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THE GOLDEN VENTURE
AND AMERICAN IMMIGRATION LAWS

by Jennifer Riddle
Introduction

Unlike any Chinese alien before them, the passengers of the Golden Venture waited on the shore while immigration officials combed the water for more victims. And unlike any Chinese alien before them, the passengers of the Golden Venture would become Clinton's example—an effort to stop illegal alien smuggling from China.

Those that were rescued from the water just off the shoreline of Long Island, NY, after their smuggling ship had run aground on June 6, 1993, would spend the next several years in detention centers, stirring a national debate. In the end, the debate culminated into the 1996 Immigration Reform Act.

The passengers claimed to be seeking political asylum from China's one-child policy. The Clinton Administration faced the task of deciding what to do with illegal Chinese immigrants. Two main sides developed and tried to sway the Administration in their favor. The first was the Immigration and Naturalization Service (INS), the Justice Department, and several members of Congress, all of which maintained that it was in the United States' best interest to repatriate the Chinese nationals. The second was a group of lawyers and activists who took up the Chinese immigrants' case.

The INS and its fellow supporters were successful in prompting the government to adopt a much stricter immigration law in 1996, reducing the number of illegal Chinese immigrants and the number of political asylum claims. However, human rights groups also affected U.S. policy by suing the government, staging protests, and garnering support in Congress as well. Their efforts forced the government to include China's one-child policy as adequate basis for political asylum, and they eventually convinced the Clinton Administration to release the remaining victims of the Golden Venture from detention. The Golden Venture represents a larger issue for Chinese immigration to the United States. On one side, the U.S. cannot sponsor an open door policy, which would overload U.S. immigration and asylum courts, as well as add to the smuggling industry and crime in Chinese neighborhoods in the U.S. However, the U.S. cannot ignore the human tragedy of Chinese immigrants seeking political refuge in the United States. This public policy issue is further complicated by the involvement of interest groups, making it a case of bureaucratic politics as well, as is seen in the formation of the 1996 Immigration Reform Act, where each group won some of their objectives, without one particular group winning it all.
James Madison defined an interest group (or what he called a faction) as a number of citizens who come together because of a common interest or goal (Hamilton, Jay, and Madison 1787, 46). In addition to this, an interest group seeks government action, usually in the form of legislation that works in their favor. An interest group, for the purpose of this paper, does not necessitate an organized body or institution, but even a loosely associated group of individuals who are working for a similar cause, like many human rights groups. Interest groups can also be government bureaucracies, such as the INS or Justice Department. The development of interest groups in a democratic system is largely viewed by most political scientists as a natural process (Cigler and Loomis 1998, 2). In fact, Madison’s Federalist Paper #10 was written because he saw the American system of government as lending itself to special interest groups. Interest groups seem to increase and multiply as society and institutions become more complex (6). However, though this development is natural, it does not occur spontaneously. Most interest groups, particularly those that emphasize public interest, arise in response to events or disturbances, for example the organized resistance by draftees to U.S. war efforts in Vietnam (7). This is in contrast to the very organized interest groups, such as professional or economical interest groups, which seek legislation that will benefit their own members. In the groups discussed above, policy changes may benefit their own members, but may also mean a shift in favor of a certain ideology or moral cause. Roger Hilsman says that these are interest groups that seek a particular moral issue as a part of the public good (1987, 206).

An interest group’s means to influence usually comes by lobbying. However, what lobbying may imply has a range of alternatives. Interest groups can seek to influence government or legislation by contacting important actors in the government who may be a friend or a supporter of the group (Hilsman 1987, 212). The most controversial tactic of late is campaign contributions given to political candidates. Publicity, either through the group’s own mechanisms or through the media, also has a large effect. Large interest groups (such as ideologically and racially determined groups) may be able to change legislation or government policy by simply influencing their own members to vote in a certain way (213). Interest groups may demonstrate or use violence (214). There are also some smaller activities that interest groups do on a regular basis; tracking legislation, submitting amici curiae briefs to courts, contacting elected representatives, and even filing their own law suits (215). These activities can result in the prevention, change, or even formation of legislation, the issuing or over-riding of executive orders, and court decisions—that affecting every branch of government, if the group is successful.

In the case of Chinese immigration and the Golden Venture, the Board of Immigration Appeals ruled in 1989 that the one-child policy was not grounds for political asylum. However, President George Bush issued an executive order, over-ruling the Board. When the Golden Venture incident occurred, the Clinton Administration was in office. Most of the Chinese nationals who were on the smuggling ship assumed that Clinton would support Bush’s ruling; however, Clinton referred back to the original 1989 decision in an effort to decrease asylum abuse and illegal smuggling (Mangaliman 1993, 45).

Interest groups started to formulate around this case when the Golden Venture grounded off the coastline of New York. After the passengers were secured on the beach, they were transported to jails, where many of them remained for years (Cheng 1997, A07). Lawyers and activists in the surrounding areas were spurred to action by this event arguing that the INS was wrong to put political refugees in jail. The main basis of their argument was the moral issue associated with the one-child policy and forced abortions. These individuals did not establish a cohesive organization in order to pursue the Chinese’s case, but many of their tactics towards the government were the same as a formalized group. The INS, whose main incentive is a bureaucratic interest in maintaining U.S. borders, argued against the Chinese immigrants because of the correlation between illegal alien smuggling and crime in U.S. cities. The immigrants who are smuggled into the U.S. have usually paid smugglers 20 to 30 thousand dollars. The Chinese are then forced into manual labor and servitude by those who loaned them the money. Women among the group are often forced to work as prostitutes. And sometimes, the smugglers use violence to exact their money (PeVrez-Rivas and Rashbaum 1993, 7). These violations contribute to massive crime in Chinese neighborhoods. Both groups used a variety of tactics common to interest groups in order to persuade the president into acting in their favor. The resulting legislation, the Immigration Reform Act of 1996, combined both the public movement by the human rights lawyers and activists and the internal influence of the Immigration and Naturalization Service. After discussing the history of Chinese immigration to the United States and the rise of smuggling, I will turn to the Golden Venture incident and analyze the activities of the competing interest groups and how they contributed to the formation of the Immigration Reform Act of 1996.

History of Chinese Immigration to the United States

Chinese immigration to the United States dates back to the early 1850s. This trend continued until 1882, when the U.S. government passed the Exclusion Act, a racially based restriction on Chinese immigration (Burdman 1993, Al). The reversal of the Exclusion Act in 1965 and other U.S. policy changes toward Chinese immigration occurred under the umbrella of political asylum as a result of the United States’ growing policy
to give refuge to those fleeing communist oppression. “Asylum is the special refugee status given to all aliens who can show they have a well-founded fear of persecution in their native land” (Brown 1993, AS). In order to apply for political asylum, the individual would need to physically represent him or herself at one of the U.S. land border or port of entry sites. Immigration officers, along with the Attorney General, would decide whether the individual’s case justified granting asylum (U.S. Congress, House 1993). The U.S. asylum policy included those who were fleeing for political reasons, but not for economic reasons (Freedman 1993, Al). Furthermore, the original asylum law, though it did include political oppression in the form of racial discrimination, religious persecution, etc., did not include persecution because of population control policies.

Bush Administration and Political Asylum

In the late 1980s, growing concern over China’s recognition of human rights spurred U.S. leadership to change the limitations of the asylum policy, especially because of the 1979 decision of the Chinese government to enact the one-child policy. This law stipulated that Chinese families, because of the rising threat of over-population, would only be allowed one child. This was enforced through the local governments, who also encouraged community members to watch for policy violations. The one-child policy was also enforced through automatic sterilization and intrauterine devices (Olojede 1998, A4). During the Reagan and Bush Administrations, stories of pregnancy check sites—roadblocks set up by the Chinese police—forced abortions, including late term abortions, and other stories about destroyed homes and possessions and large fines, became prevalent in the U.S., receiving public and official response (Hood 1993, 12).

In addition to the one-child policy, China further ignored human rights in 1989 when the government used violent means to crush a student demonstration in Tiananmen Square. The event was viewed by much of the American public and again spurred U.S. leadership to react. Congress argued for the U.S. to rebuke the Chinese for their actions. Both Democrats and Republicans in the House called on the Bush Administration to at least allow Chinese students and others (about 45,000) already in the U.S. to extend their visas—even if only on a temporary basis. The Chinese Immigration Relief Act of 1989, as it became known, gave non-immigrant status to Chinese nationals who were staying in the U.S. as students or visitors and even granted permanent resident status in some cases (U.S. Congress, Senate 1989). In addition to this, the U.S. would accept Chinese nationals who fled China after the Tiananmen Square incident. The legislation passed the House in a vote, 258 to 162 (Kenworthy 1989, A6).

Following this Act, President Bush issued an executive order in 1990 that not only reiterated the U.S. commitment to safe guarding Chinese students against persecution, but also anyone who might be fleeing their country’s measures for population control. This allowed immigrants to cite the one-child policy as basis for political asylum (Gladwell and Stassen-Berger 1993, A3). Bush’s executive order immediately resulted in an increase in Chinese immigration—worrying Immigration and Nationalization Service (INS) officials, especially because the order did not have a specific time limit where it would then be discontinued (Hood 1993, 12). The earliest results indicated 80 percent of Chinese immigrants claiming political asylum received it (Forney 1993, 3).

On a national level, asylum applications rose from approximately 30,000 a year in the 1980s to 150,000 a year in the 1990s (U.S. Congress, House 1996). The processing of asylum claims was held up by a backlog of more that 111,000 cases, meaning that it would take years for U.S. officials to catch up to the growing demand (Kamen 1991, Al). While immigrants waited for their asylum hearings, they were granted the right to counsel and given work permits—allowing them to stay in the country until their case was reviewed (Boston Globe 1993, A6). This allowed immigrants to file for asylum, receive their work permit, and then “disappear;” in fact, one report stated that less than half of Chinese asylum applicants in New York showed up for their hearings (Burdman 1993, Al).

Bush’s decision was upheld by his supporters even after he lost the Presidency in 1992 to Bill Clinton. Bush’s cabinet sponsored multiple memos on granting asylum on the basis of the one-child policy. These memos became influential in the handling of immigration cases, where judges even threw out cases before their hearings—granting asylum by simply writing “INS policy” on the bottom of the decision (Hood 1993, 12).

Illegal Alien Smuggling

Most officials argue that the majority of Chinese who enter the U.S. are not valid candidates for political asylum, rather they know that the immigration law and the current backlog of cases will promise them work permits, allowing them to remain in the U.S. One Chinese expert stated that it was “absurd to call these [Chinese immigrants] political refugees.” Some are able to get tourist visas, but don’t return upon the expiration of their legal stay. In order to avoid further deportation, many illegal immigrants are coached by smugglers to tell INS officials that they will kill themselves if they are returned to China (Burdman 1993, Al). These claims often result in at least work permits.

However, smugglers contribute the most to the problem of illegal immigration and asylum abuse. Smugglers are “organized crime rings that transport illegal aliens into the United States by land, sea, and air; alien smuggling both adds to the overall numbers of illegal aliens in the United States and increases the financial incentives for such trafficking to con-
continue" (U.S. Congress, House 1996). U.S. officials estimate that illegal alien smuggling generates a $7 billion annual profit for the smugglers.

Immigration experts claim that there are 200,000 to 300,000 Chinese illegal immigrants (Olojede 1998, A4). The majority of them are peasants or uneducated workers (Schmetzer 1993, C19). Smuggling has become the prime industry particularly in Fujian province, where those who did succeed in gaining wealth in the U.S. return to build large homes and flaunt their new-found prestige (Branigin 1996, A3).

However, this picture of Chinese becoming wealthy in the U.S. is largely fictitious. In reality, the increased population of Chinese immigrants in cities like New York have forced Chinese to live together in squalor—one author described it as being packed in bunk beds, which are only available to sleep on in shifts (Hood 1993, 12).

**Methods Used in Smuggling**

Smugglers have used various routes to transport illegal immigrants, including routes through South and Central America, where the immigrants are able to get false American or Canadian visas (DeStefano 1991, 8). Sometimes smugglers will travel across the Atlantic in order to reach New York, stopping in various African countries to regroup and collect more immigrants (Suro 1994, A1).

The most common method before 1993 was by boat. Immigration officials indicate that as many as 100,000 Chinese have been smuggled into the U.S. via boat (Kamen 1993, A1). The U.S. became aware of this in 1991 when a boat carrying 132 illegal aliens from China was spotted off the coast of Los Angeles (Treaster 1993, A1). The U.S. became aware of this in 1991 when a boat carrying 132 illegal aliens from China was spotted off the coast of Los Angeles (Treaster 1993, A1).

Officials believe that businesses and contacts in Chinatown provide the smugglers with the false identification that they need. Various gangs in New York's Chinatown that are thought to have engaged in alien smuggling, including the Fukien American Association (Hood 1993, 12) and the so-called "White Tigers" (Suro 1994, A1). These organizations, or others, use individuals called snakeheads to recruit illegal immigrants and to collect the money for the passage.

Typically, the prospective alien would pay $3,000 to $5,000 to get a local coordinator for the passage—usually to transfer the person to Hong Kong or Thailand. The smugglers' fee is $35,000 to $50,000, which one report claims only $10,000 actual pays for the trip itself (Kamen 1991, A1). As a down payment, the Chinese will pay around $1,500, which used to be higher but was driven down by the immense competition in the smuggling business (Kleinfield 1993, A1). The immigrants are expected to repay the snakeheads once they reach the U.S., even if they are detained in jail or deported to China. Most of the immigrants are taken to Chinatown, where they are overseen by the smuggling organizations (Gladwell and Stassen-Berger 1993, A3). They will in effect become indentured servants, working to pay off their loans for the passage. They live in quarters provided by their employer, which are often set up by the smugglers themselves (Kleinfield 1993, A1). They typically work in sweatshops, restaurants, or laundries. And everything is controlled by the snakeheads, even the immigrants' food source. Obviously, this is an added incentive for the aliens to turn to crime themselves so that they will be able to survive the pressure of the smugglers (Kamen 1991, A1). One group of 23 Chinese men, who were arrested for beating up another man, were identified as being new immigrants who had already joined the smuggler's gang (Kamen 1991, A1). It is also not unusual for the immigrants to make around two dollars an hour and work for twelve to fourteen hours a day. Some of the immigrants are forced into drug smuggling or prostitution (Kleinfield 1993, A1). And the wages are getting worse. As smuggling has become more prevalent and more immigrants have moved into Chinatown, employers are able to pay less for the labor, especially in cities like New York and San Francisco, where the smuggling is the highest (Hood 1993, 12).

When the new aliens cannot make their payments, the snakeheads often use torture and scare tactics in order to secure their money. There have been several cases of kidnappings, some which included burnings with cigarettes (DeStefano 1991, 8). One Chinese alien was kidnapped at gunpoint from his apartment, after which he was beaten with a hammer—breaking several of his ribs (Kleinfield 1993, A1). In addition to this, there have been house burnings and shooting. Obviously, smuggling has contributed to crime in Chinese communities, but particularly in New York's Chinatown, where most of the incidents discussed above took place.

**U.S. Reaction to Immigration**

The increase in Chinese immigration and the simultaneous increase in crime have led many Americans to be more adamant about stopping immigration and Chinese immigration in particular. As recorded in opinion polls around the height of the smuggling, most Americans agreed that illegal immigrants were an extra burden on the U.S. state and welfare program. One U.S. representative, Lamar Smith, stated that "illegal aliens take jobs, public benefits, and engage in criminal activity" (Roddy 1998, B1). Some members of Congress started arguing for a stronger immigration law (Orlando Sentinel 1994, A5). The Chinese government accused the U.S. of encouraging illegal immigration by having a liberal asylum law. And when U.S. officials demanded that China control its borders and stop smuggling, they responded by saying that the U.S. should first improve its immigration law (Fornay 1993, 3). It seems that the U.S. will have to be the one who stops the immigration. China was once very effective in controlling its borders, especially during the Moaist era, but with international demands for human rights and the increasing mobility of their people, China would most likely offend human rights organizations in order to deter further smuggling.
Immigration officials indicate that as many as 100,000 Chinese have been smuggled into the U.S. via boat.
The Golden Venture

The Golden Venture was the 24th ship carrying Chinese immigrants between 1992 and June of 1993. Each passenger was charged $30,000 for the passage that started in Bangkok. After sailing to Mombasa, Kenya, where the ship picked up another 199 Chinese, the ship started across the Atlantic (Gladwell and Stassen-Berger 1993, A3). Later reports of the voyage indicated that the conditions were wretched, with the entire group of immigrants being forced to stay on the lower deck, where it became very hot and stifling. There was little available food or fresh water (Freedman 1993, A1). As they approached the New York shore, two smaller boats were expected to come relieve the ship of its cargo, but when they failed to arrive, the immigrants mutinied. One of the Chinese immigrants gained control of the ship and started maneuvering it closer to the shore; however, the ship ran aground off Jacob Riis Park (Gladwell and Stassen-Berger 1993, A3). Many of the immigrants jumped into the water and started swimming for the shoreline. Ten of them died, while the rest were brought up onto the shore by immigration officials (Freedman 1993, A1). Ninety percent of the passengers claimed political asylum, mostly on the grounds that either themselves or their wives had been discriminated against because of the one-child policy—some of them claiming to have had forced abortions (Katz 1994, A20). However, immigration officials suggested that they needed to make an example out of the aliens in order to prevent the problem from growing (Gladwell and Stassen-Berger 1993, A3). So, starting with the Golden Venture, Clinton "ordered a crackdown on immigrant smuggling," beginning a new U.S. policy to combat the organized smugglers and rampant illegal immigration to the U.S. (Freedman 1993, A1).

The immigrants were sent to detention centers in New York, Pennsylvania, and Virginia (Arnold 1993, A24). Many of the immigrants were not allowed bail because of "exclusion proceedings," meaning that because they were still 200 yards off the shore line, the U.S. could detain them in jail indefinitely without bail until they can be sent back to their home country (Dillow 1996, A27). The women on board were taken by the Red Cross, where they were examined and questioned by immigration officials. All of the women claimed persecution from China’s population laws. Several of them even had ample evidence of such persecution, but again, they were transferred to detention centers (Dillow 1996, A27). The crewmembers, including the Indonesian captain, were charged with conspiracy to transport aliens illegally into the United States (Gladwell and Stassen-Berger 1993, A3). And officials said that the rest of the immigrants could remain in jail for several months, if not years, until their cases could be heard in order to determine political asylum. However, even though the Clinton Administration was recognized for taking a hard stand on immigrant smuggling, immigration officials quickly discovered that the costs of keeping the ship for investigation was $125,000 (Burdman 1993, A1). Furthermore, the detention of the immigrants each cost approximately $65 a day, or $24,000 a year, until their cases would finally be heard (Arnold 1993, A24). Only a new immigration law could offer a permanent solution.

Rethinking Immigration Laws

Li Huan, China’s deputy director of the Chinese government’s Office of International Cooperation said that America’s law allowed immigrants, as soon as they landed on U.S. soil, to claim political asylum encouraging illegal smuggling (Schonitzer 1993, C 19). Furthermore, the law allows the aliens work permits in the mean time, which is also supporting the criminal element by enabling the snakeheads to place illegal aliens into near servitude situations.

The Clinton Administration stated that Bush’s policy was being misused by the Chinese nationals and needed to be changed (Freedman 1993, A1). However, the U.S. was ill equipped to take on a more forceful policy. The Coast Guard was really the U.S.’s only enforcement, and even then, their strategies were largely limited to patrolling coastal waters (Treseter 1993, A1). Therefore, the U.S. had to attempt different methods. One included cooperating with the Chinese government to advertise the dangers that awaited illegal aliens. The Chinese government hung posters and showed television programs made by the U.S. Information Agency, both of which threatened Chinese to not attempt immigration showing the immigrants from the Golden Venture being jailed (Kamen 1993, Al). The Chinese government also contributed by arresting those suspected in smuggling operations, giving them prison sentences up to five years (Forney 1993, 3). The U.S. also started making small procedural changes to their asylum and immigration laws. First, they stated that those immigrants who had already been in the country for thirty days could no longer apply for asylum (Brown 1993, AS). President Clinton also announced that there would be a higher standard of proof regarding the granting of asylum, stating that there would have to be substantial evidence that the person faced eminent persecution in their home country (Levy 1993, Al 9). And in the case of those claiming asylum for their country’s population control, they would have to prove that they had been selectively forced to be sterilized or have an abortion (Katz 1994, A20). The U.S. also tried to divert illegal aliens elsewhere so that they would not land on U.S. soil, therefore avoiding asylum claims being made in the first place. For example, the U.S. persuaded Mexico to allow the immigrants to land on its shores instead of the U.S. (Tell 1993, 18). The National Security Council also permitted the use of wiretaps, and conspiracy and forfeiture laws to seize money and property obtained through smuggling, thus dissuading the Chinese crime organizations in the U.S. The maximum prison sentence for illegal alien smuggling was also
increased from five years to ten. Clinton said that all of this was meant to send a clear message to smugglers and potential illegal immigrants (Suro 1994, A1). Stricter measures were taken with other ships that followed the Golden Venture. Immigrants from more than a dozen ships were detained or deported. One ship, named Oops II, was beached during heavy fog; all those aboard were arrested (Olojede 1998, A4). Another ship, leaving from Honduras with 524 Chinese, was intercepted by U.S. officials, and all the would-be immigrants were diverted back towards China (Hood 1993, 12). U.S. officials off the coast of Mexico went as far as to ignore advice from the United Nations workers, when they stopped a ship carrying 659 Chinese. The U.N. workers determined that approximately 58 of the passengers had legitimate asylum claims, but the U.S. only accepted one for a hearing (Beck 1993, 5). U.S. courts also started prosecuting smugglers (Burdman 1993, A1).

There was some question over whether these new procedures could prevent legitimate refugees from reaching the U.S.; however, this concern was largely overlooked by many members of Congress as several of them started introducing and supporting various reform laws (Arnold 1993, A24). One representative from Kentucky, Romano Mazzoli, joined both a Democrat from New York and a Republican from Florida in proposing new legislation aimed at stopping illegal aliens from using political asylum (Brown 1993, A5). Senator Alan Simpson favored a similar proposal, sponsoring a bill that would prevent foreigners without proper travel documents from claiming political asylum (Burdman 1993, A1). Californian Republicans, Robert Dornan and Dana Rohrabacher, wanted to remove population control as being grounds for asylum all together (Dillow 1996, A27). Another Congressman from Arizona, Bob Stump, supported overhauling the entire system, proposing the Immigration Reform Act of 1994 (Ling-Ling 1994, C3). In the end, the actions of the INS and various Congress members resulted in a new Immigration Reform Act in 1996 based on the changes made from 1993 to 1995 and on further reforms.

**Immigration Reform Act of 1996**

Citing the Golden Venture as the event that prompted new immigration reforms, the 1996 Immigration Reform Act states that the U.S. must reassert its own sovereignty over its borders. As a result, INS was granted more patrol agents, specifically an annual increase of 1,000 until the end of the twentieth century, enhanced training procedures, and new technology to track illegal immigrants (U.S. Congress, House 1996). Also, the initiative granted immigration officials more authority in dealing with illegal aliens, doubling the penalties for smuggling ventures, expanding asset seizures, and other strategies for handling organized crime. A pre-inspection system was also started at various high volume airports around the world. U.S. officials would inspect visas and other documents in order to exclude fraudulent cases. If found, these individuals were turned away from boarding the aircraft (The White House 1993a). By 1997, the U.S. Operation Global Reach, as it became known, opened thirteen inspection sites like these in China, South America, and Africa (Bass and McDonnell 1997, A14). When illegal aliens did succeed in reaching the U.S., if their asylum claim was quickly determined to be fraudulent, then the expedited exclusion legislation allowed the U.S. to deport them back to their native country quickly (The White House 1993b). To deal with asylum claims, the number of asylum officers was increased by 100 percent (U.S. Congress, House 1998). Also, to alleviate the lack of detention space, Congress authorized the use of closed military bases for those waiting for asylum hearings or repatriation (U.S. Congress, House 1993).

One activist said that the obstinacy of the INS is that they were merely trying to [guard] their own sovereignty, at expense of human rights
Effect of Immigration Reforms

The 1996 Act also cited that there had been a fifty percent drop in the number of asylum applications following the Golden Venture incident (U.S. Congress, House 1996). U.S. officials concluded that it is a combination of these stories about “ill-fated” ships, increased INS enforcement, and cooperation with the Chinese government that has prompted the decline (Kamen 1993, AI). In fact, only one known smuggling ship landed in the year following the Golden Venture, a ship that dropped off 110 aliens on a beach in Virginia. Most of these immigrants were found in a raid and were arrested by immigration forces (Suro 1994, AI). Even with the renovated immigration force, smuggling still remains an option to Chinese who want to flee economic and political oppression (Cheng 1997, A4). However, regardless of this, the problem of illegal alien smuggling has diminished. But there are other arguments, like those coming from immigration rights groups and other interest groups, which say that the new immigration laws are rejecting legitimate asylum cases, especially those fleeing China’s population controls.

One effort raised $150,000 (Katz 1997, R21). However, when one group of lawyers arrived at a detention center in New York, they were turned away by officials, refusing to allow the lawyers access to the Chinese. The officials at the detention center justified their actions by stating that it is up to the immigrants to get their own lawyers, but that the detention center was not available for “lawyers to solicit” business. The immigration lawyers retaliated further by suggesting that the INS was refusing the immigrants the right to counsel, as guaranteed in the 1980 Asylum Law (Lin 1993, 6). Furthermore, the immigration lawyers recognized that the government agents processing the asylum claims were chosen with the idea of decreasing smuggling, which immediately set them against the Chinese immigrants. And the INS, who oversaw the entire operation, was particularly impatient with asylum claims based on China’s one-child policy (Hood 1993, 12). Therefore, the lawyers decided to file suit against the government, claiming that the INS was violating the 1980 Asylum Law, which allowed for access to counsel, and the subsequent executive orders that provided political asylum based on the one-child policy (Freedman 1993, AI). The lawyers pressed harder with petitions for asylum, but they were all denied.

As more human rights groups got involved, the immigrants themselves started to protest. One group of women inmates engaged in a hunger strike. They claimed that they had fled China because of the one-child policy and thought that a hunger strike might gain them attention and more support. However, the U.S. government largely resisted reaction to the hunger protest. Eventually, the health of the women was questionable and the protest was abandoned, though it lasted for more than three weeks (Katz 1994, A20). One activist said that the obstinacy of the INS in respect to the Chinese immigrants showed that they were merely trying to “[guard] their own territory and their own sovereignty, at the expense of human rights” (Maynard 1998). Acting on behalf of the women, the Vatican arranged for nine of the immigrants to be transferred to Ecuador. At this point, many of the groups started protesting and lobbying the government and Congress members (Katz 1997, R21). Anti-abortion groups and others opposed to China’s population laws lobbied the
government to make it easier for Chinese immigrants to receive political asylum. And as the 1996 reform was drafted, these groups also criticized the government, saying that the bill would deny sanctuary to legitimate refugees. They were successful in gaining some support in Congress. Congressman Henry Hyde from Illinois and Chris Smith from New Jersey wrote letters to both the Justice Department and the State Department for sending back refugees to China, who were then “re-educated” by the Chinese government. Also, Rep. Smith argued that most of the immigrants were fleeing China's one-child policy (Maynard 1998). The Clinton Administration responded by stating that the Chinese immigrants could get asylum if they could prove that they “faced persecution based on coercive family planning policies.” However, the result of this announcement was not what the activist groups had hoped for, being that only one received asylum. Following this, Rep. Smith introduced legislation that considered forced abortions and sterilizations grounds for political asylum, independent of Bush’s executive orders but under the new 1996 reforms (Katz 1994, A20). The law was finally changed in 1997, allowing population control as a basis for political asylum (Katz 1997, R21). The law provided for a total of 1,000 refugees under this section of the asylum reform act (U.S. Congress, House 1996).

However, the most significant win for the human rights groups came in 1997, when President Clinton, reacting to the relentless lobbying, released the remaining victims of the Golden Venture (Katz 1997, R21). Clinton granted them “safe haven,” being that they were fleeing China's one-child policy. Only 53 remained from the original 300, but it still represented a significant number (The White House 1997). This marked a serious switch in the Clinton Administration, who had decided to take a hard line with illegal immigration. This latest act worried some that it would again promote smuggling and crime, but the lawyers who worked with the Chinese stated that they would stay close to them and help them to become settled in the U.S. without having to turn to crime.

Conclusion

Though the INS and the Justice Department were the larger winners in the 1996 Reform Act, receiving harsher penalties for illegal alien smugglers and better enforcement power, the interest groups that became involved in the plight of the Golden Venture immigrants were still successful in guaranteeing the right of Chinese immigrants to claim political asylum based on China’s one-child policy. Furthermore, these activist groups were successful in making the Clinton Administration reverse its policies toward the Golden Venture immigrants, by eventually setting them free from detention. Before the Golden Venture, American immigration policy was engineered to serve the purposes of the Cold War, to protect the U.S. relationship with China at the same time as opening the U.S. borders to those fleeing the oppressive Chinese government. However, these generous policies were largely abused, creating a national dilemma, particularly in terms of violence and the increasing existence of organized crime groups. The Golden Venture incident was used by the Clinton Administration as an example to curb illegal immigration and smuggling actions. This tactic was rather successful, though it sparked a debate within the U.S. as to whether harsher immigration policies could hurt the cases of legitimate refugees, as the activist groups behind the Golden Venture argued. The 1996 law, which reformed the immigration policies of the Eighties and the Bush Administration, eventually included the arguments of these interest groups, illustrating the influence of interest group politics on the making of foreign policy.
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