority seemed to be getting rejected.[[24]](#footnote-23)

**B.** As the attorneys representing the passengers talked to each other many of them began to notice similarities between their stories. It was at this moment a thought crossed attorney Craig Trebilcock’s mind: had the passengers and their lawyers been set up?[[25]](#footnote-24)

**Craig Trebilcock:** And we were all just like walking into a helicopter propeller. As we said at the time: we may not have been the world’s most experienced immigration attorneys, but we were pretty good attorneys, and when all but one or two of us unanimously lost, we knew something was rotten in Denmark![[26]](#footnote-25)

**B.** The INS had rigged the process to get a result: to have the *Golden Venture* passengers deported back into the hands of China. It was in this moment that Trebilcock determined that this would not be the end of this story; he and the other lawyers would do whatever was in their power to save these people who had risked their lives to gain freedom.[[27]](#footnote-26)

**D.** Craig’s legal secretary, Margo Murray, recalled the story of when Craig burst into his legal office angrier than ever about this.

**Margo Murray:** And that was as he reached my desk. “Get me the fucking White House!” And I’m like: ok [laughs] how do I do that exactly? [laughter]

**Z.** So it's true?

**Margo Murray:** It was a long hallway, at Stock and Leader at that time there were like four steps up to the level we were on but it was open and it was a long hallway, and he’s yelling this the entire way up the hallway until he got to my desk with the punchline. And yeah, that's exactly what happened.[[28]](#footnote-27)

**D.** Despite losing in court, the fight was not over. It was only just beginning for some of the passengers and their lawyers.

*Transition music begins*

**Craig Trebilcock:** I’ll spare you the legal gobbldy-gook but it became the equivalent of like a class-action lawsuit.[[29]](#footnote-28)

# *Transition music into Act II make sure that music plays without narration for some time and then fades into the next section*

**Z.** All of the passengers that had strong cases for political asylum appealed their deportation. Not all of the passengers appealed at the same time, some such as the passenger represented by Jeff Lobach appealed to the Board of Immigration Review.

**B.** I’d just like to clarify that the Board of Immigration Review, also known as the BIA or just “the Board” for short, is the highest court within the system of immigration law. It is the job of the BIA to hear the appeals of immigrants in their entry proceedings. Decisions rendered by the Board are binding unless they are overruled by the Attorney General or a federal court.[[30]](#footnote-29) Lobach knew his case was one of the strongest, and he wasn’t ready to give up.

**Jeff Lobach:** But we weren’t going to give up. I mean that is what they wanted so we really…we didn’t want to be complicit in this whitewash but we did want to do the best we could for our clients. I know after after [sic] my decision came in in [sic] the negative I told my client I’m gonna stick with this if we have to go to the U.S. Supreme Court!” And we’re not going to give up. I mean this was one of the strongest cases.[[31]](#footnote-30)

**B.** Lobach’s client had been expelled from his college following his involvement in the pro-democracy movement and Lobach even had an expulsion letter from his client's former college to prove this.

**Z.** Most of the cases, such as the passenger represented by Craig Trebilcock, failed in the BIA so they took their appeals up to the United States District Court for the Middle District of Pennsylvania in a case known as *Yang et al. v. Reno*. Since this case had gone far beyond the scope of a small series of immigration cases, it now required more attention from President Bill Clinton’s Attorney General Janet Reno. It was attorney Craig Trebilcock who would lead the charge on this appeal. Reno and other top DOJ and INS officials would often feign ignorance about this case: however,

**Jeff Lobach:** ...Webb Hubble was into it up to his eyelids and so was Coven and so was Attorney General Reno. It was…[sic] They called it ‘The Border Security Group.’[[32]](#footnote-31)

**B.** One of the main goals of this case was to reveal that the federal government had interfered with the asylum cases of the passengers. The Golden Venture passengers faced policies and judicial actions from the White House that were altogether unwelcoming and downright hostile to the presence of the passengers. An editorial written up by members of the Clinton administration condemning immigrant smugglers and immigrants seeking to enter the country illegally, quotes President Clinton saying:

**Bill Clinton** (voice is generated using AI): “The simple fact is that we must not and we will not surrender our borders to those who wish to exploit our history of compassion and justice. People seeking to enter the U.S. illegally should realize that they will be putting themselves in an extremely dire situation.”[[33]](#footnote-32)

**B.** Jeff Lobach recalls getting into a shouting match with a member of the DOJ, Phyllis Coven, over the administration’s handling of the cases.

**Jeff Lobach:** And Coven and I had a major shouting match.

**B.** Really? Can you talk about that a little bit.

**Jeff Lobach:** Well it was in response to this letter I have on the screen which was sent to Attorney General Reno on September 10th of 93.[[34]](#footnote-33)

**B.** The letter that Lobach is referring to alleged that the Attorney General and the DOJ had interfered with the cases of the passengers. This letter also outlined the grievances that the lawyers had with the administration. The judges who already had their decisions made, not allowing lawyers to request continuances, and the general tactics used by the administration to expedite the hearings for the passengers.

**Jeff Lobach:** So we made some allegations in there that this was trappings of due process that it wasn’t a serious hearing. There was no real due process. And uh [sic] So it happened that we released this letter after we sent it to her and there was a press conference. She held a press conference, not on this, but a general on Department of Justice issues and there was a lawyer from York Country who was well informed about our situation. I think it was Linda Seligson, and she asked ‘What are you gonna do about this guy’s letter that was sent by the York County Bar Association?’ Reno said ‘Well I don’t really know what you're talking about.We’ll have to get back to you.’ Then Coven called me soon after that and was arguing with me over whether this process was fair and so forth. Which it clearly wasn’t, and she knew it.[[35]](#footnote-34)

**B.** These appeals did one major thing for the passengers who were able to get them, they bought them time. The appeals extended the court cases, meaning that an individual could not be deported if their case was still active. This was **key** to continuing the fight. The US District Court for the Middle District of Pennsylvania agreed to hear the case of *Yang v. Reno*, the Chief Judge for the Middle District of Pennsylvania agreed that there was merit to the appeals of some of the passengers and decided to hear the case. Unsurprisingly, it would soon be revealed that the United States government had to explain some peculiarities in this case.

*Dramatic music plays in the background*

**Craig Trebilcock:** I believed there had been political interference by the Clinton Administration in the form of basically telling these judges or influencing or squeezing these judges to decide the cases in a certain way to get that political outcome of quickly deporting them all back to China. So that then led to Judge Rambo allowing us to take what's called discovery which means getting documents and taking sworn statements from all of these judges, and attorneys, and people in the White House that normally you don’t get access to.[[36]](#footnote-35)

**D.** As the cases pressed on, the lawyers responsible for representing the passengers were also working to obtain a **summary judgment** from the district court. This meant that the court made a decision about a case without a full trial; it required one of the parties involved to request it. The attorneys representing the passengers requested summary judgements on several of the cases.[[37]](#footnote-36)

**D.** The government **repeatedly** countered the requests from the passengers for summary judgment. They did this for a variety of reasons among many cases. In the case of *Yang V Reno* the government claimed that he had not made formal entry into the United States since he had been detained by the INS after leaving the *Golden Venture*.[[38]](#footnote-37)

**Z.** On top of **that** effort, the lawyers also worked to have a handful of the passengers released on parole. Through the assistance of members of the York community, many of the passengers had made friends with whom they could live with and even employers who would have been happy to hire them. The passengers and their attorneys figured that it would be better to release the passengers on parole rather than keep them in prison. Much like the summary judgements, the lawyers **did not** see much success with their requests to get their clients paroled either. In most cases the government claimed that only the INS had jurisdiction to parole the passengers, not the court.[[39]](#footnote-38)

**Z.** That isn’t to say that the passengers didn’t have **any** success whatsoever during their appeals. Results were different in the district court. The judge presiding over the case allowed for some continuances to be granted. At one point an attorney representing a passenger fell ill and requested that he get a continuance until his health improved, and this request was granted.[[40]](#footnote-39)

**B.** These attorneys suspected that INS and the Clinton Administration had interfered with the hearings for the passengers, but they couldn’t yet prove that. Unlike the earlier immigration hearings, these appeals allowed for an **extensive** discovery process where the attorneys representing the passengers could subpoena the federal government for documents pertaining to the *Golden Venture*. They could also force INS officials to **testify** before the court.

*Dramatic Transition music*

**B.** Various depositions demonstrate that INS and EOIR officials involved were shifty or caught in “lies” about being unaware of the administration’s goal to expedite asylum cases of the passengers, despite that knowledge being widely understood. In one case a chairman of the EOIR claimed ignorance of the Clinton Administration’s goal of expediting these cases. This did not change when a memo which was widely disseminated in the organization was brought back to his attention.[[41]](#footnote-40) In general, the claims of ignorance were the most common claims made by INS and EOIR officials when questioned.

**Craig Trebilcock:** They were lying through their teeth. [laughter] That's just all there is to it. When you look at the full body of evidence and the key document, there's a thing we kept calling the Hurwitz memo, I mean it layed out the whole plan. I mean, that was the smoking gun. It's not like we’d done this before. Ya know? Jerry Hurwitz was the head lawyer for the BIA. The BIA was in charge of all the immigration judges. They weren’t just the appellate court, they were the umbrella organization over the entire immigration judiciary and they sent all this stuff down saying ‘This is the way we’re gonna do it guys. We’re gonna do it quick. We’re gonna do it fast. And we’re gonna do it so we can send all these guys back toot-sweet!’[[42]](#footnote-41)

**B.** That memo that Craig Trebilcock just referred to as the “Hurwitz memo” really was the smoking gun that Trebilcock and the other attorneys were looking for. In this memo Gerald Hurwitz, the Counsel to the Director of the EOIR, laid out the government’s plan to deal with the *Golden Venture* passengers as quickly as possible. To quote the memo itself: quote “The goal of the plan is to complete immigration judge (IJ) and, if necessary, Board of Immigration Appeals (BIA) proceedings within 120 days. This plan is based upon by holding hearings as quickly as possible, while preserving full due process protections for the aliens involved.”[[43]](#footnote-42) The memo outlined how the hearings for the passengers were to be scheduled “immediately upon receipt”[[44]](#footnote-43) end quote. The time between the receiving of a passenger at a detention center and their first hearing was to be five days. The attorney and their client were to only be given ten days to put together an asylum application. Then the asylum hearings were to take about 15 days. With time being given in-between as a flexible sort of thing. The plan even included suggestions on how to speed up the appeal process at the BIA for a passenger. The Hurwitz memo even advised that Attorney General Janet Reno treat the asylum cases of the *Golden Venture* passengers as “emergency matters.”[[45]](#footnote-44) This memo came from high up in the Clinton Administration and laid out an exact plan on how to speed up the hearings of the passengers. Asylum hearings, and most trials for that matter, can take years to reach a verdict, but the Clinton administration had planned out exact steps to take to take this lengthy process and condense it down into a mere 120 days. This memo was sent out only a few days after the *Golden Venture* landed on Rockaway beach. Craig Trebilcock and the other attorneys knew that this memo spelled out exactly how the Clinton Administration planned to deal with the passengers.[[46]](#footnote-45) And by extent [sic] exactly how the trials were gonna go. They knew going into them, exactly what was gonna happen, and exactly when it was gonna happen! Trebilcock and the other attorneys were able to confirm their suspicions; that they were in fact set up by the INS.

*Dramatic transition music*

**D.** A small handful of the passengers did get some personal victories out of this appeal. After their cases were reviewed, they were granted asylum. Such as Jeff Lobach’s passenger who won his appeal at the BIA.

**Jeff Lobach:** Ultimately he called the prosecutor and me back in chambers and he said “I’m pretty close to granting asylum here.” And the prosecutor, who was just a regular Justice Department lawyer, he wasn’t a part of the group they sent up here to send everyone home is a hurray, said “Yeah this seems like a pretty strong case, I have no objection to asylum.”

**B.** Wow!

**Jeff Lobach:** Boom! But they still kept him in handcuffs and transported him back to York County Prison and that's where we picked him up that night and he came to live with us.[[47]](#footnote-46)

**B.** In an email exchange I had with Joan Maruskin, a pastor involved in the People of the Golden Vision, a group which will be talked about more in a later episode, Maruskin recalled the joyous feeling whenever a passenger was granted asylum. Maruskin recalled that quote “There was often sorrow and confusion but the best times were when asylum was granted and the asylee realized he was going to be free and the mood in the room changed to one of joy for all the detainees and advocates.”[[48]](#footnote-47) End quote

**Z.** It is important to remember that not all of the Clients were as lucky. Frank Countess’s client had simply given up hope.

**Frank Countess:** My recollection is my client lost hope…earlier then some of the others and he was very possibly…within…sniffing distance of the finish line. And, only afterwards when we saw Jeff and Craig’s clients and a few others obtaining their freedom, in retrospect how close my client was. And if he just waited another ten percent…he might have had a completely different fate and we’ve never heard from him since. We really don’t have any idea what's happened to him.[[49]](#footnote-48)

**Z.** *Yang v. Reno* itself may not have resulted in many of the passengers being freed, but it did buy the Passengers time, and Craig Trebilcock still had a few tricks up his sleeve to get his client and the others freedom.

**Craig Trebilcock:** “Sometimes you win your case in court. Sometimes you win your case in the media and that's where we won our case.”

*Transition music going into the Conclusion*

**B.** When thinking back on these cases, our interviewees had much to say. Jeff Lobach remembered how it affected his family.

**Jeff Lobach:** Yeah, he’s with us at Easter, he’s at every family holiday. We’ve traveled with him to Yellowstone, to the canyons of Utah, taken his daughter with us to South America, Disney World. He gave us a trip to China, my wife and I.

**B.** That’s amazing!

**Jeff Lobach:** Yeah, so yeah [sic] we’re pretty close. He calls me dad. [laughter][[50]](#footnote-49)

**B.** Craig Trebilcock spoke about how this story relates to the morals and ideals of the United States. Craig Trebilcock had been a member of the United States Army for several years and had served in West Germany before the Iron Curtain fell. Trebilcock saw his work representing the refugees aboard the *Golden Venture* as an extension of his service to his country and what it stands for.

**Craig Trebilcock:** This is not what we stand for as a country! This is not what I’m going to let my country stand for! And somebody’s [sic] gotta protect these people because they’re no different from all of the other immigrants who came to this country. That is the foundation of this nation.[[51]](#footnote-50)

**B.** Margo Murray, remembers just how much of her life, and the lives of the lawyers was spent on the *Golden Venture*.

**Margo Murray:** Um Pin Lin, I guess Craig told you he went to South America? Yeah. He was there for…it took us seven years to get him back?

**Z.** Yeah seven years sounds about right.

**Margo Murray:** And that was seven years of filing everything we knew how to file. We sent him to Canada to try and get a visa. We sent him to England to try and get a visa. We did everything we could. I mean…Pin Lin was our project for years until we got him back and when we got him back we all went to the airport to pick him up. And he…uh…oh my gosh that was such a day. Just seeing him walk through those gates…and knowing we didn’t have to file anything anymore was a relief but he was safe and here and his family was here so.[[52]](#footnote-51)

*Music fades out*

**D.** The judicial efforts that were relentlessly put forward by the York Bar Association would not secure the release of all of the Golden Venture Passengers. But, their efforts were not completely in vain. Several passengers were granted asylum thanks to the hard work of the attorneys who had given up so much to fight for the passengers.

**Z.** The work of the York Bar Association was far from over. They may not have gotten all of the Passengers out of detention, but their judicial efforts had brought renewed attention onto the passengers from the York Community. The fight to free the passengers of the *Golden Venture* was no longer just up to the lawyers from the YBA, it had expanded out to the wider York Community, and they were in for a fight.

*Outro theme fades in as the previous line ends*

*We allow a few moments of the music to swell then begin to read off credits for the episode*

*Ben*

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*Dalton*

Sounds and music were sourced from story blocks

*Ben:*

The voice of President Bill Clinton was generated using the AI voice cloning platform Play.Ht.

*Zach*

Information about our sources, as well as the transcript of this episode can be found in the show notes for this episode.

*Ben*

Thank you for listening toThe Tower of Gratitude.

*Music gets louder after the last line is said, moving into a crescendo. After about 30 seconds, the music begins to slowly get quieter as the episode ends.*

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11. Keefe, *The Snakehead*, 225. [↑](#footnote-ref-10)
12. Trebilcock, Interview, 6:35. [↑](#footnote-ref-11)
13. Trebilcock, Interview, 11:19. [↑](#footnote-ref-12)
14. Trebilcock, Interview, 12:47. [↑](#footnote-ref-13)
15. Keefe, *The Snakehead*, 228. [↑](#footnote-ref-14)
16. Lobach, Interview. [↑](#footnote-ref-15)
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22. Trebilcock, Interview. [↑](#footnote-ref-21)
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25. Keefe, *The Snakehead*, 228. [↑](#footnote-ref-24)
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51. Trebilcock, Interview. [↑](#footnote-ref-50)
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