

**THE UNIVERSITY OF TEXAS SCHOOL OF LAW
44TH ANNUAL CONFERENCE ON IMMIGRATION AND NATIONALITY
LAW
October 21-23, 2020, AT&T Conference Center,
Austin, Texas**

**EARLY CHINESE IMMIGRATION AND EXCLUSION: THE STORY OF
FAY GING JOE, A PAPER SON IN TEXAS**

By

**Harry J. Joe
JMA Firm PLLC
Dallas, Texas
Harry@jmafirm.com**

INTRODUCTION

The history of early Chinese immigration to the United States and Texas can be described as often times being difficult and brutal. The Chinese came to the United States beginning in the mid 1800s to seek employment, remit their payments back to China to support families and their villages, and hoped to return to China with wealth. They came in vast numbers to work the gold fields, mines and to build the Central Pacific Railroad from Sacramento, California to Promontory Point, Utah, and thereafter many other railroads and engaged in many other jobs. Their plentiful labor and way of life became a threat to the other non-Chinese workers and citizens. Racial animosities lead to the first enactment of federal legislation that excluded the Chinese as a race. Legal entry for the Chinese workers became impossible until a violent and catastrophic act of nature destroyed the San Francisco Hall of Records in 1906, the only depository of records of Chinese who were born in the United States, and thus United States citizens. From these ruins came the Chinese Paper Sons and Daughters from China as children of Chinese United States Citizens, many of whom made fraudulent claims of United States Citizenship after the 1906 San Francisco earthquake. Literally thousands of Chinese bought "paper citizenships" in China and journeyed to the United States. Many of these Chinese Paper Sons were bound for Texas, like Fay Ging Joe.

This overview describes what happened to many of these Chinese Paper Sons and Daughters as they came to America, what confronted them when they landed and sought entry, and for many of them, the dreaded moment and period of their

lives when their past caught up with them in the 1960s and 1970s. This story is told through the life of Fay Ging Joe, a Paper Son, and who was the father of the author, Harry J. Joe. This presentation is in two parts, Part I being an overview of early Chinese Immigration into the United States, and Part II the immigration story of Fay Ging Joe. His story includes retrieved copies of official Board of Special Inquiry Hearing transcripts, and subsequent records of the investigation that lead to his discovery, and subsequent proceedings under which he and his wife secured relief under the Chinese Confession Program and lawful permanent resident status, and then to the achievement of his life long dream, Naturalization to United States citizenship.

PART I – EARLY CHINESE IMMIGRATION TO THE UNITED STATES

A. FROM WHERE THEY CAME

Nearly all the Chinese that came to America in the mid 19th Century came from the "Siyi" Region in Guangdong Province, China. They hailed primarily from four counties in the region, Enping, Taishan, Kaiping, and Xinhui. These counties bordered and had easy access to the Pearl River estuary that enabled ships to sail into the region and carry out Chinese laborers who had been hired by contractors for employers in the United States. [1], See Exhibit 1, Map of Siyi Region, Guangdong Province, China.

B. WHY THEY LEFT CHINA AND THEIR EARLY PRESENCE

China and the Siyi Region incurred numerous political strifes, including the Taiping Rebellion (1850-1864) and social unrest and economic distress. Word of the discovery of gold in California in 1849 spread around the world including China. Gold mining created dreams of fortune and the need for massive number of workers in the gold fields as well. [2]

Also, Gold was highly coveted and esteemed in the Chinese culture. As a result, thousands of Chinese departed from the Siyi Region for "Gimshan", Gold Mountain in California.

Shortly after the discovery of gold in California, the United States commenced the construction of the Transcontinental Railroad in early 1863. On the west coast, Amasa Leland Stanford's Central Pacific Railroad began construction of west link of the Transcontinental Railroad that would run from Sacramento, California to Promontory Point, Utah where it would join the Union Pacific Railroad coming from the East. The CPRR incurred difficulties in finding enough workers to build the railroad through the Sierra Nevada Mountain Range. Upon the recommendation of Ah Ling, a Chinese manservant of Charles Crocker who was a partner in the CPRR, 50 Chinese workers were hired in Auburn, California through a Chinese labor contractor, Hung Wah. Between 1864 -1869, the

Chinese workforce was the largest ethnic workforce in the United States with an estimated 107,000 Chinese laborers in America. [3]

C. HOSTILITIES AGAINST CHINESE LABOR DEVELOP

The flow of Chinese laborers into the United States continued unabated after the construction of the Transcontinental Railroad. *The San Francisco Chronicle* reported on August 27, 1873, an article entitled "*The Chinese Invasion! They Are Coming, 900,000 Strong*" inflamed growing hostilities against the Chinese. [4] The large number of Chinese workers threatened other non-Chinese workers with whom they competed for jobs. The common complaint was that the Chinese worked for lower wages and thereby depressed all wages. [5]

The California state legislature enacted legislation controlling the entry of Chinese but failed in an unpublished opinion of the California Supreme Court in 1862. [6]

However, California adopted a new Constitution in 1879 that authorized the state to determine which individuals were allowed to reside within the state, and banned the Chinese from employment by corporations and state, county and municipal governments. [7]

D. THE CHINESE EXCLUSION ACT OF 1882

In response to the cries of the western states, the United States Congress passed the country's first legislation that singled out a specific race of people for exclusion from the United States. [8] The CEA of 1882 provided for:

- Suspension of the entry of Chinese laborers for 10 years; and,
- Made it unlawful for Chinese laborers to remain in the United States.

Exempted from exclusion the following:

- Chinese laborers present on November 17, 1880;
- Those who entered within 90 days of May 6, 1882;
- Those who possessed a Certificate of Identity.

Because of high incidence of fraud and abuse, and continued racial violence in the West further amendments to the CEA were enacted in the Chinese Exclusion Amendments Act of October 1, 1888. The CEAA provided:

- Barred entry of any Chinese laborer who left the United States and had not returned upon the date of passage of the CEAA, essentially nullifying the effect of the Certificate of Identity they held;

Find the full text of this and thousands of other resources from leading experts in dozens of legal practice areas in the [UT Law CLE eLibrary \(utcle.org/elibrary\)](https://utcle.org/elibrary)

Title search: Early Chinese Immigration and Exclusion: The Story of Fay Ging Joe, A Paper Son in Texas

First appeared as part of the conference materials for the
44th Annual Conference on Immigration and Nationality Law session
"Historic View of Immigration—The Paper Son and Jewish Immigration in the United States"