

San Francisco Chronicle

April 27, 1993

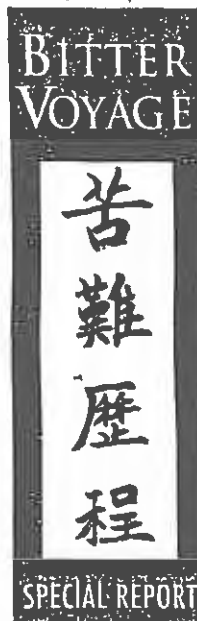
Huge Boom in Human Smuggling — Inside Story of Flight From China \$3 billion business built on despair

By Pamela Burdman
Chronicle Staff Writer

Early in February 1992, the Coast Guard received a perplexing tip:

Three men had come to the Marina Village Yacht Harbor in Alameda to buy a 57-foot yacht called the *Liberated Lady*. They paid \$70,000 — in cash. In the next several days, they worked on the craft around the clock, installing sophisticated navigation equipment and loading provisions. Among the supplies were huge cartons of Dramamine and case after case of soft drinks.

The Coast Guard put the *Liberated Lady* under surveillance, and three weeks later, investigators were watching as the yacht made a midday rendezvous with a Taiwanese fishing trawler off Long Beach. When they raided the yacht that night, they were stunned by what they found.



First of four parts

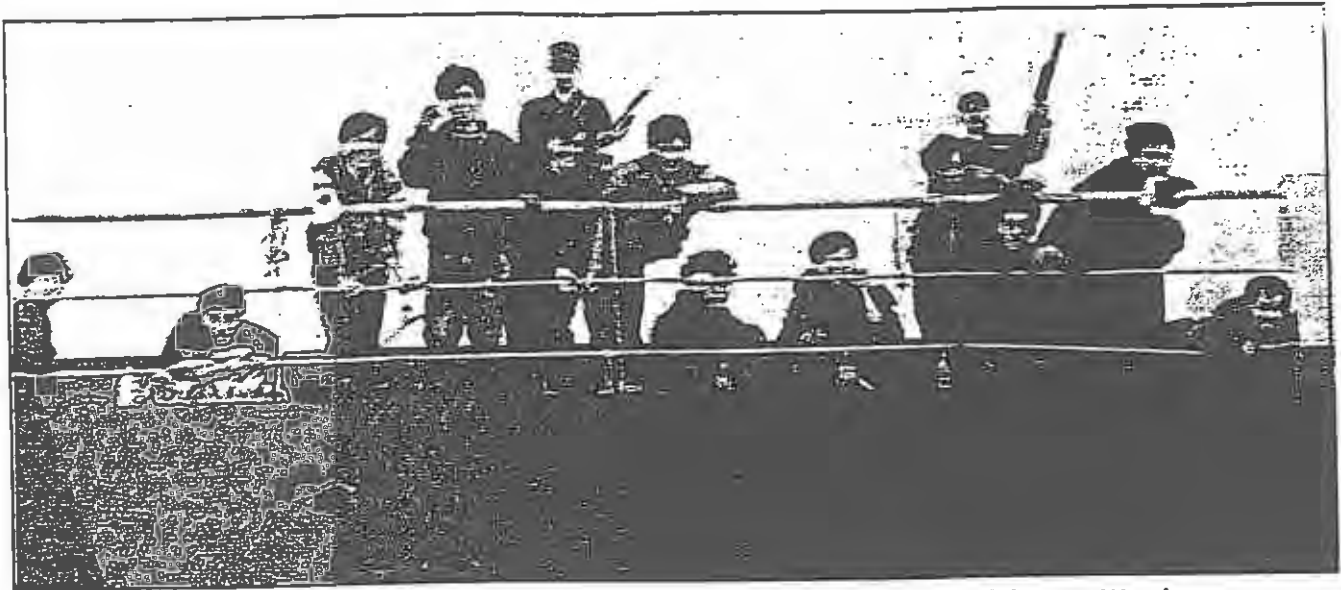
In a cabin designed for 12 people, 85 Chinese citizens were crammed into cupboards, stuffed under the sink and doubled over on top of each other in the bathroom. The *Liberated Lady* was a smuggling ship, and the cargo was human.

"It was like looking down into the hull of a slave ship," Coast Guard sailors told Julie Werner-Simon, an assistant U.S. attorney in Los Angeles.

At the time, the Coast Guard had heard of only one case like it on the West Coast. But in a four-month investigation, *The Chronicle* found that human-smuggling has grown into a booming black market that deals in despair and corruption across the Pacific Rim.

Yesterday, the Immigration and Naturalization Service disclosed the arrival of the latest ship:

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Coast Guard officers guarded illegal Chinese immigrants, chained together aboard the East Wood, a freighter converted for smuggling

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The Mermaid 1 was discovered late last week off the Bahamas, where the Coast Guard boarded it and found a Korean crew and 237 Chinese passengers.

U.S. immigration officials say they are overwhelmed by the number of Chinese who pay smugglers for the chance at work and wealth in America.

Some estimate that more than 100,000 Chinese are being smuggled into the country every year, far more than the 30,000 a year who immigrate legally. In the past two years alone, more than 40 smuggling ships have been detected around the Pacific Rim. But there must have been hundreds of planes and boats carrying illegal immigrants that were never discovered.

The repercussions are startling:

■ The traffic in Chinese immigrants has become a \$3 billion-a-year business, with tentacles reaching from Hong Kong to San Francisco, New York and Paris.

■ The enormous profits have attracted criminal entrepreneurs, for-

mer drug dealers and members of established crime rings into loose affiliations that control every aspect of the smuggling trade.

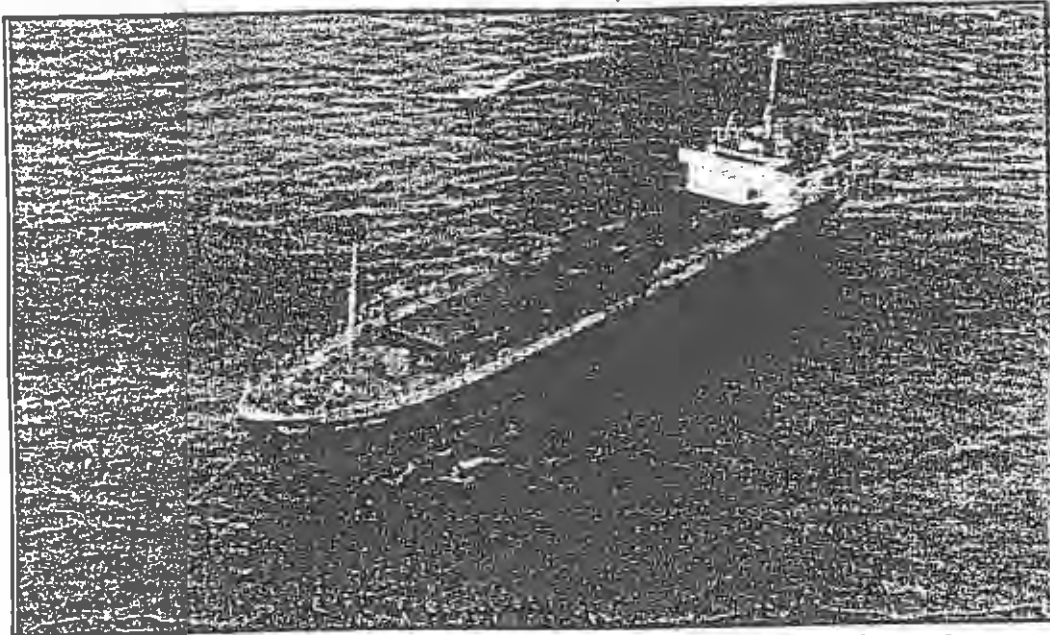
■ The Chinese emigrants who come seeking a better life are routinely exploited and abused. Last year, 37 women on board one ship reported that they were raped by crew members. In another case, four people died in a failed smuggling scheme in New York.

Some immigrants prosper in America, but usually they must first toil for years in restaurants and garment-industry sweatshops to pay off smuggling fees of \$30,000 or more. Those unable to pay on time have been kidnaped and beaten by gang members working for the smugglers.

■ The boom in human-smuggling has caused turmoil among U.S. immigration officials. They have been largely ineffective in stopping the trade, and investigators say some may have been corrupted by it.

■ Many of the smugglers and most of their customers have settled in New York, but smuggling opera-

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The East Wood was towed to the Marshall Islands after it broke down in the Pacific

During the endless sea journey, 'I wondered if I was playing with my life'

— ZHOU CHANGQING, one of the Chin Wing's passengers

'When I left China, they all said there was hope for me. I never thought I'd lose all hope'

— LIANG HONGWEI, a Chinese fisherman now living on the East Coast

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tions on the West Coast are expanding as smugglers route more boats through Mexico and California, where their local allies help unload and transport the passengers.

With little official deterrent, the boats are coming more frequently and carrying larger loads. In December, the Manyoshi Maru was escorted into San Francisco Bay, carrying 171 passengers in its filthy hold. In late January, the East Wood broke down near the Marshall Islands. When Coast Guard officers went to the rescue in early February, they found 524 passengers, far more than they had ever seen on a smuggling ship.

"More boats are on their way," said Wayne McKenna, a senior special agent for the U.S. Immigration and Naturalization Service. "We know that."

Stealing Passage

The smuggling ships start from Fujian province on China's southeastern coast. The customers packed into the cargo holds call their furtive journeys "toudu" — stealing passage.

Liang Hongwei — not his real name — was a 28-year-old fisherman in Lianjiang county on the coast of Fujian province. Three hundred

people from his village already are living in New York, and having a family member in the United States gave the entire family "mianzi" — face, or status.

"I am one of five sons," Liang said in a recent interview. "No one from my family had come out yet. We had no face."

In the past 2 years, more than 40 smuggling ships have been detected around the Pacific Rim, and U.S. immigration agents warn, 'More boats are on their way'

Last fall, he contacted a villager who works as a broker for the smugglers. The broker, a retired fisherman, earns \$500 for each person he recruits for a smuggling voyage.

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BY TOM LEVY / THE CHRONICLE

Wang Yigan, 33, visited the Golden Gate Bridge for the first time since he immigrated illegally from Fujian province in 1990

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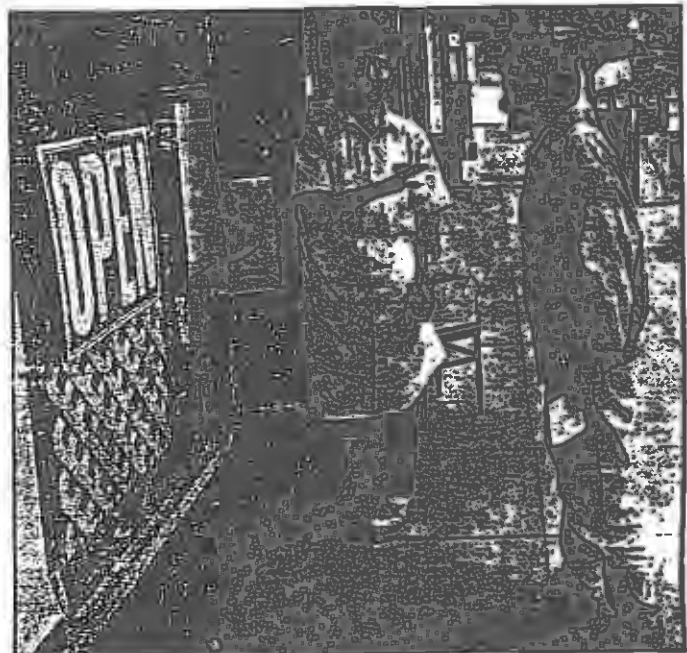
Liang was one of 175 people to board a Taiwanese boat off the coast of Fujian in October. After 45 days at sea, they stopped near the coast of Mexico, where they were met by Mexican fishing vessels that ferried them to land.

At least 10 trucks picked up the weary passengers and took them into the mountains three hours away. After they camped there for three nights, Mexican guides led them on a rugged five-hour hike to the border.

Once in California, the smugglers' assistants locked them in a house near Los Angeles, 20 or 30 to a room. Ten days later, Liang was flown to New York. There, he was greeted by members of the Chinese underworld known generally as the "hei shehui" — the dark society.

He owed the gangsters \$28,000 for his passage, and they held him prisoner in a New York basement while waiting for him to arrange the payment.

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Wang talked to a Sunset District restaurant owner in an attempt to find work for a young friend from Fujian



Wang works six days and up to 70 hours a week cooking for a popular Chinese restaurant and hopes to own a restaurant of his own some day

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Liang phoned his wife's uncle and asked him for a loan to pay the smugglers. But the man said five other recent arrivals from Fujian had already bled him dry. A brother-in-law who arrived only a year ago earns a mere \$1,000 a month, just enough to cover his own smuggling debt.

Liang had nowhere to turn. After keeping him in the basement 22 days, the smugglers beat him savagely, then dumped him at a hospital and fled.

Now he is out of the hospital, but he lives in fear, convinced that gangs hired by the head smuggler — the "shetou," or snakehead — are waiting for a chance to kill him.

"The snakehead is still in America," he said in a phone call from an East Coast hiding place. "If I tell the police, that's the end of me."

With a shaky voice, Liang said he has only one option: pay off his debt, somehow, and then earn enough to help his 23-year-old brother get to America. "Otherwise," he says, "I won't have the face to return."

"When I left China, they all said there was hope for me. I never thought I'd lose all hope."

Wretched Conditions

Liang's treatment was uncommonly harsh, but INS officials say the smugglers are notorious in their disregard for the health and safety of the passengers.

The *New Star*, a small boat that picked up 160 Chinese passengers from a fishing trawler in September, would have sunk near Long Beach were it not for a rescue by a Japanese-flagged boat.

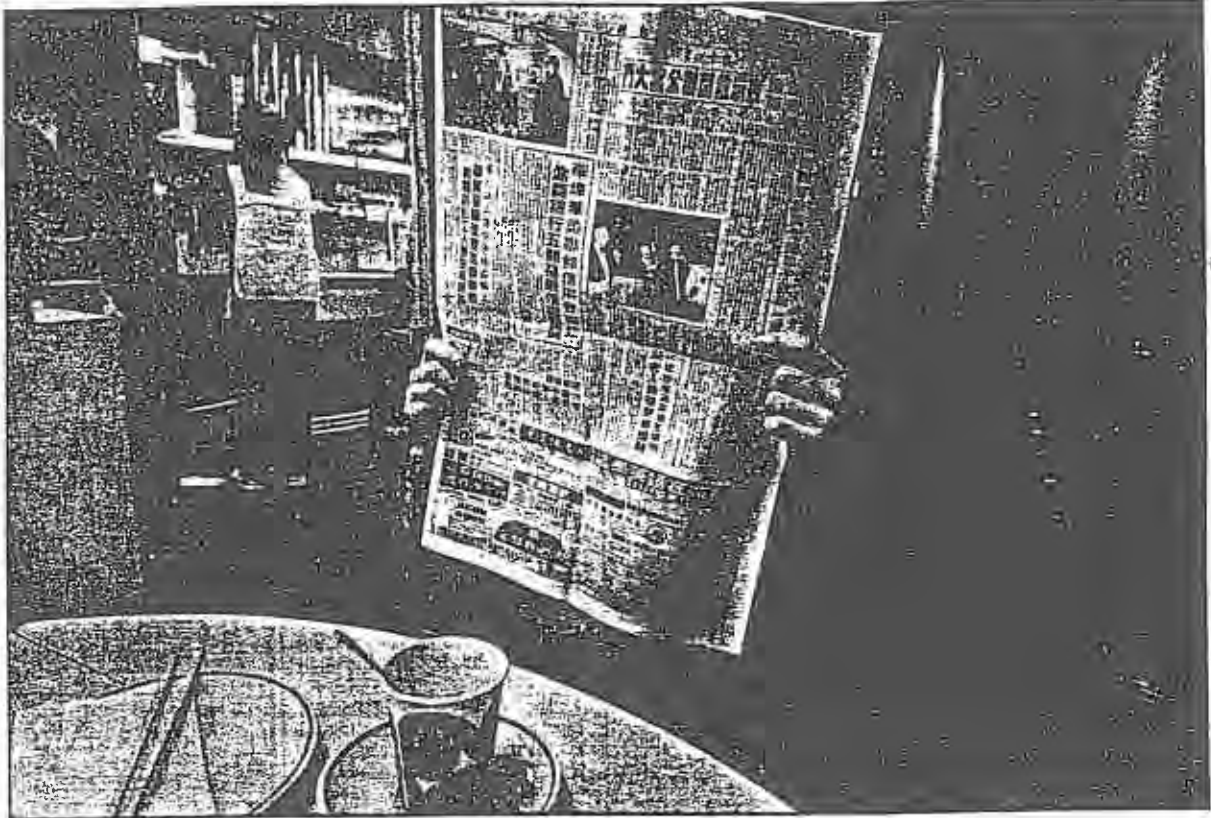
One small fishing boat, the *Chin Wing*, sailed for almost five months last year, stopping in Mauritius, South Africa and Haiti for water and repairs before it landed in North Carolina in September.

Passengers said that scarce provisions of chicken and vegetables were gone after 10 days at sea, and for the rest of the voyage, the 151 men on board survived primarily on rice. Even the rice ran out during the ship's final two days at sea. After the ship issued

偷渡

toudu:
to steal
passage,
to be
smuggled

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An illegal immigrant hid his face behind a newspaper in a New York restaurant before heading for another 14-hour workday

BY TOM LEVY / THE CHRONICLE

Continued from previous page

a distress call, the Coast Guard came to the rescue.

On a boat that sailed to Mexico last fall, crew members raped all 37 women on board, according to a Chinese writer who interviewed the male passengers.

"The captain divided the women among the crew and raped them," said the writer. "They had knives and guns, so the women couldn't fight back."

The female passengers, terrorized by the incident, refused to be interviewed. The writer, based in New York, asked to remain anonymous to shield the passengers from retribution.

Indentured Servitude

Once the immigrants come ashore, living conditions

面
子

mianzi:
literally
face, meaning
status or
self-respect

improve only slightly. They expect better pay and more comforts than they had at home, but instead they find that only menial jobs in restaurants or garment factories are available to someone who has no working papers and speaks no English.

Because the pay is so low, they often must live in squalor and work for years to pay off their smuggling fees. Many compare the conditions to indentured servitude.

One of the Chin Wing's passengers was Zhou Changqing, who worked as a ticket collector for a bus company back in Fuzhou.

"I wanted to live better," Zhou said. "In China, there's no money to be made, and the political policies are unstable."

After an arduous journey that led from North Carolina to an INS detention center in Texas and then to a smuggler's safe house in Queens, Zhou started his new life in America.

Now 21, he works 12 hours a day, six days a week as a cook at a Chinese restaurant in the South Bronx. He said it could take five years to pay back his sponsors.

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"My whole life is devoted to repaying the debt," he sighed.

Lucrative Business

In Fuzhou, thousands like Zhou are willing to risk their lives for a passage to America. To tap the pent-up demand, entrepreneurs and organized crime groups have created a sophisticated and well-organized international network.

With fees ranging from \$20,000 to \$35,000, the profit potential is astonishing.

At \$25,000 a head, the 524 passengers of the East Wood would have generated more than \$10.5 million — more than half of it profit — for their smugglers if the ship had made it to the United States.

To make such earnings requires only modest risk.

Penalties for smuggling are mild. Thirteen crew members on the Liberated Lady and the Taiwanese mother ship were convicted of smuggling last year. But their sentences ranged from only five to 15 months, and all have been released from jail.

The passengers who have landed in the United States are permitted to apply for asylum, even if they are apprehended. Nearly all of the passengers on the Liberated Lady applied for asylum, and most of them have been freed pending the outcome of their cases.

Some INS officials estimate that fewer than 5 percent of smuggled Chinese are ever caught. Only 1,390 were apprehended last year, and just 89 were sent home. The majority disappear into the Chinese community.

Because it is so easy to slip into the United States, some officials fear that smuggling will become even more popular, leading customers from other parts of China to risk their lives. Smuggled natives of Zhejiang province have already shown up in Paris, and Guangzhou residents have travelled by boat to Australia.

'The way these boats have been coming in, I wouldn't be surprised if I saw one land in Topeka, Kansas. They seem to have the ability to show up anywhere'

— JIM HAYES,
Assistant District
Director for
Investigations, Los
Angeles INS

Growing Community

Among the Fujianese smuggled into the United States in the past decade, almost all have gone to New York City. Today, however, the city's Chinatown is overcrowded. Jobs are scarce. The crime rate is high.

"They come to New York, and things are not really that good," said Peter Kwong, a history professor at Columbia University. "So they are dispersing all over the place."

According to Kwong, McKenna and others, new Fujianese communities are forming in other cities on the Atlantic seaboard, in Los Angeles and in the Bay Area. Some experts worry that the "dark society" will follow, bringing the same sort of crime and violence that plague the immigrants in New York.

Linda Lin, owner of an employment agency in Los Angeles Chinatown, said she never saw Fujianese clients until late 1991. Since then, more than 200 have come seeking jobs.

In San Francisco, Jack Wang of Multiple Job Referral Service says that more than 50 new Fujianese immigrants, mostly men in their 20s

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April 27, 1993

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BY INS ANTI-SMUGGLING UNIT, LOS ANGELES/SPECIAL TO THE CHRONICLE

Illegal Chinese immigrants were crammed inside the *Liberated Lady*, intercepted in 1992 by the Immigration and Naturalization Service

and 30s, have walked into his office on California Street since it opened four months ago.

"Some come in the door carrying a suitcase," he says.

Wang Yigan came to San Fran-

cisco in January by way of New York and North Carolina. In China, he taught people to drive tractors. Now 33, he works at a popular Chinese restaurant and lives with several other Fujianese in a cramped apartment above a Chinatown

sweatshop.

His roommates declined to be interviewed, saying they fear law enforcement officials. But they attest to the growing presence of smuggled immigrants in the Bay Area.

"There's obviously a growing Fujianese connection in San Francisco," says McKenna. As the current residents are joined by family members, he adds, the population here will boom.

One Fujianese garment factory owner, already besieged by relatives seeking help, agrees.

"In the beginning there were one or two," he said. "They couldn't find jobs back in China. We sympathized and agreed to help them. But now, it doesn't matter if you agree or not. They still come."

By the time their relative arrives in the custody of smugglers, family members feel obligated to help them buy their freedom. "We don't have that much money," said the sweatshop owner. "But you can't bear them to be locked up like that."

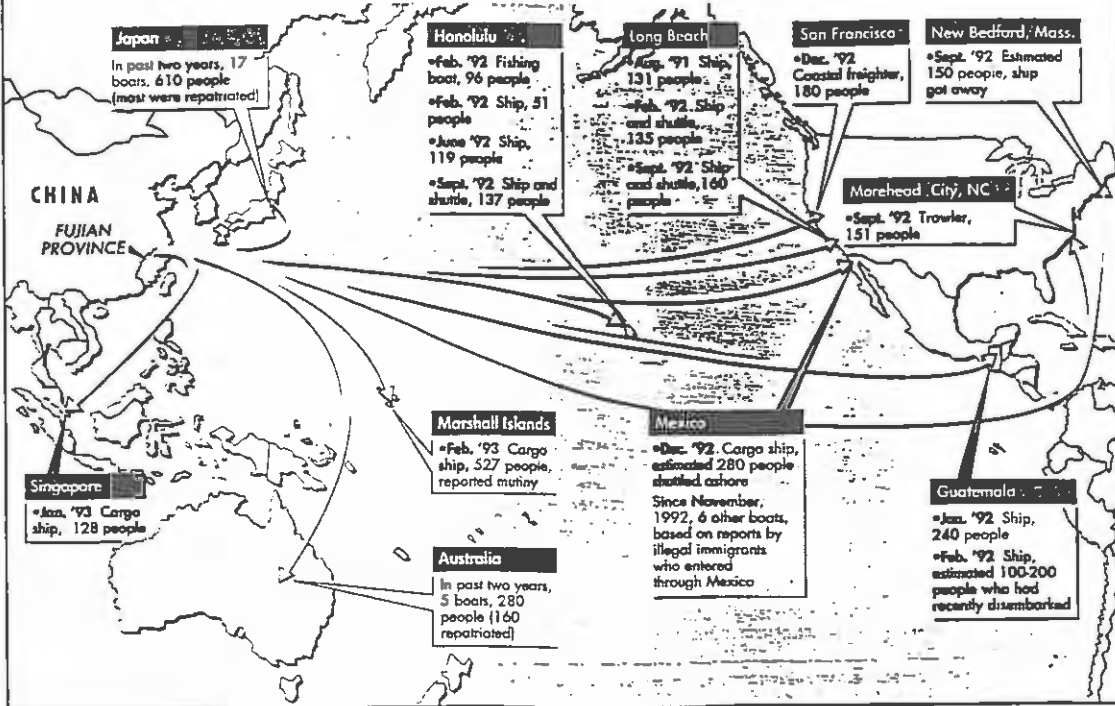
Once they're freed, though, some of the immigrants regret that they ever came at all. "They think America will be heaven on earth," he says. "Maybe it's a living hell."

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HUMAN SMUGGLING ON THE HIGH SEAS Where boatloads of Chinese immigrants are landing

From fishing trawlers to cargo ships, boats represent the latest wave in the human smuggling trade. They offer high volume and high profits for smugglers. More than 40 boats carrying Chinese citizens have been spotted or intercepted in the past two years off the United States and other Pacific Rim countries. Many more are thought to have arrived undetected—including at least seven boats that may have arrived in Mexico in the past five months. In the past week, Coast Guard officials near the Bahamas boarded a vessel suspected of smuggling 237 Chinese. The destination of most passengers is the United States.



San Francisco Chronicle

April 28, 1993

How Gangsters Cash In On Human Smuggling Profits lure government officials too

By Pamela Burdman
Chronicle Staff Writer

The business of smuggling Chinese citizens into the United States has become so lucrative that it is attracting powerful criminal syndicates and corrupting government officials across the Pacific Rim.

If it were legal, the traffic in humans would be one of the success stories of contemporary capitalism: From its start a decade ago among a group of unscrupulous travel agents, the trade has grown into a \$3 billion-a-year industry, rivaling prestigious multinational companies like the Gap, Sun Microsystems and American President Lines.

Former drug dealers and established crime rings like the Japanese yakuza, the Wo Hop To in the Bay Area and Vietnamese street gangs on the East Coast are hustling for a piece of the action. Government officials in seven countries — including the United States — have been linked to bribery, extortion and other smuggling-related corruption.

"If they said, 'We'll smuggle anybody to the United States for free,' I wouldn't be concerned for a minute," said one investigator,

who asked to remain anonymous. "(But) this is a huge revenue source, a portion of which is flowing directly or indirectly into these criminal organizations and strengthening their power to expand, power to corrupt, power to bribe."

Although the smuggling rings operate openly in the Chinese community, immigration experts still have only a hazy idea of how they work.

"It's a banding of criminal associations that almost defies description," said Wayne McKenna, a senior special agent for the U.S. Immigration and Naturalization Service.

McKenna and other investigators say the proceeds are almost impossible to trace. They suspect that some of the money goes into legal businesses like real estate and restaurants. But much of it is plowed back into the syndicates — financing new smuggling ventures, paying salaries to their members and strengthening their U.S. power bases.

The voyage of the Jinn Yin, which carried 125 passengers

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BITTER
VOYAGE

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SPECIAL REPORT

Second of four parts

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across the Pacific early last year, offers a glimpse at the complex organization of a smuggling network.

The trips are organized by smugglers called "snakeheads" —

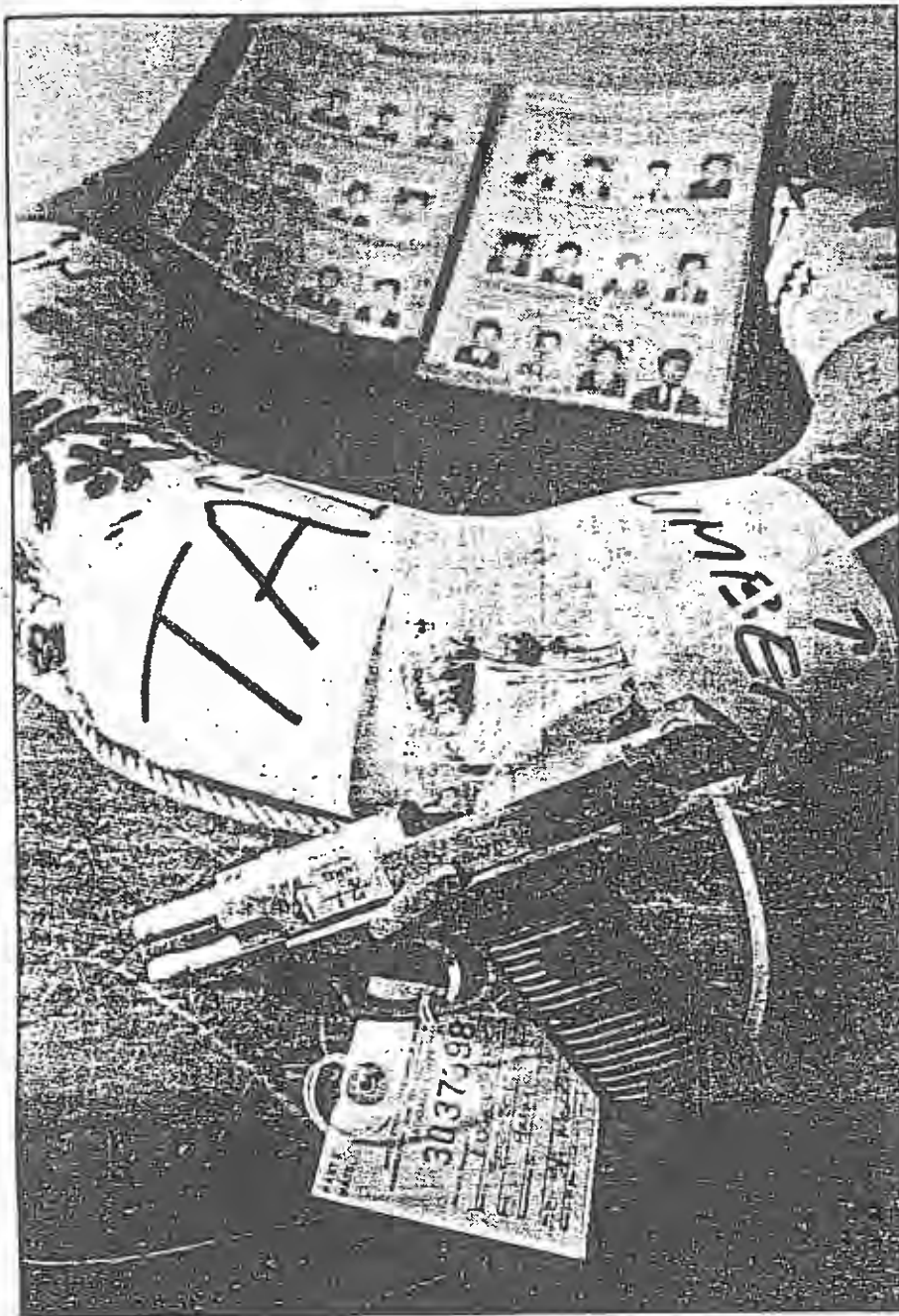
Profits are flowing into crime rings, 'strengthening their power to expand, power to corrupt, power to bribe'

named for the creative smuggling routes that snake from country to country before entering the United States. Often the snakehead is an independent criminal entrepreneur with allies in organized crime syndicates.

The snakehead has recruiters in the outlying villages of Fujian, booking passage at \$30,000 a head. Before the voyage began, the smugglers hired drivers to shuttle the passengers to the Fujian coast, fishermen to ferry them out to the Jinn Yin and a crew to sail the ship.

In the meantime, the smugglers arranged for a smaller boat to meet the Jinn Yin off the coast of California. According to federal investigators, a team of men purchased a pleasure craft called the Liberated Lady in Alameda, then sailed it down the coast to a rendezvous with the mother ship.

Before the Coast Guard moved in, the Liberated Lady dropped about 40 passengers on shore. Two rental vans were waiting for them there, and drivers drove them north to a "safe house" in Oakland. The U.S. attorney's office in Los Angeles linked the drivers to the Wo Hop To, a Hong Kong-based triad that domi-



BY TOM LEVY/THE CHRONICLE

These items were found aboard the Jinn Yin after its seizure by the INS; the book contains pictures of each smuggled Chinese passenger

nates Chinese organized crime in San Francisco.

All 13 crew members from the two ships served short jail sentences, but prosecutors never discovered the identity of the mastermind. Still, a handful of criminal investigations in recent years have shed some light on other syndicates and the snakeheads who run them:

■ Lu Hung Dar of Taiwan was indicted in 1986 for smuggling women into the United States and forcing them to work in brothels in New York, San Francisco and Denver. He fled after the indictment and his whereabouts are unknown, but fellow conspirator Shi Hsiao Pao is still serving a 12-year sen-

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—SENATOR
WILLIAM ROTH JR.,
R-Del.

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■ Wong Kin-fei, known by the nickname Foochow Paul, is a leader of the Green Dragons, a New York gang, according to Senate investigators. He fled the United States in 1991 after he was indicted for extortion, murder, assault, robbery and bribery. Now, investigators say, he orchestrates smuggling schemes from within China.

■ Cheng Chui Ping, perhaps the most famous snakehead of all, bases her operation in a souvenir shop on East Broadway in New York's Chinatown. Known as Sister Ping, she was smuggled out of Fujian about 10 years ago and used the experience as a springboard to success.

Her business has become so lucrative that she recently purchased a building for \$3 million in cash, according to Rutgers University Professor Ko-lin Chin, an authority on Chinese organized crime. And a 1991 U.S. Senate report said that Ping, now in her mid-40s, may have earned more than \$30 million in the smuggling business.

"She's a major player in alien smuggling," said McKenna. "Her name always comes up, but nothing in terms of hard evidence."

A Legend In Community

Among the Fujinese in America, Sister Ping is a folk hero.

"If anybody dies on the trip, she compensates the victim's family," said one Fujianese living in New York. "If anybody gets deported, she will make sure they can be the first one on the waiting list (for another voyage)."

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to go to prison. What she's doing is great. That she can make that much money in 10 years is a good example for the rest of us."

Although she and her husband, Cheung Yick Tak, are well-known, they have evaded serious punishment. She was prosecuted only once — in 1989, after an undercover INS agent drove three Chinese across the border for her. Her sentence: four months in federal prison.

Cheung also pleaded guilty to smuggling in 1989 after four of his clients died while trying to cross the Niagara River from Canada on a \$59 raft. His original sentence — nine months — was wiped out earlier this year in closed court, but prosecutors would not disclose the reason.

Growing Trade

Immigration experts believe that for every well-known smuggler, there are many other smart new entrepreneurs who have been lured into the business by the high stakes and low risks.

Some are based in Hong Kong, Fujian province and Panama. A New York police detective, speaking on the condition of anonymity, estimated that 25 smuggling rings are operating in Manhattan's Chinatown.

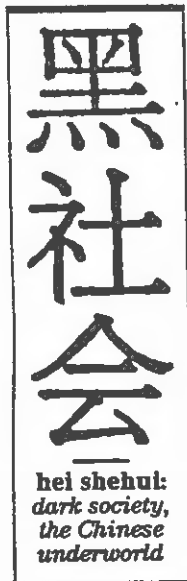
Earlier this month, members of Japan's largest criminal syndicate — the Yamaguchi-gumi — were arrested in Japan for attempting to sneak 145 Chinese into the country.

According to a U.S. Senate report issued in December, many of the smugglers have ties to organized crime. Senator William Roth Jr., the Delaware Republican who directed a Senate investigation on the matter, said some of the smugglers are former drug lords.

"We found that some heroin smugglers have switched to alien smuggling because alien smuggling can be almost as lucrative, while carrying much less risk of going to jail," he told *The Chronicle*.

Tongs and Triads

In the United States, Roth said, Chinese secret societies known as triads and benevolent associations, or tongs, also play a crucial role.



Simon Auyeung, a specialist on Chinese organized crime and a former FBI informant, has long suspected the involvement of tongs in Phoenix. In an interview, he sketched out a theory: When Chinese immigrants are smuggled up through Mexico, tong members meet them at the Mexican border, house them and arrange for their passage to New York or other destinations.

Auyeung said he once confronted a Phoenix tong leader about his suspicions. It was a private meeting, and the tong leader bluntly admitted his involvement.

"It was only me and him," Auyeung recalled. "I asked him: 'Why do you like to do something like that?' He said: 'I told you. Now see what you can do about it.'"

But finding evidence that will stand up in court has been more difficult. "I have no proof," Auyeung admitted.

Threats of Violence

Because a smuggling contract cannot legally be enforced, the smugglers rely on threats of violence to make sure passengers pay promptly and do not cause trouble. "None of these operations will fly unless you have muscle to collect the money," said McKenna.

Chiang Chan Ching, a passenger aboard the *New Star*, an American fishing boat that was intercepted while ferrying 160 Chinese to Long Beach in September, was sentenced to eight months in prison for beating and threatening other passengers. And agents who seized the *Jinn Yin* found two semiautomatic weapons and a homemade sword on board.

Chiang and four others were convicted of smuggling foreigners, and their sentences ranged from five to 21 months in federal prison.

Prosecutors described Chiang as a low man in the criminal hierarchy. Interviewed at a Los Angeles prison, he was asked to discuss the role of Wang Herng Sing, the *New Star*'s captain, but he refused.

Instead, he made a throat-slashing gesture to illustrate the fate that would await him if he implicated Wang. "I won't say a single word," he said. "I don't dare offend this person."

'The chain is very, very long. This is really an international network'

— PETER KWONG,
professor of history at
Columbia University

Wang declined to be interviewed, but investigators say he is connected to the Chinese underworld in New York.

Underground Economy

According to a 1992 Senate report, human smuggling generates \$3 billion a year in revenues.

Scholars and law enforcement agents say the business has spawned a vigorous underground economy, making the economic impact of human-trafficking even bigger.

A host of satellite businesses serve the community of undocumented immigrants: agents who

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help them obtain working papers, real or phony; employment offices that, for a fee, direct them to jobs; and restaurants and garment factories that hire them to work long hours at wages below minimum wage.

"The larger the underground economy, the more powerful they (the organized crime rings) are," says Peter Kwong, a Columbia University professor who has written two books on New York's Chinatown. "Everything these illegals do, somehow the underworld will get a piece of the action."

As that power grows, it is expanding from its New York base. The smugglers are now regularly routing their clients through Cali-

fornia, and evidence suggests that they have a network of allies here. Some experts worry that California may become a new power base for the syndicates.

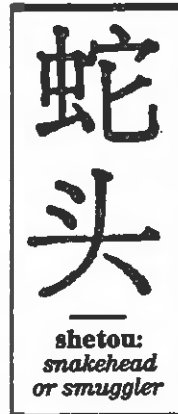
"The nerve center right now is New York City," said INS agent McKenna. "But San Francisco obviously is a second critical area for this kind of activity."

Confronted by this booming trade, INS agents complain that they lack the resources to mount large-scale investigations of the operations so many of the smugglers go

unprosecuted. Without more resources and harsher penalties, they say, the enterprises will only grow bigger, bolder and harder to stop.

INS District Director Don Radcliffe sees daunting evidence in the case of the East Wood, a 300-foot cargo ship. When it was intercepted in February, the Coast Guard found 524 passengers — the largest load of human cargo seen so far.

Of the smugglers, Radcliffe said: "I'd have to say they're getting more daring or more greedy."



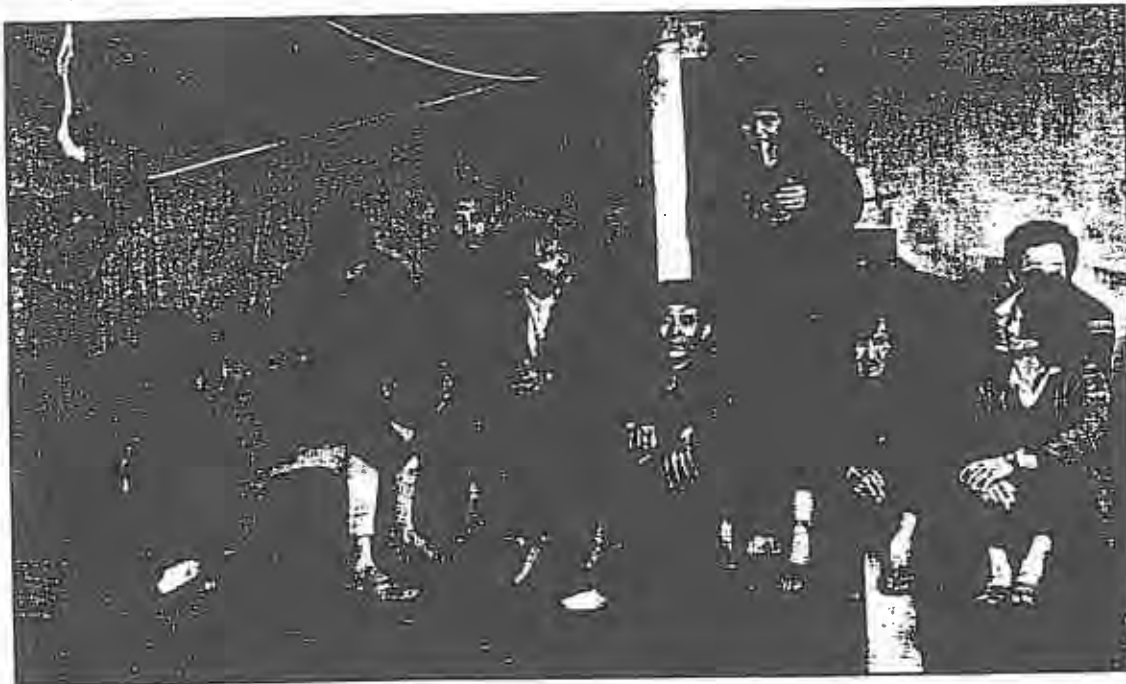
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BY TOM LEVY / THE CHRONICLE

Chiang Chan Ching, convicted of immigrant smuggling, described with a throat-cutting gesture what would happen to him if he were to discuss a suspected organizer of the New Star operation; Chiang is serving an eight-month sentence for helping smuggle 160 Chinese into the United States



After their arrest near Long Beach by INS anti-smuggling agents, the crew of the Jinn Yin waited on the top deck of their fishing trawler for law enforcement officers to move them ashore; the captain, Chung Jang Fa (standing), lit a cigaret

San Francisco Chronicle

April 30, 1993

Business of Human Smuggling Tests U.S. Immigration Policies

By Pamela Burdman
Chronicle Staff Writer

When the Manyoshi Maru sailed into San Francisco Bay in December, it brought 171 weary passengers and a vexing dilemma: How can the United States stop the large-scale smuggling of immigrants while upholding its role as a haven for the oppressed people of the world?

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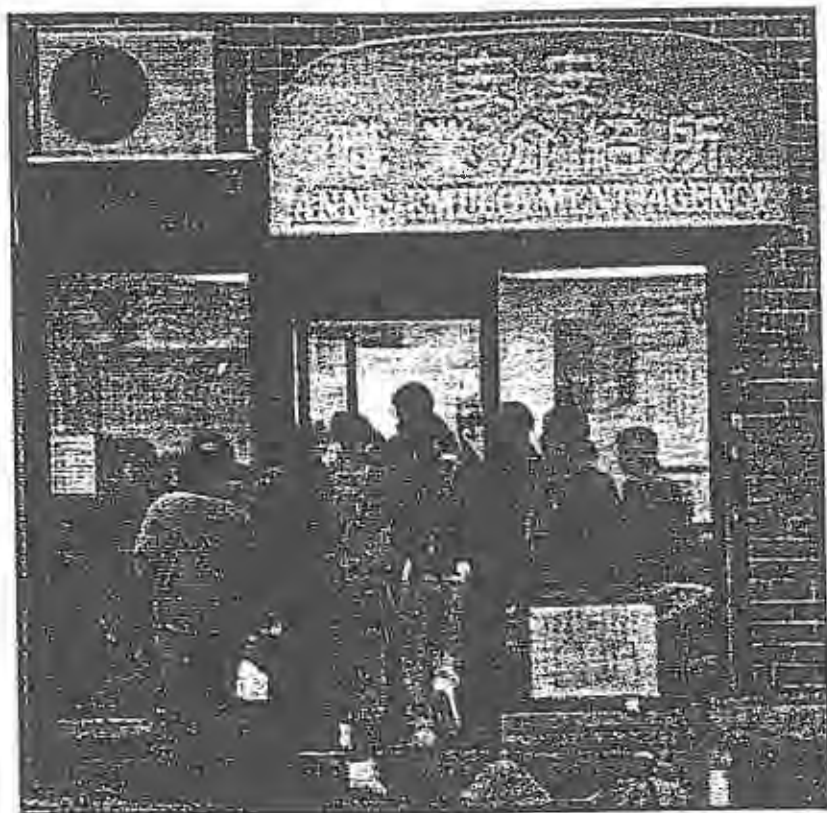
SPECIAL REPORT

Last of four parts

Waves of smuggled Chinese have been landing in New York, Los Angeles and Hawaii, where government officials and community leaders have been shocked by their harrowing stories. While the illegal immigrants have to endure dangerous and sometimes brutal journeys to America and years of hard labor once they arrive, the smugglers are earning millions.

labor once they arrive, the smugglers are earning millions.

"I think the American government needs to send a very clear signal that they are not going to put up with this kind of illegal human trafficking," said Ling-Chi Wang, professor of Asian Ameri-



BY TOM LEVY/THE CHRONICLE

Chinese immigrants crowded into a New York employment agency that caters almost exclusively to expatriate Fujianese

can Studies at the University of California at Berkeley.

"The primary reason to eradicate this sort of crime is the abuse of the individuals who are being trafficked," said Julie Werner-Simon, an assistant U.S. attorney in

Los Angeles who helped prosecute a smuggling crew last year. "These are human beings who are treated as human cargo."

Several hundred thousand Chinese — most from Fujian province

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in southeastern China — have entered the United States illicitly since the early 1980s. The illegal immigrants are just a small portion of the Chinese American population, and they are far outnumbered by Irish and Mexican citizens living here illegally.

Like generations of immigrants before them, they come to make their fortune, and many succeed. What worries many U.S. officials and human rights advocates, though, is that the Fujianese often face extreme perils. An increasing number of adolescents also are making the illegal voyage, and they are especially vulnerable to harsh treatment.

But few are daunted by the dangers; in Fujian, demand for a trip to the United States seems inexhaustible. And the smugglers' success makes clear that the U.S. Immigration and Naturalization Service is ill-equipped to combat the trade.

Although officials have stepped up their enforcement action, they say they need help from foreign governments, harsher penalties, more money and a more stringent political-asylum policy.

"These smugglers are amazingly organized," said Jim Hayes, assistant director for the Los Angeles district of the INS. "And the U.S. is amazingly slow in realizing and only now responding to that."

Legal Restrictions

There is no easy solution.

In most cases, the U.S. government cannot legally board a ship on the high seas even if agents know it is smuggling people. Late last week, the U.S. government received permission from Honduras to board the Honduran-registered *Mermaid 1*, carrying 300 Chinese near the Bahamas, but never before had such a strategy been employed in the open seas.

Even a vessel sailing through U.S. waters has not committed a crime until undocumented immigrants disembark.

The diplomatic approach is also difficult: The Chinese government is embarrassed because some of its citizens are desperate to leave. The United States is embarrassed because its borders are so porous. And after years of pressuring China to allow free movement, the U.S. government is in no position to ask for tighter controls at the Chinese border.

Formally, China voices disdain for the smuggling enterprises.

"The Chinese government opposes the international criminal groups that engage in smuggling of Chinese citizens," said a spokesman at the Chinese embassy in Washington, D.C. "As soon as we discover any groups or individuals that plan this sort of activity, we will punish them vigorously."

But U.S. officials say Beijing has done almost nothing to stanch the outflow.

"They see it as an American problem," said INS investigator Wayne McKenna, who met with Chinese officials last year. "And they're right about that."

Earlier this week, Mexican officials arrested 308 Chinese and the Mexican smugglers who were housing them about two hours south of the border. More often, though, foreign government officials are reluctant to intervene.

Tens of thousands of Chinese have landed in Guatemala, Belize, Mexico and nearby countries, but "no government in this area has enough money to fly all these people back to China," says a U.S. immigration official based in Central America. "What happens is that they eventually make their way to the United States."

Mixed Signals

Immigration experts — and the immigrants themselves — say the United States sends mixed signals to the Chinese travelers.

The law says their actions are illegal. But when a boat full of hungry immigrants is stranded off the coast, U.S. officials typically put humanitarian concerns first.

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Wen Zhengming, a passenger who arrived in San Francisco last year, said in an interview that the sight of Coast Guard officers greeting the hungry passengers with rice, water and cereal convinced her that America was indeed the land of her dreams.

Wen and others caught crossing the U.S. border have a chance to apply for political asylum — a refuge for foreigners who fear political persecution at home.

Since 1988, Chinese asylum applications have shot up 16-fold, to 3,440 last year. Some come from political dissidents fleeing the post-Tiananmen Square crackdown or China's one-child-per-family rule.

Among the smuggled immigrants, though, many are economic opportunity-seekers who claim they will be punished if they are returned. Since the 1989 Tiananmen massacre, 85 to 90 percent of Chinese asylum applications that go to court have been granted.

Most of the applications, though, are mired in the immigration bureaucracy, and that opens another door: Thousands apply for asylum, get their work permits and then disappear while their applications are pending. In 1991, less than half of Chinese asylum applicants in New York showed up for their hearings.

Once beyond the reach of immigration agents, they attract little attention from local officials, even though many work long hours for substandard wages and pay no taxes.

The Refugee Question

Critics — including some who are sympathetic to the smuggled immigrants — say they are exploiting U.S. good faith with frivolous claims of persecution.

"I think it's absurd to call these people political refugees," said Ling-Chi Wang. "They come from a place (Fujian) not known to have political dissidents at all."

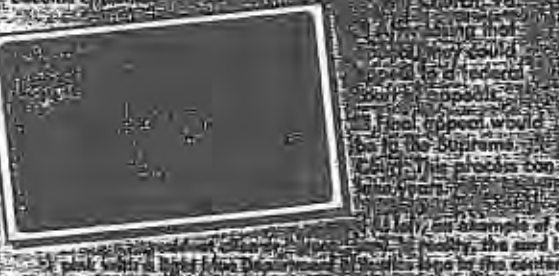
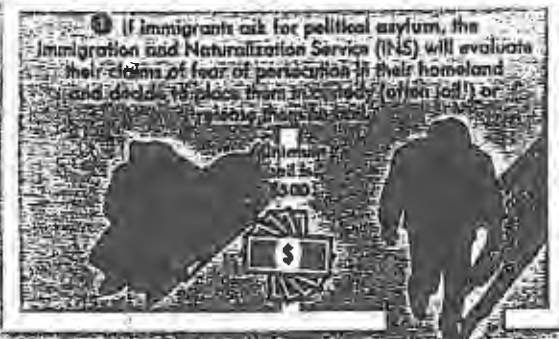
U.N. officials agree: After interviewing the passengers of the East Wood, a ship that broke down en route to Hawaii in late January, investigators decided they were not refugees.

But if the 524 Chinese had touched U.S. soil, like the passengers

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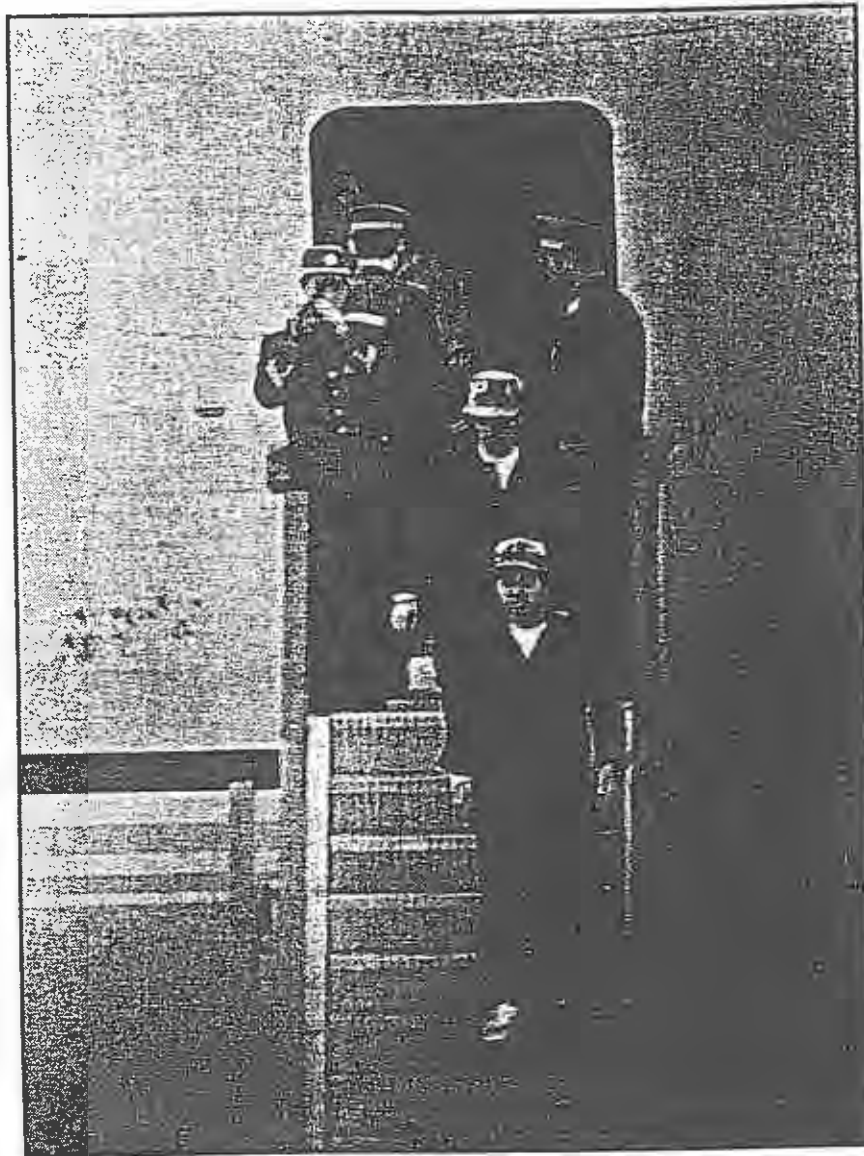
HOW PROCESS OF POLITICAL ASYLUM WORKS

The Refugee Act of 1980 regulates U.S. asylum policy and governs refugee procedures. There are no legal limits to the number of individuals who may be granted asylum in a given year.



A Presidential Executive Order, issued after the 1989 massacre at Tiananmen Square, protects all mainland Chinese who were in the United States before April 11, 1990, from deportation. An estimated 80,000 Chinese have sought protection under this order. Under the subsequent Chinese Adjustment Act, these Chinese can apply for permanent residence if the president does not carry by July 1 that it is safe for them to return. In any case, the executive order protects them through January 1994.

A note on Chinese claims: The Northern California INS does not have 24-hour detention facilities. If news comes from local jails in America or Oakland City Jail about the INS 200 per night...
 For example, since Chinese have applied for political asylum based on claims concerning China's one-child policy, they are presented as having established a well-founded fear of persecution because of political opinion. However, having 10 years in an army...
 Sources: David Siskind, San Francisco District Director, INS; Jack Eisenstadt, staff attorney for Immigration Legal Resource Center; "Guide to Immigration Adjustment" by the Immigration Legal Resource Center, 1991; unpublished attorney Jonathan Hirsch of John & Hirsch, 200 Park, San Francisco, CA.



BY PETER WOOLRICH/SPECIAL TO THE CHRONICLE

Passengers from the East Wood smuggling ship stepped off an airliner at Xiamen airport in Fujian province after being sent back home

Continued from previous page

on board the Manyoshi Maru; they could have stayed on by asking for asylum. If detention spaces were low, they would have been released into the country before their asylum claims were heard.

This ease of entry spurred the onset of large-scale smuggling by boat two years ago. As long as the immigrants clear INS hurdles and make it into the country, the smugglers can collect their fees.

"The smugglers suddenly realized, 'Hey, INS can't hold these people — we'll just send them in waves,'" said an immigration lawyer who requested anonymity.

"The U.S. government can't cope with this," said one smuggled immigrant. Yes, he added, his friends back in Fujian would prefer to come legally, but they lack the money and connections.

Other countries on the Pacific

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Rim have been far less welcoming.

In 1989, Japan was visited by 38 boats carrying about 3,000 Chinese who claimed to be Vietnamese boat people. All have been or will be sent back to China. Since then, the numbers have fallen — to 19 boats since 1990. One ship's passengers, anxious to come ashore, staged a hunger strike in October. Eventually, they were allowed into Japan, but the government insists their stay will be temporary.

Australian officials have apprehended five boats in the past two years, and more than half of the 280 passengers have already been sent back. Some have applied for asylum, but less than 10 percent of Chinese asylum applicants are approved, said Irena Omelaniuk, immigration counselor at the Australian embassy in Washington.

U.S. Senator Alan Simpson, a Wyoming Republican who wields broad influence on immigration issues in Congress, favors a similar approach. He is sponsoring a bill to prevent foreign nationals without passports or other travel documents from applying for asylum.

But opposition is strong: Human rights groups say the bill would unfairly deny sanctuary to people in danger, whether they are from China or other countries.

"You shouldn't scapegoat people who are fleeing repression because of unscrupulous people who smuggle people into the United States," said Nick Rizza, national refugee coordinator for Amnesty International.

Those who oppose repatriation cite the harsh penalties imposed on the East Wood passengers, who were returned to China in March. Most were fined the equivalent of \$1,250, and unconfirmed reports said some were forced to labor on a new airport.

U.S. officials and immigrant-rights groups do agree on one mat-

ter: The smugglers should be vigorously prosecuted. Although dozens of crew members have served time, the INS has had only limited success in capturing those who run the smuggling syndicates.

Big Immigration Bust

In 1990, an INS sting operation busted a smuggling ring that allegedly planned to fly more than 20,000 Chinese from Panama to Alabama. One organizer received a two-year sentence; another was sentenced to time served.

Last month, for the first time, organizers of a sea smuggling venture were prosecuted in a New York federal court. George Huang and William Chen, owners of a fishing trawler called the Chin Wing 18, organized a voyage that carried about 150 Chinese men on an agonizing 4½-month journey to North Carolina last year.

They were found guilty of smuggling and are scheduled to be sentenced next month.

Despite the occasional successes, the INS has been criticized for allowing the trade to blossom.

"The INS has been largely reactive rather than pro-active in its response to Chinese alien smuggling," said U.S. Senator William Roth, R-Del., who has led several studies on Asian organized crime.

But Jack Shaw, head of investigations for INS, says that with a shrinking budget, he cannot afford expensive investigations. Each boat arrival costs about \$125,000, not including detention costs of \$50 or more per person per day.

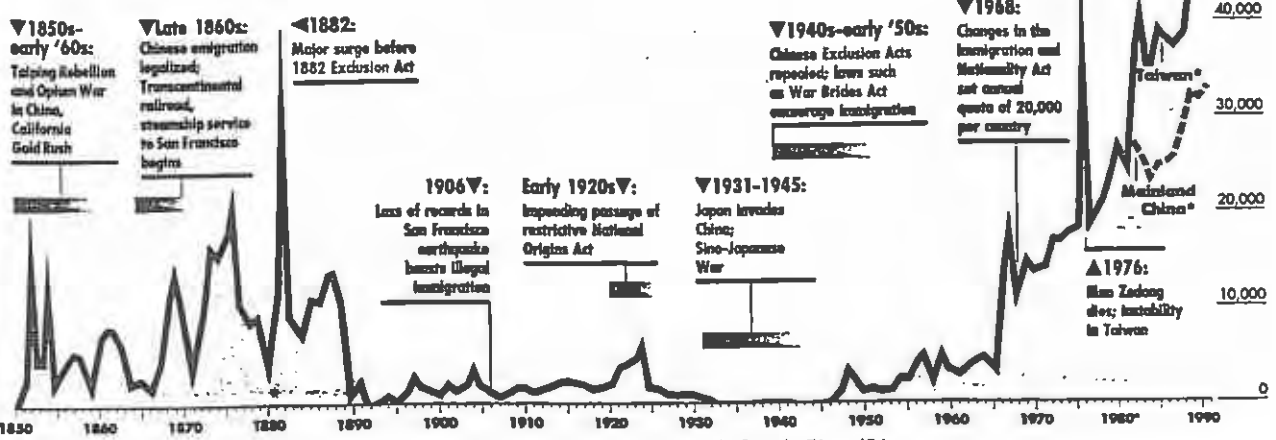
Plan of Attack

In an attempt to focus on Chinese boat smuggling, Shaw recently reassigned 16 agents to the detail in San Francisco and other areas. He is asking the INS for an additional \$2 million for anti-smuggling programs, and he hopes that Congress will approve higher penalties for smuggling.

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TRENDS IN LEGAL CHINESE IMMIGRATION TO THE U.S.

The earliest Chinese immigrants came to America hoping to escape difficult conditions in China and to make fortunes in the gold mines of California. Later, they worked on the railroads and in agriculture and established their own businesses. Welcomed at first as cheap and efficient sources of labor, they were later persecuted for the same reason when economic depression hit the United States. The Exclusion Act of 1882 severely curtailed immigration opportunities. Some Chinese entered the United States illegally; some left America and returned to China. Since the 1950s, more than half of all Chinese immigrants have entered as relatives of Chinese who were already U.S. residents, putting them in a category not included in quotas. The following immigration figures do not include refugees, illegal immigrants or political asylum cases.



Notes: 1892 figure unavailable. *In 1982, U.S. formally recognized mainland China and began keeping separate immigration figures for China and Taiwan. Sources: "Chinese Immigration," by Mary Conelidge Historical Statistics, U.S. Census; INS Statistical Division; "Chinese Emigration into the U.S., 1850-1880," Ki Young Lee Chinese Immigration into the U.S.; Analysis of Changes in Immigration Policies (doctoral dissertation), Helen Chen

RESEARCH BY ALYX MELTZER/THE CHRONICLE

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Most smugglers receive sentences of six months. One of the longest sentences to date — 21 months — went to Wang Heng Sing, who captained the *New Star*, a fishing boat that nearly sank while attempting to ferry 160 Chinese passengers to Long Beach last fall. If Wang's cargo had been drugs, he would have been jailed for a minimum of 10 years.

According to many immigration experts, from government officials to Chinatown social service workers, the Chinese will continue to risk their lives until the smuggling trade is shut down. Many, therefore, see stepped-up enforcement and harsher penalties as the best way to protect them.

Others worry that with more entrepreneurs going into the smug-

gling business and more Fujianese anxious to leave, those moves offer too little, too late.

The *Manyoshi Maru* and earlier boats were just "the tip of the iceberg," said David Ilchert, the INS district director for San Francisco. "I think they (the smugglers) are gearing up for many more adventures across the ocean."

But without new asylum policies, higher penalties and more money, INS officials say they will have little hope of containing the smuggling syndicates.

"It's going to reach the point where we may appear impotent," said Shaw. "If it becomes clear to the smugglers that there's a limited response, I suspect it will spur them on."

San Francisco Chronicle

July 21, 1993

White House Preparing Tough Smuggling Plan

Twice as many asylum officers,
stiffer terms for bringing people in

*By Pamela Burdman
Chronicle Staff Writer*

The Clinton administration is poised to announce a comprehensive plan to crack down on human smuggling, including legislation to reform the political asylum system and to impose tougher penalties against convicted smugglers, sources said yesterday.

The plan, expected before the week's end, would double the number of asylum officers, posting hundreds of them at airports and border crossings where illegal immigrants are often detained. It would set sentences of up to 20 years in prison for violations of smuggling laws.

Sources said President Clinton is also reviewing an executive order by President George Bush granting liberal asylum protections to immigrants who claim that they are fleeing China's policies of one child per family.

In a series of interviews, administration officials and others familiar with the anti-smuggling program said it will stress punishing

the smugglers and other measures to block illegal immigrants. It will also protect the human rights of would-be immigrants, they said.

"Dealing with one or many of these (smuggling) incidents in a firm yet fair manner is not a simple operation," said one source, speaking on condition of anonymity. "But on balance, the administration is taking into account both the need to send a strong signal to the smugglers, and the human rights and humanitarian concerns of the migrants."

Among the central elements of the plan:

July 21, 1993

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■ Posting asylum officers at airports to conduct on-the-spot interviews with asylum applicants, instead of waiting for weeks or months. Those whose claims are rejected would be deported immediately.

■ Detaining all applicants who appeal their cases and processing those appeals within days.

■ Establishing penalties of up to 20 years in prison for smugglers of would-be immigrants, as compared with the current five-year maximum. The government would also be permitted to seize a convicted smuggler's assets.

■ Reversing Bush administration policies granting political asylum claims to Chinese citizens who are fleeing China's restrictive birth control policies.

■ Granting federal officials increased wiretapping authority and the power to prosecute smugglers under racketeering laws.

The human-smuggling trade has grown exponentially in the past two years. Hundreds of thousands of illegal Chinese immigrants have paid smugglers up to \$30,000 for a chance to reach the United States, but many have suffered neglect and brutal treatment at the hands of the smugglers.

Clinton first offered broad outlines of his program in an anti-smuggling policy statement last month, after at least eight illegal Chinese immigrants died in a shipwreck off of New York. Details were worked out by a bipartisan team of White House officials and others, including Senators Edward Kennedy, D-Mass., and Alan Simpson, R-Wyo.

In recent weeks, the drama on the high seas that led to the detention of more than 650 smuggled Chinese and their deportation via

Mexico reinforced a feeling in Washington that the asylum system must be overhauled to discourage illegal immigration.

As a result, sources said yesterday, Congress appears ready to pass stiffer smuggling penalties. The asylum provisions, however, may face opposition.

Human rights groups oppose Clinton's proposed elimination of the right to appeal asylum cases in the courts.

"As currently proposed, I fear that the system is set up in a way that expediency is superseding fairness," said Robert Rubin, at the San Francisco office of the Lawyers' Committee for Civil Rights.

Administration officials acknowledged that faster processing of applicants is a primary goal of the program, as indicated by its name — the Expedited Exclusion and Asylum Reform Act of 1993. Although a draft proposal to process each claim in less than 10 days has been eliminated, the intent is clearly to complete the process in a matter of days instead of letting it drag on for months or years.

Clinton's proposed detention for applicants during appeal would change current rules that allow many asylum applicants to be released on bail pending their hearings. Many never show up again, and critics say this loophole encourages illegal immigration.

The addition of asylum officers — sources said the number could be increased from 150 to more than 300 — could add millions of dollars to the Immigration and Naturalization Service budget. But, one Senate aide said, the swifter processing could eventually save an equal amount in detention costs.

San Francisco Chronicle

September 20, 1993

Immigrant's Life on the Run Since Escape

Fear and homesickness
for man smuggled to S.F.

By Pamela Burdman
Chronicle Staff Writer

Yang Mingcai's voyage to America ended on a cool night in May when he jumped off a tramp freighter and into a swirl of confusion and fear at San Francisco's Fort Point. Hundreds of other smuggled Chinese had disembarked before him, and when the police moved in to arrest them, he was one of the few to slip away.

SPECIAL REPORT

Yang has been running ever since — running from U.S. immigration agents and running from the "snakeheads" who are eager to collect the smuggling fees that he still owes. While most of his fellow passengers spent the summer in Southern California jails under threat of deportation, he hid out on a Northern California farm, his body exhausted by work and his spirit almost broken by loneliness and fear.

In a recent interview, the gaunt 37-year-old trembled as he worried aloud about the snakeheads and wept as he described his family back in Fujian province. When he booked passage on the *Pal Sheng*, the snakeheads had promised a good job, not the life of a fugitive.

"They fooled me," he said. "Nobody wants this life. It's so harsh."

In a few hours, Yang would be on the run again, this time to New York's Chinatown, where he hopes to find a better job and to hide among the hundreds of thousands of Fujianese who have come to America before him.

Yang Mingcai — a pseudonym — had been content with his life in China. He and his wife were in love, and they adored their two sons. As a construction worker, he was well-paid by Chinese standards, but medical bills for his aging mother had thrown the family into debt, and Yang could not pay up fast enough.

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Dozens of Yang Mingcai's fellow passengers were rounded up in May just after arriving at San Francisco's Fort Point

BY VINCE MAGGIORA/THE CHRONICLE

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Early this year, he decided that going to America was the answer. After listening to the snakeheads' sales pitch, he reasoned that he could pay back the bills and the \$24,000 smuggling fee in about two years.

"They said you could work seven or eight hours a day and make more than a thousand dollars a month," he recalled.

But from the outset, everything seemed to go wrong.

The trip began March 8 when the passengers gathered at the Minjiang Hotel in Fuzhou, the capital of Fujian province. They were met by about 20 men — Yang called them "thugs" or "bodyguards" — who would escort them

throughout their journey in exchange for a discounted trip. The thugs accompanied them on buses to the city of Guangzhou, 400 miles away.

Instead of embarking on their voyage immediately, they were holed up four to a room in a Guangzhou hotel for about eight days, waiting for the rest of the 300-odd passengers to join them. Then the toughs announced that the smuggling scheme had been reported to Chinese officials, and they were forced to make an eight-day detour to the city of Changsha, a few hundred miles inland.

Many of the travelers were furious about the delay and the money it cost them. Yang said he had already spent the entire sum he

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had brought for the trip — more than 100 Chinese yuan (about \$30).

'We Wanted to Go Home'

"We wanted to go home very much," said Yang. "But the thugs said, 'We've already made an investment.' Some people wanted to sell their clothes (to pay for a trip home), but nobody would buy them."

Finally, the group was taken back to Guangzhou, and nearly three weeks after the trip began, the travelers boarded two fishing boats for an eight-hour ride to the *Pai Sheng*, a 250-foot freighter waiting in the open seas.

By then, the mishaps and delays had destroyed Yang's hopes.

"When we got on the boat, I was very scared," he said. "I didn't know what my fate would be."

A few days later, when they were still hugging the coast of southern China, a motorboat sped up to the ship. Officials from the public security bureau of the city of Shantou (Guangzhou province) boarded the vessel, along with some gangsters. They asked the crew if they were smuggling people and demanded \$40,000 to let the ship move on.

The crew had money for such a situation, and many of the passengers, anxious for the trip to continue, handed over Chinese yuan and U.S. dollars they had sewn into their clothes.

Eight Weeks at Sea

For the next eight weeks, the routine of the days was deadening. At times on the open seas, the crew would uncover the hold and let air in. But when they neared islands such as Hawaii and Saipan, the cover went back on to avoid arousing suspicion.

Those who were not overcome with seasickness found diversions to pass the time. They played chess or danced to taped music from Hong Kong. At times they watched

videos on a VCR that had been installed on the boat.

For meals, they were served a small cup of water, some rice and a tiny portion of fruit or vegetables, most often a salty Taiwanese melon that came out of cans with a 1984 expiration date.

The scanty meals and the swaying of the boat put many people on edge. "Some fought," Yang recalled. "Some cried. Others were sick."

Sometimes the weakened passengers asked for more food or water. By Yang's count, at least 100 of them were roughed up by the enforcers. After a beating with the wide blade of a sword, one man bled profusely.

"They were hungry," he recalled, shaking his head in both sadness and indignation. "They wanted more food. So they were hit."

A few among the 28 women on board occasionally got special treatment — but for a price. "The pretty ones," Yang said, "they gave them extra food and water. Sometimes they took them into their private rooms and locked the door."

In those grim conditions, Yang lost his appetite.

"My heart was worried, everybody kept telling me to eat," he said. "My spirits were low because I had no money."

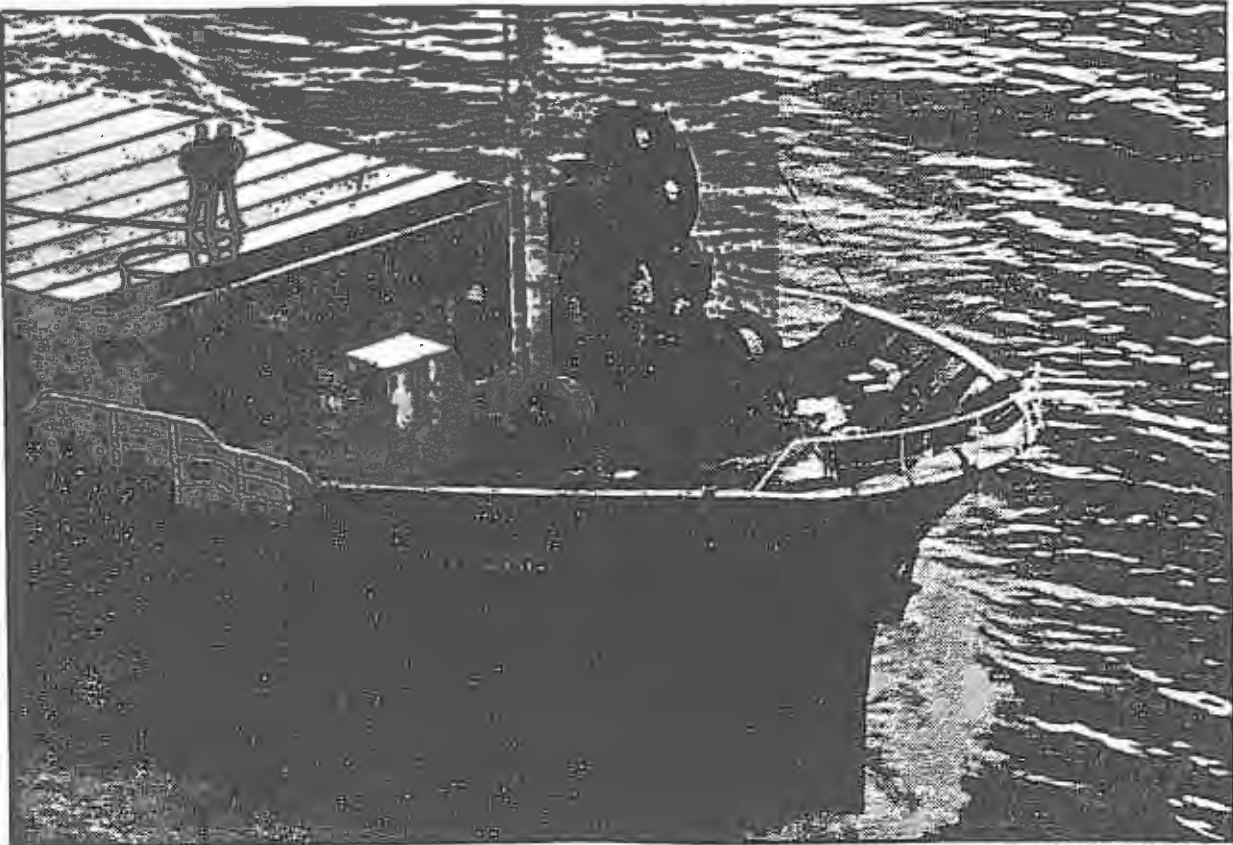
The journey seemed interminable, especially when the *Pai Sheng* stopped in the high seas somewhere off the California coast. For about two weeks it circled — waiting for another ship that never showed up to meet it, Yang guessed. During those days, his mood and health sank even lower.

Into the Golden Gate

But among the passengers, there were rumors of a plan to dock near the Golden Gate Bridge. One of the passengers who knew the snakeheads said that at least one smuggling ship had safely

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September 20, 1993



BY JOHN O'HARA/THE CHRONICLE

The U.S. Coast Guard escorted the Pai Sheng through the Golden Gate hours after the drop-off

Continued from previous page
landed there before.

Just after midnight on May 24, the ship slipped into the Golden Gate. Stuck in the cargo hold, Yang did not see the great bridge or the lights of the city. But he felt the vessel stop and heard the enforcers ordering everybody off the ship. Although he had brought only one small suitcase, he was told to leave it on board.

Still weak from hunger and despair, Yang was one of the last to scramble off of the ship. It was dark, the surroundings were unfamiliar, and Yang was confused. But one image remains in his mind — the sight of two fellow passengers falling into the water as they jumped onto the pier.

"We didn't know what happened to them," he said. "We had to take care of ourselves."

When the passengers arrived on the dock, there were several young men carrying guns and cellular phones. Yang said one of them — a tall, fat man — snapped at them: "Don't talk. I'll kill you if you make any noise."

Yang believed that the welcoming party was guarding them against rival gangs that could try to kidnap the passengers and extort the smugglers — who stood to collect \$7.2 million in smuggling fees — for their return. He also said he spied some white men wearing uniforms and assumed that they were assisting the smuggling gangs.

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Within minutes, pandemonium broke out. While 10 or 20 of the passengers were loaded into a few cars and driven into the night, park police arrived at the scene. Yang and dozens of the immigrants fled in every direction.

Yang and two friends ran through the foreign city for what seemed like hours. Exhausted, they slept for a few hours in a doorway, but in the morning an old man came out of the house to pick up a newspaper and waved the three men away.

The three men roamed the streets, searching for somebody who spoke Mandarin or Fujianese and could direct them to Chinatown. Later that day, Yang said, a teenager approached them and offered help. Unable to speak English, they used hand motions to ask the young man to steer them to a phone. They pulled out pieces of paper with New York phone numbers scrawled on them.

The teenager offered them some change and helped them place the calls, but no one answered. Then the boy pointed to his stomach to ask if the men were hungry. They nodded, and he gave each man a \$5 bill.

For another two days and two nights, the men continued to wend their way through San Francisco neighborhoods, sleeping on small side streets and taking shelter from the rain in doorways.

Finally, on the third day, they found their way to Chinatown. They spotted the Chinese characters on the offices of a community organization and knocked on the door. The three men stayed at the

organization's quarters for several days — along with five other passengers from the *Pai Sheng* who sought refuge there.

The organization contacted a Fujianese man, and eight days after their arrival in America, he came and took the three men to the farm.

Temporary Haven

Yang knew he could not stay long, but still, he was profoundly relieved.

For the the next two months, he and several other men shared a dilapidated shed, where the smell of urine wafted in from a nearby toilet. During his stay, several other recently smuggled immigrants came and went. Some found jobs at California restaurants, but most headed to New York to find work.

Yang lingered at the farm. Days of farm labor and long nights of worrying about the future left him fragile and hardly suited for travel. A photograph taken when he first arrived showed a dramatic difference: He arrived as a ruddy, broad-shouldered man, but in two months he had lost about 35 pounds. His chest seemed to have caved in under the physical and emotional strain.

The pressure of his debt to the snakeheads finally pushed Yang to make a move. Although he felt safe on the farm, the family said they could pay him only \$600 or \$700 a month — hardly enough to repay his debts. And constantly bending over the farm plots had left him with an aching back.

Lacking a green card, unable to speak English and unsure even

how to take the bus or make a phone call, he was at the mercy of whoever would help him. He knew no one in California who could find a well-paying restaurant job for someone who speaks no English and lacks a work permit. So he gave the family \$200, and they bought him a one-way plane ticket to New York.

He hoped for better luck there, with a distant cousin and dozens of fellow villagers to help him.

But a few hours before his flight, Yang could not hold back his tears. Leaving the safety of the farm made him feel helpless. He only had to look at his plane ticket to feel overwhelmed: It was completely undecipherable.

And each time he mentioned the snakeheads, his eyes revealed trepidation. The gangsters' wrath could be the price for his months in hiding. "If the snakeheads bump into me, it would be disastrous," he said. "At a minimum, I'd have my arm cut off."

What frightens him most is the thought that the smuggler's agents will retaliate against his family in Fujian. That fear has already sent his wife and two sons, ages 10 and 12, into refuge in another province.

Thinking of them, Yang started to cry. If he were to die in America, there would be no one to care for them. But without a green card, he could not return to China.

"I really want to go home," said Yang. "But if I do, the public security officials will arrest me. I don't want to be rich. I just want to be with my family."

San Francisco Chronicle

November 24, 1993

Deportees Face Harsh Penalties

Huge fines, confinement await emigrants at home

By Pamela Burdman
Chronicle Staff Writer

Fuzhou, Fujian province

Chen Junqiu sailed from Fujian province on a smuggler's ship last spring, hoping to join more than 20 other residents of Housha village in the United States. But the ship was intercepted after just a few days at sea, and the passengers were returned to China.

On his return, the 34-year-old farmer was jailed by the Chinese government and ordered to pay a fine. When his wife got the news, she rushed to the detention center,

but she was turned away by guards two days in a row. They told her only that her husband was being interrogated.



Then, on the fourth night after his return, Chen tore a strip of fabric from his trousers, tied it to the ceiling, and hanged himself.

"I didn't get to see him until he died," Chen's widow said, crying throughout an interview.

In a three-week visit to Fujian province, The Chronicle found that emigrants pay dearly when their smuggling missions fail.

Throughout the Fuzhou area, villagers described how deportees return to lives of fear and public humiliation. The fines are so high that it could take a lifetime to pay them, they said. Repeat offenders often get harsher treatment: a

stint in China's draconian labor re-education system.

In the past several years, immigration experts say, hundreds of thousands of people have left Fujian province on smuggling voyages bound for the United States and other countries. They book passage with criminal syndicates, usually paying fares of \$25,000 or more. On board the ships, many endure life-threatening conditions, and once they arrive, they often must work for years at menial, low-paying jobs to pay off their smuggling debts.

But as the smuggling trade has grown, governments have cracked down. This year alone, more than 2,000 people have been sent back to China by other countries — including Japan, Mexico, Indonesia and Singapore.

Until recently, U.S. immigration policies prevented those who reached U.S. soil from being sent home. Earlier this year, however, the increasing smuggling-ship traffic caused the Clinton administration to revise immigration and asylum policies.

Officials reasoned that only by sending people home could they dissuade others from making the treacherous journey. Today, several hundred Chinese in the United States have lost their asylum bids and stand to be deported soon.

Although Chinese officials have assured the State Department that the deported people will

not be persecuted, interviews in the Fuzhou area suggest that there may be a gap between such assurances and the reality that confronts returned emigres.

In Lianjiang county, officials ushered a ruddy-faced pedicab driver into a conference room, and he took a seat near the window. He had been captured on a smuggling ship bound for the United States, he said, but he insisted that the punishment was mild when he was deported back to China.

"They wouldn't harm us at all," he said, as government officials listened from the adjacent room. "They just urged us not to sneak out of the country again."

As the interview came to a close, the man turned pensive. His 23-year-old nephew is among hundreds of smuggled immigrants being held in U.S. lockups, and he admitted that he is worried. If the nephew is sent back, he hinted, the young man's life could be unbearable. He refused to be specific.

In the farming villages along the rocky Fujian coast, people speak more freely in the absence of government cadres. Virtually every resident knows of someone who was deported and of the hardships they endured.

Chen Junqiu paid the highest price of all.

He grew up on a small island in the mouth of the Min River. The houses scattered through the quiet

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PHOTOS SPECIAL TO THE CHRONICLE

Members of Chen Junqiu's family work in the fields around their home to pay off the debts left when he committed suicide

Continued from previous page

island village of Housha look run-down compared with those in the wealthier villages around Fuzhou.

The Chens' humble concrete house is surrounded by neatly planted fields, where the family grows celery, cabbage and other vegetables. They have enough to eat, but Chen managed to earn only about \$50 a year, said his father, Chen Zhenyou.

Neighbors — at least 20 of them — had sailed off to Japan and begun sending home sums that were small fortunes in Housha. Last March, Chen tried to join them.

Instead, he and 131 other passengers spent five months in Japanese custody.

Throughout that time, fellow passengers later told the family, Chen was terrified of returning to China. He knew his family would never be able to come up with the money to pay off a \$1,000 smuggling loan and the government fines.

Today, Chen's family is bitter that they were never allowed to see him after he was returned. And although his suicide kept them from having to pay his fine, his family remains saddled with the \$1,000 debt.

"We owe so much money, it's terribly difficult for the family," his widow said.

Dramatic Increase in Fines

Under increasing pressure to stop the illicit voyages, officials in Fujian have implemented dramatic increases in the fines for illegal emigration.

In interviews, government officials said that the maximum fines levied for illegal emigration are 5,000 yuan — roughly \$825 at current exchange rates. But recently returned immigrants or their families and neighbors insist that they paid as much as five times that amount — from \$2,125 to \$3,400.

Official estimates say annual per capita income in rural Fuzhou is 1,109 yuan, or \$198. Even without

interest, then, it would take 15 to 25 years for the average villager to earn such sums.

Government officials dismissed the stories, saying all of the deportees had paid their fines and returned home within a matter of days. One Lianjiang county official admitted that in July, when more than 600 Chinese were flown home from Mexico, each was charged 10,000 yuan — \$1,250. That amounts to more than \$750,000, even though the emigrants were flown to Fujian at no cost to the Chinese government.

Repeated questions about the fines elicited defensive reactions from officials. "It's not a question of the amount," said Chen Jinbao, vice secretary of the Communist Party in Changle county. "It's a question of achieving our goal. The fines should be both realistic and effective."

In fact, the fines are a heavy burden on the deportees and their

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Continued from previous page

families. And those who cannot afford them remain in detention centers, local residents say.

One old man, afraid to reveal where he lived, met with reporters on a grassy hillside overlooking his farming village and the Min River beyond. His appearance spoke of poverty. His face was weathered, his pants tattered, his sandals dusty. At times he broke down as he told his son's tale.

Seven months ago, the young man left for America on a smuggling ship, but the voyage ended abruptly in July when U.S. Coast Guard officers intercepted the vessel near Mexico. The Mexican government sent the passengers back to China.

The old man has survived by raising rabbits — eating some, selling the rest. He has been waiting for his son to return to the village, but the young man has spent the past three months in a county detention center, with no prospect of coming home.

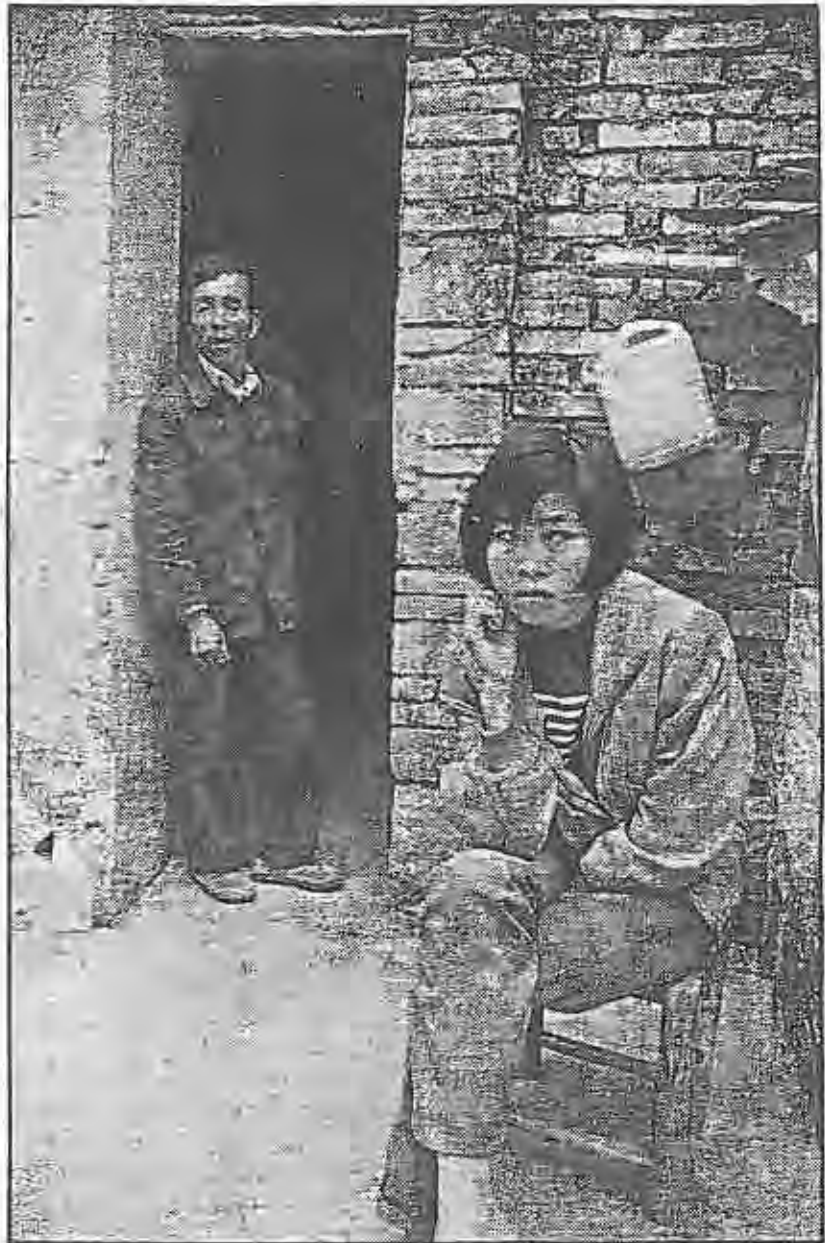
The old man recounted how three other villagers returned home — after their families paid 27,500 yuan (\$3,400) to public security officials. But he said he has no way of paying such a sum.

"I would sell my house," he said. "But it's only worth three or four thousand yuan. I've tried to borrow money from people. They say, 'You're so old, how will you be able to pay me back?'"

Then he began to weep. "Even if I went out and begged," he said, "I wouldn't collect that much money."

Village leaders wrote an official letter explaining his poverty, but the document had no effect on prison guards. They refused to release his son.

Recently, the old man visited his son at the detention center. He recalled the boy's words: "I can't think of anything to say to you. You raised me for 20 years. I thought I'd make some money and send it back to you. Now look what's happened."



Chen Junqiu's widow and his father, Chen Zhenyou

Secretive Officials

It is not known how many deported Fujianese remain in area detention centers for the same reason. Officials are secretive about conditions there and forbid visits by foreign journalists. But the centers are cited repeatedly by human-rights groups for forced confessions, beatings and torture.

In the Lianjiang county facility, a raised platform serves as a bed for about 30 men, said Zheng Changzhong, a Guantou resident

who spent 20 days there this year. Each night, some prisoners had to sleep on the concrete floor. There were no study sessions, Zheng said. At times, the prisoners were ordered to sit silently without moving for hours on end.

Many prisoners manage to get out, usually by borrowing money to pay their fines. But some see only one way to repay the loans: Make another run for America.

Continued on next page

November 24, 1993

Continued from previous page

Zheng Changzhong's wife borrowed 25,000 yuan at high interest rates to secure his release. But Zheng says it is impossible to repay his debt if he stays in China. He owes 1,000 yuan per month in interest alone, but he earns less than half that doing construction work.

"Unless I'm willing to rob a bank," he said, "how could I ever make that much money?"

Repeat offenders — those who had been smuggled two or more times — have been sentenced to one to three years in labor re-education camps. Zheng said about 30 passengers from his smuggling ship had been deported once before. Their families were ordered to pay 20,000 yuan (\$2,500) in fines, and they remain in the detention center awaiting sentencing.

Requests to visit Fujian's re-education camps were denied, but the camps are notorious among human rights experts for deplorable conditions and arbitrary administration of justice.

By name, a labor re-education camp "sounds innocuous," said Human Rights Watch/Asia Watch Washington director Mike Jen-

drzejczyk. "But neither the living nor the working conditions are anything that you'd want to experience."

Punishment Defended

Chinese officials defend their punishment system, saying it provides a crucial deterrent to human-smuggling. "If we didn't fine them, even more people would leave," said Fujian province spokesman Wei Kunsheng.

Punishment, however, seems to fall disproportionately on the poor. People with relatives overseas can usually borrow money to pay off their fines. Several residents and former inmates said that people with the right connections manage to slip out the "back door" of prisons. Even third-time offenders, some said, can escape re-education camps if they have some clout with local officials.

But for those without money, connections or relatives overseas, there is no easy solution. For them, the punishment can be insurmountable.

December 30, 1993

Human Smuggling Ships Linked to One Huge Ring Bases in California, Guatemala

By Pamela Burdman
Chronicle Staff Writer

A sprawling criminal enterprise based in Guatemala and Southern California has emerged as one of the principal organizations in the international human-smuggling trade, and it appears to be linked to almost every smuggling boat that has arrived on the Pacific coast this year.

In an extensive investigation, The Chronicle found that the organization is continuing to bring thousands of people on the treacherous journeys from China's Fujian province to the United States in defiance of anti-smuggling initiatives announced by President Clinton earlier this year.

The syndicate, dominated by Taiwanese, is suspected of paying thousands of dollars in bribes to government officials who aid its operations in Guatemala and other Central American countries, according to federal agents.

It also has established an alliance in Southern California with the Fuk Ching, a gang linked to the beatings and torture of dozens of smuggled immigrants who have been unable to pay their smuggling fees.

Of the handful of Taiwanese who control the enterprise, at least one is believed to live in Southern California. At the next level are about 50 Taiwanese — some in Guatemala, some in the United States — who run individual smuggling missions. They are assisted by hundreds of free-lancers worldwide who perform tasks that range from leasing ships to recruiting passengers and forging travel documents.

"This organization is in fact very, very big," said an Immigration and Naturalization Service official in Los Angeles. "We're saying it's responsible for about 80 to 90 percent of the smuggling in the western part of the United States."

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BY JOHN O'HARA/THE CHRONICLE

Among the syndicate's most notorious operations was the Pai Sheng, a smuggling ship that dropped 300 passengers in San Francisco before being intercepted by the Coast Guard in May

Continued from previous page

"They keep on coming," said one agent. "They think they're getting away with murder."

A profile of the group, pieced together from internal State Department cables and interviews with U.S. investigators, offers the clearest picture to date of how the brutally efficient human-smuggling industry operates. And it illustrates how the ringleaders have used corruption, violence and ingenious organizational skills to make millions in the trade.

Among its most notorious operations were the *Pai Sheng*, a ship that steamed into San Francisco Bay with about 300 passengers in May, and the *Golden Venture*, which ran aground off New York in June, leaving 10 dead.

Sources speaking on the condition of anonymity said the group

and its allies in the *Fuk Ching* also are suspected of kidnappings and other violent crimes in California.

FBI Joins Investigation

The INS has been pursuing leads about key figures in the organization for more than a year. In response to the smuggling-related crimes, sources said, the FBI recently joined the investigation.

Since July, when the United States intercepted three smuggling ships off the coast of Mexico, there has been a lull in boat smuggling incidents on the West Coast. But in interviews in China's Fujian province this fall, villagers told *The Chronicle* how their relatives had been smuggled directly into California and New York in late summer without being caught.

Investigators say that the stories may be true. And, they said,

the smugglers also have been coordinating air and sea smuggling through Guatemala, El Salvador, Panama, Honduras and Belize, all U.S. allies. INS investigators say some intelligence reports indicate that boats have landed in Guatemala within the past two months.

"The boat smugglers, as far as I'm concerned, are still coming," said one senior investigator. "Except they have adjusted — they're just going to Central America."

Guatemala a Hub

According to State Department cables, Guatemala has emerged as a crucial hub for a human-smuggling enterprise that spans five continents. Cables written by U.S. Embassy officials in Guatemala in August name about 50 Guatemalan residents — most of them born in Taiwan — who play key roles in

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the operations.

The INS learned that Chinese were being smuggled through Guatemala in the mid-1980s, said INS agent Jerry Jacobson, who was sent to the country on an investigation at that time.

"There were a lot of Chinese moving through Guatemala through a plethora of smuggling operations there," he said. More than a dozen participants were prosecuted in Guatemala and the United States, but that did not shut down the pipeline, Jacobson said.

The operations in Guatemala have been so effective that at least 20,000 smuggled Chinese have come through that country into the United States, one of the State Department cables estimates.

Typically, sources say, they are brought into those countries using fraudulently obtained visas, then are driven across Mexico to the border. They then dash across the border into Texas, Arizona or California. Few of them are caught.

The multinational organization now based in Guatemala has been able to prosper because it is aided by a small group of government officials there, according to U.S. diplomats.

Bribery Suspected

A State Department cable lists five Guatemalan immigration officials who are suspected of receiving regular bribes from the organization. It also reported that a figure in the smuggling organization "has been observed ... offering a \$500,000 payoff to Guatemalan authorities."

"They pay a lot of bribes," said one investigator familiar with the organization. "They seem to know when the roadblocks are up and when the roadblocks are down. They seem to know when the supervisors of the federal judicial police are on duty and when they're not. They hit at the right time so they have to pay the least amount of bribes."

In 1991, Guatemala suspended its consular activities in Hong Kong after allegations surfaced that its honorary consul general, Phillip Tang, had sold transit visas

to smugglers, according to a U.S. Embassy official in Guatemala.

In a 1992 case, four smugglers were arrested at Puerto Quetzal while attempting to unload more than 200 immigrants from a ship called the *Lo Sing*, but they were released after paying \$5,000 fines. Investigators cite that case as evidence of Guatemala's leniency.

Today, agents say they have evidence that passengers from recently arrived boats are still waiting in drop-houses in Guatemala for passage to the United States.

Responding to questions about human smuggling, spokesman Alfonso Quiliones at the Guatemalan Embassy in Washington, D.C., acknowledged that his government is aware of the operations. He declined to comment on what measures it might be taking against smugglers or corrupt officials.

International Tentacles

Investigators stress that although Guatemala is a base, the smuggling network has routed tens of thousands of customers through other Central American countries. The organization also has tentacles in the Dominican Republic, Russia and Hong Kong.

Willard Myers III, a U.S. immigration attorney who is the country's leading expert on human smuggling, says that the Guatemala organization functions more like a cartel member than a company in a competitive industry. It maintains professional alliances with other smugglers, he said, especially a large smuggling syndicate with branches in Brazil, Thailand and France.

In good years, Myers estimates, the syndicates earn upwards of \$3 billion. Together, he recently told a congressional committee, the main smuggling organizations "provide the coordination, control, communications and intelligence necessary to make global alien-smuggling a successful reality."

The groups have become so expert at shipping their cargo — and so confident of their skills — that they have moved their operations directly into the United States in the past two years. For example:

Continued on next page



U.S. immigration officers arrested and handcuffed passengers unloaded from the Pai Sheng at Fort Point in May

BY VINCE MAGGIORA/THE CHRONICLE

Continued from previous page

■ In June, the Golden Venture made a fateful journey to New York that ended with 10 deaths when the ship grounded off Rockaway Beach in Queens. Investigators say the cargo ship was leased in Taiwan by people working for the Guatemala organization.

■ In July, three smuggling ships were intercepted by the U.S. Coast Guard off Mexico. A principal in the Guatemalan smuggling ring "reliably is reported to have lost \$2 million," one of the cables said.

■ In October, 52 Chinese were apprehended in Puerto Rico, just after a boat had dropped them off there. They had been flown from Hong Kong to Paris and then to the Dominican Republic, where they were loaded onto the boat that carried them to Puerto Rico. Investigators have linked the mission to

members of the Guatemala organization.

Homes in Southern California

According to State Department and INS sources, several top smugglers have moved to homes in Southern California in the past two years. Although several of their boats have been intercepted, the smugglers themselves have not been scared away, the sources say.

Many of them have become expert in concealing their identities and their profession. They carry passports from many countries, including Taiwan, Bolivia and Guatemala. Many use a variety of pseudonyms — often combinations of Chinese, English and Spanish names.

Some travel frequently from Guatemala to California using valid entry visas, but others lack visas

and have been known to enter the country illegally along with their customers. If they are caught at the border, the smugglers merely pose as smuggled Fujianese, investigators have learned.

Because of overcrowding at detention facilities along the border, they are typically released within hours or days. Some have even applied for asylum.

Several lieutenants in the organization travel frequently to Central America to ferry loads of immigrants into the United States. Some arrange boat leases in the Republic of China on Taiwan, scout out landing sites for boats or operate drop-houses where the passengers stay on the way to the United States. Others drive vans to the border to take recently arrived groups to Los Angeles, launder money or hire attorneys to bail out smuggled immigrants who have

Continued on next page

Continued from previous page

been jailed.

According to one investigator, cellular phones have become so essential to the smuggling operations that it would be difficult for the smugglers to work without them. Sometimes the smugglers pirate cellular phone numbers and ring up bills of \$20,000 and more.

Violent Gang From New York

In recent months, the strength of the smuggling organization in California has been bolstered by the arrival of the violent Fuk Ching, or "Young Fujianese," from New York. The Fuk Ching is one of several gangs frequently hired by smuggling organizations to receive the immigrants once they have arrived in the United States.

Investigators suspect that close to 20 members of the gang fled to California after the August arrests of nearly 30 of their associates in New York, Hong Kong, Boston, Chicago and Kansas City on charges including murder, kidnaping, extortion and human smuggling.

"The Fuk Ching are out here in Southern California," said the INS official in Los Angeles. "There have been a number of kidnapings in the last several months which we can attribute to Fujianese who came from New York."

Typically, gang members hold the immigrants in custody until family members pay smuggling fees of as much as \$30,000. In New York, immigrants who have been unable to pay have been beaten and tortured by gang members.

Myers, whose staff has interviewed more than 3,000 smuggled Chinese, said the gang receives 10 to 18 percent of the smuggling fee for its services. Battles have erupted over the division of those profits — leading to the death of seven reputed Fuk Ching members in New York-area gunbattles in January and May.

Increasing evidence suggests that gangs are using similar tactics in California.

While investigating a murder in January, detectives from the Alhambra Police Department in Los Angeles County discovered a house in Rosemead where about 15

undocumented Chinese immigrants were being held after a 60-day voyage from China to Mexico.

In September, two smuggled immigrants escaped from a drop-house in West Covina where they were regularly beaten with lead pipes and burned with cigars during five months of captivity. Police arrested one suspected Fuk Ching member.

West Covina police officer Dave Melnyk said the immigrants had crossed through Mexico after flying to an undetermined Central American country. Detectives identified two houses where groups of smuggled Chinese had been kept. Both had been vacated by the time police found them, but phone bills from one of the houses listed calls to China and Central America.

Focus on Deportations

Thus far, U.S. anti-smuggling efforts have focused on intercepting boats and deporting their passengers. But U.S. law enforcement agents have yet to move vigorously against those who mastermind the smuggling journeys. The same seems to be true in Guatemala.

In July, Guatemalan agents apprehended about 50 Chinese who were disembarking from a Taiwan-flagged vessel and deported them. Guatemalan officials have tried to prevent illicit landings in their country, said Robert Perito, the U.S. State Department official who coordinates diplomatic efforts on human smuggling.

"But they don't have the patrol craft or the naval resources to patrol both of their coasts," he said.

Two weeks ago, the United States and Guatemala were among 10 countries to co-sponsor a United Nations resolution condemning human smuggling. But neither country has successfully prosecuted the criminals who control the smuggling syndicates.

"You've got to go after the main men," said one investigator. "You have to dislocate them where they are and force them out of the nest. I'm talking about an aggressive program to disrupt this kind of alien-smuggling."

Continued on next page

