

Chinese American Heroes - Attorneys
By Connie Zheng

May 4, 1898: Chinese American Attorneys - commemorates the birthday of You Chung Hong, the first Chinese American attorney in California and the first Chinese American graduate of the University of Southern California Law School.

In 1854, the California Supreme Court ruled in *People v. Hall* that the Chinese “were a race of people whom nature has marked as inferior, and who are incapable of progress or intellectual development beyond a certain point, as history has shown.” Citing a section of the California Criminal Proceedings that “No black or mulatto person, or Indian, shall be allowed to give evidence in favor of, or against a white man,” the Court ruled that the term “black” applied to anyone not white and therefore any discriminatory laws also applied to Chinese. Since blacks couldn’t testify against white people, the court threw out the testimonies of three Chinese who had identified Hall, a white man, as having killed a Chinese man.

The Court warned against allowing the Chinese to testify, ominously predicting that to do so “would admit them to all the equal rights of citizenship, and we might soon see them at the polls, in the jury box, upon the bench, and in our legislative halls.” In essence, the highest court in California plainly stated that it would not welcome Chinese having any voice in the American legal process. The ruling also plainly showed that any amount of violence could be perpetrated against the Chinese with little fear of consequences.

This was just the first of many pieces of anti-Chinese legislation and legal rulings. The Chinese Exclusion Act of 1882 suspended Chinese immigration to the U.S. The Scott Act of 1888 prohibited any Chinese laborers who had temporarily left the U.S. from returning, even those that possessed reentry permits from the US Government, leaving over 20,000 Chinese Americans stranded overseas. The Geary Act of 1892 subsequently extended Chinese exclusion for another ten years. This was renewed again in 1902, and in 1904 in perpetuity. It wasn’t until the Magnuson Act of 1943, which allowed Chinese individuals living in the U.S. to become naturalized citizens, and the immigration of 105 Chinese yearly, that the Chinese Exclusion Act was overturned.

In California, the most discriminatory of all the US states, the story of Chinese Americans as lawyers began in 1923 when You Chung Hong passed the state’s bar examination, becoming the first Chinese American attorney in the state. He had enrolled at the University of Southern California in 1920, going to law school at night and working during the day as a translator for the U.S. Immigration Service. Hong was so poor he could not afford to buy textbooks and relied on the generosity of his classmates lending him their books. With his remarkable memory, legal acumen, and dedication, he passed the bar exam in 1923 before finishing two law degrees, a LL.B. (Bachelor of Laws) in 1924 and a LL.M. (Master of Laws) in 1925. He graduated from

USC as the state's first Chinese American law graduate. He established a practice in the Los Angeles Chinatown and is regarded as the country's foremost Chinese lawyer. He worked tirelessly to try to repeal the Chinese Exclusion Act of 1882 and testified before the U.S. Senate on immigration laws before the age of 30. In 1933, Hong became the first Chinese American to be admitted to practice before the U.S. Supreme Court.

On the judicial side, Delbert E. Wong was appointed to the Municipal Court of the Los Angeles Judicial District by California Governor Pat Brown in 1959, becoming the first Chinese American judge in the nation. Wong would also become the first Chinese and Asian American to be appointed Deputy Legislative Counsel for the California State Legislature and the first Chinese and Asian American to be appointed a Deputy State Attorney General.

In 1966, Harry W. Low was appointed by California Governor Pat Brown to the San Francisco Municipal Court, becoming the first Chinese and Asian American judge of that city.

Anti-Chinese legislation silenced the voices, rights, and legal recourse for all Chinese Americans. Moreover overt discrimination as well as the belief in Chinese mental inferiority kept the vast majority of intelligent and successful Chinese Americans from enrolling in law schools and consequently prevented them from becoming lawyers, judges, and from the political offices that such positions often lead to. The pioneers faced immense struggle to reach those positions against the prevailing restrictions and prejudices. It wasn't until the 1960s, when the civil rights movement and affirmative action eased law school enrollment for Chinese Americans and other minority applicants that the number of Chinese American attorneys grew. By the 1970s and 1980s the trickle had become a torrent as high achieving Chinese Americans chose to attend law schools in ever greater numbers, just as they entered other high paying prestige fields such as medicine and engineering.

In 1977, Thomas Tang was appointed as U.S. Circuit Judge for the U.S. Court of Appeals for the Ninth Circuit by President Jimmy Carter, becoming the first Chinese American to be appointed to the federal judiciary. In 1987, Ronald S.W. Lew was appointed a U.S. District Court Judge in the Central District of California by President Ronald Reagan, becoming the first Chinese American to be appointed to the federal bench in the country.

In 1981, Lillian Sing made history when she was appointed the first Chinese American woman judge on the San Francisco Superior Court. In 1991, John Liu Fugh officially assumed the position of The Judge Advocate General of the U.S. Army, becoming the first Chinese and Asian American to serve in that position. In 1994, Denny Chin was appointed to the U.S. District Court for the Southern District of New York by President Bill Clinton, becoming the first Chinese and Asian American to be appointed as a U.S. District Judge outside of the Ninth Circuit. In 2000, Norman C. Bay, appointed by President Bill Clinton, became the first Chinese American U.S. attorney.

In 2002, Debra W. Yang was appointed by President George W. Bush as a U.S. Attorney for the Central District of California, becoming the first Chinese and Asian American woman to serve as a U.S. Attorney.

Another notable Chinese American attorney is Nelson Dong. Among his many accomplishments, Dong was first Chinese American lawyer to be selected as a White House Fellow, the first to serve as a Special Assistant to the a U.S. Attorney General, and the first to serve as Deputy Associate Attorney General of the United States.

Despite these illustrious achievements, challenges abound for Chinese Americans striving to gain footing in the legal world. The stereotype of being meek and passive hinders Chinese Americans from serving in such aggressive fields as litigation, being promoted to executive management at law firms, or becoming general counsel for corporations.

At the same time, the lack of Chinese American representation in the political process has a devastating impact on the careers of Chinese American attorneys. With judges often appointed or elected through the political system, underrepresentation of Chinese American in the political process means even fewer judges on the bench.

Even in the San Francisco Bay Area, an area known for a large Chinese American population, no Chinese American has ever been appointed to serve as a judge with lifetime tenure on the U.S. District Court for the Northern District of California. In addition, there are currently no active Chinese American judges in the U.S. Court of Appeals for the Ninth Circuit in San Francisco or in any Circuit Courts of Appeals in the United States.

More than 150 years since the *People v. Hall* ruling, Chinese American attorneys and judges in the United States are still making a long and difficult journey bedeviled by obstacles and stereotypes in achieving equality.