

WITHDRAWAL SHEET

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Date: 3/27/04

DOCUMENT NO. & TYPE	SUBJECT/TITLE	DATE	RESTRICTION
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1. Memo	For V.P, Chief of Staff, et al., from Abner Mikva Re: Chinese Immigration Litigation, 1p	12/7/94	P5
2. Memo	For V.P., DPC, NSC, Office of Comm. From Bernard Nussbaum, Clifford Sloan, Marvin Krislov re: Chinese Immigration Legislation, 4p	12/20/93	P5
3. Memo	For POTUS from V.P. re: Chinese Smuggling, 3p	nd	P5
4. Memo	For Carol Rasco from Donsia Strong re: Chinese Migrant Smuggling, 3p	5/17/93	P5

RESTRICTIONS

P1 National security classified information [(a)(1) of the PRA].

P2 Relating to appointment to Federal office [(a)(2) of the PRA].

P3 Release would violate a Federal statute [(a)(3) of the PRA].

P4 Release would disclose trade secrets or confidential commercial or financial information [(a)(4) of the PRA].

P5 Release would disclose confidential advice between the President and his advisors, or between such advisors [(a)(5) of the PRA].

P6 Release would constitute a clearly unwarranted invasion of personal privacy [(a)(6) of the PRA].

C. Closed in accordance with restrictions contained in donor's deed of gift.

B1 National security classified information [(b)(1) of the FOIA].

B2 Release could disclose internal personnel rules and practices of an agency [(b)(2) of the FOIA].

B3 Release would violate a Federal statute [(b)(3) of the FOIA].

B4 Release would disclose trade secrets or confidential commercial financial information [(b)(4) of the FOIA].

B6 Release would constitute a clearly unwarranted invasion of personal privacy [(b)(6) of the FOIA].

B7 Release would disclose information compiled for law enforcement purposes [(b)(7) of the FOIA].

B8 Release would disclose information concerning the regulation of financial institutions [(b)(9) of the FOIA].

B9 Release would disclose geological or geophysical information concerning wells [(b)(9) of the FOIA].

THIS FORM MARKS THE FILE LOCATION OF ITEM NUMBER 1
LISTED IN THE WITHDRAWAL SHEET AT THE FRONT OF THIS FOLDER.

UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

YANG YOU YI, : CIVIL ACTION NO. 1:CV-93-1702
Petitioner :

v. :

RICHARD SHARKEY, District Counsel :
of the United States Immigration :
and Naturalization Service, :
Philadelphia District; and DAVID :
L. MILHOLLEN, Director of the :
Executive Office for Immigration :
Review and Chairman of the :
Board of Immigration Appeals, :
Respondents :

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BONG WON YEE, : CIVIL ACTION NO. 1:CV-93-1703
(Better Translation: Yi, Bo-Wen) :
Petitioner :

v. :

RICHARD SHARKEY, District Counsel :
of the United States Immigration :
and Naturalization Service, :
Philadelphia District; and DAVID :
L. MILHOLLEN, Director of the :
Executive Office for Immigration :
Review and Chairman of the :
Board of Immigration Appeals, :
Respondents :

REQUEST FOR PRODUCTION OF DOCUMENTS

COMES NOW, the Petitioners, Yi, Bo-Wen and Yang, You Yi, requesting of the United States the production of documents enumerated below. Pursuant to Rule 34 of the Federal Rules of Civil Procedure, you are hereby requested to produce for inspection and copying the following documents and things at the law offices of Barley, Snyder, Senft & Cohen, 100 East Market Street, York, Pennsylvania 17401, within thirty (30) days of the date of service hereof and supplemented thereafter in accordance with the rules.

39-63-87.05

A. INSTRUCTIONS

1. If you object to the production of any document on the grounds that the attorney-client, attorney work-product or any other privilege is applicable thereto, you shall, with respect to that document:

- (a) State its date;
- (b) Identify its author;
- (c) Identify each person who prepared or participated in the preparation of the document;
- (d) Identify each person who received it;
- (e) Identify each person from whom the document was received;
- (f) State the present location of the document and all copies thereof;
- (g) Identify each person who has ever had possession, custody or control of it or a copy thereof; and
- (h) Provide sufficient information concerning the document and the circumstances thereof to explain the claim of privilege and to permit the adjudication of the propriety of that claim.

2. Where documents in the possession of a party are requested, such request includes knowledge, information, or documents in the possession of the party's agent, subordinates, representatives, or attorneys to the extent it is not privileged at law.

3. If any document was, but no longer is, in your possession or subject to your control, state what disposition has

been made of it and to whom any copies were provided prior to its disposition.

B. DEFINITIONS

1. "DOCUMENT": The term "document" means any written, printed, typed, or other graphic matter of any kind or nature, however produced or reproduced, whether sent or received or neither, including drafts and copies bearing notations or marks not found on the original, and includes, but is not limited to:

(a) All contracts, agreements, representations, warranties, certificates, opinions;

(b) All letters or other forms of correspondence or communication, including envelopes, notes, telegrams, cables, telex messages, electronic mail, messages (including reports, notes, notations and memoranda of or relating to telephone conversations or conferences);

(c) All memoranda, reports, notes, transcripts, tabulations, studies, analyses, evaluations, projections, work papers, or copies thereof, lists, comparisons, questionnaires, survey, charts, graphs, summaries, extracts, statistical records, compilations;

(d) All desk calendars, appointment books, diaries;

(e) All books, articles, press releases, newspapers, booklets, circulars, bulletins, notices, instructions, manuals;

(f) All minutes or transcripts of all meetings;

(g) All photographs, microfilms, tapes or other records, punch cards, magnetic tapes, discs, data cells, drums, print-outs, software and other data compilations from which information can be obtained.

2. "COMMUNICATION": The term "communication" means not only oral communications but also any "documents" (as such term is defined in Paragraph I above), whether or not such document or the information contained therein was transmitted by its author to any other person.

3. "IDENTIFY", "IDENTITY" or "IDENTIFICATION":

(a) When used in reference to a natural person, the terms "identify", "identity" or "identification" mean to provide the following information:

(i) full name;

(ii) present or last known business and residence address;

(iii) present or last known business affiliation;
and,

(iv) present or last known business position (including job title and description of job functions, duties and responsibilities).

(b) When used with reference to any entity other than a natural person, state:

(i) its full name;

(ii) the address of its principal place of business;

(iii) the jurisdiction under the laws of which it has been organized or incorporated and the date of such organization or incorporation;

(iv) the identity of all individuals who acted and/or who authorized another to act on its behalf in connection with the matters referred to;

(iii) its subject matter and substance;

(iv) the identity (as defined in Paragraph III(A) hereof) of each person who performed any function or had any role in connection therewith or who has any knowledge thereof together with a description of each such person's function, role, or knowledge; and

(v) the identity (as defined in Paragraph III(B) hereof) of each document which refers thereto or which was used, referred to or prepared in the course or as a result thereof.

4. "DESCRIBE" or "DESCRIPTION":

(a) When used with respect to any act, action, accounting, activity, audit, practice, process, occurrence, occasion, course of conduct, happening, negotiation, relationship, scheme, communication, conference, discussion, development, service, transaction, instance, incidence or event, the terms "describe" or "description" mean to provide the following information:

(i) its general nature;

(ii) the time and place thereof;

(iii) a chronological account setting forth each element thereof, what such element consisted of and what transpired as part thereof;

(iv) the identity (as defined in Paragraph III(A) hereof) of each person who performed any function or had any role in connection therewith (i.e., speaker, participant, contributor or information, witness, etc.) or who has any knowledge thereof together with a

description of each such person's function, role or knowledge;

(v) the identity (as defined in Paragraph III(B) hereof) of each document which refers thereto or which was used, referred to or prepared in the course or as a result thereof; and

(vi) the identity (as defined in Paragraph III(C) hereof) of each oral communication which was a part thereof or referred thereto.

(b) When used in connection with any calculation or computation, the terms "describe" or "description" mean to provide the following information:

(i) an explanation of its meaning (including the nature, source and meaning of each component part thereof);

(ii) an explanation of the manner in which it was derived;

(iii) the identity (as defined in Paragraph III(A) hereof) of each person who performed any function;

(iv) the identity (as defined in Paragraph III(B) hereof) which refers thereto or which was used, referred to or prepared in the course or as a result thereof; and

(v) the identity (as defined in Paragraph III(C) hereof) of each oral communication which occurred in the course of the preparation thereof or which referred thereto.

5. "RELATES TO" or "THERETO": The terms "relates to" or "thereto", "relating to" when used in connection with any act,

action, activity, accounting, practice, process, occurrence, occasion, course of conduct, contractual provision or document, happening, relationship, scheme, conference, discussion, development, service, instance, incident, event, etc., means used or occurring or referred to in the preparation therefore, or in the course thereof, or as a consequence thereof, or referring thereto.

6. "PERSON": The term "person" means all natural persons, corporations, partnerships or other business associations, public authorities, municipal corporations, state governments, local governments, all governmental bodies, and all other legal entities.

7. "YOU" or "YOUR": The term "you" or "your" appears herein and whenever the designation of the party served with this Request for Production of Documents appears herein and whenever any person or entity is referred to herein such word, designation, person or entity shall be construed to mean not only the party served with these Requests, other person or entity in his, her, its or their own right, but also his, her, or their agents, servants, workmen, representatives, employees or attorneys. If the party to whom these Requests are addressed is not an individual(s), "your" includes the entire entity, its divisions, its merged or acquired predecessors, its present and former officers, directors, agents, employees and all other persons purporting to act on behalf of its or its predecessors.

For purposes of these Requests the word "REPRESENTATIVE" includes the attorney for the party and any consultant, surety, indemnitor, insurer, agent, adjuster or investigator for the party or the party's insurer.

8. "POSSESSION", "CUSTODY" or "CONTROL": The term "possession", "custody" or "control" includes the joint or several possession, custody or control not only by the party to whom the request is directed, but also by each and any person acting or purporting to act in concert with or on behalf of said party whether as an employee, attorney, accountant or otherwise.

9. "STATEMENT": The word "statement" includes a written statement signed or otherwise adopted or approved by the person making it. It also includes a stenographic, mechanical, electrical or other recording or a transcription thereof which is a substantially verbatim recital of an oral statement by the person making it and contemporaneously recorded.

10. "WHITE HOUSE": White House includes the President of the United States, the Vice President of the United States, their personal staff and advisors, the Office of the General Counsel of the White House, the National Security Council, the White House Press Office, and any spokespersons, advisors, or employees operating under the organizational designation of the Executive Office of the President or the "White House."

11. "EXECUTIVE OFFICE OF IMMIGRATION REVIEW (EOIR)": Includes the Executive Office of Immigration Review as a governmental agency along with its component agencies, the Board of Immigration Appeals, and the Office(s) of the Immigration Judge.

12. "IMMIGRATION JUDGE": Refers to the particular Immigration Judge adjudicating petitioner's asylum application.

13. "IMMIGRATION JUDGES (PLURAL)": Includes all Immigration Judges who conducted exclusionary hearings for Chinese

nationals who arrived aboard the ship Golden Venture on June 6, 1993.

14. "ILLEGAL CHINESE IMMIGRANTS": Chinese nationals from the Peoples Republic of China who arrive in the United States without proper travel documents, visas, or passports as required under United States law.

15. "U. S. GOVERNMENT DOCUMENTS": any document authorized, created, or generated by an employee of the United States Government or existing within the possession of a United States Government employee.

The documents requested are as follows:

1. All U. S. Government documents created after May 1, 1993, which direct, encourage, or order that illegal Chinese immigrants will be maintained in confinement pending the resolution of their asylum applications.

2. All U. S. Government documents directing the Executive Office of Immigration Review and/or the Immigration Judges to expedite the asylum hearings for the Chinese nationals who arrived in the United States aboard the Golden Venture on June 6, 1993.

3. All documents in the possession of the EOIR, Board of Immigration Appeals (hereinafter BIA), or Immigration Judges after June 5, 1993, stating the policy goal of the U. S. Government to discourage or deter smugglers and Chinese nationals from seeking illegal entry into the United States by deporting illegal Chinese immigrants from the Golden Venture.

4. All U. S. Government documents sent to EOIR, BIA, or the Immigration Judges from any other U. S. Government agency between May 1993 to the present which discusses the political consequences of granting or denying asylum to Chinese asylum seekers.

5. Attached as Exhibit "A" to this request for production of documents is a portion of the exclusion hearing transcript of Shuidi Zheng, A-72-762-025 (a Golden Venture passenger), from a July 20, 1993 asylum hearing conducted by Judge Ira Sandron at the York County Prison. In a statement on page 22 of the transcript, Judge Sandron states "The U. S. Department of Justice and other agencies of the United States Government" have directed the expedited handling of "these matters." At pages 22-23, Judge Sandron also references that the United States has given the Golden Venture cases "priority."

Petitioner requests all U. S. Government documents which communicated to the Immigration Judges that the United States considered the handling of the Golden Venture cases a "priority."

6. All U. S. Government documents which contain references to the granting or denial of continuance requests from attorneys representing asylum applicants from the Golden Venture.

7. All U. S. Government documents created after June 5, 1993 which reveal the terms of an agreement between the United States and the Peoples Republic of China to return illegal Chinese immigrants to the Peoples Republic of China.

8. All documents which were in the possession of the Immigration Judges, Board of Immigration Appeals, or EOIR since June 6, 1993, which state the United States Government's policies

plans, or goals to curb the flow of illegal Chinese immigration into the United States.

9. All U. S. Government documents created since June 6, 1993, stating deadlines or time requirements by which the Immigration Judges or BIA had to rule upon asylum applications and appeals from Chinese asylum applicants.

10. All U. S. Government documents in the possession of the EOIR, BIA, or Office of the Immigration Judges between June 6, 1993 and the present which advocates or encourages a certain number or percentage of Chinese asylum applicants who should receive asylum.

11. All U. S. Government documents created since May 1993 stating the treatment received by Chinese nationals who have been deported to the Peoples Republic of China by the United States or Mexico.

12. All directives, orders, policy guidelines issued by the White House to EOIR, Department of Justice, INS, or Office of the Immigration Judges, regarding the desired processing times for Chinese asylum applications filed after June 1, 1993.

13. Any U. S. Government documents reflecting schedules or "target dates" for deportation of Chinese detainees arriving in the United States since June 6, 1993.

14. All U. S. Government documents distributed or sent to the Office of the Immigration Judges in Baltimore, Maryland, since June 6, 1993, by the White House, Department of State, Office of the Associate Attorney General (Webster Hubbell), Office of the Attorney General, or EOIR, stating procedures to process and/or

adjudicate asylum applications for Chinese asylum applicants from the Golden Venture.

15. All U. S. Government documents since June 6, 1993, sent from the White House to Associate Attorney General Webster Hubbell or Attorney General Janet Reno, directing or encouraging the deportation of the asylum applicants from the Golden Venture.

16. All documents sent since June 6, 1993, from Attorney General Janet Reno's office or the office of Associate Attorney General Webster Hubbell, to the Immigration and Naturalization Service, EOIR, or Office of the Immigration Judges directing or encouraging the deportation of the asylum applicants from the Golden Venture.

17. Any documents in the possession of the Department of State, Department of Justice, Immigration and Naturalization Service, EOIR, National Security Council, White House, or Central Intelligence Agency evidencing or stating that Chinese deportees from the United States have undergone forced sterilizations/forced abortions, imprisonment, re-education through labor, or physical abuse upon their deportation to the PRC since January 1, 1993.

18. All documents in the possession of the Department of State, Department of Justice, INS, White House, or EOIR, discussing or analyzing the impact of national media attention upon the likelihood of persecution to the Golden Venture detainees upon their return to China.

19. All U. S. Government documents reflecting data compilations of the number of asylum grants to the passengers from the Golden Venture versus the number of denials.

20. All U. S. Government documents reflecting the number of grants of asylum versus the number of asylum denials to Chinese asylum applicants from January 1, 1993 to June 5, 1993.

21. All U. S. Government documents reflecting the number of asylum grants versus the number of asylum denials to Chinese asylum applicants from January 1, 1992 to January 31, 1992.

22. On August 21, 1993, the Philadelphia Inquirer (attached) quoted State Department spokesperson, Lynne Platt, as stating that President Clinton had announced a new policy in mid-June designed to stop illegal immigration. Provide all White House, State Department, and INS documents stating the scope and terms of the President's new policy.

23. If the President's new policy to stop illegal immigration was communicated or transmitted to EOIR, BIA, or the Office of the Immigration Judges, provide all documents through which this information was communicated to those agencies.

24. All documents originating within the White House, the Attorney General's Office, the Associate Attorney General's Office (Webster Hubbell), or INS which were communicated to the EOIR or Immigration Judges, which discusses or characterizes the credibility of the asylum applicants from the Golden Venture.

25. Provide a list of all the Immigration Judges and their office addresses who have adjudicated asylum cases in York, Pennsylvania for asylum applicants from the Golden Venture.

26. All documents existing or originating in the INS, EOIR, Department of Justice, or Office of the Immigration Judges, discussing press or public access to the exclusion hearings conducted for the Golden Venture asylum applicants.

27. All documents existing or originating in the INS, EOIR, Department of Justice, or Office of the Immigration Judges, that reflect a goal or intent to limit or exclude press and public access to the Golden Venture exclusionary hearings held at York County Prison or in Baltimore, Maryland between June 6, 1993 and September 3, 1993.

28. All U. S. Government documents reflecting a policy decision to enforce the holding in Matter of Chang, BIA No. 3107 (1989) in asylum cases arising after May 1993.

29. Provide all U. S. Government documents establishing and stating the plan/policy to bring Immigration Judges to York, Pennsylvania from throughout the United States to resolve the asylum petitions for Chinese applicants from the Golden Venture.

30. All U. S. Government documents containing the name of petitioner which have not been previously provided by the INS or State Department.

Respectfully submitted,

Date: November 10, 1993.


Beverly J. Points, Esquire
Attorney for Petitioners
PA Attorney I. D. No. 65892
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York, PA 17405-7012
(717) 846-8888

UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

YANG YOU YI, et al.,
(Pin Lin)

Petitioners

v.

GEORGE MAUGANS, et al,

Respondents

NO. 1: CV-93-1702

SUPPLEMENTAL DISCOVERY REQUEST

COMES NOW, the Plaintiff/Petitioner, Pin Lin, by and through counsel, Stock and Leader, to supplement his request for Discovery upon the United States. The additional material requested in the form of "document" production, as "document" is defined in Plaintiff's original Request for Production of Documents, is as follows:

1. All United States Government documents created since June 1, 1993 proposing or directing the development of an information program to be broadcast/published to or within the Peoples Republic of China by the U. S. Information Agency/Voice of America stating dangers and adverse consequences of seeking illegal immigration to the United States.

2. All U. S. Information Agency/Voice of America documents in which Petitioner's name is used or the comments of Petitioner's counsel are noted or quoted.

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① ②

3. In addition to the actual transcripts or recordings of programs intended for broadcast/publication to or within the Peoples Republic of China, all documents directing the preparation of these programs or which state the policy reasons for production of these programs.

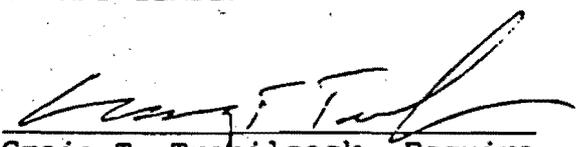
4. All U. S. Information Agency or Voice of America documents in which specific reference to the Golden Venture or its passengers is made.

5. All documents reflecting an agreement between the Peoples Republic of China and the United States for the production and/or broadcast of information programs in or into China (as described in Request #1 above).

Respectfully submitted,

STOCK AND LEADER

Date: 11/30, 1993

BY: 

Craig T. Trebilcock, Esquire
I.D. # 48344
Attorney for Applicant
35 South Duke Street
P. O. Box 5167
York, PA 17405-5167
(717) 846-9800

Attorney for Petitioner

Specifically, but not limited within this request, is the material received by Judge Simonet during 1993's Annual Immigration Judge Convention or meeting, from which Judge Simonet testified at deposition he received materials regarding immigration judge ethics.

3. The memorandum and all attachments issued by Judge Armstrong to subordinate immigration judges regarding the time for processing Chinese smuggled alien cases. (Mr. Hurwitz testified in his deposition that a portion of his June 15, 1993 memorandum to Ms. Coven was distributed by Judge Armstrong to the west coast immigration judges.)

4. All documents presented or received by Gerald Hurwitz during his attendance at or participation in meetings subcommittee meetings of the Border Control Security Group. To the extent Mr. Hurwitz has disposed of any of the documents received at or through these meetings, their production from the original sources are requested. Also requested are all slides, film, or other projections presented at meetings during which Mr. Hurwitz was in attendance. This request includes, but is not limited to, status and operational reports pertaining to Chinese aliens or smuggled aliens which Mr. Hurwitz received or viewed that were created by other federal agencies for the use and consumption of the Border Control Security Group.

5. All written agendas and list of attendees for Border Control Security Group meetings, which were attended by Mr. Hurwitz or any other EOIR personnel. To the extent the United States cannot distinguish which meetings Mr. Hurwitz attended, the agenda for all meetings at which Mr. Hurwitz may have attended are requested.

6. Mr. Hurwitz noted at page 22 of his deposition, that statistics regarding average hearing times for the processing of cases in which an application for asylum (I-589) is filed, are maintained by EOIR. Petitioners request these statistics for 1991, 1992, 1993 and 1994 for both detained and non-detained alien cases. This request specifically seeks; (1) how long case processing took from the filing of the charging document through the immigration judge adjudication and, (2) how long from charging document to BIA disposition.

7. Mr. Hurwitz stated at page 165 of his deposition, that statistics exist within EOIR comparing the asylum grant rates of the Golden Venture cases versus other Chinese cases. All statistical compilations and reports from 1989 to the present reflecting this information are requested. Specifically, all statistical compilations and reports reflecting the asylum grant/denial rates of the Golden Venture cases at the immigration judge and BIA level are requested. All statistical compilations and reports reflecting the asylum grant/denial rates for "smuggled aliens," without distinction as to Golden Venture status, are requested. Asylum grant/ denial rates of non-smuggled Chinese asylum cases before immigration judges and the Board of Immigration Appeals are requested.

8. All progress reports and statistics, sent to the White House from either EOIR or the Department of Justice regarding the processing of Golden Venture cases, or Chinese smuggled alien cases in general, during 1993 and 1994 are demanded.

9. All INS statistics and reports revealing how many passengers from the Golden Venture were released pursuant to the APSO program are demanded.

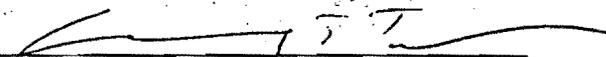
10. Any White House, INS, or DOJ documents reflecting that the APSO program would be suspended or applied differently to the Golden Venture of Chinese smuggled alien cases than other Chinese asylum cases.

11. From 1983 until the present, all U. S. Government regulations, Department of Justice/EOIR policy statements, mission statements, or policy documents revealing or recording the reason for the founding and establishment of EOIR are demanded.

Respectfully submitted on Behalf of
Petitioners' Counsel

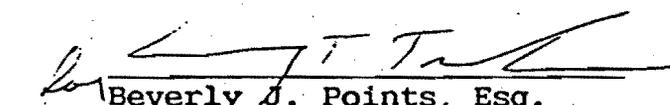
STOCK AND LEADER

Date: 5/27, 1994

BY: 

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