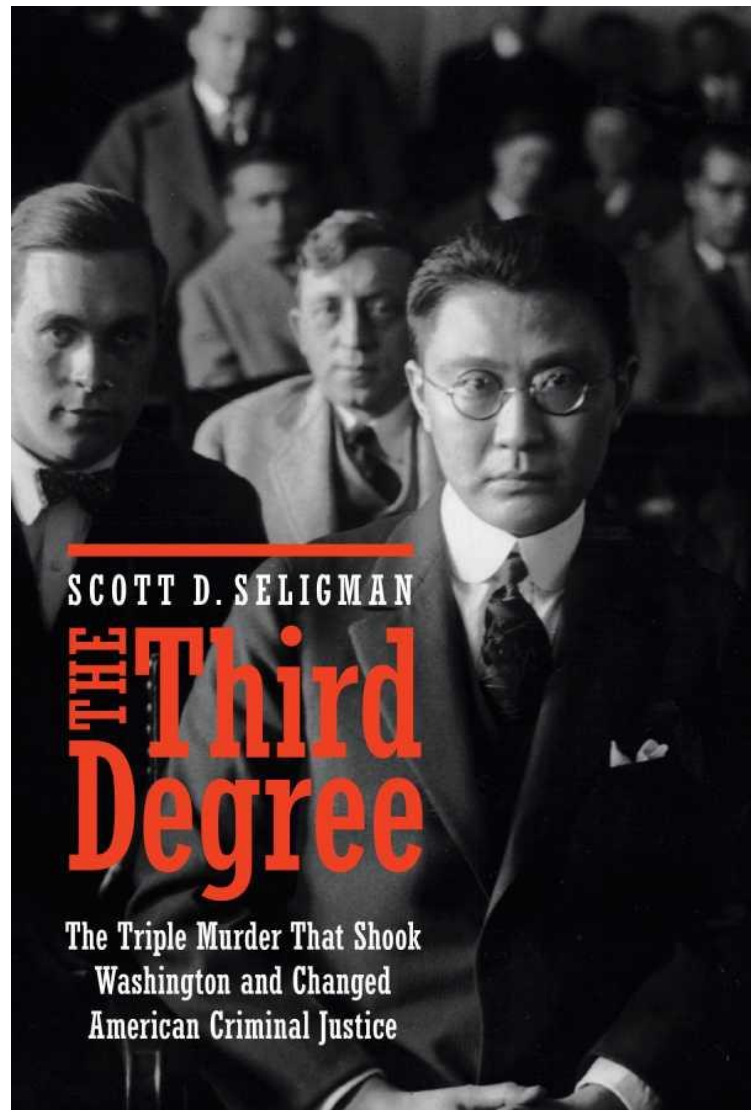


BOOK REVIEW

The Third Degree History-changing Trial of a Chinese Man in America

Reviewed by Foster Stockwell

The Third Degree
Written by **Scott D. Seligman**
Potomac Books



The Third Degree by Scott Seligman is the true story of a Chinese man who suffered seven years of imprisonment in an American jail (much of that time on death row) for a murder confession obtained from him through now-illegal third degree police methods.

The almost-forgotten Supreme Court case that eventually led to the freedom of Ziang Sung Wan was a major stepping stone in the process that resulted in the 1966 *Miranda* ruling by the Supreme Court, which now protects defendants from such self-incrimination.

This story begins in 1916 when Wan arrives in America to study at Ohio Northern University, where he earned a bachelor's degree before moving to New York City. Although Chinese laborers at the time were barred from entry into the United States by the infamous Chinese Exclusion Act of 1882, this Act did not apply to merchants, teachers, students, and diplomats. The Act was repealed during World War II because it became a little too awkward to discriminate against America's new allies, the Chinese.

Wan's brother, Tsong Ing Van, who was also a college student in Ohio, soon joined Wan in New York where the two of them invested in a theater that quickly failed. Wan then made a trip to Washington, D.C., where he stayed for five days at the quarters of the Chinese Educational Mission before moving into the nearby Harris Hotel. His brother later also moved to Washington.

They were both living at the Harris Hotel when, on January 31 1919, three diplomats at the Chinese Educational Mission were found shot to death. These diplomats were Theodore T. Wong, Ben Sen Wu, and Chang Hsi Hsie. Just a day before this murder was discovered, Van had tried to cash a check for \$5,000 drawn on the account of the Chinese Educational Mission. The bank, suspecting forgery, refused to cash it. This check would later become a major exhibit in the subsequent trial of Wan for one of the three murders. However, unaware of those murders at the time, Wan and Van returned to New York by train.

During their investigation of this triple murder, the police turned their attention to Wan and Van and found them in New York. The detectives entered the brothers' room with guns drawn, demanding that Wan turn over his pistol, even though he did not possess one. They also rifled through Wan's trunk and ripped open the mattress on the bed looking for the weapon. Although Wan was sick at the time, he agreed to return to Washington under guard to be questioned and to aid in the police investigation. A day later Van is also brought to Washington under guard, but he was not allowed to meet with his brother.

Both young men were taken separately to the murder scene and questioned aggressively. Although still ill, Wan was not permitted to sleep. During the interrogations both brothers were cursed, pinched, and shoved. Van, who had not eaten for a day, was told he would be allowed to eat, sleep, and see his brother only after he confessed to the murders.

The two were questioned separately and repeatedly at odd hours of the day and sometimes quite late into the night. Van later reported being pointed at and called a yellow rat, a chink, a skunk, and other names. Wan suffered greatly, experiencing the severe symptoms of the influenza he had contracted months before. He could digest little of the food he was given and sometimes vomited shortly after eating.

Several days later Wan confessed to the check forgery and having been present during the murders, but he would not reveal the name of the killer. Subsequently he told them that Ben Sen Wu had shot his two colleagues and that a New York-based businessman named C. Chen had killed Wu. The police dismissed this information, and both Wan and Van were then formally arrested. Under continuing pressure, Wan confessed to the murder of Ben Sen Wu. The police provided a stenographer to record Wan's coerced confession. Van was released on bail and soon moved back to New York.

When Wan was asked, during his trial, about his confession, he said, "My idea to sign the confession—they want me to tell and wanted me to confess and to sign, and my idea is this; I want them to leave me alone and let my brother nurse me and let me get well. I don't want to argue with them at the same time."

Wan's trial ended with the jury declaring him guilty after deliberating for only a half hour. The judge then sentenced him to be hanged on December 1, 1920. His attorneys immediately appealed for a new trial on the grounds that his confession should not have been admitted into evidence because it had been forced. The execution date was deferred several times for various reasons and Wan remained on death row for four years.

The jail had no electric chair at the time and executions were performed by hanging on a gallows that could be seen from the windows in some of the jail cells. During Wan's time in prison, nine condemned men were put to death in

this way with Wan all the time wondering if he would be next.

After many appeal tries, the Supreme Court finally agreed to hear his case, and on October 13 1924 they overturned the lower court decision, ordering a new trial for Wan. The unanimous Supreme Court decision was written by Justice Louis Brandeis. He said, in part, "A confession obtained by compulsion must be excluded [from a trial] whatever may have been the character of the compulsion."

Wan was then moved to a cell away from death row to await a new trial. This resulted in a hung jury. The same happened with the next trial, with the majority holding for acquittal. By this time the prosecution realized they would likely be unable to convict Wan if they tried him again and so they dismissed all charges against Wan as well as those intended for his brother.

The Supreme Court ruling thus broke new grounds in the American criminal justice system by permitting only voluntary confessions to be admitted as evidence in federal proceedings.

Much of the information for this well-researched book comes from old newspapers printed at the time of the arrest and various trials. The author also provides biographical information for most of the participants. The book should particularly interest anyone desiring knowledge of the history of Chinese in America. But the book, which is part murder mystery, part courtroom drama, and part landmark legal case, should be of interest to many other readers. It is a masterful job by historian Scott Seligman.

Foster Stockwell

Grew up in China (12 years) first in Fuyian Province and then in Szechuan Province (city of Chengdu) as the son of American missionaries. Returned to the U.S. just before the Japanese attacked Pearl Harbor in 1941.

After completing college, became a writer and editor working for various magazine, newspaper, and book publishers. For 20 years was a senior editor for World Book Encyclopedia in Chicago, and for 10 years was the publishing director for China Books and Periodicals.