# Felony charges in Alaska expose citizenship confusion for American Samoans



Squeezed between glacier-studded mountains and Alaska's Prince William Sound lies Whittier, a small cruise-ship stop accessible only by a single road passing through a long, narrow tunnel shared with trains. With its population of just 260, nearly all residents of this unique town share a 14-story condominium building. Yet, despite its size and isolation, Whittier has become a focal point for a complex legal battle regarding citizenship and voting rights, particularly for those born in U.S. territories.

In an unprecedented move, Alaska prosecutors have brought felony charges against 11 residents, most of whom are related, for allegedly falsely claiming U.S. citizenship while registering to vote. These individuals hail from American Samoa, the only U.S. territory where individuals born on its soil do not automatically receive citizenship, a status afforded to those born in other territories and states. Instead, American Samoans are classified as “U.S. nationals,” a designation that grants them certain rights, such as eligibility for military service and U.S. passports, but restricts their ability to vote in federal elections.

Michael Pese, a Whittier firefighter among the charged individuals, expressed his frustration, stating, “To me, I’m an American. I was born an American on U.S. soil.” His assertion is rooted in the long-standing debate about American Samoa's status, which has persisted since the island became a U.S. territory over 125 years ago.

The confusion surrounding voting rights is not solely confined to Alaska. In Oregon, for instance, nearly 200 American Samoans were mistakenly registered to vote under the state’s motor-voter law, with some exercising their voting rights before officials clarified that they lacked the necessary citizenship. Similarly, in Hawaii, Sai Timoteo, who ran for the state Legislature in 2018, was unaware that her status as a U.S. national precluded her from holding office or voting. Such incidents underscore a systemic confusion about the legal rights of American Samoans, prompting calls for clearer voter registration processes.

The legal proceedings in Alaska highlight a broader national conversation about birthright citizenship, accelerated in part by former President Donald Trump’s contentious efforts to redefine the concept through executive orders aiming to restrict citizenship for children born on U.S. soil to non-citizen parents. While courts have blocked these orders, the foundational question remains: Is birthright citizenship guaranteed to all individuals born on U.S. territory?

The recent case in Whittier was initiated when Tupe Smith, Michael Pese's wife, became involved in local politics after volunteering at a community school heavily attended by American Samoan children. After being elected to the school board, Smith was arrested for allegedly misrepresenting her citizenship on voter registration forms. Her lawyer argues that there was no intent to deceive, stressing that when Smith checked the box affirming her as a U.S. citizen, she was following election workers' instructions rather than attempting to mislead.

Critics of the prosecution, including Neil Weare, co-founder of the Right to Democracy Project, suggest that the targeting of individuals like Smith reflects a broader trend of criminalising electoral mistakes, particularly against groups perceived as political outsiders. Weare’s analysis proposes that the actions taken against these American Samoans serve as a cautionary tale for other communities navigating the complexities of voting rights, especially within U.S. territories.

American Samoa's citizenship quandary extends back to the 19th century when U.S. interests in the South Pacific led to its designation as a territory without full constitutional rights. This historical context raises questions about the lingering colonial ideologies that impact the rights of residents today. Currently, efforts to clarify or amend citizenship status for American Samoans appear stalled, as many locals express a desire to preserve their cultural identity and legal autonomy, fearing that automatic citizenship could jeopardise their way of life.

The case also aligns with a growing trend across the United States, where non-citizens can participate in local elections in jurisdictions such as San Francisco and Washington, D.C. However, such developments only highlight the ongoing disparities faced by those in U.S. territories like American Samoa, where most residents cannot engage fully in the democratic process.

This legal saga in Whittier serves as a potent reminder of the intersections between geography, history, and political rights. As discussions continue around citizenship and voting access, it calls into urgent question the meaning of what it truly means to be American in the context of longstanding colonial legacies and citizenship definitions.

### 📌 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/a089b9513d3d6a39663d159b358182b3)
* Paragraph 2 – [[1]](https://www.independent.co.uk/news/american-samoa-alaska-hawaii-men-donald-trump-b2765675.html), [[3]](https://apnews.com/article/eda6c32ce0fcdca6edb22efac26e403d), [[4]](https://apnews.com/article/b6b9298092c84266bc7515209e5aea42)
* Paragraph 3 – [[2]](https://apnews.com/article/a089b9513d3d6a39663d159b358182b3), [[3]](https://apnews.com/article/eda6c32ce0fcdca6edb22efac26e403d), [[6]](https://www.axios.com/2021/06/16/american-samoa-birthright-citizenship-ruling)
* Paragraph 4 – [[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 5 – [[2]](https://apnews.com/article/a089b9513d3d6a39663d159b358182b3), [[5]](https://time.com/6221738/the-ghost-of-dred-scott-still-haunts-us/)
* Paragraph 6 – [[1]](https://www.independent.co.uk/news/american-samoa-alaska-hawaii-men-donald-trump-b2765675.html), [[7]](https://time.com/3736845/john-oliver-last-week-tonight-voting-rights/)
* Paragraph 7 – [[2]](https://apnews.com/article/a089b9513d3d6a39663d159b358182b3), [[3]](https://apnews.com/article/eda6c32ce0fcdca6edb22efac26e403d), [[6]](https://www.axios.com/2021/06/16/american-samoa-birthright-citizenship-ruling)

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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/a089b9513d3d6a39663d159b358182b3> - In Whittier, Alaska, 11 American Samoans face felony charges for allegedly falsely claiming U.S. citizenship to vote. Born in American Samoa, they are U.S. nationals, not citizens, and thus ineligible to vote in federal or state elections. The case highlights debates over birthright citizenship and voting rights for U.S. territories. Similar incidents have occurred in Oregon and Hawaii, where American Samoans were inadvertently registered to vote due to unclear forms. Advocates argue for clearer voter registration processes and potential changes to citizenship status. ([apnews.com](https://apnews.com/article/a089b9513d3d6a39663d159b358182b3?utm_source=openai))
3. <https://apnews.com/article/eda6c32ce0fcdca6edb22efac26e403d> - The prosecution of 11 American Samoans in Whittier, Alaska, for allegedly falsely claiming U.S. citizenship to vote underscores the complexities of U.S. territories' citizenship status. American Samoans are U.S. nationals, not citizens, limiting their rights, including voting in most U.S. elections. The case reflects broader debates over birthright citizenship and the colonial legacy of U.S. territories. Similar incidents have occurred in Oregon and Hawaii, where American Samoans were inadvertently registered to vote due to unclear forms. Advocates call for clearer voter registration processes and potential changes to citizenship status. ([apnews.com](https://apnews.com/article/eda6c32ce0fcdca6edb22efac26e403d?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. 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://www.axios.com/2021/06/16/american-samoa-birthright-citizenship-ruling> - A federal appeals court ruled that the Fourteenth Amendment's Citizenship Clause does not apply to American Samoa, meaning individuals born there are not automatically U.S. citizens. This decision has significant implications for the rights of American Samoans, including voting rights and eligibility for federal office. The ruling has sparked debates over the citizenship status of U.S. territories and the application of constitutional rights to their residents. ([axios.com](https://www.axios.com/2021/06/16/american-samoa-birthright-citizenship-ruling?utm_source=openai))
7. <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))