

Sing Lau Kee **Forgotten Hero of World War I** **By Philip Chin**

Sing Lau Kee should be remembered today but his legacy as a war hero of World War I but became mired in United States immigration policies that the politicians of the time openly admitted were designed to prevent Chinese from coming to America and becoming citizens because of racism. Today the United States Congress and various state governments have issued statements of regret and apologies for the unfair laws they passed against the Chinese.

Sing Kee was born in 1896 in Saratoga, California. His father operated a store and labor contract business in Saratoga and later lived in San Jose. Sing Kee was educated in American schools in Oakland. He enlisted into the United States Army in New York where he lived by 1917 and was assigned to the 306th Infantry Regiment of the 77th Infantry Division. The division was



mainly made up of New York City draftees, thus their official unit name of the "Statue of Liberty Division" and patch insignia of the famous icon. Unofficially they were known as the "Cosmopolitans" because they were a polyglot of nationalities and languages with many first generation immigrants from Western, Eastern, and Southern Europe mixed in with Irish and German Americans of several American generations and every other nationality that had immigrated to New York City. Henry Chinn, another Chinese American and New York resident, was also a member of the division. Chinn was later killed in action as part of the famous "Lost Battalion" along with other soldiers after they left their lines to try to recover food dropped by airplane into no man's land for their trapped and surrounded unit.

The 77th Infantry Division arrived in France in April 1918 to join what was then known as the Great War, known now as World War

I. The division fought their first action at the Battle of Château-Thierry in July 1918. Life on the front was difficult with the constant heavy artillery shelling, occasional aerial bombardment, machine gun fire, and the horror of poison gas attacks. The shelling became so heavy at night that it prevented reinforcements from moving forward at all. Shell craters in the official division history were described as being as large as eighteen feet in diameter and ten feet deep.

On August 14, the shells were coming in fast at thirty per minute as the 306th Infantry Regiment exchanged positions with another unit. Exhausted frontline units were regularly replaced with comparatively fresher units coming from a quieter part of the line a little further away from the sleep destroying explosions and noise. Private Sing Kee was staffing a message center for the regiment. With the constant rain of shells there was no way to maintain an intact field telephone wire. This was also before the days of small and reliable military radios. To insure that communications were kept up, especially during the vulnerable period when one unit was replacing another on the line, runners would literally run to the various units carrying orders and information. It was an incredibly dangerous but vital job with a high casualty rate as the runners couldn't hide anywhere as they moved as quickly as possible across the battlefield. One by one all of Sing Kee's comrades were killed or wounded. Despite being gassed and severely

wounded, Sing Kee refused to be evacuated and stayed at the job singlehandedly for 24 hours. The Independent, a weekly publication from New York, described it as "running eight miles thru shrapnel and machine gun fire as messenger..." One of the "Yanks" of the 306th said about Sing Kee that, "He's the best American in our regiment."

Sing Kee was awarded the Distinguished Service Cross for his heroism, the second highest combat medal of the United States. He was the first Chinese American to receive a combat medal in United States history. The DSC is second only to the Medal of Honor which is personally awarded by the President of the United States. He was also awarded the Purple Heart by the US Army for his wounds and the Croix de Guerre with silver gilt star by France. A French division was to the left of the 77th Infantry that day and Sing Kee reportedly saved a French unit with his actions as well. The Croix de Guerre is awarded for being mentioned by name for particular heroism by a superior officer in their report to their higher commanders. In Sing Kee's case the silver gilt star meant that his heroism had been noticed by a French corps commander, the equivalent of a US Army lieutenant general. The official division history said about Sing Kee's heroics that, "It was only one more evidence of the fact that in the cosmopolitan composition of the Division lay its strength."

Distinguished Service Cross

The President of the United States of America, authorized by Act of Congress, July 9, 1918, takes pleasure in presenting the Distinguished Service Cross to Private Sing Kee (ASN: 1702357), United States Army, for extraordinary heroism in action while serving with Company G, 306th Infantry Regiment, 77th Division, A.E.F., near Mont Notre Dame, west of Fismes, France, August 14 - 15, 1918. Although seriously gassed during shelling by high-explosive and gas shells, Private Kee refused to be evacuated and continued, practically single-handed, by his own initiative, to operate the regimental message center relay station at Mont Notre Dame. Throughout this critical period he showed extraordinary heroism, high courage, and persistent devotion to duty, and totally disregarded all personal danger. By his determination he materially aided his regimental commander in communicating with the front line.

General Orders: War Department, General Orders No. 99 (1918)

Action Date: August 14 - 15, 1918

Service: Army

Rank: Private

Company: Company G

Regiment: 306th Infantry Regiment

Division: 77th Division, American Expeditionary Forces

The 77th Infantry Division showed its own appreciation for Sing Kee's heroism by promoting him from Private to Color Sergeant in November 1918, bypassing several ranks in between. When military forces used to carry their flags into battle in the years before World War I their vital purpose was to show where the unit was during the confusion of battle and provide a place to rally for the soldiers. Only the most reliable and steady men were allowed to protect the "colors" because obviously the sight of the flag running away or being captured by the enemy could cause a panic and then defeat in battle. A junior officer would be assigned to carry the colors but he would always be protected by trusted enlisted men led by a color sergeant who'd been proven in battle and could be trusted to carry the flag himself if it became necessary (or take the flag away from the junior officer if that too became necessary.) Sing Kee was being acknowledged by his superiors and fellow soldiers as being the best and most reliable man in the division.

Yellow 9

Kee, Sing 1,702,357 *White ~~Colored~~

(Surname) (Christian name) (Army serial number)

Residence: 16 Bayard St New York NEW YORK
 (Street and house number) (Town or city) (County) (State)

* Enlisted * R. A. * N. C. * E. R. C. * Inducted at LB 93 New York NY on Dec 5, 1917
 Place of birth: Saratoga Calif. Age or date of birth: 23 10/12 yrs

Organizations served in, with dates of assignments and transfers:
 Co G 306 Inf to Nov 11/18; Hq Co 306 Inf to disch

Grades, with date of appointment:
 Col Sgt Nov 11/18

Engagements:

Wounded in action (degree and date) Severely about Aug 17, 1918
 Served overseas from † Apr 16/18 to † Apr 25/19, from † to †

* Honorably discharged on demobilization: May 9, 1919
 (If separated for other cause give reason)

In view of occupation he was, on date of discharge, reported 0 per cent disabled.

Remarks: Awarded DSC & French Croix de Guerre with gilt star

FORM NO. 724-9, A. G. O. * Strike out words not applicable. † Dates of departure from and arrival in the U. S.
 Nov. 22, 1919.

The 77th Infantry Division returned to New York in April 1919 and held a parade through the city's streets. Prominent among them was Distinguished Service Cross winner Sing Kee. "Back in New York a reporter asks him what on earth a 'Chinaman' could do to be the first to earn such recognition. Sergeant Kee (who is originally from California and speaks perfect English) looks at him slyly and replies, 'Me no savee Inglis,' and then turns smartly and joins the victory parade, receiving the accolades of New Yorkers of all stations and races as he marches with his unit up Fifth Avenue."

On June 13, 1919, Color Sergeant Sing Kee received a hero's parade through the streets of downtown San Jose, California with his parents beside him in the car. He was lauded as the most highly decorated soldier of World War I to come from San Jose, a distinction that nearby Saratoga also claimed as its own since he'd been born there.

After his return from World War I, Sing Kee had to find a civilian job. Chinese businesses in New York where Sing Kee made his home were dominated by those born in China who distrusted the American born Chinese with their Western ways and thinking. Most of the jobs outside of Chinatown were also closed to him because whites refused to hire Chinese. Oftentimes even a highly educated Chinese American college graduate would face the unpalatable choice of going to seek work in China, which to many of them meant a nearly alien language and culture, or accepting the same type of unskilled subsistence jobs that their immigrant father or grandfather might have held.

Sing Kee finally found a job working as a translator with the US Immigration Service, an organization that was hated and feared in the Chinese American community. The task of the organization in regards to the Chinese had been to keep out and deport as many of them as possible since the passage of the Chinese Exclusion Act of 1882 barred the immigration of

Chinese laborers (enforced as much as possible against every Chinese, laborer or not) and denied Chinese the right to become naturalized American citizens. Terence Powderly from 1897 to 1902, and Frank Sargent from 1902 to 1908, as the US Commissioners General of Immigration, made no secret of their dislike of the Chinese. Sargent even went so far as boasting of employing every legal and illegal means of keeping the Chinese out and deporting them. All Chinese immigration had been completely banned by 1902 when the Chinese Exclusion Act was extended and made permanent. The Immigration Act of 1917 had additionally created an "Asiatic Barred Zone" that banned all immigration from countries stretching from the Pacific Ocean to the Middle East. Congress openly proclaimed that the goal was to shut down immigration from Asia and limit all other immigration, especially from Eastern and Southern Europe. Only whites from Northwestern Europe were welcome.

Chinese interpreters were caught in a difficult position. Many Chinese with a legitimate right to enter or reenter the United States were denied entry and sent back to China. It could stem from making a minor mistake in answering the extremely detailed questions posed by immigration inspectors. Questions could encompass decades worth of detailed information that few people could remember, especially in the case of people who'd left places as children. Any discrepancies could lead the inspector to declare that person to be not who they claimed and order their deportation from which there was no appeal. In the case of *United States v. Ju Toy* in 1905 a federal district court ruled that Ju Toy was a US citizen entitled to enter the United States. The Immigration Service ordered him deported anyway. Justice Oliver Wendell Holmes of the US Supreme Court wrote the opinion that the deportation even of American citizens of Chinese descent could not be challenged in the federal courts because Congress had meant to discriminate against the Chinese by law and left it solely up to the discretion of the Immigration Service how to handle all Chinese regardless of citizenship.

By the 1930s, Sing Kee had left the Immigration Service and become a restaurant manager in New York's Chinatown. Like many restaurant managers in New York City he joined the On Leong Tong (later On Leong Chinese Merchants Association) which had a close association with New York's Tammany Hall and Democratic Party machine. In the 1940s he switched jobs again and became an immigration broker and travel agent.

In 1956 he was arrested by the US authorities on four counts (a fifth was dropped by the government). "Count 1 charged that the defendant, from 1949 until indictment in May 1956, conspired with certain named and unnamed persons to violate the Immigration Laws of the United States, 18 U.S.C.A. §§ 371, 1425 and 1542, and 8 U.S.C.A. § 1324. The other three counts charged that Sing Kee on three separate occasions, in 1951 and 1952, willfully and knowingly made false statements in applications for passports with intent to induce and secure the issuance of passports for the use of others by stating, when he knew it to be untrue, that the applicants were the sons of named persons, 18 U.S.C.A. §§ 2, 1542 and 3238."

What happened was described in these terms:

The scheme was, in general, as follows: Chinese-American citizens or alleged citizens, married in China while on visits to that country or before original entry into the United States, would make fictitious reports to the immigration authorities of sons born to them in China or would fail to report the deaths of sons who had resided in China. Immigration records would accordingly list a citizen son not actually in existence. The "slot" thus created would be sold by the "parent" for prices usually ranging from \$1,000 to \$1,800 to a Chinese in the United States who desired to bring over a youth comparable in age to the fictitious son. Sing Kee would prepare or would have prepared the necessary passport applications and supporting affidavits and would produce coaching books called

"halgoons," from which the applicant, in Hong Kong, could obtain the necessary basic facts concerning the family of which he claimed to be a son. This information was necessary to substantiate the claim of derivative citizenship and thus enable the applicant to come to the United States as a citizen.

The "paper son" technique had been common among Chinese Americans since the 14th Amendment legal precedence of "citizenship by birth" had been affirmed by the 1898 case of *US v. Wong Kim Ark*. That case had held that a Chinese born in the United States was an American citizen by birth regardless of the fact that they weren't otherwise eligible for citizenship under American law. A different "paper son" technique had been used earlier after the San Francisco earthquake of 1906 when most public birth records were destroyed in the resulting fire and many Chinese could suddenly claim citizenship by birth in San Francisco.

In 1943 the Chinese Exclusion Act was repealed. China was a vital ally of the United States against Japan during World War II and the Chinese Exclusion Act was the most glaring example of anti-Chinese policy by the US government. Strong pressure was brought to repeal it by the Chinese government and Chinese American groups as well as concerned white Americans to keep China on America's side in the war. Powerful groups, including labor unions and veteran's organizations, called for a continuation of the ban because of racism and the fear that "opening the door" would encourage all the other barred nationalities to demand immigration quotas of their own. To assuage the fears of these people the Magnusson Act contained strict limits allowing only 105 persons of Chinese descent to enter from anywhere in the world, not even by country as all other favored groups were. While the law made exceptions to the quota for spouses and the children of American citizens of Chinese descent it barred other family members unless they were randomly selected under the annual 105 person quota. Given the number of applications and available slots this was an extremely unlikely possibility. This created strong incentives for many Chinese Americans to break the law to help their relatives.

What brought strong American attention to the illegal Chinese immigration issue was the victory of the communists in China in 1949, the start of the Korean War in 1950 in which the United States fought China, and then the terror of the Red Scare and McCarthyism. The question of who had lost China, our dependable World War II ally, to the communists obsessed many Americans. Were there communist spies in the US Government? Even more frightening to some was the question: were all those Chinese in America loyal to the United States? What had been the secret shame of some Chinese families for committing immigration fraud that had been buried under years of hard work, paying taxes on time, and living as good American citizens, now took a sinister turn. The FBI and the Immigration and Naturalization Service (INS) started investigating all the old immigration files looking for discrepancies and threatening deportation or imprisonment for decades old lies. They offered amnesty if the Chinese would come forward with information about communists or suspected communists. Neighbor turned against neighbor, families were upended, and the whole Chinese American community was roiled with accusations and suspicions as well as the reporting of completely innocent people, either to end the government harassment by offering up names or to satisfy longstanding vendettas. Relations within the community became poisoned for years afterwards.

Sing Kee, who until then was looked upon as a respected community leader and war hero, was caught up in the effort to investigate the Chinese American community. There is no question that he profited greatly from illegal activities and was not an innocent party. He usually received \$400 to \$600 (\$7,000 to \$14,000 in 2014 dollars) for his services, part of which he paid to attorneys and others. He admitted that he netted \$23,000 in 1951 and 1952 after expenses (about \$550,000 in 2014).

Sing Kee was convicted and sentenced to 2 ½ years in prison with a fine of \$6,000, \$1500 for each of the counts he was convicted of in March 1957 (\$115,000 total today). When compared to the admitted profits from the criminal enterprise this seems like quite a low fine. Perhaps there was some sympathy for him as a Distinguished Service Cross winner. We'll never know the reasoning behind the prosecutors or the trial court beyond their written arguments and judgment but Sing Kee was never accused of helping known criminals, revolutionaries, or other such objectionable people get into the United States. The government certainly could have done so if they'd found any and increased the resulting prison sentence and fine.

Sing Kee appealed his case to the 2nd US Circuit Court of Appeals. The court acknowledged the difficulty the Chinese in America had in entering the United States saying, "The Chinese immigration quota of 100 each year, 8 U.S.C.A. § 1151, virtually limited immigration from China to those who were derivative citizens by virtue of the American citizenship of one of their parents." What is significant is that the appeals court mentioned this fact about immigration law when it had absolutely nothing to do with the issue that Sing Kee was appealing in the case: which was that the trial jury might have improperly inferred Sing Kee's guilt from a defense witness pleading the Fifth Amendment against self-incrimination when questioned about personal financial arrangements that didn't have any direct connection with Sing Kee. This implies that the court might have had some sympathy towards the plight of the Chinese in America. Nevertheless, the court refused to overturn Sing Kee's conviction in December 1957, as did the US Supreme Court in March 1958 when they declined to hear the case.

The Immigration and Nationality Act of 1965, just nine years after Sing Kee's 1956 conviction, opened up immigration to the United States and removed many of the perverse incentives that had led Chinese Americans into creating paper sons and operating in illegal immigration rackets. It is impossible to say what Sing Kee would have done in this new legal environment but he certainly had the longstanding community and political contacts and standing to have made a lucrative and legitimate immigration brokerage business after 1965. But all those changes in the immigration laws came too late for him.

Sing Kee lived on Staten Island in New York until his death in 1967 at the age of 71. He is buried at Arlington National Cemetery where many of the most honored military heroes and statesmen of America are interred. Sing Kee was lauded in parades, featured in newspapers and magazines, and honored upon his return from France in 1919 as an American hero and was then forgotten. His tragedy, like many Chinese Americans, was that he lived at a time when anti-Chinese attitudes and laws prevented him from becoming all that he could have been.

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