

Judge Rules American Samoans Should Be Granted U.S. Citizenship, a Victory in the Ongoing Equal Rights Battle

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Ofu Beach, American Samoa

Citing the 14th Amendment, Federal Judge Clark Waddoups of the United States District Court in Utah on Friday ruled that American Samoans should be granted U.S. citizenship and ordered the government to issue them passports reflecting the new status.

The judgement is a win for the ongoing battle, waged in great part by an organization called Equally American, which is committed to achieving equal rights for Americans living in U.S. territories. Equally American filed the lawsuit on behalf of the American Samoans.

American Samoans have pledged allegiance to the United States and followed its laws since 1900. But Samoans have not been granted automatic citizenship at birth, which left many unable to vote and barred from some government jobs.

Americans who live in other U.S. territories such as Puerto Rico and the U.S. Virgin Islands are granted U.S. citizenship upon birth, but many have argued that the citizenship is partial, as U.S. citizens in PR and the USVI cannot vote for president and do not enjoy some of the benefits that mainlanders do.

On Friday, Judge Waddoups stayed his ruling until the case is resolved on appeal. According to Neil C. Weare, president and founder of Equally American, that means American Samoans will not be able to register to vote or be granted passports reflecting their status as citizens until the case is heard in a higher court.

American Samoa is located 2,500 miles southwest of Hawaii. It's the only U.S. territory whose residents are not granted automatic citizenship upon birth. Along with the USVI and PR, Guam's residents are also granted U.S. citizen at birth.

Additionally, the government of American Samoa opposes automatic U.S. citizenship for its residents, contending that the move would compromise the territory's cultural and religious norms.

But the plaintiffs in the Utah case were not in agreement with their government's stance. They argued that the current status of "U.S. National" and not U.S. citizen represented a "badge of inferiority" that perpetuated an American "caste system."

The plaintiffs contended that without U.S. citizenship, American Samoans are the subjects of taxation without representation, and are ineligible to work as police officers, firefighters, military officers, border patrol agents and F.B.I. agents. They also argued that they face a more difficult path than American citizens when sponsoring family members for immigration.

Judge Waddoups ruled that American Samoans must be granted citizenship under the 14th Amendment, which was ratified in 1868 to extend citizenship to African-Americans after the abolition of slavery. "All persons born or naturalized in the United States and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside," reads the amendment.

"American Samoans owe permanent allegiance to the United States. They are therefore 'subject to the jurisdiction' of the United States," Judge Waddoups wrote. And because the territory is "within the dominion of the United States," it must be considered part of the country, he wrote.

Sources: The New York Times, NPR.