Episode Transcript:

Statues of Liberty: American Immigration History & Policy

Ryn - R, Alaina - A

# A - Before we begin, we would like to warn you that this episode will contain references to some sensitive topics, including violence, sexual assault, infant death, and forced sterilization. Names have been changed to respect attorney-client privileges and the privacy of our subjects. Please do not attempt to seek out or contact any individuals mentioned in the podcast.

| **START** [Road To The Adventure] |
| --- |

R - Welcome to another episode of the *Golden Dreams* podcast. My name is Ryn Johnson…

A - And I’m Alaina Crowell…

R - And in this episode, we’ll be exploring the historical and political contexts to the *Golden Venture* story. I researched the historical roots of the *Golden Venture* crisis…

A - And I researched some key policy approaches of three presidents’ administrations that shaped the way *Golden Venture* asylum cases were heard in federal courts.

R - All of the sources mentioned in this episode will be linked in the show notes …

A - And throughout the episode, you’ll hear snippets of our interview that we did with Judge Craig Trebilcock, who’s a lawyer from the York Bar Association who led the legal case challenging the Clinton administration during the *Golden Venture* asylum hearings.

R - But, before we dive into our sources, we *have* to talk about a key figure for our episode theme.

A - Who’s that?

R - We have a date with Lady Liberty …

[*Ambient wave/ocean noise, like waves lapping on a shallow shore, maybe even seagulls lightly, play through TRANSITION 1, an excerpt from Emma Lazarus poem engraved at the base of the actual statue read like Ryn and Alaina are standing at the base*]

[[Ocean Noise w/ birds](https://www.storyblocks.com/audio/stock/ocean-waves-near-cliff-birds-hg_7yx6hudrk0wxx1zf.html)]

# [**TRANSITION 1**]

R - Wow. That’s a “mighty woman with a torch.”

A - She’s supposedly named the “Mother of Exiles” in this poem…by…Emma Lazarus, look. From 1883.”

*“Not like the brazen giant of Greek fame,*

*With conquering limbs astride from land to land;*

*Here at our sea-washed, sunset gates shall stand*

*A mighty woman with a torch, whose flame*

*Is the imprisoned lightning, and her name*

*Mother of Exiles. From her beacon-hand*

*Glows world-wide welcome; her mild eyes command*

*The air-bridged harbor that twin cities frame.*

*"Keep, ancient lands, your storied pomp!" cries she*

*With silent lips. "Give me your tired, your poor,*

*Your huddled masses yearning to breathe free,*

*The wretched refuse of your teeming shore.*

*Send these, the homeless, tempest-tost to me,*

*I lift my lamp beside the golden door!”*[[1]](#footnote-0)

*[End music]*

…

| [**SECTION 1** on two *Golden Venture* paper sculptures of the Statue of Liberty featured in MOCA’s exhibit from 2017 titled “FOLD”] |
| --- |

A - Okay, so…we’re back from our quick visit to Liberty Island to see the Statue of Liberty…What does this have to the story of the *Golden Venture*?

Passengers of the *Golden Venture* made two strikingly different paper sculptures of the Statue of Liberty while they were detained in the York County Prison. One looks like what you’d expect if you’re familiar with the American icon on Liberty Island: mounted to a reddish-stained block is a rather realistic Lady Liberty. She’s brighter, a truer green than the one standing in the New York harbor, she’s less minty green and more like a ripe lime. The tablet with the date of the Declaration of Independence is cradled in her left arm and her right arm is raising a bright red torch high above her head.

R - She seems like a real reflection of the American Dream, a real embodiment of America’s rich history of immigrants arriving at Ellis Island in New York and Angel Island out on the Pacific Coast. It looks so much like the real Lady Liberty.

A - I know, it’s really impressive how true to the statue she looks. What does the second one look like, can you tell us?

R - Well, it’s very different from the one that you described. A smaller model of Lady Liberty is perched on top of what looks like a sculpture of the Capitol in D.C. Her face expressedly looks like the Buddha. A portion of the *Golden Venture* passengers are buddhists, so it’s understandable how the artists might’ve chosen to imagine her as Buddha-like.

A - And surrounding the Capitol where she sits, there’s these four large walls, like maybe a castle or the walls you’d have protecting a city. They’re designed like stone walls and each corner has a string of pennants, flags, and patterns that’re generally red, white, and blue. They all connect up to the Capitol building, and from the top-down, it’s like the pennants cascade from the Buddha-Lady Liberty and rest at the top of the corner pillars.

R - What do you think this sculpture is trying to capture?

A - It feels a little more nuanced or complicated than the first sculpture. The colors aren’t as bright and there’s this real *tension* between the tinier Statue of Liberty and her image of freedom when it’s sitting on top of *all* of this structure, ***literally*** housed within these *huge* walls and outside the symbol for the American government… I think **isolated** is a word that stands out to me.

R - Like there’s this *huge* separation between the symbol for freedom and actual freedom that’s contextualized by the Capitol model and those huge walls.

A - *Exactly*.[[2]](#footnote-1) Let’s hear what then-President Bill Clinton had to say during this time…For the record, this is my very bad impersonation *[Ryn laughs]* of Bill Clinton because we chose to forgo the AI option…

[*Alaina reads this in a Bill Clinton voice]*

“All Americans, not only in the States most heavily affected but in every place in this country, are rightly disturbed by the large numbers of illegal aliens entering our country. The jobs they hold might otherwise be held by citizens or legal immigrants. The public service they use impose burdens on our taxpayers. That's why our administration has moved aggressively to secure our borders more by hiring a record number of new border guards, by deporting twice as many criminal aliens as ever before, by cracking down on illegal hiring, by barring welfare benefits to illegal aliens…We are a nation of immigrants. But we are also a nation of laws. It is wrong and ultimately self-defeating for a nation of immigrants to permit the kind of abuse of our immigration laws we have seen in recent years, and we must do more to stop it.”[[3]](#footnote-2)

*[Short transition music into next section]*

# [**TRANSITION 2**]

A - President Bill Clinton spoke on illegal immigration as a policy issue in his 1995 State of the Union Address, which was after the landing of the *Golden Venture* in June 1993. The *Golden Venture* was still appearing fresh on Clinton and the Capitol's minds, because at this point, the Clinton administration detained passengers and had already sent them to the York County Prison and other prisons around the country. This is around the same time passengers at the York Prison were creating the paper sculptures, actually.

R - Yeah, they’re actually creating these sculptures that blend American culture with Chinese culture while the President suggests that they are taking advantage of American policies, even saying undocumented immigrants are actually taking jobs away from American citizens…

A - And that’s the common talking point that politicians use when talking about “illegal immigration.” It’s a nativist claim to make, and by “nativist” I mean it’s a claim that prioritizes “native-born” Americans over those who immigrated to this country, and even those who don’t ***look like*** “native-born” Americans. Nativism often goes hand-in-hand with racism and xenophobia. To be clear, undocumented immigrants aren’t taking American jobs. They’re immigrating for opportunities that the United States boasts to the globalized world.

R - I actually want to step into our topic further. Nativism has a long history in the United States, and there’s actually federal policies going back to the late 1800s that restricted Chinese immigrants from immigrating to the United States…

*[Short transition music here]*

| [**SECTION 2** on Ryn’s history research where she explains to Alaina some major events marking immigration history.] |
| --- |

R- So Alaina, have you ever heard of the Chinese Exclusion Act?

A- I first learned about it in high school. So yes, but it’s been a while.

R- Okay, well for those who may not know, the Chinese Exclusion Act of 1882 was the first piece of legislation that outright banned entry into the United States. The act essentially bans Chinese immigrants from coming to the United States for 10 years, and there’s a famous political cartoon that shows a massive wall that reads “The ‘Chinese Wall’ around the United States of America.” The cartoon shows immigrants being thrown over the wall along with a ladder that’s inscribed “emigration.” The cartoon is titled, “Throwing Down the Ladder by Which They Rose,” by Thomas Nash which provides an image that will re-occur throughout the trajectory of American immigration policy.[[4]](#footnote-3) The cartoon signified the hypocrisy of the European immigrants who climbed the ladder only to throw it back down when Chinese immigrants came to the United States seeking refuge like they had done decades before and after. It shows the hypocrisy of European immigrants and the weight that these nativist claims hold.

A- Yeah, the circumstances for immigration created waves of different migrant groups coming to the United States. But they all immigrated for the same opportunities, chasing similar American Dreams. So, instead, the cartoon constructs a figurative wall that basically existed through the way immigration policies were written and enforced. The cartoon is attached in the show notes for those who are curious. And, um, Ryn, where does Ellis Island begin to fit into this story?

R- Surprisingly enough, Ellis Island opened its doors to immigrants in 1892 and remained open for another 62 years. About 12 **million** immigrants were processed through Ellis Island from 1892 until it was closed in 1954.[[5]](#footnote-4) There was actually an island around the same time operating in the San Francisco Bay called Angel Island that served a detention center for Chinese immigrants that were detained and interrogated, but it eventually ended up closing in 1940.[[6]](#footnote-5)

A- Wow. So detention of Chinese immigrants is really not a new phenomenon for the United States. But what ended up causing Ellis Island to close after being open for so long?

R- Well, there were many politicians who were not in support of Ellis Island from the start but policy began to change in the beginning of the 20th century after World War I. The U.S. embassies expanded and took over many different jobs for the island. Things like paper work, logistics, and medical inspections were originally the domain of the island, but were then later transferred to the embassies. So eventually the island closed and 40 years later the *Golden Venture* story became news but political support for immigration had been on the decline for years.

A- So how do we get from the closing of Ellis Island in 1954 to the *Golden Venture*? Where are the missing links?

R- Some of the missing links can be found in immigration stories *since* 1882 and there are a couple I would like to draw attention to: The Cuban Exodus was a massive wave of Cuban immigrants coming to the United States over a couple decades. The two specific waves I will be addressing are the Mariel Boatlift of 1980 and the Cuban Rafter Crisis in the 1990s. But, prior to the Cuban Exodus, the *Saint Louis,* a ship carrying about 900 Jewish refugees, had their own encounter with U.S. immigration policy in 1939. Each of the stories speak to the attitude of the Reagan, Clinton, and the FDR administrations toward immigration crises. There are photographs provided in the show notes for each event to get a sense of the resilience of the migrants. The Mariel Boatlift is where we’re going to start this historical exploration. Have you ever heard of it?

A- I can’t say that I have. Please tell me more.

R- So picture this, it's 1980, thirteen years **before** the *Golden Venture* and Fidel Castro is the President of Cuba. Castro rose to power in 1959, five years after the closure of Ellis Island and the political unrest in Cuba had peaked. The communist revolution in Cuba has begun and revolutionaries had successfully overthrown the previous regime and established a communist state on the island, with Castro as their leader. In his attempt to stop the turmoil, Castro opened Port Mariel for any citizen that wished to leave the island. The port was located 25 miles west of Havana, the capital. So an estimated 125,000 migrants left though the port to sail to Florida. A number of migrants fought against the open waters and sailed all the way to Miami where they were able to obtain citizenship from the Cuban Adjustment Act.[[7]](#footnote-6) The act from 1966 “granted work authorization permits and lawful permanent residency (green card status, essentially) to any Cuban native or citizen who settled in the United States for at least one year.”[[8]](#footnote-7) As a result of the crisis, four years later in 1984, President Reagan pushed for the passing of the Cuban/Haitian Entrant Act of 1980 which provided, “eligible Cubans and Haitians with medical assistance, cash assistance, and social services.”[[9]](#footnote-8) It operated as a refugee resettlement program. In this we can see how helpful the United States can be when they are working to support refugees of communism in the wake of the Cold War. But many migrants **were** still detained and deported back to Cuba.

A- It’s nice to see the potential of what could be when analyzing American immigration policy. But it is unfortunate that the Reagan and Clinton administrations show resistance against asylum seekers when there are many economic and social benefits of a strong immigrant population. It’s also not surprising though that anti-immigration policies really began to tighten at the start of the 80s with Reagan and the conservatives dominating the political sphere of the decade.

R- So, fourteen years *after* the Mariel Boatlift, the Cuban Rafter Crisis begins in 1994. This is one year after the *Golden Venture* had hit New York. The crisis erupted as protests broke out against the communist regime and about 35,000 Cubans fled the island sailing for Florida.[[10]](#footnote-9)

A- The hope in me wants to believe that the Cuban migrants made it to the United States and live happily ever after.

R- And your hope is admirable. But unfortunately, this is where our friend Clinton comes back and enforces his “wet foot/dry foot” policy for Cuban immigrants.

A: Yeah what kind of policy is that?

R: The policy works like this: Cubans who were caught sailing to Florida by the U.S. Navy were classified as “wet foot” and the immigrants were sent to Guantanamo Bay, a prison island in the Caribbean. Refugees who made it to the United States would be “dry foot” and thus are eligible to apply for status under the Cuban Adjustment Act, which was Clinton’s policy. [[11]](#footnote-10)

A: So they’re only arrested if they’re caught in the water and not actually on the land?

R: Yes. Once they make it to the land, they are eligible to apply for status but if they are caught, they’re essentially sent to another detention center. **But** what makes this policy special is that it’s the first in 35 years to reject Cuban migrants from fleeing communism. This is ironic considering how the United States took such a strong stance against communism. You’d think there would be more compassion for civilians seeking political refuge.

A- Yeah, because Clinton is known for his compassionate immigration policy.

R- Right. But this last event about the *Saint Louis*, is one that actually takes us back to 1939 as the Holocaust was underway and the West was blatantly ignoring atrocities happening in Germany.

A- Well, at least we can say Clinton and Reagan aren’t behind this one.

R- [*Laughter*] And that is true. But this one is all FDR. The ship originally sailed to Cuba in the hopes of waiting out American citizenship, but the Cuban government rejected entry for all but 28 passengers even though many passengers obtained Cuban visas prior to leaving. After being rejected by Cuba, the ship sailed to both the United States and Canada only to be rejected from both countries. The ship had no choice but to sail back to Europe where many of the individuals were able to make it to other Western European countries. But for the most part, many Jewish refugees suffered at the hands of the Nazis awaiting their arrival. This story depicts not just the failures of the United States but the failures of the West as a whole to protect Jewish lives during such a dark age. Western leaders have the blood of the rejected migrants on their hands.

A- Yeah. Wow. Not much to say except you wish that you could…you wish your government would go back and do better.

R- The interesting thing is, in 2012, the U.S. Department of State issued an apology to the passengers of the *St. Louis* and later Prime Minister Justin Trudeau did the same in 2018. But a *St. Louis* survivor, Susan Schleger, told the Miami Herald in 1989 that, “the memory of those who died is still a painful reminder of what a refusal to adjust immigration policies in light of persecution and migration crises can mean. ‘We were not wanted [and] abandoned by the world.’” [[12]](#footnote-11) I think events like what happened to the passengers of the *St. Louis*, and the Cubans in the 90s are perfect examples of the kinds of policies that truly impact people’s lives. They helps us conceptualize that what happened to the passengers on the *Golden Venture* was not an isolated event. American immigration policies and attitudes allowed for each of these events to take place and the worst part is that these policies and this attitude toward migrants really hasn’t changed after all these years.

A- Yeah, it’s interesting that the United States prides itself on being a “melting pot” and “nation of immigrants” while also rejecting immigrants at every turn.

R- It’s so paradoxical. America’s diversity is what makes it strong and no immigrants–Chinese, Jewish, Cuban, or Mexican–harm the integrity of the United States. It’s important to remember America was founded by immigrants and descendents of immigrants. Recent laws coming out of southern states like Texas and Florida reflect common narratives of immigration being a security issue for the United States border.

*[Transition music]*

| [**SECTION 3** on Ryn’s contemporary news source that links the history she tells Alaina about to current discussions on immigration, showing how these policies and attitudes that shaped the *Golden Venture* have roots in earlier events but continue a legacy of American policy that discriminates/works against non-White immigrants.] |
| --- |

R- Today, most people are aware of the humanitarian crisis happening at the U.S.-Mexico border. Policies today do not reflect the sorrowful & remorseful tone that the United States government showed in their apology to the passengers of the *St. Louis*. They actually seem to only get harsher regardless of the party in power.

A- Which seems so contradictory considering the “progressive” platform of the Democratic party on immigration. Many Democratic candidates advocate for a more centralized and accessible pathway to citizenship, but it seems like we get farther and farther away from that as we follow history.

R- This seems most prevalent in Texas with Governor Greg Abbott who is openly anti-immigration. In December of 2023, Greg Abbott passed a law making illegal immigration a state crime. In the past couple of years, Abbott has challenged the federal government with claims that it's “too lenient on immigration.”[[13]](#footnote-12) So Abbott has been taking the issue into his own hands and enacting policy regardless of the federal government. Seems like a real win for American immigration policy, huh?

A- It seems like immigration has been expanding, and not just as an issue for the federal government but one for state and local governments as well. But…I mean, it’s federalism. He doesn’t have the authority to actually be working on a state level. Immigration is the federal government’s job, so…

R- It is.

A- I mean, yeah. Uh, can you tell me some more about, I guess, some of the issues happening at the Texas border?

R- Well, as you may know, Texas has the longest border with Mexico which makes it susceptible to mass immigration. 2023 was recorded to have the highest rate of immigration on record with an estimated 250,000 migrants in December 2023 alone.[[14]](#footnote-13)

A- That is a lot of people. How did the federal government respond to that?

R- **That’s** the problem. They didn’t respond which prompted “Operation Lone Star” in Texas.

A- From Greg!

R- To further explain [*Laughter*] the operation works by “deploying the Texas National Guard and Texas Department of Public Safety to the southern border. Operation Lone Star personnel worked around-the-clock to detect and repel illegal crossings, arrest human smugglers and cartel gang members, and stop the flow of deadly drugs like fentanyl into our nation. While the federal government ignores this crisis, Texas is holding the line.”[[15]](#footnote-14) That’s written on the governor’s website. Uh, what do you take of that rhetoric?

A- Much to say, [*Ryn laughs*] not a lot of good, clearly. But, uh, to start the rhetoric's really vague. It looks…it lacks concrete details of *how* Abbott & his team will implement this and how they’ll vilify asylum seekers.

R- I 100% agree. With that, Abbott and prominent Republican Florida Governor, Ron DeSantis, have been bussing migrants from Texas into major Democratic cities like Denver, Los Angeles, and New York. This reaction to immigrants is all reactive and Abbott just wants immigrants out of the state. The Biden administration, though, has made no real efforts to stop him from the mistreatment of asylum seekers. The bussing directly contrasts with Senate Resolution 258 which “reaffirms the U.S. commitment to protect the safety, health, and well-being of refugees and asylum seekers. The resolution calls on the State Department, the Department of Homeland Security, and the U.S. Ambassador to the United Nations to partner with international communities to solve existing conflicts, [and] prevent new conflicts from emerging, and tackle the root causes of involuntary migration.”[[16]](#footnote-15) To me, this feels like the government saying they care about the well-being of asylum seekers without actually doing anything to help them whatsoever.

A- Yeah, I find it ironic how U.S. immigration policy was more open & lenient in the 19th and 20th century than it is today.

R- The most mind-boggling piece of this puzzle is how nativists’ ancestors had such an easier immigration experience compared to immigrants today yet nativists are anti-immigration. [*Alaina agrees*] This element furthers the idea from Nash’s cartoon by showing the legacy of xenophobia of the 19th and 20th century European migrants.

# [**TRANSITION 3** to break up the sections. Play 15 seconds of either universal theme repeated through all episodes OR chosen beat by Ryn and Alaina]

| [**SECTION 4** on Alaina’s policy research, they will discuss their research with Ryn so listeners learn with Ryn.] |
| --- |

A - Okay, now that we’ve covered the historical events that lead up to the *Golden Venture*, let me explain the *policies* that influenced how the passengers’ asylum cases were handled.

R - I’m *so* excited. Okay, so who are the key players in these policies?

A - Okay, there’s a few. Immigration policies in the United States, whether we’re talking about *current* policies or ones that were written a few *generations* ago, have multiple *people*, *agencies*, *political* parties, and historical *events* shaping their *formation* and *application*. So even though the *Golden Venture* cases happened during President Clinton’s two terms, there *are* patterns we can identify going back to at *least* Reagan’s second term.

R - So Clinton, Reagan, and who else?

A - Well, I’ll start with those two, because the tension within the Reagan administration, or their deeper conservative approach which includes George H. W. Bush, actually plays into how Clinton initially responded to the landing of the *Golden Venture* in June 1993. Remember that this happens five months after Clinton is inaugurated. In his mind…

R - He’s newly elected and trying to set himself apart from the previous two Republican presidents…

A - Yeah, and he’s also elected as a moderate Democrat. His platform was a mix between the most popular policy agendas of *both* parties, so it wasn’t so surprising when Clinton took a harder stance on undocumented immigration. We know the passengers of the *Golden Venture* were overwhelmingly denied asylum and aid by the federal government despite the abuses they suffered while in the hands of the Snakeheads. Clinton was rightly frustrated with the large-scale human smuggling operations, but his harsh response to the *Golden Venture* passengers suggests he thought they were somehow *complicit* in the human smuggling operations.

R - Did he say this, or…?

A - No, but his 1995 State of the Union address–that part I read earlier where he looped all undocumented immigrants into some homogenous group and claimed they’re taking advantage of American immigration policy and draining resources that the American taxpayers fund…

R - …Yeah, that sounds like Clinton. So he’s essentially describing them as burdens to the nation.

A - Yeah. And to be clear, a professional from a federal reserve bank in Texas noted how immigrants in the American workforce helped surge the economy following the height of the COVID-19 pandemic. Immigrants helped the national economy recover from long shutdowns and recessions; they’re “instrumental” to the economy, not burdens.[[17]](#footnote-16) So the Department of State released an editorial to news outlets in 1993 in August that states the Clinton administration wanted to target illegal immigration and human smuggling, specifically mentioning “those who wish to exploit [America’s] history of compassion and justice.”[[18]](#footnote-17)

R - I didn’t realize the United States had such a “compassionate” history!

A - I know! We’ve been there before, with Clinton, even too! It’s…There’s so much more, too…the same editorial from the Department of the State in August 1993 continued that the United States “cannot tolerate those who traffic in human cargo,” and the United States can’t “allow our people to be endangered by those who would enter our country to terrorize Americans.”[[19]](#footnote-18) Remember, this is *before* the 1995 State of the Union. This is August 1993, this is two months after the *Golden Venture* arrives in the New York harbor.

R - And the passengers haven’t done anything illegal at this point, correct?

A - No, because immediately after they landed, many were escorted to the York Prison and detained. Many parts of the legal immigration process are too expensive or take too long for immigrants in desperate situations. Passengers here didn’t even get a chance to claim asylum. More importantly, **seeking asylum isn’t illegal**…The last piece that stood out to me in this editorial is this claim that immigrants should know that illegal immigration to the United States will result in an “extremely dire situation” rather than a place that’s safe for asylum seekers.[[20]](#footnote-19)

R - Okay, that completely contradicts the whole symbol and meaning of the Statue of Liberty, does it not?

A - Yup, you bet it does, and one explanation for the tone of this editorial, and the approach of the Clinton administration, is the bar that’s set by President Reagan’s Immigration Reform and Control Act of 1986. This is seven years before the *Golden Venture*, 38 years ago from today, and is *still* the latest *major reform* to the American immigration system. The act provided amnesty for undocumented immigrants who came to the United States before 1982. It also created new “punishments” for companies that hired undocumented immigrants knowingly…[[21]](#footnote-20)

R - I’m so happy to hear the latest major immigration reform was so recent.

A- Right? [*Both laugh*]

R- Almost like 1986 was yesterday.

A- Basically was…[*laughter*]

R- This actually reminds me of the Cuban Adjustment Act that I was just talking about. That essentially, Clinton allowed Cuban migrants who came *before* 1980 to apply for citizenship and they were able to maintain residency.

A- Yeah and that makes sense, Clinton was a moderate and it wouldn’t be so out of left field for him to enact some sort of similar policy to what Reagan had been doing in the mid 80s.

R- Nothing truly comes out of left field regarding American immigration policy.

A- That’s true.

R- But, I’m surprised Reagan signed a bill punishing companies in the first place, that doesn’t sound like him…

A - That’s the thing: those sections of the law that created those new punishments never really got enforced.

R - I knew Regan's punishment sounded too good to be true. But what happened after Reagan? Wouldn’t H. W. Bush be more likely to influence Clinton’s approach since he immediately preceded Clinton?

A - Yes, and H. W.’s role might surprise you. There was a ruling of the Board of Immigration Appeals in 1989…

R - Wait, can you explain what the Board of Immigration Appeals is?

A - Yeah. The Board of Immigrations Appeals, it’s also called the BIA, is “the highest administrative body for interpreting and applying immigration laws.”[[22]](#footnote-21) So it’s basically a federal court for cases involving immigration law.

R - Okay, and what does H. W. Bush have to do with it? And the *Golden Venture*?

A - Well, a key ruling set the precedent in immigration law that unfortunately shaped the outcomes of many *Golden Venture* asylum cases a few years later. I’m talking about *Matter of Chang* from 1989. The Board of Immigration Appeals, under the leadership of chairman David Milhollan, ruled that Chinese immigrants who claim asylum because they’re threatened by the Chinese government’s one-child policy *won’t* be granted asylum because the Board doesn’t feel it constitutes persecution under immigration law.

R - Right…Simply that further, please.

A - Yeah, the highest government authority on immigration law, the judges who interpret and apply immigration law, said that a serious and well-founded fear of persecution under Communist China’s one-child policy does *not* mean the asylum seekers' lives are endangered enough to flee their home country for American protection.

R - Even though the United States just celebrated the end of the Cold War against the Soviet Union?

A - Yeah, China’s Communist government structure didn’t produce the expected response from the democratic United States and its courts. And we did talk about how it seems that even with the threat of persecution from communist countries, the United States, despite the entire Cold War, despite the history of conflict between the communist and democratic nations…

R: Despite rhetoric about communism, with the number of refugees fleeing it seems like communism is a justifiable excuse..

A-Right, and…But here we’ve talked about multiple examples where the United States has kind of warmed up to that, and you might assume that the United States would do anything to criticize communist governments – you might assume it would speak out against forced sterilization…

R - Yeah, forced sterilization isn’t exactly a practice of a fair and free government wouldn’t you say?

A - Right. I would say that it’s not. *Matter of Chang* also ruled that asylum seekers have to produce evidence that the higher levels of government targeted them for their political resistance to the one-child policy. The local governments were the ones actually sterilizing men and women, destroying homes, or performing forced abortions, and this meant few *Golden Venture* passengers seeking asylum won their cases because they didn’t have that body of higher level evidence.

R - What difference does it make? That’s violating just a few different types of human rights.

A - *Matter of Chang* also ruled that because the one-child policy is evidence of the Chinese government “concern” for the “ability of citizens to survive…[access] housing, medical services, [and] other benefits of life that persons in many other societies take for granted,” that it wasn’t for the United States to criticize. Really striking to me was this line from the decision: “For China to fail to take steps to prevent births might well mean that many millions of people would be condemned to, at best, the most marginal existence.”[[23]](#footnote-22)

R - That reminds me of a lot of recent issues happening within this realm, but wow. That’s a lot.

A - Yeah. And, a few weeks ago, I spoke to Craig Trebilcock, who, at the time of the *Golden Venture* cases, was a lawyer at the York Bar Association. He represented *Golden Venture* passengers in their asylum hearings pro-bono. He’s also an attorney and was a Colonel in the U.S. Army Reserves who led major legal cases against Attorney General Janet Reno and the Clinton administration. This is all happeningwhile *Golden Venture* passengers remained detained in the York County Prison. I asked him about his thoughts on that line:

[*Craig (3:31 mins): This was a government spinning out of control and grasping at straws to justify a very nefarious policy. I’m not gonna get too graphic in the interview, obviously here, but this was being enforced in horrible ways. These were forced surgeries. These were women being arrested by police, dragged away from their home, tied to surgical tables, and forcibly sterilized. The same thing were [sic] happening to men; if they couldn’t catch the wife, they would capture the man, take him in for a forced, surgical vasectomy. They would kill “unauthorized,” which sounds like a weird way to express it, children as they were being born by shooting formaldehyde into their skull as they were being born. Now, the United States is gonna cozy up to that? Because “this is a legitimate policy to make life better for the Chinese people?” I don’t think so.*

*And this is where it comes into play…where I’m bothered to mention my time in the military which might seem just otherwise extraneous. I just spent, before coming to York, three years stationed within 10 kilometers of the Iron Curtain.]*

A - For clarity, the Iron Curtain was a metaphor describing the boundary separating Eastern European countries in the Warsaw Pact from Western European countries a part of the North Atlantic Treaty Organization, or NATO. The Berlin Wall did make up a portion of the physical boundary, as it separated East Germany under communist control from West Germany under democratic control.

*[Craig: I was there when the Iron Curtain came down and the Soviet Union fell apart. We just spent 45 years and had stationed millions of men along that border because the United States had decided that it was in our national security interest and it was part of our national character to stand against oppression, to stand against the denial of human rights, and to stand for democracy. I get discharged and I fly back to the States and move to York, Pennsylvania, and now all of the sudden my government is cozying up to a communist dictatorship and saying the people that two years ago, we had soldiers stationed to protect, and American soldiers were putting their bodies between fleeing East German civilians and the East German soldiers and Russians who were trying to shoot them in the back as they came across the Iron Curtain…*now *we’re going to serve the same sorts of people up to the communist dictatorship so they can be sent to concentration camps and have forcible surgeries akin to what the Nazis did in World War II, and that’s the new American policy? As an American veteran, I found that very disturbing, and that’s kind of when I shifted from, the mode of, “Yeah, I’m the detached, professional attorney, I’m not getting personally motivated by this case,” to, “Oh, no you don’t. You’ve now gotten me excited personally about this case. This is not what we stand for as this country, this is not what I’m going to let my country stand for, and somebody’s gotta protect these people because they’re no different than all the other immigrants who came to this country fleeing from Nazi oppression, Soviet oppression, and just go back two hundred years to every other form of oppression, that is the foundation of this nation, and that’s where I got really motivated.]*

R - Okay, so the hypocrisy was extremely blatant. If *Matter of Chang* ruled in 1989, was it still applied to the *Golden Venture* asylum cases?

A - Yes, but it shouldn’t have. The chair of the Board of Immigration Appeals sent a memo to the Attorney General Janet Reno in 1993, and the Attorney General is the leader and the head of the Department of Justice that the Board of Immigration Appeals functions under. The chair, Millhollan, asked Reno for “guidance” on two *Golden Venture* cases despite an order from the previous Attorney General, William Barr, and an executive order from the previous President H. W. Bush. Both of these orders said that immigrants from China seeking asylum in the United States because of persecution under China’s one-child policy should be granted asylum.[[24]](#footnote-23) I asked Judge Trebilcock to describe how York immigration lawyers approached this lapse in precedent:

[*Craig (2:42 mins): Well, there was, there was some presidential executive orders that predated our hearings that suggested* and *had been being applied that fleeing from family planning in China was grounds for political asylum, and uh, we were relying on that. What we discovered subsequent to our hearing was that the rug had been pulled out from beneath our feet, without notice, behind the scenes.*

A - Barr’s order as Attorney General *and* H. W. Bush’s executive order, both from 1990, were never *codified*, which is a fancy word for not being recorded in a bound book of systemic laws. This response came from Webster Hubbell, the Associate Attorney General under Reno, and Craig had more to say about the response of the Office of the Attorney General and the Clinton administration…

[*Craig:* *This was not just about the Golden Venture…There were dozens of ships during this time period that were trying to come to the United States from China seeking political asylum. The Clinton administration viewed this as a immigration emergency and they were trying to couch it as a national security emergency. What the* Golden Venture *passengers did that was unfortunate for them was they landed on Rockaway Beach outside of New York City, the media capital of the world…*Huge *embarrassment for the Clinton administration which was trying to beat its chest and trumpet how they were being effective on immigration. For about 48 hours, all these pictures of Chinese men walking up out of the surf, almost as if it was the D-Day invasion, onto New York beaches, were all over the national press, were all over the local press in New York, and it was at that point that the National Security Council and the Domestic Policy Council of the White House were meeting, pursuant to direction from President Clinton, with a “what the heck are we going to do about this” moment. The* Golden Venture *passengers had been issued, consistent with prior policy, release notices so that they could enter the U.S., live their lives, work, and then supposedly ultimately show up for their immigration hearings. Pursuant to this shift in policy, those release notices were taken away, they were shipped to the prisons in Pennsylvania, the decision to not follow these prior precedents were made at the level of the Board of Immigration Appeals, and the decision to take the position, based on political factors that fleeing from course of family planning in China was no longer grounds for political asylum, were all made because of the* Golden Venture *embarrassing the Clinton administration*.]

A - 60 percent of *Golden Venture* cases were denied solely on the basis of *Matter of Chang*…[[25]](#footnote-24)

R - Which seems like it shouldn’t have been a precedent in the first place…

A - Right. It shouldn’t have been. The *Golden Venture* passengers still fighting for asylum and lawyers from the York Bar Association challenged this precedent application by taking Attorney General Reno to federal court. Ben, Dalton, and Zach discussed that case, *Yang et. al. v. Reno*, further with Craig in their episode.

*[Transition music]*

| [**SECTION 5** on Alaina’s contemporary news source that links the policies they brought up to current patterns in American policy that, again, point to a longer pattern of exclusion in American immigration policy, regardless of the political party dominating the federal or state governments.] |
| --- |

R - Okay, so I’m seeing how these policies impacted the *Golden Venture* passengers and their asylum cases. How do political parties or even immigration interpretations influence immigration today?

A - That’s a great question. I have an example from a recent article from NPR on the politics of Florida’s governor, Ron DeSantis, who we’ve already talked about who’s anticipating an influx of Haitian immigrants by boat.[[26]](#footnote-25)

R - This is related to the current crisis in Haiti?

A - Yeah, there’s a large Haitian-American population in Florida, and Haiti is still recovering from several severe natural disasters, and many Haitians live under the threat of violent crime, sexual assault, worsening access to medical care and education.[[27]](#footnote-26) Because of these uninhabitable conditions, some Haitians are fleeing to the United States as asylum seekers and refugees. NPR reported that “more than half a million Haitians live in Florida,” and noted that the U.S. Coast Guard has already intercepted about 130 Haitian migrants by boat. The Coast Guard also hasn’t seen an influx of Haitian migrants to Florida despite DeSantis’s claims of an increase.

R - It seems like the Haitian population in Florida is increasing like we were seeing in 1980 under Reagan. Millions of Haitians, who were able to make it to Florida, were eligible to apply for citizenship. But **again** we’re seeing immigrants who are seeking asylum be **rejected** even though decades prior, this wasn’t the case. Even in 1980, they were allowed to at least apply for citizenship and were not immediately detained upon arrival like the people of the *Golden Venture* were, but what did DeSantis have to say about all this?

A - Well, he wants to deter and defend Floridians with 250 officers and then National and State Guard troops. It’s another really disturbing example of a politician accusing victims of a humanitarian crisis of being threats to Americans. Haitians seeking refuge are met with accusations of violence and hostility from many Republican politicians in Florida. And many other politicians in Florida, some who are children of immigrants themselves, agree with DeSantis.

R - We’re talking about **you,** Marco Rubio. But who else in Florida disagrees?

A - *Also* many. Uh, Tessa Petit is a Haitian immigrant who currently leads Florida’s Immigration Coalition. She reminded people that “folks in Haiti are living in complete panic. Supermarkets don’t have food. People are running out of food. There’s no electricity…People are living in fear.”

# [**TRANSITION 4** to break up the sections. Play 15 seconds of either universal theme repeated through all episodes OR chosen beat by Ryn and Alaina]

| [**SECTION 6** *where Ryn and Alaina “meet back” at the Statue of Liberty. Queue the same ocean sounds, set the scene for 5-7 seconds.*] |
| --- |

A - *Golden Venture*, the *St. Louis*, the Southern border and Texas, Haiti and Florida…where is the hope, Ryn?

R - I’m [*laughs*] actually not sure…[beat or two].

A - Yeah, me neither. I asked Craig what he thought about the ebb and flow of immigration policies and public opinion, and he had an interesting take:

[*Craig (8 secs): There really is no such thing as immigration law, there’s only immigration politics and we occasionally throw the veneer of law over it to make it look legitimate.*]

R- Well since there’s no such thing as immigration law, it sounds like strong public pressure for reform and votes to back it up are better solutions. That way, the American government will treat migrants and asylum seekers better and pass more fair and more effective immigration reform.

A- Yeah, there needs to be some sweeping consensus on what to do regarding federal immigration laws, and there needs to be united, energized, and informed voters to drive this movement. Otherwise, legislation that passes will likely repeat the pattern we’ve been getting at and Craig suggests: big bills and talkative politicians but ***no real change.*** Currently, it’s not looking so good. Recent legislation shows that the federal government wants to project positive attitudes about immigration without, like you said earlier, actually doing the work to address the issue.

R- The Senate Resolution 258 that I’ve mentioned before is a perfect example of this. And actually, Vice President Kamala Harris actually gave a speech in 2021 addressing Guatemalan migrants who were seeking asylum for similar reasons as Haitian migrants today. Guatemalans were fleeing violence and corruption that made the country unsafe. This was Harris’s first foreign trip as Vice President, and similarly to Clinton in 1993, this was an opportunity for Harris and the Biden administration to distance themselves from previous Republican administrators. But instead, Harris told Guatemalan migrants to stay in Guatemala, she said the United States would continue to enforce existing laws that “secure the border,” and instead pledged $40 million to support education opportunities for underserved communities. The education aid would take time to change the living conditions in Guatemala – immediate relief would be asylum, and the Biden administration denied Guatemalan migrants that. Remember that the Senate Resolution tasked federal legislators to “tackle the root causes of involuntary migration,” which Biden and Harris apparently thought was lack of education opportunities, and seemed to neglect the actual goal of the resolution which came to “protect the safety, health, and well-being of refugees and asylum seekers.” Asylum would grant that nearly immediately. [[28]](#footnote-27)

A - Additionally, the Biden administration has continued to fund the construction of the wall along the U.S.-Mexico border despite campaigning in 2020 that “there will not be another foot of wall constructed in my administration.”[[29]](#footnote-28) Doesn’t really hold up now, does it Joe? And children who qualify for deferred deportation hearings under Deferred Action for Childhood Arrivals, or DACA, have been blocked from submitting new applications since the COVID-19 pandemic, in July 2021, because Texas and eight other states are suing the federal government over the legality of DACA’s inception under the Obama administration in 2012.[[30]](#footnote-29) After a federal district judge in Texas ruled against DACA in September 2023, the case is now likely to be decided by the Supreme Court, *hopefully* soon, but who’s really to say.[[31]](#footnote-30)

R- Yeah, because the Supreme Court is known to always save the day in times of crisis.

A- Sure is.

R- Unless voters show up to the polls and pressure each state and federal politician to reform immigration policy, keeping human rights and American virtues in mind, the same patterns will continue to repeat. Asylum seekers from Haiti, Guatemala, and any other country experiencing any humanitarian crises are not unlike those on the board the *Golden Venture*. Asylum seekers will continue to be exploited by politicians for political gain while their human rights are unprotected if American voters continue to ***fail***to hold elected officials accountable.

A - And if they don’t hold them accountable, why does America still celebrate symbols of freedom and liberty? These values *aren’t currently* and *never have been* present in American immigration policy.

R - There’s not much to celebrate when asylum seekers are suffering while American politicians toss around lethal rhetoric and ineffective policies.

**END CREDITS**

[End music]

This podcast is a production of the Spring 2024 Podcasting the Past class at York College of Pennsylvania taught by Doctor Jacqueline Beatty.

This episode was written and edited by Ryn Johnson and Alaina Crowell.

It was peer reviewed by Sydney Slack, Sara Bokus, Sara Purdon, and Katie O’Neill.

Thanks to Judge Craig Trebilcock for his time as an interviewee, Professor Jeff Schiffman for access to the radio studio at York College of Pennsylvania as well as help with the podcast publishing and audios.

Special thanks to the York Bar Association for access to documents for primary research.

The music is courtesy of StoryBlocks.

Thank you for listening!

[End music, fade out slowly]

1. “The New Colossus,” National Park Service, last updated August 14, 2019, https://www.nps.gov/stli/learn/historyculture/colossus.htm. [↑](#footnote-ref-0)
2. See photos of the two statues discussed at “FOLD: Golden Venture Paper Sculptures, 2017,” Museum of Chinese in America (MOCA), https://www.mocanyc.org/collections/stories/fold-golden-venture-paper-sculptures-2017/. [↑](#footnote-ref-1)
3. “1995 State of the Union Address,” Wikipedia, courtesy of William J. Clinton Presidential Library, accessed April 2, 2024, https://en.wikipedia.org/wiki/1995\_State\_of\_the\_Union\_Address. [↑](#footnote-ref-2)
4. “Throwing Down the Ladder by Which They Rose,” cartoon by Thomas Nast, *Harper's Weekly,* July 23, 1870. [↑](#footnote-ref-3)
5. “Ellis Island,” The Statue of Liberty-Ellis Island Foundation Inc., <https://www.statueofliberty.org/ellis-island/overview-history/>. [↑](#footnote-ref-4)
6. Angel Island Immigration Station Foundation, “AIISF,”2008. <https://www.aiisf.org/history>. [↑](#footnote-ref-5)
7. “Mariel Boatlift: Cuba, Summary, & Facts,” *Britannica.* 2024, <https://www.britannica.com/topic/Mariel-boatlift>. [↑](#footnote-ref-6)
8. Maria Guadalupe Partida, “Research Guides: A Latinx Resource Guide: Civil Rights Cases and Events in the United States: 1966: The Cuban Adjustment Act of 1966,” <https://guides.loc.gov/latinx-civil-rights/cuban-adjustment-act>. [↑](#footnote-ref-7)
9. H.R.7978 - Cuban-Haitian Entrant Act of 1980, <https://www.congress.gov/bill/96th-congress/house-bill/7978#:~:text=Cuban%2FHaitian%20Entrant%20Act%20of,exclusion%20or%20deportation%20proceedings%20as> [↑](#footnote-ref-8)
10. University of Miami Libraries,“Cuban Rafter Phenomenon | University of Miami Libraries,” 2013, <http://balseros.miami.edu/>. [↑](#footnote-ref-9)
11. U.S. Department of Homeland Security, “Fact Sheet”, 2017, <https://www.dhs.gov/sites/default/files/publications/DHS%20Fact%20Sheet%20FINAL.pdf> [↑](#footnote-ref-10)
12. Erin Blakemore, “A Ship of Jewish Refugees Was Refused U.S. Landing in 1939. This Was Their Fate,” June 4, 2019, <https://www.history.com/news/wwii-jewish-refugee-ship-st-louis-1939>. [↑](#footnote-ref-11)
13. Uriel J. Garcia, “Gov. Greg Abbott Signs Bill Making Illegal Immigration a State Crime,” *The Texas Tribune,* December 18, 2023, https://www.texastribune.org/2023/12/18/texas-governor-abbott-bills-border-wall-illegal-entry-crime-sb3-sb4/#:~:text=Greg%20Abbott%20signs%20bill%20making. [↑](#footnote-ref-12)
14. John Gramlich, “Migrant Encounters at the U.S.-Mexico Border Hit a Record High at the End of 2023,” Pew Research Center, February 15, 2024, <https://www.pewresearch.org/short-reads/2024/02/15/migrant-encounters-at-the-us-mexico-border-hit-a-record-high-at-the-end-of-2023/#:~:text=Migrant%20encounters%20at%20the%20U.S>. [↑](#footnote-ref-13)
15. “Operation Lone Star,” n.d., <https://gov.texas.gov/operationlonestar>. [↑](#footnote-ref-14)
16. Senate Resolution 258, June 20, 2023. [↑](#footnote-ref-15)
17. Rachel Siegel, Lauren Kaori Gurley, and Meryl Kornfield, “The economy is roaring. Immigration is a key reason,” *Washington Post*, February 27, 2024, accessed April 15, 2024, ProQuest, http://ezproxy.ycp.edu:8000/login?url=https://www.proquest.com/washingtonpost/blogs-podcasts-websites/economy-is-roaring-immigration-key-reason/docview/2932314444/sem-2?accountid=29140. [↑](#footnote-ref-16)
18. “Box#1Doc#1,” YCP Box #1, YBA Scans, Podcasting the Past Spring 2024 Google Folder. [↑](#footnote-ref-17)
19. “Box#1Doc#1,” YCP Box #1, YBA Scans, Podcasting the Past Spring 2024 Google Folder. [↑](#footnote-ref-18)
20. “Box#1Doc#1,” YCP Box #1, YBA Scans, Podcasting the Past Spring 2024 Google Folder. [↑](#footnote-ref-19)
21. Brad Plumer, “Congress tried to fix immigration back in 1986. Why did it fail?.” *Washington Post*, January 30, 2013, accessed March 28, 2024. [↑](#footnote-ref-20)
22. “Board of Immigration Appeals,” Executive Office of Immigration Review, U.S. Department of Justice, accessed April 4, 2024, https://www.justice.gov/eoir/board-of-immigration-appeals. [↑](#footnote-ref-21)
23. Matter of Chang, 327 F .3d 911 (9th Cir. 2003), https://www.justice.gov/sites/default/files/eoir/legacy/2012/08/14/3107.pdf. [↑](#footnote-ref-22)
24. “Box#1Doc#11,” YCP Box #1, YBA Scans, Podcasting the Past Spring 2024 Google Folder; “Box#1Doc#24,” YCP Box #1, YBA Scans, Podcasting the Past Spring 2024 Google Folder; George Bush, “Executive Order 12711—Policy Implementation With Respect to Nationals of the People's Republic of China Online by Gerhard Peters and John T. Woolley,” The American Presidency Project, https://www.presidency.ucsb.edu/node/269043; Box#1Doc#28,” YCP Box #1, YBA Scans, Podcasting the Past Spring 2024 Google Folder. [↑](#footnote-ref-23)
25. “Box#1Doc#28,” YCP Box #1, YBA Scans, Podcasting the Past Spring 2024 Google Folder. [↑](#footnote-ref-24)
26. Greg Allen, “DeSantis is prepping for a wave of Haitian migrants. Advocates say he's grandstanding,” *NPR*, March 21, 2024, https://www.npr.org/2024/03/21/1239647148/haiti-florida-migrants-desantis-immigration. [↑](#footnote-ref-25)
27. “Haiti,” United Nations Office for the Coordination of Humanitarian Affairs, https://www.unocha.org/haiti. [↑](#footnote-ref-26)
28. Brian Naylor and Tamara Keith, “Kamala Harris Tells Guatemalans Not To Migrate To The United States,” *NPR*, updated June 7, 2021, accessed April 15, 2024, https://www.npr.org/2021/06/07/1004074139/harris-tells-guatemalans-not-to-migrate-to-the-united-states; Senate Resolution 258, June 20, 2023. [↑](#footnote-ref-27)
29. Barbara Sprunt, “Biden Would End Border Wall Construction, But Wouldn't Tear Down Trump's Additions,” *NPR*, August 5, 2020, accessed April 15, 2024, https://www.npr.org/2020/08/05/899266045/biden-would-end-border-wall-construction-but-wont-tear-down-trump-s-additions. [↑](#footnote-ref-28)
30. Juan A. Lozano, “Federal judge declares DACA illegal again, issue likely to be decided by Supreme Court,” *Associated Press/PBS*, September 13, 2023, accessed April 15, 2024, https://www.pbs.org/newshour/politics/federal-judge-declares-daca-illegal-again-issue-likely-to-be-decided-by-supreme-court#:~:text=The%20states%20have%20argued%20the,the%20federal%20Administrative%20Procedures%2Act. [↑](#footnote-ref-29)
31. “DACA,” National Immigration Law Center, updated September 13, 2023, accessed April 15, 2024, https://www.nilc.org/issues/daca/. [↑](#footnote-ref-30)