May 5, 1892: The Geary Act

On this day, Congress extended the Chinese Exclusion Act for another ten years, additionally putting the burden of proof onto Chinese residents to establish their right to live and work in the United States.

The Chinese Exclusion Act (1882) was designed to eliminate Chinese laborers from taking white American jobs during a time of economic depression in the United States. It did so by barring laborers of Chinese descent from entering the country for ten years. As the act was about to expire, Congressman Thomas J. Geary of California wrote the Geary Act, continuing the discriminatory immigration policy for another ten years.

The Geary Act not only extended the Chinese Exclusion Act, it required all Chinese US residents to carry a resident permit, barred them from bearing witness in court and prevented them from receiving bail in habeas corpus proceedings. These provisions extended to American born Chinese, deemed citizens by the 14th Amendment and US v. Wong Kim Ark (1894), the US Supreme Court case that ruled that anyone born in the United States was a citizen, even though the Chinese Exclusion Act made foreign born Chinese ineligible. If a person of Chinese descent did not carry their permit at all times, they risked deportation or a year of hard labor, and then deportation, even if they were US citizens. The Geary Act also gave Chinese laborers one year to get a certificate of residence. The act created a presumption that all Chinese in the United States, citizen or noncitizen, were there unlawfully, and forced them to prove their right to stay. No other noncitizens were required to obtain this certificate or possess a resident permit.

Many Chinese refused to follow the new law. In San Francisco and Los Angeles, official registration notices were ripped up. However, through trials that reached all the way to the Supreme Court, the resident permits and Geary Act were upheld by Fong Yue Ting v. United States, 149 U.S. 698 (1893.) In 1902, the Chinese Exclusion Act was made permanent.