# Alaska town’s voter felony cases reveal citizenship confusion for American Samoans



Squeezed between the towering peaks of mountains and the tranquillity of Alaska's Prince William Sound lies Whittier, an isolated town with a population barely exceeding 260. This quaint location is not only known for its remote beauty but has also unexpectedly become a focal point in the ongoing national debate over voting rights and citizenship status in the United States. Prosecutors in Alaska are pressing felony charges against eleven residents of Whittier, primarily American Samoans, who allegedly misrepresented their U.S. citizenship when registering to vote. This situation raises profound questions surrounding what it means to be born on U.S. soil and the ramifications of historical policies on individuals today.

The legal background is pivotal in understanding why these charges even exist. American Samoans are recognized as U.S. nationals rather than citizens, primarily due to a quirk rooted in the geopolitical history of U.S. territories. Unlike other territories that automatically confer citizenship to their inhabitants, American Samoa's unique status stems from colonial decisions made over a century ago. As a result, they possess certain rights—such as holding U.S. passports or serving in the military—while being denied the right to vote in most U.S. elections unless they undergo a sometimes lengthy and costly naturalization process.

Michael Pese, one of the individuals facing charges, expressed the confusion and frustration many American Samoans feel about their status. “To me, I’m an American. I was born an American on U.S. soil," he stated, emphasising the entitlement he feels to full citizenship rights given his birthplace. The complexities of this case are further exacerbated by the broader implications of how birthright citizenship is interpreted in U.S. law. In fact, the legal confusion is not isolated to Alaska; similar incidents have occurred in other states, including Oregon and Hawaii, where American Samoan residents were incorrectly registered or believed they had the right to vote.

Complicating matters further, the foundational question of U.S. citizenship has been thrust into the spotlight with recent political maneuvers. During his presidency, Donald Trump attempted to redefine birthright citizenship through executive orders aimed at restricting it for children born to undocumented immigrants. However, courts have largely blocked these efforts, reinforcing the constitutional guarantee that all individuals born on U.S. soil are entitled to citizenship. Yet, the case of American Samoans highlights how legislative frameworks can lag far behind constitutional principles, revealing a stark contrast between intent and execution.

The troubles started when Tupe Smith, a resident who volunteered at the local school and ran for a regional school board seat, unwittingly became embroiled in this legal quagmire. Upon seeking clarification about her voting eligibility, she was informed that, while she could participate in local elections, she had been misled about her status on voter registration forms. The confusion around their legal standing resulted in Smith's arrest, igniting a legal battle for her and ten others that has now captured national attention.

Legal experts assert that the cases are less about blatant voter fraud and more reflective of systemic ambiguities that have prevailed for decades. Neil Weare, one of Smith's attorneys and co-founder of the Right to Democracy Project, pointed out that the prosecutions seem to target readily available individuals while lacking substantive evidence of widespread noncitizen voting. This reflects a broader pattern across many states, where instances of noncitizen voting are increasingly viewed as rare, often resulting from unintentional errors rather than any malicious intent.

Moreover, American Samoans, who contribute to the nation in various capacities—many serving in the military—express a longing for the equalisation of their rights. As support for citizenship among American Samoans exists, there is also a notable concern that citizenship might destabilise their cultural heritage and land ownership. The 10th U.S. Circuit Court of Appeals recently ruled against extending automatic citizenship rights, a decision that some American Samoans hope will be revisited, especially as the socio-political landscape evolves. Cultural advocates warn that unfettered citizenship could lead to the erosion of traditional practices and communal land holdings, echoing similar concerns raised about other U.S. territories.

In Whittier, this legal saga has illuminated the complexities and contradictions inherent in the U.S. electoral and citizenship policies, stirring a national conversation that goes beyond a small Alaskan town. While legislative attempts to streamline the naturalization process have been proposed, the ongoing prosecutions underscore a need for more comprehensive reforms to ensure that individuals born in American territories are not left navigating a convoluted legal landscape alone.

As calls for administrative changes grow louder, it remains to be seen whether lawmakers will heed the lessons learned from the Whittier incident. For now, the case continues to unfold, serving as a potent reminder of the unfinished business surrounding voting rights, citizenship, and the convoluted legacy of America's territorial past.

### 📌 Reference Map:

* Paragraph 1 – [[1]](https://www.independent.co.uk/news/american-samoa-alaska-hawaii-men-donald-trump-b2765675.html), [[2]](https://apnews.com/article/eda6c32ce0fcdca6edb22efac26e403d)
* Paragraph 2 – [[1]](https://www.independent.co.uk/news/american-samoa-alaska-hawaii-men-donald-trump-b2765675.html), [[3]](https://apnews.com/article/a089b9513d3d6a39663d159b358182b3)
* Paragraph 3 – [[2]](https://apnews.com/article/eda6c32ce0fcdca6edb22efac26e403d), [[4]](https://apnews.com/article/b6b9298092c84266bc7515209e5aea42), [[5]](https://time.com/6221738/the-ghost-of-dred-scott-still-haunts-us/)
* Paragraph 4 – [[1]](https://www.independent.co.uk/news/american-samoa-alaska-hawaii-men-donald-trump-b2765675.html), [[3]](https://apnews.com/article/a089b9513d3d6a39663d159b358182b3)
* Paragraph 5 – [[2]](https://apnews.com/article/eda6c32ce0fcdca6edb22efac26e403d), [[6]](https://time.com/3736845/john-oliver-last-week-tonight-voting-rights/)
* Paragraph 6 – [[1]](https://www.independent.co.uk/news/american-samoa-alaska-hawaii-men-donald-trump-b2765675.html), [[5]](https://time.com/6221738/the-ghost-of-dred-scott-still-haunts-us/)
* Paragraph 7 – [[2]](https://apnews.com/article/eda6c32ce0fcdca6edb22efac26e403d), [[3]](https://apnews.com/article/a089b9513d3d6a39663d159b358182b3), [[4]](https://apnews.com/article/b6b9298092c84266bc7515209e5aea42)
* Paragraph 8 – [[6]](https://time.com/3736845/john-oliver-last-week-tonight-voting-rights/)
* Paragraph 9 – [[3]](https://apnews.com/article/a089b9513d3d6a39663d159b358182b3), [[6]](https://time.com/3736845/john-oliver-last-week-tonight-voting-rights/)

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## Bibliography

1. <https://www.independent.co.uk/news/american-samoa-alaska-hawaii-men-donald-trump-b2765675.html> - Please view link - unable to able to access data
2. <https://apnews.com/article/eda6c32ce0fcdca6edb22efac26e403d> - In Whittier, Alaska, a remote town of 260 residents, 11 American Samoans face felony charges for allegedly falsely claiming U.S. citizenship while registering or attempting to vote. The individuals, born in American Samoa, are recognized as U.S. nationals rather than citizens due to historical and legal quirks; this status grants limited rights, such as U.S. passports and military service, but excludes voting in most U.S. elections. The confusion has arisen nationally, with similar incidents in Oregon and Hawaii. Legal advocates argue these cases result from systemic ambiguities and administrative failings—such as voter forms lacking clarity—rather than criminal intent. The issue reflects the broader question of birthright citizenship and the complex colonial legacy of American territories. Constitutional debates continue amid efforts by policymakers, including former President Trump, to restrict birthright citizenship. While some American Samoans seek full citizenship rights, others fear it could erode traditional land ownership and cultural autonomy. Courts have previously declined to grant automatic citizenship to American Samoans, and efforts to clarify legality and voter eligibility remain inconsistent across states. Advocacy groups urge administrative reforms over criminal prosecutions to address these longstanding issues. ([apnews.com](https://apnews.com/article/eda6c32ce0fcdca6edb22efac26e403d?utm_source=openai))
3. <https://apnews.com/article/a089b9513d3d6a39663d159b358182b3> - Eleven American Samoans in Whittier, Alaska are facing criminal charges for allegedly falsely claiming U.S. citizenship to vote, sparking discussions about birthright citizenship and voting rights. Although born on U.S. soil, individuals from American Samoa are designated as U.S. nationals—not citizens—and therefore are not automatically granted the right to vote in federal or state elections. The issue arose when Tupe Smith, an American Samoan who ran unopposed for a local school board seat, discovered she was ineligible to hold public office due to her non-citizen status. Prosecutors argue she and others intentionally misrepresented their status on voter registration forms, while Smith claims she was misled. Unlike other U.S. territories whose residents are granted citizenship, American Samoa has retained its unique status due to cultural concerns, such as preserving communal land ownership. Although other states have encountered similar incidents, they have generally opted not to prosecute. In response to the ongoing complications, legislation has been proposed to streamline naturalization for American Samoans without requiring relocation to the U.S. mainland, potentially easing their path to citizenship and voting rights. ([apnews.com](https://apnews.com/article/a089b9513d3d6a39663d159b358182b3?utm_source=openai))
4. <https://apnews.com/article/b6b9298092c84266bc7515209e5aea42> - Efforts by President Donald Trump and congressional Republicans to require proof of citizenship for voter registration have faced significant hurdles at both federal and state levels. A federal judge blocked Trump’s executive order mandating proof of citizenship, and related legislation lacks sufficient support in the Senate. Meanwhile, efforts in Republican-led states including Texas, Florida, Missouri, and Utah have largely failed or stalled. Texas’ sweeping proposal, which would have applied to all 18.6 million registered voters, did not pass despite strong Senate Republican backing. Critics argue that such requirements could disenfranchise eligible voters, particularly those without easy access to documentation, such as married women who changed their names. Instances of noncitizen voting are rare and often result from errors rather than fraud. Previous attempts in states like Arizona and Kansas encountered logistical issues, lawsuits, and eventual reversal. Other states have instead prioritized different voting reforms. For example, Utah enacted voter ID laws and altered mail-in ballot procedures. Advocates argue these proof-of-citizenship mandates are burdensome, potentially unconstitutional, and risk excluding legitimate voters while not significantly improving election integrity. Republican lawmakers plan to revisit the issue in upcoming legislative sessions. ([apnews.com](https://apnews.com/article/b6b9298092c84266bc7515209e5aea42?utm_source=openai))
5. <https://time.com/6221738/the-ghost-of-dred-scott-still-haunts-us/> - The article critiques the Tenth Circuit's decision in Fitisemanu v. United States, which ruled that individuals born in American Samoa do not have a constitutional right to birthright citizenship, thus classifying them as non-citizen nationals. The decision echoes the infamous Supreme Court ruling in Dred Scott v. Sanford, which denied African Americans U.S. citizenship. The author calls on the Supreme Court to overturn this decision and uphold the Fourteenth Amendment's guarantee that all individuals born on U.S. soil, regardless of race, are equal citizens. This issue is personal as the author represents descendants of Dred Scott and Isabel Gonzalez, showcasing the call for justice and equality. ([time.com](https://time.com/6221738/the-ghost-of-dred-scott-still-haunts-us/?utm_source=openai))
6. <https://time.com/3736845/john-oliver-last-week-tonight-voting-rights/> - John Oliver used his show 'Last Week Tonight' to draw attention to the lack of voting rights for U.S. territories during the 50th anniversary of the Selma march. The territories, including Puerto Rico, Guam, American Samoa, and others, are home to 4.1 million people, 98.4% of whom are racial or ethnic minorities. Despite being U.S. citizens, these individuals cannot vote in U.S. elections. Oliver traced this issue back to 1901, when inhabitants of the territories were deemed incapable of understanding 'Anglo-Saxon principles.' Despite the outdated rationale, these laws remain unchanged after 114 years. Oliver highlighted ignorance about the territories' status, like news reports referring to Puerto Ricans as immigrants, despite their U.S. citizenship. American Samoans, unlike others, are U.S. nationals but not citizens. Oliver's segment underscored the enduring inequities faced by those in U.S. territories, who contribute significantly, including many military personnel, but lack basic voting rights. ([time.com](https://time.com/3736845/john-oliver-last-week-tonight-voting-rights/?utm_source=openai))
7. <https://en.wikipedia.org/wiki/Voting_rights_in_the_United_States> - Voting rights in the United States are determined by residency and citizenship status. U.S. citizens and non-citizen nationals residing in American Samoa, Guam, Northern Mariana Islands, Puerto Rico, or the United States Virgin Islands are not permitted to vote in U.S. national and presidential elections, as these U.S. territories do not have presidential electors. The U.S. Constitution requires a voter to be resident in one of the 50 states or in the District of Columbia to vote in federal elections. While the Constitution does not mandate the extension of federal voting rights to U.S. territories residents, it does not exclude the possibility that the Constitution may permit their enfranchisement under another source of law. Statehood or a constitutional amendment would allow people in the U.S. territories to vote in federal elections. Like the District of Columbia, territories of the United States do not have U.S. senators representing them in the Senate, and they each have one member of the House of Representatives who is not allowed to vote. ([en.wikipedia.org](https://en.wikipedia.org/wiki/Voting_rights_in_the_United_States?utm_source=openai))