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Private Matters: Family and Race and the Post-World-War-II Translation of "American"*

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The US Constitution preserves the right of the people to petition the government for redress of grievances.[1] This right allows individuals to request private legislation from Congress and, as such, private bill petitions involve individual claims or pleas for relief for a specified person, or persons. Private petitions to Congress fall into two principal categories: claims against the US government (e.g., claims stemming from automobile accidents with government vehicles) and relief from immigration and naturalization laws. Although private laws concerning immigration and naturalization have influenced later public legislation by highlighting areas in need of reform,[2] the private laws have limited application. Other than serving as precedent for subsequent private legislation for similarly situated individuals making requests for enactment of private laws, the laws do not benefit anyone other than the named beneficiaries of the bills.

In the immigration and naturalization context, a private bill petition is the last resort to avoiding consequences required by the law, such as exclusion or deportation from the United States or denial of US citizenship. In order to receive consideration of her petition, the beneficiary of the bill must overcome at least the two threshold requirements of: (1) unusual hardship that would result from application of the existing law, and (2) lack of remedy under existing law. Assuming the petitioner can meet these requirements, she must then convince her Representative to introduce a bill that describes circumstances that persuade the House and Senate committees to report the bill favorably, and ultimately to convince Congress and the President that her particular situation merits circumventing the law. Consequently, the petitions typically depict poignant stories detailing personal relationships, political and social upheaval, harsh economic realities, or heroic feats.

This article examines the contents of private bill petitions for relief from immigration laws presented in the House and Senate reports during the

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1. US Constitutional amendment 1.

2. Bernadette Maguire, *Immigration: Public Legislation and Private Bills* (Lanham, MD, 1997), p. 5.

period following World War II, focusing primarily on bills introduced during the 81st Congress (1949–1951).[3] While this Congress was not the most generous with respect to private bills, it met at the beginning of a ten-year period when Congress would consider and enact over half of the private laws for all of the first 100 congressional sessions.[4] This time period also marks a turning point for immigration and naturalization law. That is, the House and Senate Judiciary Committees would begin seriously grappling with the racist exclusion provisions in the law. By approving many of the petitions considered here, Congress had to ignore the law that prohibited certain immigration on the basis of race. More generally, the private bill decisions that Congress made in the postwar period reveal the evolution in immigration policy that softened the restrictionist attitude present in the law, and encouraged the changes to the structure and procedure of immigration law.

The aim of the petitions is membership in the American community, initially by physical entry into the US and, only in some cases, by naturalization to American citizenship. Thus petitions also embody ideals of who belongs or what it means to be an American, a concept distinct from formal citizenship because it encompasses a broader set of people. Each petition presented an opportunity for Congress to determine whether a specific individual met those ideals while, at the same time, the petitions gave Congress a glimpse at the variability that the notion "American" can accommodate. And, since race-based exclusion featured prominently in US immigration law, Congress was forced to reformulate an ideology of "American" that was not so obviously racist.

The narratives contained in the successful petitions portend the current "colorblind" race ideology, and take advantage of the discourse that highlights conformity to another American norm – the nuclear family. The dominant race ideology that developed in US law after World War II makes race irrelevant in legal decision-making, by relying on the idea that the formal equality of races, expressed as race neutrality, maintains substantive equality. This shift in thinking, which began in the 1950s, required undoing legally-sanctioned social arrangements of the prior 170 years. Convincing Congress that race neutrality, not race separation, is consistent with American ideals meant shifting the collective notion of belonging to America by highlighting a common humanity that overpowered racial differences. Petitioners, ineligible for membership in the American community, could individually take advantage of the changing

3. The petitions examined in this article consist of private bills reported out of the House or Senate Judiciary Committee. These bills already enjoyed the success of passing a committee hearing and therefore one cannot assume that all private petitions presented to members of Congress contained similar information. With the exception of three bills cited at notes 22, 29, and 44, all of the private bills discussed in this article were enacted into private law.

4. Maguire, *Immigration: Public Legislation*, pp. 69–71.

tide by portraying themselves as a member of a nuclear family, or an antifascist or anticommunist hero.

This article will discuss the legal and procedural background to the petitions process in the US, and then examine the narratives presented in the petitions to Congress. I will discuss the ways that the petitioners, and their legislative sponsors, neutralized legal impediments to entry into the American community in the petitions. I track two principle strands of attack on these legal bars to entry: the conventional nuclear family, and the heroic enforcer of democracy. Remarkably, both these attacks helped to render legal race restrictions irrelevant and were tools that also helped to transform perceptions of race, which at the time worked a radical transformation in the American legal system. At the same time, they helped fix as "natural" a particular configuration of family in American law and society. As American society has increasingly embraced diversity, this narrow notion of family has been a barrier to distribution of legal and social benefits in the US. Thus, the private petitions discussed here illustrate the way that appeals for legal change work like a double-edged sword, to broaden racial diversity and to narrow the legal conception of family.

THE LAWS

In her study of private immigration bills, Bernadette Maguire identifies three broad categories of law that define private petitions for relief from immigration law: naturalization, quotas, and exclusion.[5] In addition to these three categories, petitioners have also sought private bills to avoid deportation. The first use of private petitions in 1839 addressed the rules governing naturalization. Private bills granting US citizenship occur with the least amount of frequency, but during the post-World-War-II period, several petitioners sought to reinstate citizenship lost as a result of long-term residence abroad, or voting in foreign elections. Other petitioners affected by citizenship and naturalization laws sought private laws to get around quirky application of citizenship rules.[6] Petitioners more frequently petitioned for private law to overcome immigration restrictions. Congress began establishing restrictive measures during the first quarter of the twentieth century. These restrictions took the form of quotas or limitations on the number of visas available, and exclusions or outright bans on entry of people with certain health problems, criminal records, or

5. *Ibid.*

6. The statutes governing the *jus sanguinis* transmission of US citizenship have undergone a number of amendments and some of these changes did not apply retroactively. As a result, similarly situated citizens born on either side of an amendment date would have a different rule apply to their children born outside of the US.

with a particular nationality or ancestry.[7] In the post-World-War-II period, thousands of petitioners sought relief from long waits for visas. Many other petitioners were attempting to enter or prevent their ouster from the US, notwithstanding the fact that they had committed crimes, or were racially ineligible for permanent residence. For example, AM and RA petitioned Congress for relief after they were ordered to be deported for practicing prostitution,[8] and AMR requested relief from the law that prevented her admittance into the US because she had admitted to shoplifting less than $50-worth of merchandise from a Woolworth store.[9]

The principal hindrance to massive immigration to the US was the quota system. This scheme, first implemented in 1921, limited the total number of visas to 150,000, and allocated those visas by national origin, based on a formula that favored people from northern European countries over people from southern and eastern European countries, while disfavoring immigration from Africa and Asia.[10] In 1924, Congress refined the quota system in order to control the racial composition of the American population, by maintaining the proportions present in the US in 1920.[11] Within a country quota, the scheme established a preference system that favored close family members. But for the exception of a narrowly defined class of nonquota family members, even those immigrants with family ties to US citizens were subject to annual numerical limitations. This restriction frequently affected children adopted by citizens and resident aliens, like JH, an eleven-year-old orphan who was adopted by an aunt. JH had no other impediments to his entry besides the fact that his relationship with his aunt/adoptive mother was not among the law's preferred categories that would exempt him from the quota.[12] The net effect of the quota system was to restrict entry severely, even in cases where the restrictions forced the separation of close family members. Furthermore, the low quotas had the negative effect of hindering the entry of war refugees and those people fleeing countries coming under the domination of the Soviet Union.

Immigration laws also defined whole classes of people that Congress did not want in the US. Among the grounds for exclusion were: prostitution, or coming for purpose of prostitution; mental health problems; contagious diseases; poverty, or propensity to become poor; commission of a felony,

7. Act of 5 February 1917, 39 Stat. 874, Sect. 3 and 19. This Act was the first of a series of statutes to implement restrictions on immigration that had a significant impact on the net flow of immigrants to the US.

8. H.Rep. 81-239 (1949).

9. H.Rep. 81-136 (1949).

10. Act of May 19, 1921, 42 Stat. 5, (1921).

11. The House Report states that the quota "is used in an effort to preserve, as nearly as possible, the racial status quo in the United States. It is hoped to guarantee, as best we can at this late date, racial homogeneity in the United States." H.Rep. 68-350, p. 16.

12. H.Rep. 81-2128 (1950).

or a crime of moral turpitude; believing in the practice of polygamy; supporting anarchy, or other systems that do not believe in democratic principles; and entering as coolie laborers. Similarly, an immigrant who demonstrated undesirable characteristics after entry often faced deportation. The grounds for deportation overlapped the grounds for exclusion, and allowed the government to expel persons who committed acts subsequent to their arrival in the US that would have been grounds for exclusion. In addition, deportation laws enabled the government to expel individuals who had violated the immigration laws.[13]

The other significant category of excluded people was that pertaining to "alien[s] ineligible to citizenship". Until 1943, this provision of The Act of 1917 prohibited immigration of people from the so-called "barred triangle", more simply defined as Asia. In the postwar period, the scope of this exclusion narrowed somewhat with the repeal of the Chinese Exclusion Acts and The Act of July 2, 1946 that removed people from the Philippine Islands and India from the "Asiatic barred zone". However, very low quotas for China, the Philippines, and India and the application of quotas based on ancestry, instead of on national origin, tempered any increase in immigration from these Asian countries that might have occurred with the relaxation of the bans on Asian immigration.[14] Ironically, applying the Asian country quotas on the basis of national origin and ancestry made the law overinclusive, which meant that non-Asians could be subject to its limitations on entry. One example of the overinclusiveness was AGW, a white man who was born to Norwegian missionaries while they were in the Philippines, and therefore subject to Philippine quota. In his petition, he argued that he should not be chargeable to the quota of only 105 people per year because his inclusion would defeat the purpose of the race-based restriction.[15]

In the postwar period, the US would see the beginning of a steady increase in the number of immigrants over the relatively low numbers of people allowed in since 1930.[16] World War II resulted in the displacement of countless numbers of people throughout the world, and disabled many people from maintaining livelihoods. Many of those seeking entry into the US simply wanted to seek a better life. Others sought a safe home. And many others wanted to join family members already in the US. Among those seeking family reunification were relatives of, and orphans adopted

13. This right to expel aliens continues in the present immigration law. Immigration and Nationality Act, §237, 8 USC, §1227.

14. Act of December 17, 1943, 57 Stat. 600 and Act of July 2, 1946, 60 Stat. 416.

15. H.Rep. 81-1725 (1950).

16. Total immigration to the US in the ten-year period beginning in 1931 and ending in 1940 was 528,000. Since 649,000 people left the US during this same period, the US experienced a net loss of population due to immigration of 121,000. Immigration and Naturalization Service, *Annual Report* (1998), available at: <http://www.ins.usdoj.gov/graphics/aboutins/statistics/300.htm.>

by, American citizens or permanent residents, and people with new ties to American citizens or permanent residents. This last category arose because of the large number of military enlisted, commissioned, and civilian personnel who were part of postwar US military occupation campaigns. During the occupations they established relationships with local people that often led to marriage and/or children. Consequently, over 100,000 war brides entered the US by the end of 1948, as did thousands of alien children of members of the US armed forces, and children that US citizens adopted. Many citizen couples had to use the petitions process to bring their children home.[17]

Immigration laws, however, were hindering the resettlement of refugees, restricting the numbers of those wanting a better life, and dividing families. Congress was in the process of studying reforms, but in the meantime, in order to address some of the problems that prospective immigrants faced, it began enacting temporary remedies. Most significantly, Congress passed the Displaced Persons Act in 1948, which was the first body of US law specifically to address the admission of persons fleeing from persecution.[18] Until then, an executive order authorized preferential use of quotas for people from countries in the American Zones of central and eastern Europe. The Act only covered specific refugees and left others desirous of entry into the US unable to move. Massive migration and limited quotas meant that many people whose lives were disrupted by the war had to find alternate means of entry. Thus, countless people reached US soil as temporary visitors, or without proper documents, and subsequently turned to the petitions process in order to secure permanent visas.

Indeed, during the 80th Congress (1947–1948), the number of private bills introduced rose from 423 in the previous Congress to 1,157. Through the 85th Congress (1957–1958), Congress would enact over 4,000 of the more than 21,000 bills introduced over the twelve-year period beginning with the 80th Congress. These figures compare dramatically with the prior ten years, when Congress enacted less than 300 of the roughly 4,000 bills introduced.[19] The large increase in the numbers of bills introduced, and private laws enacted, is at least partly explained by the increase in unlawful immigration into the US in the postwar period.[20] As the number of aliens without proper documentation in the US increased, the number of people who needed relief from quota restrictions, inadmissibility rules, and deportation criteria likewise increased.

17. For example, the WFKs adopted a child while they were living overseas as a result of Mr K's military assignment; H.Rep. 81-1037 (1949).
18. The Displaced Persons Act of 25 June 1948 made available 220,000 visas without regard to quota; 62 Stat. 1009. Congress increased this number to 341,000 in June 1950; 64 Stat. 219.
19. Maguire, *Immigration: Public Legislation*, p. 24.
20. *Ibid.*

Additionally, in the five years following World War II, Congress enacted the so-called War Brides and GI Fiancées Acts, which enabled approximately 123,000 spouses, children, and prospective spouses to enter the US from 1945 to 1948, without having to wait for visa availability.[21] Passed in 1945, the War Brides Act provided nonquota immigration that waived physical and mental health exclusions for spouses and children of current members and veterans of the US armed forces. This initial act did not waive other exclusionary provisions of the law. Spouses who did not fit the profile of someone with good moral character were prevented from entering to join their families. For example SN was refused entry to join her citizen husband after she was convicted of an act of disloyalty in her home country for allegedly collaborating with the Nazis.[22] And spouses and children from Asia were still barred from entry under the anti-Asian provisions of the 1917 immigration act. But in the wake of the attack against Hitler's racism, the US had to face up to charges of hypocrisy because of the racist official policy towards its own citizens of Japanese ancestry, African-American military personnel, and other migrants from Asia.

In July 1947, Congress amended the War Brides Act to address explicit race discrimination. The amendment made Asian spouses, but not children, of active and honorably discharged members of the armed forces eligible for nonquota admission.[23] The Act added a new section to the War Brides Act that stated, "The alien spouse of an American citizen by a marriage occurring before thirty days after the enactment of this Act, shall not be considered as inadmissible because of race, if otherwise admissible under this Act." For the many GIs and veterans who could not obtain permission to marry prior to the enactment of the amendment, the act provided a short thirty-day window in which to arrange a wedding. In those cases where the GI had returned to the US, the likelihood of arranging a marriage overseas was slim. Additionally, many GIs and civilian employees of the military in Asia were denied permission to marry prior to the amendment because immigration law barred entry of their spouses to the US. When the War Brides Act expired in December 1948, citizen spouses who had not yet begun the process of seeking admission for their noncitizen spouses or fiancées had to wait for visa eligibility under the quota system. Finally, in August 1950, Congress made all spouses and minor children of service members eligible to immigrate under nonquota status, so long as the marriage occurred before 19 March 1952.[24]

21. The War Brides Act is otherwise known as the Act of December 28, 1945; 59 Stat. 659. The Veterans' Alien Fiancées or Fiancés Act was the Act of June 29, 1946; 60 Stat. 339.
22. H.Rep. 81-1625 (1950).
23. Act of July 22, 1947; 61 Stat. 401.
24. Act of August 19, 1950; 65 Stat. 464.

The combined effect of the Acts, and their amendments, was to facilitate the immigration of mostly women and children from Europe during the five years immediately after the war. Hundreds of wives, fiancées, and noncitizen children of Asian descent, or who were ineligible for admission because of past crimes, had to use the private petitions process because Congress had not extended the benefits of the various War Brides Acts to them. Even after the Act of 19 March 1952, eliminating the racial exclusion for spouses and children, and the major reforms of the McCarran–Walter Act later that year, fiancées and adopted children of Asian descent still fell under the limited quota numbers allotted to Asian countries.[25]

THE PETITIONS

The 81st Congress enacted 507 private laws. About half of these laws concerned relief from quota restrictions, 43 per cent concerned admission restrictions, and the remainder concerned citizenship/naturalization questions.[26] The petitioners seeking quota relief included those people who were facing long waits for visas to become available and people who wanted to avoid deportation for overstaying visitors' visas. When their country quota was oversubscribed, the petitioners reasoned that it would be fair to allow them to jump to the front of the visa line because of family ties to an American citizen or resident, their unique occupational skills, or other sympathetic reasons. For those people who wanted to circumvent the bars to their entry or to prevent deportation for criminal offenses, the petitions questioned unjust racial exclusion or excessive consequences for minor criminal offenses. Although the nominal beneficiaries of the bills were the immigrants who were relieved from the effects of the law, quite often the principal beneficiaries were American spouses, relatives, or employers. The petitions thus reflect a mixed portrayal of both immigrants and Americans claiming they deserved the special dispensations of law requested in the petitions. The contents of the petitions paint a picture of Americans who deserve better treatment under the law, and aliens who deserve to be American (and in many ways, there is nothing humble about these requests).

The private petitions that were reported out of the Judiciary committees during the 81st Congress also reflect the effectiveness of the law in minimizing or preventing immigration from certain countries. The most frequently represented national origin of beneficiaries of private bills was

25. McCarran–Walter Act, June 27, 1952; 66 Stat 163.
26. Maguire, *Immigration: Public Legislation*, p. 102.

Japan, followed by Italy, China, Germany, and Greece.[27] The bills benefiting people from Japan overwhelmingly concerned war brides or fiancées seeking admission without regard to the racial exclusion policy. The petitions from other countries were more evenly distributed across gender lines and were spread amongst deportation and admissions concerns.

Following the initial request from the petitioner, and in order to provide a full account of the circumstances to the Senate or House Judiciary Committees, the sponsors often requested specific information from the petitioners, and, in turn, petitioners sent their representatives a variety of supporting information depending on their level of sophistication. Some petitioners responded to the Representative's request with a handwritten letter or note, while others had lawyers prepare memorandums. Additionally, the Subcommittee chairman usually requested an advisory opinion from the Department of Justice (which included the Immigration and Naturalization Service – INS) or Department of State (which included the overseas consular offices). Assuming the committee found the petition meritorious, it would "report out" the bill. This process meant that a selection of the documents was compiled into the reports to accompany the bills when they came up for vote. The Senate or House Report was generally composed of: the report from the INS; a letter from either the sponsoring member of Congress and/or the petitioner or beneficiary of the bill, describing the reasons the beneficiary merited special dispensation; letters of support from family, friends, employers, and community leaders; and other documentary evidence to support the petition. The sponsoring Representative had some discretion regarding what would ultimately get to the Committee, and would be available to include in the Committee report. In a typical case involving racial exclusion of the Japanese wife of a US citizen, the subcommittee received a history of the case composed by the sponsoring member of Congress; a copy of the petitioning citizen's honorable discharge, and a copy of a statement regarding his military service from the President; a copy of the petitioning citizen's enlistment record, and report of separation from the military; affidavits attesting to the petitioning citizen's character; and affidavits attesting to the fact that the couple married under Japanese law.[28]

Other items most frequently found in the reports were letters from other supporters. Family members often wrote to encourage enactment in support of the uncle, aunt, son, daughter, niece, or nephew making the request. Some petitioners enlisted the support of influential members of

27. This accounting is based on the distribution among the roughly 600 private bills I examined from the 81st Congress. Beneficiaries from Japan represented approximately one-third of the total.

28. H.Rep. 81-1492 (1950).

their community – such as high-ranking military officers, employers, clergy, elected officials, police chiefs, lawyers, and judges. In some cases, the petitioner and beneficiary's plight had achieved some notoriety. In these instances, ordinary citizens with, at most, minor connection, if any, to the parties occasionally wrote letters to support the petitions. This additional encouragement put pressure on the individual Representative sponsoring the bill, such that he or she saw to it that the Committee reported the bill out for a vote. A celebrated case was that of Ellen Knauff, a war bride who was detained on Ellis Island without the opportunity of a hearing because the Attorney General viewed her as a risk to national security. As her case dragged on, the public began urging she be allowed to stay in the US.[29]

Thus, any petition reported out of Committee underwent at least two levels of review before presentation to the House or Senate. First, the petitioners had to make a credible claim to a Senator or Congressperson. And second, that Representative had to present a supportable claim to the Judiciary Committee. Assuming this initial screening process weeded out weak claims, the numbers of actual petitions filed with a member of Congress is not reflected by the number of bills introduced.

Given the variety of documentation that comprised a petition, what kind of story did these reports tell? In some cases of family unification, only the most cold-hearted person would have been able to deny the requests. For example, PMH was the two-year-old stepson of an honorably discharged veteran who had married the child's mother in Cyprus. The citizen had established a relationship with the boy when he was four months old, and married the child's mother just before his first birthday. His mother was approved to enter on a nonquota basis, but without the bill, the child would have to stay behind, because the quota for visas was oversubscribed by several years.[30] Similarly, a number of other petitions sought relief from oversubscribed quotas that applied to orphans adopted by American citizens.[31] A and C, twin sisters orphaned when their mother died in 1948, petitioned for relief from the preference system that prevented their immigration to live with their sister who was their only living relative. When a newspaper ran an account of their plight, Congressman Allen was flooded with letters urging passage of the bill.[32] These cases, and many others, were easy decisions for Congress to make

29. Knauff's bill failed but she was eventually admitted by order of the Board of Immigration Appeals when it overturned the INS Board of Special Inquiry decision to exclude her as a threat to national security. Charles D. Weisselberg, "The Exclusion and Detention of Aliens: Lessons From the Lives of Ellen Knauff and Ignatz Mezei", *University of Pennsylvania Law Review*, 143, (1995), pp. 958–964 .
30. H.Rep. 81-1712 (1950).
31. H.Rep. 81-1813 (1950).
32. H.Rep. 81-2475 (1950).

because they united children with families. Furthermore, with a connection to an American family, Congress believed that these children deserved the advantage of growing up in the US, where they would develop an attachment to superior American values.

Not all petitions were so clearly justifiable. F and MM petitioned Congressman Allen of California in order to avoid deportation to China for overstaying a temporary visa. F and MM's petition attempted to win support for a permanent visa by portraying the family as "desirable immigrants". What qualified this Chinese family, with no living connection to the US, for this status? According to the petition, the family lived by American ideals and customs taught to them by their spouse and father, Mr M, who was tortured to death by the Japanese, having received his college education in America at Yale. Furthermore, following Mr M's death, Mrs M provided heroic services to the American war effort by taking part in guerilla warfare against the Japanese. In the past year, the family had resided in the US, and they proved to be exemplary citizens who owned their own home and small business. Moreover, their home in China was in communist hands and their return would be risky, since Mr M had supported the Nationalist Chinese.[33] The M family presented what many petitioners believed to be requisite characteristics of a meritorious petition: a clear tie to American ideals, or evidence of personal sacrifice for Americans or American ideals, and evidence of extreme hardship if the bill was not passed. The M family demonstrated its tie to American ideals by its effort to support American war efforts against the Japanese, the way the family suffered extreme personal loss, their participation in the local community, and the fact that they acted like Americans. Allowing them to stay seemed like a small price when the alternative was the specter of the anti-American evil – communism. Simply fleeing communism, or the harsh economic circumstances that resulted from the war, the petition was less likely to be reported out of the subcommittee. Members of Congress had to be able to view the M family as members of the American community.

In contrast, WH, who met his fiancée while stationed in Japan, petitioned Congressman Lesinski of Michigan to obtain visas for his fiancée and son so that they could join him in the US. WH could easily make the hardship claim that the law was forcing his separation from his family. In fact, when he asked his commander for permission to marry MH, he was refused because of immigration restrictions. He later attempted to secure a visitor's visa for his fiancée and the consulate told him that she was not admissible, whether or not married to an American citizen. Furthermore, the consul explained that "the present policy of the Occupation authorities does not permit foreign travel for personal reasons

33. H.Rep. 81-217 (1949).

by Japanese nationals, and it is extremely doubtful whether a Japanese passport would be issued for even a temporary visit to the United States". The law stymied any attempt to unite WH with his family. But, rather than explaining why MH and his son, AH, belonged in the American community, WH's petition to Congressman Lesinski discusses his military record and his ability to support his family with the assistance of his mother.[34] Apart from the names of his fiancée and son, the petition provides no further information that would enable Congress to make a determination whether or not either one belongs in America. The presumption underlying the petition is that a citizen is free to choose his or her family, and to have the family living in the US, if they so desire.

Similarly, other petitions seem to discuss everything but the beneficiary, under the assumption that the reason for enactment – usually the beneficiary's occupation – is obvious. Congressman Reed of New York managed to guide a bill to enactment for a petitioner who overstayed a visitor's visa from Italy by discussing prior legislation for someone else. He did not compare the petitioner to that individual, except to say that both were medical doctors. Furthermore, Reed devoted two paragraphs to a description of the history of the educational institutions in Italy that the beneficiary attended. Congress approved the petition, knowing little more about the petitioner than he "likes this country, its form of government and institutions, as well as our professional methods and techniques, rather than return to Italy, a country which he considers now is far behind the United States politically, economically, and otherwise".[35]

As these examples show, four general types of justification show up in these private bill petitions. The least controversial justification is the type that confers nonquota status to children who will live with a citizen or alien resident, like a blood-related child, whether or not the blood connection exists. This justification simply relies on a natural state – child with parents. The second type of justification is that based on the merit of an immigrant's past conduct, from which Congress can infer a commitment to the American ideals of democracy. The third type is based on the entitlement that arises out of US citizenship of a close family member. The fourth type relates to the economic benefit for the US, or for someone living in the US, that the alien's admission confers. These four types of justifications are not mutually exclusive. And, unless a petitioner was relying on the second type of justification, the petitioners ordinarily based their claims on family relationships.

34. H.Rep. 81-1484 (1950).
35. H.Rep. 81-1583 (1950).

DEFINING "AMERICAN" THROUGH FAMILY

A closer look at the contents of private bill petitions discloses much more than the basic requests, and their justifications for relief from immigration law. Immigration law contributes to the definition of the national community in part by specifying who does not belong in the community. Because the bills involve people legitimately excluded from the US, they are, by definition, people who do not belong in the community. So, what characteristics of American-ness do the beneficiaries emphasize in order to de-emphasize their difference? Many of the petitions stress a notion of family that conforms to that of the heteropatriarchal nuclear family. A credible claim of membership in a traditional family could neutralize the legal impediment to entry, whether that impediment was prior illegal activity, prior status as an enemy, poverty, or race.

First, what role does the concept of nuclear family play? The answer depends, in part, on facts that portray a traditional family by white middle-class standards. In the post-World-War-II US, that model was a family with a male-headed household in which the wife does not need to work, presumably enabling her to take care of the home and children. This image of family was one with which members of Congress voting on the bills could easily identify, but it was not descriptive of all families, and in particular of all families of color. Continuing legal, social, and economic discrimination based on race often made it impossible to maintain a traditional family, let alone one that one person could support financially. Moreover, many members in Congress did not think that such discrimination was unwarranted. But, once Congress visualizes a petitioner's case as one involving a nuclear family, the white middle-class family becomes the standard by which the legislators measure the degree of unfairness in the application of the law. Because it can evoke an empathic response, presentations of family in the petitions attempt to portray the normative American family, by emphasizing conventional gender roles, cultural conformity, and economic self-reliance.

The return of millions of men to the US labor market during the postwar period forced a renegotiation of gender roles that had been redefined during the war. Government policies encouraged women to return to their roles as wives and mothers in order to allow men to resume their roles; in other words, policies endorsed a patriarchal family structure. Petitioners participated in the renegotiation of acceptable gender roles by relying on the resilience of those traditions. Thus, a male beneficiary of a petition could benefit where his deportation would result in the loss of support for a family. For example, SM first entered the US illegally by misrepresenting that he was a permanent resident. A few years after this entry, he was deported to Greece. He returned the following year, falsely claiming he was a resident, and the consulate permitted him to re-enter on a permanent

visa. SM grounded his petition to stay in the US, in spite of his fraud-based second entry, on the fact that he was the sole support for his alien resident wife and three citizen children. The Board of Immigration Appeals supported his petition because he was gainfully employed and, apart from the perjury, had no additional blemishes on his record.[36] In another case, GW had a bewildering series of name changes and aliases that resulted in considerable confusion over his identity and origin, and this confusion was compounded by the fact that he had little or no documentation of his various identities. Nonetheless, his petition to avoid deportation to Germany was successful, in large part because he claimed that his deportation would result in undue hardship on his wife and daughter.[37]

When a male alien was found to lack good moral character, perhaps due to the fact that he committed crimes making him deportable, he became ineligible for suspension of deportation and was left to seek a petition for relief. In spite of this character flaw, he could assert that the law interfered with his fulfillment of his patriarchal obligation by demonstrating the economic and emotional hardship on family members that his deportation would cause. In many instances, their appreciation for this sense of responsibility pushed Congress towards leniency.[38] FG was a long-term resident who entered illegally from Italy with other family members when he was a child. He was arrested and convicted several times, as a minor and as an adult, for offenses including theft, driving without a license, and grand larceny. After he was ordered deported, he fled, and was later arrested and detained for parole violation. Under the circumstances, the Department of Justice could not recommend his petition, but his bill nevertheless passed. FG's sponsor received a handwritten letter from FG's wife who pleaded for his release and stated that she was certain he would be a good husband and father. She wrote, "Our son is going to be five years old in April. He needs his father very much. That's all he talks about his is [sic] father."[39] Although FG had not yet acted in a way that would lead anyone to conclude he would be an upstanding family man, this emotional appeal from his wife vividly linked him to the conventional role. Likewise, Congress exempted LE from the law after he was ordered deported following his conviction for aiding in drug smuggling – he could not avoid deportation after failing to receive a pardon for that crime. In his petition, he successfully argued that he would not be able to earn enough in Italy to

36. H.Rep. 81-1896 (1950).
37. H.Rep. 81-2400 (1950).
38. Hardship constitutes a justification for providing administrative relief from deportation or waiving disqualification for admission in the current statute, which authorizes the Attorney General to provide such relief; Immigration and Nationality Act, §240A(b)(1)(D), 8 USC, §1229b and §212(h)(1)(B), 8 USC, §1182.
39. H.Rep. 81-1764 (1950).

support his wife and niece who would remain in the US and who depended on him.[40]

Other men made use of the patriarchal role to bolster support for petitions for family members stuck outside of the US. KH petitioned his Representative for a bill to allow his fiancée and son to join him in the US from Germany where the quota was oversubscribed. He could have avoided the process if he went to Germany and married his fiancée, but he could not afford to do so.[41] Likewise, after returning to the US and securing employment, SC was in a position to support the family he abandoned in Italy. The family was impoverished; in fact, his four-year-old child had been living in a convent. Because he had not married OD, she and the child were not eligible for a nonquota visa and would have to wait years.[42] The bills granted in these cases endorsed the idea of male responsibility for the family's support and family unification with the patriarch.

The notion of male responsibility for family support even worked to dispel fear of possible homosexuality. PC petitioned to avoid deportation on the grounds that prior to his entry into the US from Ireland he was convicted of attempted buggery and was diagnosed with psychopathic inferiority. Friends of his from his church attested to his reputation as a good father, husband, and provider, and thereby helped him remain in the country.[43] At least one interpretation of his successful petition is that his assumption of a conventional family role negated his connection to homosexuality, a status that was criminally punishable, socially unacceptable, and a basis for exclusion.

Was gender-role conformity important for women who were negatively affected by immigration laws? SL, a native of Poland who had become a naturalized citizen of Canada and subsequently lost her Canadian citizenship by living in the US, and was therefore stateless, was attempting to avoid deportation to Poland. She had entered the US illegally in 1937, and this offense apparently was the only affirmative act that made her deportable. Her husband abandoned her in Buffalo, New York with her youngest child, a US citizen by birth. She had two other children who were living in an orphanage in Newark, New Jersey. SL worked as a machine operator earning $50 per week. Although a number of supporters attested to her good moral character, her petition stalled in the Senate subcommittee.[44] Barring other circumstances omitted from the report, SL had

40. H.Rep. 81-473 (1949).
41. H.Rep. 81-1998 (1950).
42. H.Rep. 81-2632 (1950).
43. H.Rep. 81-1751 (1950).
44. H.Rep. 81-26 (1949). The bill passed the House, then stalled in the Senate. From the legislative record, one cannot discern whether or not she was deported. It is possible that she remained in the US, if so one possible explanation that SL's petition did not get out of the Senate

not offended immigration laws any worse than the aliens SM, GW, and FG, described above, whose petitions were granted. Is it then possible that the Senate Committee thought that, without the support of her husband, she was at risk of becoming a public charge, or that her position as the family's economic provider made her ill-suited for membership of the American community? Indeed, the fact that two of her children were living in an orphanage might have suggested that she was incapable of taking care of her family financially and that she had abandoned her proper maternal role. But, deporting her to a country from which she fled and renounced citizenship seems cruel when her only infraction was to enter the US illegally. SL's situation is puzzling, especially because she had been a long-term resident in the US. Taking the bare facts presented in the petition, her request is similar to the other petitioners described above, except for the fact that SL's circumstances do not fit within the traditional notion of family. She has no husband who can take care of her and the children, and since she is working and has had to give up the care of two of her children, she does not fit the model of a good mother.

In contrast to SL, AIF was a war bride from Ireland who was barred from entry because of her criminal past over the fifteen years preceding her entry. Before her marriage in 1945 to HF, a US citizen, she was convicted of larceny, prostitution, drunkenness, indecent behavior, and conspiracy to commit robbery. According to the Attorney General's office, she was "regarded by local authorities as being of unqualifiedly bad character". In spite of these disqualifications, her petition succeeded because her American husband claimed to have reformed her and was committed to supporting her financially. Thus, in the US, she would assume a proper role as a housewife.[45]

In addition to overcoming bars to entry based on immigration or criminal violations, petitioners relied on the idea of male breadwinner to persuade Congress to enact bills that overcame race-based restrictions. AC, a British subject from Jamaica, had previously entered temporarily under special legislation to perform farm work, and while he was in the US he married FF. They had two children before he was required to return to Jamaica. AC was unable to return to the US because he was of Chinese ancestry and therefore was ineligible to enter under the provision granting nonquota status to spouses of citizens. Instead, he had to wait for a visa to become available under the heavily oversubscribed quota for Chinese. AC was a successful petitioner, in part because of the fact that he would assume a traditional role as head of household. Mrs C had four children from a previous marriage and was struggling to take care of the family; AC could

committee is that the INS reconsidered, and she was adjusted as a Canadian instead of having to wait for a visa to become available under the Polish quota.

45. H.Rep. 81-1696 (1950).

not earn enough in Jamaica to adequately care for the family, and the petition presented evidence that she had received welfare. Moreover, if AC were allowed to immigrate, his former employer would hire him permanently.[46] His ability to assume the role of patriarch meant that his family would not have to rely on government assistance for its survival. Significantly, approval of his bill also tacitly approved an interracial marriage, a relationship that was still illegal in nearly half of the US.[47]

Women excluded by their race were also able to make successful claims for family unity by emphasizing their traditional position in the nuclear family. One war bride from Japan, MN, had skills that enabled her to work as typist in Osaka. But, highlighted on her petition was the fact that to prepare her for life in the US, she agreed to take sewing lessons.[48] She offered this evidence to support the notion that she was going to assume a role of homemaker in the US.

The petitions that sought to overcome racial restrictions also illustrate a complicated relationship between culture and family. The family is a site of cultural assimilation and the individual's family role is a determining factor of cultural assimilation. Many of the racially ineligible war brides indicated their assimilability by demonstrating their adaptation to American-style homemaking. MM was a Japanese fiancée of an honorably discharged veteran. She, like many other war brides from occupied Japan, received on-the-job training in "American ways" by working as a domestic worker in the homes of officers and missionaries. Additionally, in homes, and at war brides' schools run by the Red Cross in cooperation with the Army, the Japanese wives of soldiers learned how to use a vacuum cleaner, toaster, coffee maker, sandwich grill, to bake pies, to use cosmetics, to walk in high-heeled shoes, and to care for a baby.[49] The missionary who employed MM wrote in her support, "She has grasped countless ideas that we feel are necessary in looking toward a future home in America as an American homemaker." Her future husband also reported that the missionaries informed him that "she has done well with them and has learned many modern methods of cooking".[50]

A number of petitions emphasized the beneficiary's efforts at cultural assimilation through language lessons and religious conversion. Military officials who had the obligation to deny permission to soldiers wanting

46. H.Rep. 81-2507 (1950).

47. David H. Fowler, *Northern Attitudes Towards Interracial Marriage: Legislation and Public Opinion in the Middle Atlantic and the States of the Old Northwest, 1780–1930* (New York, 1987), pp. 339–439.

48. H.Rep. 81-1714 (1950)

49. Motion Picture NWDNM(m)-111-LC-30177; "Japanese War Brides School, Tokyo, Japan", June 1952; Record Group 111; National Archives Motion Picture, Sound, and Video Branch (College Park).

50. H.Rep. 81-1587 (1950).

to marry Japanese women often did so on the basis of potential marital difficulties arising from language and religious differences. A petitioner could provide evidence of a sound marital relationship, and one where the man was in control, when he could demonstrate his wife's willingness to learn English. For example, RK explained to Congressman Wilson of Texas, "She could only speak a few words of English when I first met her, so most of our conversation came out of an English–Japanese dictionary. However, she now has a good working knowledge of English and is improving every day."[51] The accusations of heathenism so prominent in the anti-Chinese/Asian rhetoric in the latter half of the nineteenth century, and continuing through the war, created a setting in which American-ness could be established by religious conversion.[52] Many supporters lauded the fact that the beneficiary had adopted Western religion, hinting that conversion also strengthened marriage. LJ glorified his wife's commitment to Christianity and how her commitment had renewed his faith. In his letter to Congressman O'Konski to obtain a bill for his wife he asked, "What more [...] could America desire in a prospective citizen than one who has done so much to inspire one of her citizens and soldiers toward higher ideals and to better himself and be an asset to his country?" He describes KJ as an

> [...] outstanding girl of the highest ideals and principles, having been raised a Christian girl and a regular attendant at a Christian Church since childhood, always maintaining a most strict and serious view of the church and its teachings, always eager to learn more of the Christian way of life and live her own life accordingly.[53]

Similarly, TR's parents wrote in support of the petition for his Japanese fiancée, stressing, "One reason we particularly like this girl is that she is studying to become a Catholic, and our son had fallen away from the church; now she has him returning to the church, for which we are ever grateful to her."[54] Many other war bride petitions attest to the beneficiaries' good moral character based on their having adopted Christianity.[55] In these cases involving cultural conformity exhibited through language training and religious conversion, the petitions present women as devoted homemakers, perhaps to dispel any stereotypical perceptions of Asian women and of how they might raise the next generation.

51. H.Rep. 81-2101 (1950).
52. Motion Picture NWDNM(m)-111-LC-30178; "Japanese War Brides School, Tokyo, Japan", June 1952; Record Group 111; National Archives Motion Picture, Sound, and Video Branch (College Park).
53. H.Rep. 81-2652 (1950).
54. H.Rep. 81-1942 (1950).
55. See, e.g., H.Rep. 81-1491 (1950); H.Rep. 81-2455 (1950); H.Rep. 81-2505 (1950).

Family relationships were important to gain preferences under the immigration laws, but were not required. Additionally, a family relationship alone would not guarantee entry into the American community, especially where the party seeking to join the community was disqualified by race or past illegal activity. However, the petitions discussed in this section illustrate that chances for membership in the American community were enhanced by membership in a particular kind of family, that is, a heterosexual, nuclear family. And, a petitioner could boost his or her chances by highlighting the ways that the petitioner would functionally and culturally fit into his or her appropriate role. This sort of belonging to a nuclear family made many of the petitioners seem more like acceptable Americans. Plus, the presence of a nuclear family enabled the government to assume that the individual admitted would not be an economic burden on the government. The family stands in to resolve financial concerns and renders racial difference invisible and as a result, banishment from the US seemed too harsh and resulted in bestowal of the immigration benefits sought.

THE HERO'S REWARD

Difference formed the basis for the negative consequences required by immigration law, and when petitioners did not have a family relationship to erase their difference, they attempted to hide the issue of their foreignness by highlighting extraordinary deeds that qualified the aliens as acceptable members of the American community. The petitioners appealed to Congress's postwar sense of American superiority and hostility toward growing totalitarian regimes. The political atmosphere in the US was one in which American democracy was pitted against creeping communism and created faith in those who would protect American democratic ideals. Petitioners created their sense of worthiness by stressing past military deeds or dangerous actions that assisted US military efforts. The petitions based on these heroic deeds fall into three categories that incrementally expand the benefit. The narrowest group of claimants is that which seeks a direct benefit; the next category extends the benefit to the close relatives of people who demonstrated worthy conduct; and related to those bills are the petitions that claim entitlement to the private bills for a foreign relative because the American earned it. Put another way, the latter two categories bestow the immigration benefit to another person in the first instance to show appreciation for worthy conduct, and in the second instance because the petitioner expects it as a reward.

As Congress acted favorably for the M family, discussed earlier, so it acted similarly on numerous petitions for foreigners who risked their lives in support of the US. Other examples include WO's petition, which sought

to get around the residence requirement for naturalization in order to qualify him for employment with the US military. He was a Polish citizen who rendered meritorious service to the US government, in part as Commander-in-Chief of the Polish armies in England, whence he had fled.[56] And MSH provided assistance to American POWs and, upon being caught by the Japanese, was "subjected to extreme cruelty". In support of her petition to avoid deportation a supporter wrote, "her past experience in the Philippines has given her a greater appreciation of the values of Americanism and the ideals for which this country stands, preparing her to be a far more valuable citizen than most of us who have been fortunate to have American birthright".[57] Likewise, FL was a long-term resident from Germany who had been ordered deported for larceny and petitioned Congress for relief from deportation. During the war, FL had been arrested as an enemy alien. According to the commander of the internment camp, he volunteered to work on the construction of US Army target ranges, was repeatedly given jobs of trust and responsibility involving the protection of ammunition cars, and was marked as a traitor by other internees, who stoned his hut and threatened him with death for his pro-American activities.[58]

Petitioners did not have to risk their lives to demonstrate their attachment to American ideals. Like SSS, other petitioners established their credentials merely by exhibiting a strong work ethic. She had entered the US to study and, even though unauthorized to work, she got a job in a clinical laboratory. Co-workers and other members of her community who supported her petition wrote of her industriousness, loyalty to her employers, and conscientious work habits. The supporters presented these qualities as key characteristics of an American citizen.[59] Individual merit was at the center of these petitions, but the goodwill created by the aliens' meritorious conduct did not extend any further than that individual beneficiary.

However, Congress also extended the benefits to relatives of US citizens who likewise demonstrated attachment to American principles of freedom and democracy through honorable military service. Many of these petitions barely mention the beneficiary, and instead focus on the US citizen who would also benefit from a favorable disposition of the private bill. And even though time constraints and long distance likely contributed to the absence of information about the alien, Congress nevertheless enacted bills based solely on the reputation of a US citizen. One of these petitions indicates only that YT "is the Japanese wife of" RT "an American

56. H.Rep. 81-550 (1949).
57. H.Rep. 81-1825 (1950).
58. H.Rep. 81-476 (1949).
59. H.Rep. 81-702 (1949).

citizen and honorably discharged veteran of World War II". Letters of support from two of his friends attest to his "good qualities" but say nothing about her qualities.[60] Congressman Willis of Louisiana sponsored a petition for NH. In the report, he mentions the beneficiary's name and the fact that she is married to TJH, with whom he is acquainted by way of TJH's parents. The strength of character in this petition belongs to TJH's father who Willis describes as a veteran of World War I and an active participant in local civic functions.[61] DO petitioned for an entry visa for his fiancée through a lawyer who wrote,

> While I do not know this young man personally, we served in the Intelligence Service in Alaska together during the same period. My interest in the case stems from the fact that I commanded several hundred Nisei interpreters, interrogators and translators and would like to repay in a small way the devotion which they showed their country during the war.[62]

These and other petitioners benefited from the desire of the subcommittee to expedite the petitions for war brides and fiancées in a way that enabled the aliens to rely on their association with another person's reputation. This reliance made the enactment of these bills more like rewards for meritorious service to the country and ignored the character of the beneficiaries of the bills.[63]

In the process of approving many of these bills, the petitioners and Congress ignored the facts that the beneficiaries were hindered by a legal rule defining them as outsiders. But, other petitioners challenged the rules that, for most of US history, have made gender and race central to determining citizenship in the US.[64] These petitioners used their status as deserving war heroes to question the hypocrisy of American immigration policies. The petitions expressed shock at the blunt racism and evoked a sense of entitlement to better treatment. In one case, WH, a corporal stationed with the Army occupation forces in Japan, expressed this conviction in his petition for his wife and son who were barred from entry.

> I am placed in this position because the immigration laws of the United States, which permit the entry of wives of Americans from almost every other country, exclude Japanese wives on a purely discriminatory basis, simply because they are Japanese. In recent years, the oriental exclusion laws have been changed to admit Chinese, Indians, and Filipinos to the United States, and to continue to apply this racially discriminatory law to Japanese causes the United States and its

60. H.Rep. 81-1824 (1950).
61. H.Rep. 81-1591 (1950).
62. H.Rep. 81-2413 (1950).
63. H.Rep. 81-1678 (1950).
64. Ian F. Haney López, *White by Law: The Legal Construction of Race* (New York, 1996), pp. 37–47.

> conception of democracy to lose stature in the eyes of the Japanese people, to whom we are supposedly teaching democracy.[65]

Corporal RF also wanted his wife and son to move to the US with him when he returned from duty in Japan. He provided some indication of the reaction to regulations that prevented him from bringing his family home when he wrote, "My three sisters are getting pretty mad about the way the Army is doing this and the way I look at it my citizen's rights are to let me marry who I want to."[66] DO summed up the liberal, colorblind ideology he felt was being trampled upon when he stated, "I realize that I will have problems and difficulties that would not arise if I married an American girl. I can only say that all I have is my faith and trust in God, myself, and people who believe that an individual is an individual regardless of color."[67]

Veterans like DO expanded the way the deserving war-hero justification worked. They were able both to make a claim for an immigration benefit for their family members and to criticize the government's practice of unequal treatment. However, the criticism had its own problems. Ironically, at the same time that he expresses this ideology, DO's statement reflects an underlying presumption about the race of "American girls". DO and others betray the underlying racist presumptions in the process of expressing their dismay or frustration with the discriminatory rules. Although the petitioners' confrontation with discrimination that results in their indignation over the law's mistreatment of people uncovered the privileging of their whiteness, the petitioners presuppose the standard of comparison against which the beneficiaries should be measured is racially white and culturally Western. One petitioner pointed out his wife's "Caucasian appearance" and use of a European last name in an effort to distinguish her from among the racially ineligible.[68] Others offered a similar sentiment. An army officer and his wife adopted a five-month-old baby and, as if to reinforce the strength of their bond with the child, state that "she has no facial or physical oriental characteristics and persons who do not know her background believe that she is our own flesh and blood".[69] Another petition illustrates the illogicality of the race exclusion, but instead of countering the underlying presumption about Asian racial inferiority, suggests that someone can overcome that inferiority. GP, who was a French citizen born in China to a French father and Japanese mother, was not allowed into the country with her husband and child on account of her race. Her sponsor argued "Mrs P is considered an Asiatic by birth, yet

65. H.Rep. 81-2648 (1950).
66. H.Rep. 81-2549 (1950).
67. H.Rep. 81-1630 (1950).
68. H.Rep. 81-1938 (1950).
69. H.Rep. 81-1850 (1950).

her paternal ancestry, education, customs, habits, domicile, citizenship and her entire background are all French."[70]

That these petitions try to discount the beneficiaries' race is not to say that the petitioners harbor intolerance or ill will towards people because of race, rather their statements reflect a presumption of a standard of white racial superiority. Indeed supporters of the petitions tried to distinguish themselves by flaunting their progressive outlook. One parent of a petitioner for his future daughter-in-law, who wanted to prove she would be joining a broadminded family, stated, "My wife was a good friend of a Japanese girl when in high school and I spent quite a bit of time in the South Pacific. So I'm sure we will get along swell."[71]

Other petitions at once pronounce and attempt to take advantage of the perception that America has a more hospitable climate with respect to race. This position seems ironic, given the *de jure* discrimination in the law the petitioners are trying to get around, and that the petitions seem to make a backhanded criticism of racism in other countries. CDJ petitioned for his half-English and half-Japanese fiancée's entry. The petitioner states "that because of her appearance and inability to speak fluent Japanese, she has never been accepted by the Japanese people as one of them, but rather has always been considered a foreigner".[72] Y and MM are the wife and daughter of an honorably discharged white veteran. In support of their petition to bring the baby to the US from Japan, a sponsor declares, "Because of her paternal heritage it is only just that the child should have every opportunity to grow up in America."[73] In a case involving a half-Korean and half-white infant adopted by an American couple in Korea, the baby's adoptive father describes her as "obviously an American child". He goes on to mention "that a white illegitimate child will suffer a horrible existence if it should be required to live its life among the Koreans. Its lack of conformity to the Korean racial characteristics immediately indicate its illegitimacy and it will literally suffer hell through life here".[74]

Nevertheless, the petitions also express an optimism, or romanticism, about the democratic ideals of America. Revealing the attitudes of a nation wanting to demonstrate an ideology free of race distinctions, SA's future

70. H.Rep. 81-2012 (1950).
71. H.Rep. 81-2421 (1950).
72. H.Rep. 81-1588 (1950).
73. H.Rep. 81-2553 (1950).
74. H.Rep. 81-2801 (1950). This petitioner refuses to acknowledge as a problem the role that he and his wife had in removing the child from the Korean couple who was raising the baby. The couple lost the baby because they were poor and they had approached the consulate seeking financial assistance to buy milk. The consulate, remembering the excellent care that Mrs S had provided another orphan, took the baby, in spite of the couple's reluctance to give her up. Pointing out the couple's role is not meant to discount the problems that mixed-race children of GIs faced.

father-in-law writes, "She has good charms, and dresses very well and has poise and appearance that anyone will take her as a 'Nisei' or second generation Japanese-American." Although his tone suggests xenophobia, he nevertheless seems to have elevated Japanese Americans over Japanese nationals.[75] In another petition, an occupation-army colonel in Japan writes to support one of his civilian employees who is trying to get a visa for his Japanese fiancée. He comments favorably on the young woman's character and then offers, "There is a good deal of publicity on the democratization of Japan; I know of no more impressive, practical test that liberality in American legislative or administrative channels to contribute [sic] to the personal happiness of a deserving war veteran."[76]

The petitions examined in this section honored individuals and at the same time endorsed and thereby helped to secure American democratic ideals and interests. War veterans epitomized the sense of attachment to the United States and to American ideals, and this status enabled them to criticize forcefully legal inequities based on race. Rather than making a case based on the benefits of diversity, the petitioners here erased difference by arguing that the American democratic principles that they had defended necessitated the construing of race as irrelevant.

CONCLUSION

Even though most of the petitioners in the post-World-War-II period were seeking something less than formal US citizenship, the petitioners and the members of Congress hearing their requests sometimes approached the petitions assuming that citizenship would be the ultimate goal. At the same time, the stakes involved in these individual requests were high; meaning that the petitioners felt they had a lot to lose if Congress denied their requests for relief. Thus, to increase their chances of success, they had to package their stories into a normative conception of citizenship.

At the time, political theorists, most prominently T.H. Marshall, were conceiving citizenship as a bundle of rights.[77] Full membership in society meant guaranteed access to civil, political, and social rights. A liberal democratic political community enabled people in the nation to access these rights. Accordingly, citizenship was conceived as a status based on rights, not on racial identity. And for a nation such as the United States, that believed its identity was centered on the notions of freedom and equality, the justifications for limiting access to this conception of

75. H.Rep. 81-1914 (1950).
76. H.Rep. 81-2207 (1950).
77. Will Kymlicka and Wayne Norman, "Return of the Citizen: A Survey of Recent Work on Citizenship Theory", *Ethics,* 104 (1994), pp. 352–381.

citizenship were problematic. The US citizens making claims to benefit their noncitizen family members thus had a strong argument.

Nevertheless, the law compelled the petitioners to do more than appeal to liberal sensibilities, and the contents of the private immigration bill-petitions show that the petitioners did go beyond substantiating an unjust limitation on access to citizenship status or immigration benefits. In addition to appealing to liberal ideals, they had to establish their worthiness for legal acceptance in the American community. By so doing, the petitioners masked the very characteristics they were trying to get Americans to accept. Consequently, instead of presuming that social rights would become available to the petitioners with their acceptance into the American community, the petitions demonstrated an individual responsibility that obviated the need for social rights. For example, petitioners like FG obtained relief from deportation by demonstrating economic self-reliance for their families.[78] And war bride petitions established the brides' dependence and reliance on their husbands in a suitably patriarchal social structure, where husbands took responsibility for wives' welfare. By declaring that aliens conformed to American religious, cultural, and (white) racial norms, the petitions also moderated the potential claims to civil rights.

Furthermore, the family represented and was a site of reinforcement of the petitioners' claims to assimilation. By portraying themselves as conforming to the notions of economic self-reliance and "American" cultural patterns, the petitioners did not threaten to taint or alter American citizenry. Instead, the petitions forecasted the beneficiaries to be ideal members of the American community, aliens whose identity would shift to America and who would embrace full membership. Paradoxically, in so doing, the alien petitioners simultaneously embody the attributes of American citizens and contribute to the conception of citizenship as distinct from membership in the American community.

The beneficiaries of the bills are aliens who technically do not have a representative in government. In a democracy, this lack of representation exemplifies noncitizen status. Thus the private bill petitions, while coming from "the people" and having some benefit for a citizen or would-be-citizen, are really about the potential citizen. The representation and acceptance of these potential citizens into American society nominally symbolizes a gradual "incorporation of previously excluded groups",[79] but that acceptance comes at the cost of obscuring their differences. Any subsequent deviation from the publicly declared American identity

78. H.Rep. 81-1764 (1950).

79. Linda Bosniak, "Universal Citizenship and the Problem of Alienage", *Northwestern University Law Review*, 94 (2000), pp. 963–982.

reinscribes outsider status on the petitioners, as well as on anyone else who might deviate from the norm.

Undoubtedly, there were many progressive attitudes behind, and positive effects arising from the private bill petitions. From a humanitarian perspective alone, the relief granted by the thousands of private bill petitions had positive effects on many more lives than were represented by the petitions. Additionally, the petitions had an impact on the revision of US immigration laws, by illuminating particular problems with race restrictions, which ultimately resulted in their elimination. But by disguising racial difference and by sanctioning the model nuclear family, the petitions illustrate the way that "progressive" social change is not so clearly progressive.