

“OH, WELDON CHAN!
WHERE ARE YOU HIDING?”:

*Sanctuary and Fugitivity in Memory
and Song, 1958 to the Present*

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IN 1961, FOLKSINGER Karen James released a song called “The Ballad of Weldon Chan.” The subject of this work was a man, whose real name was Chan Yue-kew (Chan Yue Kwan), who had travelled to Canada with his wife and daughter in 1958. The family eventually applied for landed immigrant status (permanent residence) but were denied and subsequently ordered deported. Instead of abiding, Weldon Chan went into hiding in November 1959 while his wife Tang Kit Ying and their daughter Alice stayed in Vancouver, located on the unceded territories of the x^wməθk^wəy’əm (Musqueam), Sḵw̓x̓wú7mesh (Squamish), and Səł ílwətaʔ/Selilwitulh (Tsleil-Waututh) Nations. Chan was a fugitive for three and a half years and became the subject of considerable intrigue as news stories questioned the federal government’s handling of his case as well as the inability of members of the Royal Canadian Mounted Police (RCMP) to capture him.

The refrain in “The Ballad of Weldon Chan” captures the more sensational elements of this story:

Oh Weldon Chan! Where are you hiding?
Don’t you know the Mounties always get their man!

* My thanks to the amazing staff at UBC Rare Books and Special Collections for facilitating access to the Wong Foon Sien Fonds and to staff at the Hamilton Public Library for assistance in researching the career of Ellen Fairclough. Additional thanks to Stuart Henderson for assistance in researching the history of “The Ballad of Weldon Chan,” to Laura Ishiguro for helpful thinking around issues of hiding and sanctuary, to Allan Cho of the UBC Library for advice, and to Paige Raibmon for her enthusiastic and generous support in all things. Special thanks to Ashley Kong for her marvelous translations. Additional thanks to the many audiences who have heard me mull over this history, and how to approach it, including James Walker and attendees at “The Future of Historical Studies: A Symposium in Honour of Dr. James W. St. G. Walker,” and students in UBC’s ACAM 300 (Fall 2020). I am also grateful for the careful and generous feedback from the two anonymous reviewers for *BC Studies*.

However, the larger story of immigration exclusion and racism has been lost with the passage of time; the details of the case and Chan's time in hiding have grown dim while the more theatrical, public aspects of the story have endured. Part of this dynamic stems from "The Ballad of Weldon Chan" itself, which has been memorialized in recent years. In 2006, it was included on a Smithsonian Folkways release of classic Canadian folksongs. The album was meant to convey some of Canada's cultural diversity. According to the accompanying descriptor:

Canadian identity was once truly a mosaic – of disparate regions and small communities widely dispersed over a vast and inhospitable landscape. *Classic Canadian Songs from Smithsonian Folkways* showcases the rich musical traditions from generations of European settlers and contrasts with that of Aboriginal peoples fiercely determined to preserve their ways of life in the wake of colonialism and its injustices.¹

The album includes thirty different tracks, featuring songs such as "Les fraises et les framboises," "Cree Greeting Song (The Shaking Hands Song)," "Le reel de l'harmonica," "The Alberta Homesteader," "A Poor Lone Girl in Saskatchewan," "Chanson de Riel," "It's the B'y," "Nootka Farewell Song," and "Moose and Bear Calls." It also features "The Ballad of Weldon Chan," which reviewer Roy MacGregor assesses as "a song you can't get out of your head."² Many of the album tracks have now been made available on YouTube, rendering these songs, including "The Ballad of Weldon Chan," accessible to new generations of listeners.

While "The Ballad of Weldon Chan" has become more readily available, the story of Weldon Chan has not. If anything, over time the historical details have become murkier and harder to parse with clarity. Chan's case was a rare instance of public campaigning around the deportation of an individual Chinese migrant to Canada. His lengthy time in hiding was also extraordinary and proved fascinating to a variety of audiences. Many Chinese in Canada, embroiled in immigration issues of their own, had personal stakes in the outcome of his campaign.³ Others consumed developments with a considerable degree of remove. The result is an archival trail blazed with inaccuracies, over-exaggerations, and sensational representations. This is particularly

¹ <https://folkways.si.edu/classic-canadian-songs-from-folkways/celtic-world/music/album/smithsonian>.

² Roy MacGregor, "From Mounties to Mukluks, Canadian 'Classics' Capture the Tunes of Days Gone By," *Globe and Mail*, 3 January 2007, A2.

³ For a discussion of the Status Adjustment Program, see Patricia Roy, *Triumph of Citizenship: The Japanese and Chinese in Canada, 1941–1967* (Vancouver: UBC Press, 2007), 279–99.

true of contrasting media depictions, which alternately portrayed Chan as an evil, corrupt individual or as a desperate, pathetic father and husband.⁴ The sensational publicity combined with the question of where exactly Chan hid for three and a half years and who helped him makes it difficult to document Chan's time in hiding with any satisfactory level of detail. It remains an intriguing subject of inquiry. However, since the implications of the Chans' case go beyond Weldon Chan's time in sanctuary, this article explores what was at stake in Chan's flight from justice, the manner in which his case was presented and understood by Chinese-language and English-language audiences, and the subsequent production and memorialization of his case in "The Ballad of Weldon Chan."

As this article makes clear, the details of the Chans' case and Weldon Chan's fugitivity are important but so, too, are the ways that their story was instrumentalized in larger agendas of social control, racial justice, and immigration equality. The irony of approaching the Chans' story in this way is not lost, for in seeking to understand the ways that the Chans' case was used in the service of other ambitions, this article is also documenting the case, and its legacy, for particular ends. Most obviously, I am interested in understanding the dynamics that led to the shelter, protection, and general support of a racialized subject whom the government of John G. Diefenbaker, despite an interest in human rights and humanitarianism in other contexts, insisted on excluding.⁵

I am also curious about where sanctuary and fugitivity sat in the public imagination historically, particularly with regard to racialized subjects. Now, at a time when discussions of illegal migration, undocumented migrants, and sanctuary cities are a regular part of the public discourse on citizenship and belonging, it seems more important than ever to consider how these very conversations are born of deliberate structural exclusion in the immigration regimes of white settler societies.⁶ The story of the Chan family, "The Ballad of Weldon Chan," and my own efforts to trace Weldon Chan's time in hiding are part of this work.

⁴ For opposing views, see Alex Young, "Chan Emerges from Hiding to Send His Daughter Doll," *Vancouver Sun*, 21 December 1959, clipping preserved in file 4, box 6, Wong Foon Siem Fonds, UBC Archives; and "Not the Minister," *Hamilton Spectator*, 12 December 1959, from Ellen Fairclough Scrapbook Volume 1, 244 (RB F159), Hamilton Public Library.

⁵ See discussion in Jennifer Tunnicliffe, *Resisting Rights: Canada and the International Bill of Rights, 1947–76* (Vancouver: UBC Press, 2019); Asa McKercher, "Sound and Fury: Diefenbaker, Human Rights, and Canadian Foreign Policy," *Canadian Historical Review* 97, no. 2 (2016): 165–94.

⁶ See contributions in Mary Bosworth, Alpa Parmar, and Yolanda Vázquez, eds., *Race, Criminal Justice and Migration Control* (Oxford: Oxford University Press, 2018).

IN HIDING OR IN SANCTUARY?

For the past few years, I have been tracing the history of sanctuary practices in North America. My research has focused on evolving notions about the nature of sanctuary, recognizing that the substance and form of sanctuary have evolved dramatically since ancient times.⁷ The term “sanctuary” generally refers to the idea of protection and shelter and is most commonly associated with church sanctuary, where customary law and the weight of tradition make such spaces ostensibly safe. Historically, people sought refuge in Christian churches, where they were protected from law enforcement, and there is a general tendency to trace this practice through modern times up until the present day. For example, the 1980s sanctuary movement on behalf of Central American refugees relied on this tradition of sacred refuge to protect people from deportation.⁸ More recently, the idea of sanctuary has been redeployed in the context of sanctuary cities, where an important religious dimension (because providers and advocates often have religious roots) exists alongside the idea of protection in more secular, bureaucratic forms.⁹ In such instances, entire jurisdictions are made safe (in theory) for undocumented migrants so that people can gain access to municipal services without fear of being asked about their citizenship status. Furthermore, in order to discourage unwarranted deportations, municipal authorities agree not to relay certain forms of personal information to federal authorities.

As ongoing research on the sanctuary city movement reveals, a focus on Christian traditions ignores the many ways in which sanctuary has been conceptualized historically as well as the diverse traditions, motives, and practices that result.¹⁰ Considering sanctuary as a uniquely Christian tradition ignores other forms of protection and hospitality, and other epistemological notions about responsibility. In a settler-colonial context, this has played out most obviously among various First Nations as well as diverse, racialized communities at critical historical junctures.¹¹

⁷ Shannon McSheffrey, *Seeking Sanctuary: Crime, Mercy, and Politics in English Courts, 1400–1550* (Oxford: Oxford University Press, 2017).

⁸ Ignatius Bau, *This Ground Is Holy: Church Sanctuary and Central American Refugees* (New York: Paulist Press, 1985).

⁹ Jonathan Darling and Harold Bauder, eds., *Sanctuary Cities and Urban Struggles*; Melvin Delgado, *Sanctuary Cities, Communities, and Organizations* (Oxford: Oxford University Press, 2017).

¹⁰ Peter Mancina, “The Birth of a Sanctuary City: A History of Governmental Sanctuary in San Francisco,” in *Sanctuary Practices in International Perspectives: Migration, Citizenship and Social Movements*, ed. Randy K. Lippert and Sean Rehaag (New York: Routledge, 2014), 205–18.

¹¹ Elizabeth Ellis, “The Natchez War Revisited: Violence, Multinational Settlements, and Indigenous Diplomacy in the Lower Mississippi Valley,” *William and Mary Quarterly* 77, no. 3

In Weldon Chan's case, it was the combination of continued discrimination in Canadian immigration laws and regulations, and a sense of renewed vulnerability as a result of federal efforts to suppress fraud and illegal immigration rings in the late 1950s, that contributed in part to his extended time in hiding.

The case of the Chan family is intriguing because it both points to, and challenges, issues around how we understand fugitivity and sanctuary. Early sanctuary laws and practices (such as the Old Testament's Cities of Refuge, asylum laws in Ancient Greece and Ancient Rome, and chartered sanctuary in Medieval Europe) were designed to dissuade the use of blood vengeance as a form of criminal justice. People who sought sanctuary were criminals, or alleged criminals, who needed time and shelter in order to moderate the harsher elements of the penalties that awaited them. In North America, since at least the late eighteenth century and the abolitionist movement, the focus has been on the innocence of those in sanctuary, with the structural injustices of the system in question being the focus of concern. Resistance and abolition have become central to the discourse and practice of sanctuary in recent times.¹²

This move to innocence (not entirely divorced from Eve Tuck and K. Wayne Yang's idea of a "move to settler innocence") is revealing on several planes: it shows how justice and injustice have been variously conceptualized at different moments in time, how people have envisioned solutions to perceived wrongs and injustices, and the role of sanctuary provision in shifting norms around migration and inclusion more broadly.¹³ The Chans' case does not fall into the typical definition of sanctuary in the Christian tradition. Chan did not shelter in a church (as far as we know) and, in government interviews, he insisted that he was not a Christian, though he regularly referenced his Christian beliefs in public statements about his case.¹⁴ Instead, his protection was community-based (though to what extent remains undetermined). He was further shielded by a rhetorical strategy that sought to make a racist immigration program,

(2020): 441–72; Jean Francois Lozier, *Flesh Reborn: The Saint Lawrence Valley Mission Settlements through the Seventeenth Century* (Montreal and Kingston: McGill-Queen's University Press, 2018).

¹² See "Stakes of Sanctuary," special issue of *Migration and Society*, edited by Patti Lenard and Laura Madokoro, forthcoming; A. Naomi Paik, "Abolitionist Futures and the US Sanctuary Movement," *Race and Class* 59, no. 2 (2017): 3–25.

¹³ Eve Tuck and K. Wayne Yang, "Decolonization Is Not a Metaphor," *Decolonization: Indigeneity, Education and Society* 1, no. 1 (2012): 1–40.

¹⁴ As Chan told a special inquiry into his case, "I was raised in a Catholic school, but I have no religion now." See Special Inquiry Officer, F.D. Craddock to Director of Immigration, Ottawa, 14 May 1959, MG32-B1, vol. 112, file I-2-18, Richard Bell Fonds, Library and Archives Canada (hereafter LAC).

rather than his own actions, the subject of scrutiny. The Chans' story was therefore part of the move to innocence that has shaped the discourse on immigration and asylum in recent years whereby, for advocates, "irregular" entries are perceived as the fault of unjust migration regimes rather than any individual failings. To understand how we arrived at the present moment, where immigration and asylum regimes are sometimes presented and perceived as fundamentally flawed institutions, it is necessary to consider how community protection of fugitives such as Weldon Chan from deportation contributed to evolving contestations, by state and civil society actors alike, concerning asylum, responsibility, and sanctuary.

THE LEGAL CONTEXT

Born on 10 August 1919 in Shanghai, Yue-kew Chan attended La Salle College in Hong Kong and the Chinese Nationalist military school in Chongqing. The son of a pharmacist, Chan worked in India and China during the Second World War. He and Tang Yit King were married in Shanghai on 25 September 1949, days before the formal establishment of the People's Republic of China. Tang had two children from a previous marriage (her first husband, Toy Man Yee, died in 1943). Chan was briefly employed with the highway administration in Shanghai before moving to Hong Kong along with thousands of others who departed the reach of the newly established communist regime.¹⁵ Beginning in 1950, the Chans made successive applications to go to Canada. The country was an attractive destination as Tang Yit King's parents lived in Vancouver, where they owned Mee Shing Jewellery at 434 Columbia Avenue. They were longtime residents and were considered "prominent in community affairs" though federal immigration officers suspected Dong Jam Laing (Tang's father) of potential immigration fraud.¹⁶

While other citizens would have been able to sponsor their children to Canada, this was not the case for Mr. and Mrs. Dong. Despite the repeal

¹⁵ This biography appeared in the *Vancouver Sun* profile of Weldon Chan. See "Deportation Ignored by City Family: Still Here after Tuesday Deadline," *Vancouver Sun*, 4 November 1959, clipping preserved in file 4, box 6, Wong Foon Sien Fonds, UBC Archives.

¹⁶ "Down Pender Street with Chinatown Charlie," *Chinatown News*, 7, no. 7, 3 December 1959. A note in Chan's file reports: "His father-in-law, whom he is visiting, has effected the illegal entry of a grandson in conspiracy with Ng Gook Guon, of Toronto, according to the grandson. Inquiries are now being set afoot to determine whether prosecution is likely to succeed. This man, his wife and child, are not considered bona fide visitors." Memo for the Deputy Minister of Justice, 21 January 1960, *Chan v. Fairclough*, MG32-B11, vol. 35, file 62-20-5, E. Davie Fulton Fonds, LAC.

of the *Chinese Immigration Act* in 1947, Chinese Canadians continued to be legally discriminated against until 1967. When the Chinese Immigration Act was repealed in 1947, limited family sponsorship opportunities became available for immediate relatives (sons, daughters, fathers, and mothers). However, concerns about “too much” migration meant that Chinese Canadians, unlike other citizens, were prohibited from sponsoring married children to Canada. This meant that Mr. and Mrs. Dong could not sponsor their married daughter, her husband, or their granddaughter from Hong Kong.¹⁷ The Chans were also banned from settling permanently as a result of order-in-council PC 2115, passed in 1930, which limited the admission of “Asiatics” to the wives and children (under eighteen) of Canadian citizens. Although as British subjects the Chans did not technically require a visa to enter Canada, transportation companies in Hong Kong were reluctant to provide services without this documentation lest they be saddled with the costs of return should someone be refused entry. Beginning in 1962 (the year before Chan came out of hiding), some of the race-based components of the system were removed for skilled workers. However, as noted previously, inequalities in family class migration continued until 1967.

Chinese Canadians and others challenged these injustices across the decades. Most notably, Wong Foon Sien, head of the Chinese Benevolent Association (which the federal government viewed as an official outlet for the views of the Chinese community in Canada), made an annual pilgrimage to Ottawa from 1950 on to protest against continued inequalities in Canada’s immigration laws and regulations. The language of the submitted briefs was simple and to the point, “we ask for equality and nothing more.”¹⁸ By the time Weldon Chan and his family arrived in Canada, Foon Sien had been making this pilgrimage for eight years, with little to show for his efforts. If anything, the situation for the Chinese in Canada had worsened somewhat. By the late 1950s, there were allegations of widespread fraud and irregularities in the Hong Kong immigration office. The situation was so dire that the federal government ultimately developed the Status Adjustment Program (similar to the amnesty program in the United States) so that people who had moved to Canada using false documentation or pretences (e.g., claiming to be someone’s brother when in fact they were a village neighbour) could provide a

¹⁷ See correspondence in Department of Citizenship and Immigration Fonds, LAC, RG 26, vol. 125, file 3-33-7, pt. 1; Laura Madokoro, “Slotting? Chinese Families and Refugees, 1947–1967,” *Canadian Historical Review* 93, no. 1 (2012): 25–56.

¹⁸ Chinese Canadian Research Collection, box 12, 1950 brief by the Chinese Benevolent Association, Ed Wickberg Fonds, UBC Archives.

“confession” and have their status normalized. The program ran from 1960 to 1974 and received statements from 11,569 people.¹⁹ Although it was meant to benefit those in Canada while enabling the federal government to identify criminal elements, words and phrases such as “racket,” “international oriental crime ring,” and “amnesty” appeared in tandem, casting considerable suspicion over the Chinese community as a whole.²⁰ When Eng Chow Kong replaced Wong Foon Sien as the head of the Chinese Benevolent Association in 1960, immigration officials reported that his immigration file had “been examined” and noted that he had apparently “entered Canada, in 1928, under irregular circumstances.” They promised “more information on this when it [was] available.”²¹ Although the archival record does not reveal anything further, the prevalence of official suspicion is significant. The perception of widespread fraud in the early exclusion era, the implicitly damaging language used by government officials, and more immediate revelations around organized fraud in Hong Kong meant that everyone was seemingly under suspicion.

The Chan family arrived in Canada just as the federal government was investigating the situation in the Hong Kong immigration office and beginning to put the pieces of the Status Adjustment Program into place. As a result, they became part of the story about fraudulent migration, and the perception of Weldon Chan and his family was bound up with more general impressions and opinions on Chinese migration as a whole. Harry Fan, who ultimately handled the Chans’ legal concerns and advanced their cause in the media, insisted as the scope of the Status Adjustment Program evolved that the “pardon of Weldon Chan would definitely ensure all Chinese illegal immigrants a safe feeling.”²² Yet to offer a pardon and grant permission for the Chans to stay was complicated precisely by the ongoing efforts to address fraud and “irregularities.” As Vancouver immigration officer F.D. Craddock noted:

This is a better-than-average type of family unit who would have little difficulty in becoming established in this country. However, it has been clearly established that they entered Canada by stealth and deliberate misrepresentation, and should we deal favourably with their appeals it will only lead to others following the same pattern.²³

¹⁹ Ninette Kelley and Michael Trebilcock, *The Making of the Mosaic: A History of Canadian Immigration Policy* (Toronto: University of Toronto Press, 2000), 331.

²⁰ See correspondence in MG32-B11, vol. 35, file 62-20-5, E. Davie Fulton Fonds, LAC.

²¹ See correspondence in MG32-B1, vol. 75, file I-2-18A, Richard Albert Bell Fonds, LAC.

²² Harry Fan to Ellen Fairclough, 15 January 1962, MG32-B1, vol. 75, file I-2-18A, Richard Albert Bell Fonds, LAC.

²³ See correspondence in MG32-B1, vol. 75, file I-2-18, Richard Albert Bell Fonds, LAC.

The Chans' difficulties began in September 1950 when they first applied to go to Canada. It is clear from their initial application form that their intention was to visit Tang Kit Ying's parents and that they intended to stay permanently. However, when they visited the Canadian immigration office in Hong Kong, visa officer T.H. Peters told them that permanent residence was not an option under order-in-council PC 2115 (1930). They then attempted to change their story, indicating that they were only interested in a visit, but Peters was suspicious. In reporting to Ottawa, he declared, "There is no doubt in my mind that these people if admitted ... would make every attempt to become established in Canada."²⁴ Their application was refused.

Four years later, on 22 March 1954, the Chans submitted another application. This time they declared that they had no family in Canada and that they only intended to go for a visit. Obviously, their initial experience had wisened them to the nature of Canadian immigration restrictions. They were again refused, though they appear to have been quite determined to leave Hong Kong. There is evidence that Weldon Chan made informal inquiries at the Tokyo office in the same spring, perhaps speculating that the issue with his application lay with the Canadian staff in Hong Kong. Nothing seems to have come of those inquiries, and the Chans ultimately moved to Belgium in 1957 to work in a restaurant owned by one of their acquaintances. It seems that Canada remained in their sights, however, and when Tang Kit Ying expressed dissatisfaction with life in Antwerp, particularly the cold climate, the Chans booked accommodations on the SS *Italia*, which sailed from Zeebrugge, Holland, and arrived in Quebec City on 14 April 1958.²⁵ In filling out their landing forms, they indicated that they intended to stay for five months. Chan also stated clearly that he had never been refused entry, knowing that to answer otherwise would damn the prospects of his family's admission. As Chan later confessed: "At that time I am already on board; at the time I actually know the significance – if I enter yes they wouldn't allow me to enter Canada, and therefore I use no – I am anxious to see my father-in-law."²⁶ Young Alice, born on 28 October 1954, was three and a half years old at the time. Their entry was approved.

Once in Canada, the Chans undertook various forms of employment, suggesting an original intent to stay beyond the six months provided

²⁴ Memo for the Deputy Minister of Justice, 21 January 1960, *Chan v. Fairclough*, Mg32-B11, vol. 35, file 62-20-5, E. Davie Fulton Fonds, LAC.

²⁵ Special Inquiry Officer F.D. Craddock to Director of Immigration, Ottawa, 14 May 1959.

²⁶ Memo for the Deputy Minister of Justice, 21 January 1960, *Chan v. Fairclough*, E. Davie Fulton Fonds, Mg32-B11, vol. 35, file 62-20-5, LAC.

for as “non-immigrant” visitors. Chan, for instance, worked at various jobs, including in the shipping room of the Aero Garment Co. Ltd. He also volunteered as a gunner in the 15th (Reserve) Field Regiment of the Royal Canadian Artillery. His wartime military experience may have encouraged him to volunteer (he worked for the Chinese Commissariat Department), but he also explained that he did so: “because I like Canada very much and I would like to serve her, and in the meantime I wanted to make friends in Canada among Canadians and I wanted to mix well with Canadians.”²⁷ Seventy-nine members of this regiment later petitioned Minister of Citizenship and Immigration Ellen Fairclough on Chan’s behalf.²⁸

For her part, Tang Kit Ying worked as a cleaner at Mount Saint Joseph Hospital, which opened in 1946, building on previous missionary efforts among the Asian community in Vancouver. Alice Chan attended school and the Chans very quickly moved into a home of their own on Keefer Street in Vancouver’s traditional Chinatown. Having established himself in a rather permanent way, Chan began to appeal for extensions on his admission and, ultimately, to stay permanently. Foon Sien of the Chinese Benevolent Association wrote on Chan’s behalf, and the family also employed lawyer R.P. Anderson to assist them – but to no avail. Following a series of applications, special inquiries (where Chan was represented by Jack T. Edwards, who would eventually be appointed a justice of the BC Supreme Court in 1994), and appeals, the Chan family was ordered deported on 10 October 1959 on the grounds that they had entered Canada through a series of “misrepresentations.”²⁹

This order appeared months after Minister Fairclough announced a review of seven hundred cases in which people who had arrived on tourist visas had decided to seek permanent residence in Canada. The program was designed to let people stay if they were found to be in good standing, despite any immigration irregularities. Fairclough explained this as a “major step in the government’s promise to strengthen, stabilize and put more human understanding into this country’s immigration program,” and it served as a prelude to the more formal Status Adjustment

²⁷ Special Inquiry Officer F.D. Craddock to Director of Immigration, Ottawa, 14 May 1959.

²⁸ “British Chinese Championed Anew,” *Vancouver Sun*, 26 January 1959, clipping preserved in file 4, box 6, Wong Foon Sien Fonds, UBC Archives. Lieutenant-Colonel F.C. Garrett also provided a letter of support during Chan’s special inquiry examination, confirming that Chan: “[had] displayed a keen interest in his job and conducts himself in a gentlemanly manner. I believe him to be an honest, humble person of good character.” See Special Inquiry Officer F.D. Craddock to Director of Immigration, Ottawa, 14 May 1959.

²⁹ Memo for the Deputy Minister of Justice, 21 January 1960, LAC.

Program established two years later.³⁰ Fairclough's announcement may have encouraged Chan and his family to attempt a more permanent stay (although it seems clear from the outset that they had always planned to remain).³¹ However, the discrepancies in the Chans' initial applications appear to have gone beyond what Fairclough envisioned with the announced reprieve. The false information provided upon their arrival in Quebec City in 1958 was particularly damning. Chan was ordered deported on 13 May 1959 under section 33(2) of the Immigration Act, 1952. As dependents, his wife and daughter were expected to go with him. The Chinese Benevolent Association claimed that Chan was one of "several other Chinese" in western Canada who were "suddenly given orders to leave Canada." Speaking on behalf of the organization, Foon Sien alleged that the amnesty was tantamount to a broken promise, suggesting that it had, in fact, been used to draw people out.³²

Scheduled to be deported by boat on 3 November 1959, Chan and his family never presented themselves to authorities. Instead, Chan went into hiding while his wife and now five-year-old daughter Alice remained in public view. It is unclear what led to Weldon Chan's decision to avoid deportation, but he was certainly supported by legal counsel in his efforts to do so. Harry Fan, a prominent lawyer, who had opened his own practice in Vancouver's Chinatown in 1958, took on the Chan case, gaining a disdainful reputation among officials in the Department of Citizenship and Immigration as the "lawyer for Weldon Chan" and, therefore, someone you "could not put much confidence in."³³ Despite the derogatory assessments of federal officials, Fan had already distinguished himself by becoming one of the first Asian Canadians to graduate from a Canadian law school (Faculty of Law, UBC, 1951) as discriminatory provincial laws in a number of jurisdictions, including British Columbia, had previously prevented Asian Canadians from being called to the bar.

³⁰ "Amnesty Is Expected for Some Settlers in Canada Illegally," *Globe and Mail*, 25 August 1958, 8.

³¹ They had left no assets in Hong Kong, carried considerable cash with them, along with five large trunks of clothing and possessions, and had not made any return or forward travel arrangements. See answers to Special Inquiry Officer F.D. Craddock to Director of Immigration, Ottawa, 14 May 1959.

³² "Chan Hiding; Termed Dupe of 'Amnesty'" *Province*, 7 November 1959; "Deportation Ignored by City Family: Still Here after Tuesday Deadline," *Vancouver Sun*, 4 November 1959, clipping preserved in file 4, box 6, Wong Foon Sien Fonds, UBC Archives.

³³ George F. Davidson to Ellen Fairclough, August 1960, Mg32-B1, vol 75, file I-2-18, Richard Bell Fonds, LAC. See also George F. Davidson to Ellen Fairclough, 26 January 1962, Mg32-B1, vol. 75, file I-2-18A, Richard Bell Fonds, LAC. In related correspondence, Minister Fairclough later told Prime Minister Diefenbaker that Fan had done "everything he could think of to throw a monkey wrench into the works." See Memo to the Prime Minister, 21 February 1962, Mg32-B1, vol. 75, file I-2-18A, Richard Bell Fonds, LAC.

No stranger to adversity, Fan was instrumental in keeping the family's story, and the injustices of the immigration system, in the public eye. In a letter to the Chinese-language 大漢日報 (*Chinese Times*) in 1959, Fan explained what was at stake:

In order to fight for equality and freedom, [Chan] had to separate from his wife and children, but he is willing to pay such great price. Chan has not violated any law, he is just fighting oppression. Chan's case is not only about the Chan family, but is the start of we the Chinese's fight against racial discrimination. For the past hundred years the Chinese had been harshly and unjustly treated, such was because we were not tough enough to fearlessly fight for our basic human rights from the immigration authorities.³⁴

As the foregoing suggests, Fan wanted to use the Chans' case to argue for broader reforms, harnessing in particular the language of human rights in advance of the Diefenbaker government's 1960 Bill of Rights. As a result, he pursued various legal avenues in an effort to have the deportation order reversed and to gain support for Chan among the general public. The Chans' case went all the way to the BC Supreme Court, where Justice David Verchere ultimately ruled that there was no evidence of bias or discrimination in the initial order to deport. With legal avenues exhausted, the only remaining recourse was for a ministerial exemption. Yet the media campaign, which had begun shortly after the deportation order was issued and that continued throughout the Chans' legal odyssey, proved unsuccessful in this regard for as long as Ellen Fairclough held the office of minister of citizenship and immigration. It did, however, provide a sensational impression of Weldon Chan and his time in hiding, perhaps providing some of the inspiration for "The Ballad of Weldon Chan."

IN AND OUT OF PUBLIC VIEW

As noted previously, the press coverage Weldon Chan's deportation case received, as well as the coverage of his time in hiding, was unprecedented. Until the 1980s, when a movement emerged on behalf of Central American refugees, sanctuary and the protection of migrants facing deportation was a relatively quiet affair in Canada. Chan's case is one of the few instances in which supporters publicized an individual's

³⁴ 陳案之基本認識 [Some basic facts on Chan's case], 大漢日報 [Chinese Times], 14 November 1959, clipping preserved in file 4, box 6, Wong Foon Sien Fonds, UBC Archives.

case, all the while keeping his whereabouts unknown. In the immediate aftermath of Chan's disappearance, the focus was on Tang Kit Ying and their daughter Alice. The two were presented as being alone and in dire straits, and the fact that Tang's parents were in Vancouver was ignored almost entirely. Instead, there were accounts that Tang had lost her cleaning job at the hospital, that she didn't have enough money for rent, and that young Alice had been withdrawn from kindergarten at the Franciscan Sisters of Atonement because the family could not afford the associated costs.³⁵

National and local English-language media were thoroughly engaged with the Chans' story in the early days of Weldon Chan's disappearance. Minister of Citizenship and Immigration Ellen Fairclough consequently recalled early December as a "nightmare."³⁶ The *Globe and Mail*, for instance, featured a prominent photograph of Tang and her daughter as they flew to Ottawa to appeal directly to Minister Fairclough. Underscoring the idea of sacrifice and desperation, news stories indicated that Tang had sold a diamond ring to make the trip to plead with the minister in person.³⁷ The effect of such stories, however, only made Fairclough more suspicious of the Chans' claimed difficulties. In an effort to dismiss any sense of legitimacy regarding the Chans' case, Fairclough insisted their efforts were nothing more than a "newspaper campaign" and argued publicly that there wasn't a "court in the land that would support his case."³⁸ This sentiment was echoed in her home newspaper, the *Hamilton Spectator*, which declared the series of "misrepresentations ... typical of repeated attempts by Chinese and other Asians to enter Canada and stay illegally."³⁹

Moreover, as Fairclough recalled in her memoirs:

Mrs. Chan finally came to see me with her daughter in tow, a lovely child about seven years old. Although I am sure that she could speak and understand English, she insisted on her daughter acting as interpreter, which made for a rather stilted interview. I must admit that I

³⁵ *House of Commons Debates*, 24th Parliament, 3rd Session, vol. 4, 9 June 1960, 4721; "Down Pender Street with Chinatown Charlie," *Chinatown News*, 7, no. 6, 18 November 1959.

³⁶ Roy, *Triumph of Citizenship*, 274; Ellen Louks Fairclough, *Saturday's Child: Memoirs of Canada's First Female Cabinet Minister* (Toronto: University of Toronto Press, 1995), 113. At the time, though, Fairclough insisted that the media campaign was a failure. See "Down Pender Street with Chinatown Charlie," *Chinatown News* 7, no. 9, 18 January 1960.

³⁷ "Down Pender Street with Chinatown Charlie," *Chinatown News* 7, no. 8, 18 December 1959.

³⁸ "Mrs. Chan pleads for Xmas Reunion," *Province*, 9 December 1959, clipping preserved in file 4, box 6, Wong Foon Sien Fonds, UBC Archives.

³⁹ "Not the Minister," *Hamilton Spectator*, 12 December 1959, from Ellen Fairclough Scrapbook Volume 1, 244 (RB F159), Hamilton Public Library.

was surprised that she could afford to travel by air to Ottawa to plead her case. I was even more startled when she appeared in my office wearing a full-length mink over a beautifully embroidered gown and having in her ears two lovely pearls which I estimated to be about 3/8 of an inch in diameter. Poverty indeed!⁴⁰

Tang Kit Ying failed to convince Minister Fairclough of the authenticity of her claims and of her own integrity. Instead, the visit cast even further doubt on the merits of the Chans' case.

As Weldon Chan's time in hiding extended, the media began to focus more and more on his possible whereabouts. The English-language media and some Chinese-language publications, such as the *大漢日報* (*Chinese Times*) speculated that Chan was in hiding in Vancouver, Toronto, or perhaps Seattle or San Francisco.⁴¹ Minister Fairclough told Prime Minister Diefenbaker that she believed "Chan was in the State of Washington just across the border" and mused that he "probably" went "back and forth periodically to visit his family."⁴² For its part, the RCMP believed that Chan was being shielded by "friends or sympathizers" or in a "Canadian community with a large Chinese population" either on the West Coast or in Ontario for "otherwise he would stick out like a sore thumb."⁴³ Warnings that people helping him were subject to prosecution under the Criminal Code appear to have had little effect. A year after Chan's time in hiding, there was still considerable intrigue about his location. The *Chinatown News* suggested that "the current favourite pastime in Chinatown is guessing the whereabouts of Weldon Chan."⁴⁴

The mystery around Chan's whereabouts served two contradictory purposes. For supporters, it demonstrated sacrifice and danger; for critics, it showed evidence of criminality not only on Chan's part but also on the part of those who aided him. This latter point is particularly significant given the general intrigue over the nature of Chinese immigration and

⁴⁰ Fairclough, *Saturday's Child*, 113. In fact, immigration records from 1959 indicate that Mrs. Chan's English was negligible. See Special Inquiry Officer F.D. Craddock to Director of Immigration, Ottawa, 14 May 1959.

⁴¹ "Royal Canadian Mountain Police still searching for Weldon Chan," 騎警還搜尋威頓陳 Chinese Times 大漢公報, 30 October 1960, file 4, box 6, Wong Foon Sien Fonds, UBC Archives. My own research, given Chan's interview with *Vancouver Sun* parliamentary correspondent Alex Young, suggests that Chan may have been in Ottawa or perhaps Montreal (his sister Stephanie Chan had arrived to stay with the Sisters of Service Residential Club, a mission for immigrant women, in January 1959), though no tangible evidence has been found to support these speculations.

⁴² Memo to the Prime Minister, 21 February 1962, MG32 B-1, vol. 75, file I-2-18A, Richard Bell Fonds, LAC.

⁴³ "Down Pender Street with Chinatown Charlie," *Chinatown News* 8, no. 6, 18 November 1960.

⁴⁴ "Down Pender Street," 18 November 1960.

the introduction of the Status Adjustment Program in 1960, a year after Chan went into hiding. The result is a strange mix of public visibility and intense secrecy with little possibility of verifying the claims made by Chan and his supporters in the media against what actually happened on the ground during his years in fugitivity. There are numerous accounts, but they are conflicting, and, in many instances, the veracity of the claims has been difficult to ascertain. And yet it is precisely in the drama and the exaggerations that we can discern the nature of sanctuary in mid-twentieth-century Canada, what was a stake in the Chans' case, and the ways in which the Chans' story was instrumentalized in a number of different ways.

The *Chinatown News*, founded by Roy Mah in Vancouver in 1953 (first called *Chinatown*), covered the Chan case quite regularly, especially in the "Down Pender Street with Chinatown Charlie" column. Geared to an English-speaking Chinese audience, the bi-weekly publication was a mix of news from Chinese communities in Montreal, San Francisco, Seattle, Toronto, and Vancouver, and it included reports from across the Chinese diaspora, most often from Hong Kong. The publication covered stories deemed of interest to Chinese Canadians, including immigration matters, often detailing accounts of RCMP raids as part of the federal government's enforcement efforts, urban planning issues, and community gossip.⁴⁵

In covering the Chans' story, the *Chinatown News* often reprinted excerpts from other news sources while also profiting from close connections with Chan's lawyer, who benefited in turn from a regular forum in which to appeal on Chan's behalf. Fan was determined to bring issues "into the open and let public opinion decide."⁴⁶ Fan, for instance, reported to the *Chinatown News* that, after Chan disappeared, "he found a letter from Chan in a napkin box in a Chinatown restaurant stating that he [Chan] had decided to live 'underground' in Canada rather than return to Hong Kong. Fan said he had been told to look for the letter by an anonymous telephone caller."⁴⁷ According to the columnist, Chan's letter declared, "if we can't live here legally, he will live here illegally ... and that he was willing to accept the probability that he would not be able to see his wife and five-year-old daughter again."⁴⁸ The reliability of this

⁴⁵ Immigration issues were of keen interest, as were the operations of RCMP raids. See, for example *Chinatown News* 8, no. 22, 3 August 1961.

⁴⁶ *House of Commons*, 24th Parliament, 3rd session, vol. 4, 9 June 1960, 4721; "Down Pender Street with Chinatown Charlie," *Chinatown News* 7, no. 6, 18 November 1959.

⁴⁷ "Down Pender Street with Chinatown Charlie," *Chinatown News*, 7, no. 7, 3 December 1959.

⁴⁸ *Chinatown News*, 3 December 1959.

story is somewhat in doubt (it reads as too convenient and contrived). Nevertheless, the focus on family sacrifice and later depictions of Chan as “lost in the wilderness” were important because they were designed to foster sympathy and concern.⁴⁹

Nevertheless, Fan’s efforts divided the Chinese community in Vancouver between those who considered Chan to be at fault and those who blamed “cruel and thoughtless” immigration regulations that were “purely” discriminatory.⁵⁰ As a result, the first Chinese Canadian member of Parliament, Douglas Jung, elected in 1957, found himself juggling competing community views. Jung himself was well aware of the unique position he occupied. Speaking in June 1960, in the context of a debate about Chinese immigration, alleged fraud in the Hong Kong immigration office, and the possibility of immigration reform, Jung stated bluntly:

I have had a very heavy responsibility in so far as Chinese immigration is concerned, being the only representative of Chinese extraction in this house. It would be very easy for me to speak out loudly on the discriminatory aspects of Chinese immigration regulations but I have not done so, Mr. Chairman, because I wanted to establish myself as a parliamentarian rather than as a person whose usefulness was restricted to speaking on minority rights alone. I wanted to study the problem so that when I did speak I would be listened to as a person who had demonstrated that he could look at a problem along broad lines.⁵¹

Jung therefore sought to strike a balance between insisting on the importance, and the moral correctness, of facilitating the reunification of people “separated from their families” and his belief that the government could not “be blamed” for “investigations into alleged irregularities in Chinese immigration.” Jung proposed instead that the fault lay with “those who have sought to prey on the very understandable desire of those who wish to join members of their families in Canada.”⁵²

Given ongoing debates about immigration fraud and discriminatory immigration laws, Jung perhaps sensed that he had to be all the more considered in his approach to the Chan case. Jung was pressed on various fronts about the Chans, but it was correspondence with one constituent in particular, and a resulting libel case, that distilled what was at stake for Jung. On 2 December 1959, Alice Topping of Vancouver wrote to

⁴⁹ *Chinatown News*, 7, no. 18, 3 June 1960.

⁵⁰ “Down Pender Street with Chinatown Charlie,” *Chinatown News*, 7, no. 7, 3 December 1959.

⁵¹ *House of Commons Debates*, 24th Parliament, 3rd Session, vol. 4, 9 June 1960, 4720.

⁵² *House of Commons Debates*, 24th Parliament, 3rd Session, vol. 4, 9 June 1960, 4720.

the member of Parliament, explaining: “I have just come home from St. Paul’s Hospital where I have been visiting Mrs. Chan” (who had apparently taken an overdose of sleeping pills). Noting that the United Nations had declared 1959–60 World Refugee Year, Topping insisted: “This whole affair is really disgraceful and I am writing to you to try and do something to help them.”⁵³ Topping went so far as to reference her father’s position as a staff member of the British royal household and suggested that “her Majesty would intervene if the position were made clear to her.”⁵⁴ Jung was apparently not impressed, replying two days later:

I do not think that a husband should desert his wife and family. Whatever merit he had to his case would have vanished in my mind because his action indicates that he is not capable of accepting his basic material obligations. If he is capable of treating his family in such a way, what can we expect from him as a Canadian citizen? Does he treat all his duties and obligations so lightly?⁵⁵

For Jung, the idea of making an exception rested on the merits of a particular case, and he did not find much to be redeeming in Weldon Chan’s situation. In response to these comments, Fan and Chan sued Jung (unsuccessfully) for libel and accused him of encouraging the deportation orders. It seems that Chan was especially enraged by Jung’s suggestion that he was not a good husband and father. Chan told a *Sun* reporter, “[Jung] doesn’t seem to realize I am only fighting the deportation order for the sake of my daughter.” He insisted that Jung “should not condemn a man, especially when he is in trouble and needs help.”⁵⁶

Chan’s story attracted reporters with a sensationalist bent. Alex Young, parliamentary correspondent for the *Vancouver Sun*, met with Weldon Chan at the end of December (about six weeks after he had disappeared) “somewhere in Eastern Canada.”⁵⁷ Young described him as a “nerve-wracked fugitive.” They apparently met “in the shadow of a church in suburbs of a well-known eastern city.” According to Young, Chan wanted to “ensure delivery of a Christmas doll to his five-year-old

⁵³ Although the Chans themselves never claimed to be refugees (in the sense of having experienced persecution), they were occasionally perceived as refugees because of the dire situation in Hong Kong and the prominent manner in which the refugee population in the British colony was featured as part of the UN’s World Refugee Year. See Penny Wise, “Report from Hong Kong – Filthy Hovel Refugee’s Home,” in *Chinatown News* 7, no. 16, 3 May 1960.

⁵⁴ *House of Commons Debates*, 24th Parliament, 3rd Session, vol. 4, 9 June 1960, 4720.

⁵⁵ *House of Commons Debates*, 24th Parliament, 3rd Session, vol. 4, 9 June 1960, 4721.

⁵⁶ Young, “Chan Emerges from Hiding.”

⁵⁷ Young, “Chan Emerges From Hiding.”

daughter Alice” and “to appeal for public support in his desire to remain in Canada.” In Young’s recounting, as Chan “poured out the story of his homesickness for his wife and child” they heard “the happy strains of Xmas carols [coming] from the church.”⁵⁸ The *Chinatown News* also picked up on the Christmas theme, noting that, if the Chans had been luckier when they visited Minister Fairclough, young Alice might yet have been told that, “yes ... there is a Santa Claus.”⁵⁹

Such motifs are important given the moral authority that the Christian church carried in Canada and other Western nations throughout the mid-twentieth century.⁶⁰ Chan (or at least his supporters) appears to have been quite attuned to this sentiment, despite privately repeating throughout inquiries into his case that he was not Christian.⁶¹ In the same encounter with reporter Alex Young, Chan apparently declared:

I am not running away from law. Or from my family. I am protesting the injustice. I am a Christian man. I know of God’s word. Every night I go to church. There is peace and comfort. I pray the Almighty to take care of my loved ones.

Perhaps intent on evoking the Christmas spirit even further, Chan begged: “For my little girl’s sake, ask them to let us stay. She is only five years old and so innocent.”⁶²

In this case, Young and Chan focused on humanizing the family’s individual plight. However, from the outset, efforts to prevent Chan’s deportation were bound up with larger debates about immigration, racial inequalities, and human rights in Canada.⁶³ Chan himself insisted that he was “fighting against discrimination” and would not go willingly.⁶⁴ Wong Foon Sien and the Chinese Benevolent Association used the Chan case to make arguments about the need for broader reforms in Canada. Wong insisted that the deportation “would jeopardize the good position of Canada in the international field,” suggesting that “those in the non-white world would wonder whether Canada acts as

⁵⁸ Young, “Chan Emerges From Hiding.”

⁵⁹ “Down Pender Street with Chinatown Charlie,” *Chinatown News*, 7, no. 8, 18 December 1959.

⁶⁰ Steve Hewitt, “Sunday Morning Subversion: The Canadian Security State and Organized Religion in the Cold War,” in *Love, Hate and Fear in Cold War Canada*, ed. Richard Cavell (Toronto: University of Toronto Press, 2004), 57–76.

⁶¹ Chan said he had “no religion,” and Tang Kit Ying indicated she was Buddhist. Both chose to swear on a Bible instead of taking a “Chinese oath” during their immigration hearing, perhaps attuned to the question of optics in this case as well. See Special Inquiry Officer F.D. Craddock to Director of Immigration, Ottawa, 14 May 1959.

⁶² Young, “Chan Emerges from Hiding.”

⁶³ Roy, *Triumph of Citizenship*, 274.

⁶⁴ “Young, “Chan Emerges from Hiding.”

she preaches.”⁶⁵ Echoing this theme, Frank Howard, the member of Parliament for Skeena (and a member of the Co-operative Commonwealth Federation), exclaimed: “Weldon Chan has not made a mockery of our laws ... It is our severely discriminatory immigration laws which have made a mockery of social justice and brotherly love.”⁶⁶

Capturing some of these tensions between the individual merits of Chan’s case and the desirability of more broad-based reforms, an editorial in the *Province* observed:

Behind Mr. Chan are hundreds of thousands of other Hong Kong-born British subject Chinese. Would Canadians open the gate, also, to them? If they would, they have failed most lamentably to make their wishes clear to the federal government. Canadians have pretty well the sort of immigration laws they want. What they also seem to want is that every once in a while the immigration department should ignore these laws, in the case of an emotionally-interesting, widely-publicized individual. It salves the public conscience to be open-door and generous in such isolated cases.⁶⁷

Despite these broader appeals, the government scorned suggestions that the Chans’ case was bound up with issues of racial injustice. Elected officials repeatedly sought to distinguish Chan’s treatment from proposals to reform the immigration system more broadly, even though references to Chan as a good provider and someone in “good health” with “passable English” suggest that, if it were not for the ongoing existence of race-based exclusions, he might have been considered more favourably for permanent residence.⁶⁸

By early 1960, Tang Kit Ying apparently began to despair, noting that it was “a lot of trouble” and explaining that, although she didn’t want to return to Hong Kong because “the pay is little and there are too many people,” she could no longer imagine staying in Canada. She mused that the family might go to England instead.⁶⁹ Yet the Chans’

⁶⁵ “Deportation of Gunner Protested,” *Vancouver Sun*, 13 October 1959, clipping preserved in file 4, box 6, Wong Foon Sien Fonds, UBC Archives.

⁶⁶ “CCFer Says: Treatment of Chans ‘Too Harsh,’” *Vancouver Sun*, 11 December 1959, clipping preserved in file 4, box 6, Wong Foon Sien Fonds, UBC Archives.

⁶⁷ “All Heart But Little Consistency...” *Province*, 10 November 1959, clipping preserved in file 4, box 6, Wong Foon Sien Fonds, UBC Archives.

⁶⁸ See correspondence in MG32-B1, vol. 112, file I-2-18, Richard Albert Bell Fonds, LAC.

⁶⁹ “Down Pender Street with Chinatown Charlie,” *Chinatown News* 7, no. 11, 18 February 1960. Indeed, when the Chans were asked about where they would like to go if they were deported, Chan indicated a preference for Europe. He indicated that they had no assets remaining in Hong Kong and clearly did not want to go back. See correspondence in MG32-B1, vol. 112, file I-2-18, Richard Albert Bell Fonds, LAC.

supporters continued to press for a reprieve from deportation and to publicize Weldon Chan's case. For instance, there were rumours that he was going to appear in Ottawa at the opening of the House of Commons (he did not).⁷⁰ There were also offers of assistance, especially because Tang was well perceived among the Canadian public, described as "a very well educated and presentable person."⁷¹ In a letter to Tang published in the *Chinatown News*, Mrs. C.G. Harvey of Driftwood Canyon (near Smithers, British Columbia), declared:

Many people are sympathizing with you and your husband in your trouble and would like to do something to help. My son and I have a 400 acre ranch with horses, cows, sheep and a big herd of goats. I do not know whether you would like farming, but if so, we would be happy to have you and your husband to come work along with us on a 50-50 basis if the governments allows you to stay in Canada. I have written to Prime Minister Diefenbaker about this and he might persuade the minister of immigration to change her mind.⁷²

Though the Chans' story remained in the news, accompanied by expressions of concern, Minister Fairclough seemed impervious, claiming in January 1960: "I have heard nothing from the public. Nothing has happened to bring about a change of attitude on the part of the department."⁷³ In fact, Minister Fairclough never changed her mind about the merits of the Weldon Chan case, though the Diefenbaker government did take the first steps to remove some of the more overtly discriminatory aspects of Canada's immigration regulations in 1962. Indeed, one has the sense that, although Fairclough was pleased with the reforms, she was nevertheless disappointed with the government's ability to address the issue of fraudulent immigration claims from Hong Kong. In her memoirs, she reflects:

During my years in office, there was strong evidence of a ring of unscrupulous operators who were exploiting the desperation of prospective Chinese immigrants. We set up an inquiry into the matter, but I never felt that we quite got to the bottom of the problem before I moved on to another portfolio.⁷⁴

⁷⁰ "Down Pender Street with Chinatown Charlie," *Chinatown News* 7, no. 10, 3 February 1960.

⁷¹ LeeRoy Brown to Fulton, 10 August 1962, I-2-18 file, 1957-60, LAC.

⁷² *Chinatown News* 7, no. 10, 3 February 1960.

⁷³ Cited in *Chinatown News* 7, no. 9, 18 January 1960.

⁷⁴ Fairclough, *Saturday's Child*, 114.

The Progressive Conservative government failed to obtain a majority government in the 18 June 1962 federal election and lost power in 1963. As a result, the decision on the Chan case fell to the new Liberal minister of citizenship and immigration, Guy Favreau. After twice delaying a response to questions of a reprieve in the House of Commons, Favreau announced on 30 May 1963 that the Chans could stay on a twelve-month permit. The decision to let the Chan family remain was taken after great deliberation, largely because of concerns about precedent and the possibility that, if an exception were to be made for them, there would be other requests.⁷⁵ Cognizant of this danger, and in an effort to limit such possibilities, Favreau described Weldon Chan's situation "as a most particular case." This effort at tempering expectations did not prevent the member of Parliament for Yorkton, Gordon Clancy, from calling Chan's "pardon" the "most disgraceful thing that ever happened in this country."⁷⁶

The Chans were granted permission to stay permanently, and they remained in Vancouver, rarely appearing in the media. In 1970, a short news story reported that Yue-kew Chan was making an official name change to adopt his nom de plume, Weldon Chan, as his personal name. Other than that, little is known about his life after hiding, and references to the Chans in the Vancouver city directories gradually become more difficult to trace over the years. Numerous questions remain unanswered: Did they stay in Canada? Did they leave? What happened to their daughter Alice?

In undertaking research for this project, I consulted with Chinese elders and community historians in Vancouver, Ottawa, Montreal, and Toronto (assuming that one of the last three of these was the city in "Eastern Canada" that was referenced throughout Chan's time in hiding), but no one could recall the case of Weldon Chan. I found this surprising and am still trying to make sense of it. Has the story been completely forgotten? Did people not want to talk about it? Regardless, this lack of memorialization has important implications: it suggests that Chan's supporters were smaller in number than reported in media accounts and RCMP allegations at the time. There may therefore have been a sizable disconnect between the media profile of the case and what was

⁷⁵ For instance, the case of George Hanna, "the man without a country," had also been in the news, much to the government's dismay. See Douglas Jung comments, *House of Commons Debates*, 24th Parliament, 3rd Session, vol. 4, 9 June 1960, 4721. When Minister Favreau made the announcement that Chan could stay in the House of Commons, he was immediately asked if Irene Rebrin, an instructor at UBC who was facing deportation, could also stay. See *House of Commons Debates*, 26th Parliament, 1st Session, vol. 1, 30 May 1963, 451.

⁷⁶ *House of Commons Debates*, 26th Parliament, 1st Session, vol. 6, 20 December 1963, 6252.

happening on the ground. It also might be that many people did not embrace Chan or his case at a time when their own immigration status, and that of their families, was rendered precarious as a result of the parallel Status Adjustment Program. The public profile of the Chans' case might have been seen to imperil their own situations, meaning there was little to celebrate in that regard. However, as the final section shows, Weldon Chan's story captured the imagination of certain songwriters and folksingers in Canada who memorialized his time in hiding. The renewed availability of this music changes how we understand what was at stake in the initial efforts to assist the Chan family.

CONCLUSION

The liner notes for the 2006 Smithsonian Folkways re-release state:

Ellen Fairclough, Canada's Progressive Conservative minister and her department, decided a few years back to investigate the methods by which many Chinese were immigrating illegally to Canada. She found many irregularities [*sic*], and one of the people her department has been unable to find is Mr. Weldon Chan, who had been living in Vancouver, British Columbia.

This is a somewhat inaccurate representation of Chan's case and hints at other possible discrepancies. For instance, the liner notes indicate that the song was "written by Arthur Hughes, a student at the University of British Columbia, for Mr. Chan. Wherever he is." Reflecting some of the mystery around the Weldon Chan story, Hughes himself is a bit of an enigmatic figure. There is no record of him graduating from UBC, though an "A. Hughes" does appear in the 1961 UBC Yearbook, *The Totem*, as a member of the Beta Theta Phi fraternity. Notably, this was the year that UBC fraternities removed racially discriminatory clauses from their terms of membership.⁷⁷

Karen James is best known as a folksinger and as the daughter of Spanish mezzo-soprano singer Isabelita Alonso (they recorded a children's album together in 1963). Alonso moved to Canada in 1952 after a successful career as a performer and radio host in her native Spain. She continued her musical journey in Canada, appearing at a number of venues around the city of Toronto and recording several collaborative

⁷⁷ An event that was remarked upon and celebrated in the local press. See *Chinatown News* 8, no. 15, 18 April 1961.

albums featuring Spanish folk music.⁷⁸ Her daughter Karen first appeared as a folksinger on the CBC Program *Tabloid* in 1959 and was a regular on the Toronto folk scene, performing in such venues as the Bohemian Embassy, the Purple Onion, the First Floor Club, Mario's Basement Club, the Village Corner Club, and the Clef Club. James is associated with a folk music revival in Canada in the 1960s and won praise "as a young singer of promise" for her performances in New York and Toronto in the early 1960s.⁷⁹

Her album *Karen James: Accompanying Herself on the Guitar* was released in 1961 and included "The Story of Weldon Chan" (slight, unexplained title difference from the Smithsonian version). In the accompanying liner notes, Samuel Gesser of Folkways Canada explains: "When I first met Karen James it seemed to me that she, unlike so many new singers of folksongs, had chosen a very definite role as an artist." He highlights her "refusal to concentrate on the well-known popularized folk songs," developing instead "a repertoire that reflects the traditions and happenings of our country." Gesser notes her "attention to contemporary events" and underscores "her belief that songs are meant to record history and emotion as well as to entertain."⁸⁰ This was certainly the case for her rendition of "The Story of Weldon Chan."

What is striking about the audio version of James's recording is the upbeat tempo and her searing voice, which latches on and doesn't let go. By contrast, what may be most striking about the song when it is read (as is the case here), is the manner in which Hughes's lyrics evoke a series of racist tropes that have the effect of making Weldon Chan appear as a silly and undesirable character while simultaneously mocking the RCMP's inability to find him. In other words, the tensions at play in larger debates about the merits of the Chans' case are reflected in a song that was intended to memorialize Weldon Chan's time as a fugitive.

In the first verse of the song (as written in the original liner notes), Arthur Hughes introduced his listeners to Chan:

⁷⁸ "Shakespeare's Music Sunday," *Globe and Mail*, 4 August 1956, 8. Alonso is also listed as a regular collaborator at Hart House in Toronto. See Joëlle Morton, "Toronto's Hart House Viols," *Journal of the Viola da Gamba Society of America* 45 (2009–10): 5–76.

⁷⁹ On Karen James and folk music in Canada in the 1950s and 1960s, see Gregory E. David, "The North American Folk Music Revival: Nation and Identity in the United States and Canada, 1945–1980," *Folk Music Journal* 9, no. 4 (2009): 662. See also contemporary news coverage, including Robert Shelton, "Canadian Folk Singers Delight US Audience," *Globe and Mail*, 22 October 1962, 11; Frank Haworth, "Hearers Enjoy Folk Artists at Hart House," *Globe and Mail*, 23 May 1961, 30.

⁸⁰ https://folkways-media.si.edu/liner_notes/folkways/FW03549.pdf.

[Verse 1]

There was an enterprising man, he lived in old Hong Kong.
 He thought he'd move to Canada, but here's what he did wrong.
 He falsified a statement, that's where the fuss began.
 Now he's an outlaw, that wicked Weldon Chan.

There then followed a very catchy chorus:

Oh Weldon Chan, where are you hiding?
 Oh Weldon Chan, where are you hiding?
 Oh Weldon Chan, where are you hiding?
 Don't you know the Mounties always get their man?

The second, third, fourth, and fifth verses go as follows:

[Verse 2]

Did he import bags of opium? Did he smuggle mainland rice?
 Did he bribe a poor young lawyer? Did he run a den of vice?
 Did he play a crooked Mah-jong game, or cheat while at Fan-Tan?
 No. He falsified a statement, that wicked Weldon Chan.

[Verse 3]

Oh, Mummy Mummy where is Dad? Our home is incomplete.
 Why must you run this grocery store way out on Fraser Street?
 Yes, Weldon dear, you must return and face it like a man.
 It's never been so peaceful, says cunning Weldon Chan.

[Verse 4]

They've looked for him in Newfoundland, and in the Yukon too.
 They're searching in Nanaimo and up in the Cariboo.
 I hear they're going to Frisco next, and afterwards Japan.
 If it takes a century, they'll find you Weldon Chan.

[Verse 5]

So listen all you immigrant, don't do it on the sly [*sic*].
 Be sure to check with Interpol, or maybe FBI.
 Be nice to Ellen Fairclough, make sure there is no ban,
 Or else you'll end up hiding like poor old Weldon Chan.

Within these verses we find references to traditional Chinese games, traditional diasporic Chinese occupations (grocers), and associations of illegality (smuggling, dens of vice). Indeed, the lyrics cover a great deal of ground in very little time. What they do not cover are the subjects of immigration reform and justice, which were central to how the Chans' supporters viewed their case.

With its re-release, first on the Smithsonian Pathways label in 2006 and then on the Smithsonian's YouTube channel in 2015, "The Ballad of Weldon Chan" has been given new life. Although the song was meant to be a protest song, and a critique of federal law enforcement, some of this intent has been lost with the passage of time. What stands out most now are Hughes's essentialized, and harmful, depictions of Chinese migrants through the presentation of stereotypes and loaded terms such as "sly" and "cunning." Though such language was presumably used with great irony originally, it is highly troubling to contemporary readers and listeners, especially because such tropes persist in the present (evidenced most recently by anti-Asian slurs levelled during the COVID-19 pandemic). Indeed, though Hughes seemed intent on mocking the RCMP for its inability to locate Chan, repurposing the slogan most often associated with the Force, "The Mounties always get their man" with ironic and humorous intent, Chan is also essentialized in Hughes's account and James's rendering and, as a result, is made a mockery.

At the time, however, there was nothing funny about the Chans' situation. The issue of racial injustice had been a core grievance among the Chinese in Canada from the late nineteenth century, most notably around the introduction of the head tax in 1885. Wong Foon Sien's annual pilgrimage to Ottawa, beginning in 1950, to demand immigration reforms hinged on questions of equality and justice. The case of Weldon Chan, his wife, and their daughter was viewed by some as an opportunity to press for reform more broadly. Despite the fact that Chan had lied about having family in Vancouver when he applied for entry in 1958, after having been rejected twice before, his supporters placed the blame for this at the feet of an unjust immigration system.

This move to innocence was embraced by some and resisted by others, especially those who maintained that the Chans were in the wrong. It was also criticized by those who believed that, by allowing the Chans to stay, the federal government was endorsing criminal action. Yet Chan's extended time in hiding made this move to innocence possible. As the focus came to be on finding him and identifying his whereabouts, his original sin (falsifying his immigration application) was almost

forgotten. However, this sin, along with the RCMP's pursuit of him, is now preserved in the lyrics of "The Ballad of Weldon Chan." But much has been lost. Perhaps most prominently, and most ironically: the racist immigration program that denied the Chans entry in the first instance and that, for almost four years, made Chan and his supporters willing to invest so much in simultaneously hiding him and publicizing his cause.