"A blood mixture which experience has shown furnishes the very highest grade of citizen-material": Selective Assimilation in a Polynesian Case of Naturalization to U.S. Citzenship

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On the 11th of July, 1928, the front page of the *Honolulu Pacific Advertiser* read: "75 per cent white blood satisfies U.S." The article reported what seems to be the landmark decision of U.S. District Court Judge William Lymer to allow a racially mixed Pacific Islander—Alfred Milner Stephen—to naturalize to U.S. citizenship. While the discussion focused on naturalization and citizenship, in Stephen's case, blood racialization also played a key role. By blood quantum logic, Stephen was identified as three-quarters English and one-quarter Polynesian, the latter inherited from his mother, who was referred to as "half English and half Polynesian." Judge Lymer argued that Stephen's "predominance" of "white blood" qualified him for citizenship.

In 1790, when Congress passed a law to establish a uniform standard for naturalization—the Nationality Act—it was limited to "all free white persons."[1] Although Congress amended the Nationality Act in 1870, it did so only to conform to the intent of the Reconstruction amendments by expanding eligibility for naturalization only to "aliens of African nativity and persons of African descent" (Ancheta 1998, 23). Judge Lymer, who made clear that he was determining whether Stephen was a "white person" within the meaning of the 1870 nationality law, made him, in the words of Ian Haney Lopez, "white by law" (1996).

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In his formative work on the legal construction of race, Lopez details the production of whiteness through legal processes, with a special focus on citizenship and naturalization. He examines a series of cases from the early twentieth century in which state and federal courts sought to determine who was white enough to naturalize as a U.S. citizen.[2] These cases addressing the "racial prerequisites" to citizenship were at the center of racial debates in the United States during this period. Between 1840 and 1924, as Matthew Frye Jacobson argues, politics entered an "arena where race was the prevailing idiom for discussing citizenship and the relative merits of a given people" (1998, 9). "Whiteness" was granted to some and not others, as was citizenship. Without a complete list of those ineligible for citizenship, however, individuals who petitioned for naturalization compelled the courts into a case-by-case struggle to define who was a "white person" (Lopez 1996, 92; Konvitz 1946, 96). In essence, courts "were responsible for deciding not only who was White, but *why* someone was White" (Lopez 1996, 3; emphasis in original).

Lopez has distinguished between two different rationales that federal judges used to justify the racial distinctions that their decisions addressed: scientific evidence and common knowledge (1996, 5-9). Scientific evidence rationales were legitimated by the authority of "science" and were based on naturalistic, purportedly objective, systematic studies of humankind that classified humans with a focus on "natural physical differences" that provided the criteria for racial divisions and hierarchies. Common knowledge rationales, on the other hand, appealed to popular, widely-held conceptions of and beliefs about race and racial categories. Beginning in 1878, racial prerequisites for naturalization were tested in the courts by foreign-born applicants from Japan, China, Burma, Hawai'i, and the Philippines, and the precedents that these decisions established became the criteria for definitions of "whiteness" that characterized American law until 1952.

However, the justifications for racial prerequisites changed. For over thirty years in the late nineteenth and early twentieth centuries courts assumed that scientific evidence and common knowledge were consistent in defining who was "white." But, as contradictions between scientific evidence and common knowledge became more pronounced (e.g. as when anthropologists classified some dark-skinned people as Caucasians), courts increasingly came to rely on common knowledge justifications alone (Lopez 1996, 7).

The Stephen case revealed the confusion surrounding the "scientific" and "common knowledge" definitions of whiteness. In petitioning for naturalization, Stephen was challenging longstanding legal precedent based on "scientific evidence" and "common knowledge," but, as courts increasingly relied on the latter, it became apparent that the two definitions could no longer be reconciled. Judge Lymer reflected this problem when he remarked that the Stephen case was the first time a federal court had considered status of a person with "more than half white blood" and "less than one half Polynesian, Malay, or Oriental

blood."[3] The Stephen case reveals the complicated intersections of race and nation in early twentieth-century American culture.

This essay discusses the rationales that guided the judge's decision. It was the "predominance" of whiteness mixed with Stephen's "Polynesian blood" that made the difference in the court's decision. But that factor alone did not motivate Judge Lymer's decision. Pervasive notions about the potential for Hawaiians to assimilate and to fulfill the requirements of American citizenship were also crucial in this ruling. Although the court recognized Stephen as Polynesian, it deemed him white enough to become American. Stephen could be de-racialized as a legal subject in the courtroom because of racial logic that assumed the easy assimilation of Polynesians based on the historical treatment of racially mixed Hawaiians. Hawaiians and some other Pacific Islanders—in this case Stephen was identified as a Polynesian who came from "Neuru Island"[4]—were inconsistently incorporated into whiteness through a process of *selective assimilation*. That is, they were selectively incorporated as whites when racially mixed (depending on degree), where white "blood"—in relation to indigenous "blood"—has been figured as a solvent.

This is a selective process of assimilation not only because it depends on the degree of mixed-status, in blood logic, but also because it is distinctive to indigenous racialization.[5] For indigenous peoples, blood has typically been evoked to assimilate. Since the late nineteenth century, blood quantum has been an integral part of racial formation in the United States, with unique consequences for indigenous peoples. This racial regime was first imposed on American Indians, and it served as a legal and ideological precedent for its use against Hawaiians. As Thomas Biolsi (1995) and Joanne Marie Barker (1995) have argued for the case of American Indians, blood quantum is a technology of individuation, one that classifies according to gradient. It is contrary to traditional Native social practices but was consistent with white efforts to assimilate Natives. In the late nineteenth and early twentieth centuries, especially the declining population of American Indians made the prospects of their assimilation more palatable and facilitated the project of American expansion, deracination, and incorporation into the U.S. nation-state, while it also perhaps mitigated anxieties of miscegenation. And these factors bolstered the ideology of the "Vanishing Indian" (Dippie 1982). White Americans have seen the mixed-race status of Natives (e.g. half-breed, quarter-blood, one-eighth, one-sixteenth, etc.) as a desired outcome of cultural, structural, and biological assimilation, but it has also been a condition that disqualifies certain individuals from claims to land rights and other entitlements.

I will use two different contexts—the relationship between naturalization and citizenship (in Stephen's case), on the one hand, and the issues of land and citizenship (in the Hawaiian case), on the other—to demonstrate the complicated ways in which the politics of blood are manifested. Stephen's case allows for a discussion of blood construction in a terrain that shows two different ways of

thinking about race—as both category and continuum. Interrogating the construction of racial categories from the vantage of Hawai'i provides a valuable perspective on their mutual constitutions and the range of variation in that process.[6] Moreover, however contradictory and complex these racial formations are, they are far from arbitrary; indeed, they function to maintain the hegemony of whiteness.

Satisfying the United States

Alfred Milner Stephen had migrated to Hawai'i from "Neuru Island" at the age of eleven. According to the case file, he was educated at McKinley High School in Honolulu and worked at the Hawai'i Visitors' Bureau for almost a decade before applying for naturalization. There is some confusion about his ancestry. By blood quantum figures, Stephen was identified as three-quarters English and one-quarter Polynesian. Stephen testified that his mother was of the "Polynesian race" but he later described her as "part English and part Marshall Island" (Stephen 1928, 1-2). It is unclear then whether he was of Nauru Island ancestry at all or if his mother was connected to either the Marshall Islands or Nauru. Whether he was Marshallese and/or Nauruan, or something else entirely, it is curious that he relied on the category of Polynesian (as both Nauru and the Marshall Islands are typically considered part of Micronesia) and was recognized as such throughout the hearing (Lymer 1928, 2).[7] Stephen described his father as the son of an English lieutenant in the British Navy who moved to the Marshall Islands at a young age (2). When asked by the Judge if his father was of "pure white blood," Stephen answered yes, noting that his father had been born in Plymouth, England (2). If this were the case, then Stephen might have been a British subject, as Nauru was a British mandate at the time, as paternity dictated British citizenship in their colonies.[8] If a British subject at the time, Stephen might have been eligible to naturalize; the immigration law of 1924, which guided U.S. naturalization policy, considered the offspring of European settlers in colonies, mandates, and protectorates as Europeans, so long as they did not belong to a racial group deemed "ineligible to citizenship" (like Stephen's mother). Still, from the case records, there is no evidence that Judge Lymer considered Stephen's father's *citizenship* status, although he seemed moved by what he later characterized as his "exceptionally valuable British stock" (his *racial* status).

For Judge Lymer, Stephen's case posed an important legal question that federal courts had not yet addressed: was a person with "predominating white blood, yet having an appreciable strain of brown or yellow or red blood" (1928, 3) eligible to naturalize? Lymer noted that state codes were not uniform; a person of mixed racial descent might be considered "white" in one state and "colored" in another. Thus Lymer needed to articulate some kind of federal standard about who might count as "white" in the 1870 statute. Lymer identified three possibilities. A strict reading of the statute might require "absolutely pure white

blood." A more open reading might disqualify only applicants who had an "appreciable strain" of "colored blood." And third, more flexible yet, the statute could be interpreted as holding that if the applicant's "prepondering blood" was more than half white, then she or he should be deemed a "white person" (4).

To guide him as he chose among these three options, Lymer turned to *In re Rodriguez*—the sole racial prerequisite case between 1878 and 1909 in which an applicant's naturalization petition was granted—as a precedent. *In re Rodriguez* was an 1897 federal court decision that ruled that a "pure-blooded Mexican" applicant from Texas could be admitted to citizenship. Although the court did not believe that Rodriguez was white, it decided that Rodriguez could become a citizen because of a series of treaties that conferred "citizenship on Spaniards and Mexicans in the wake of U.S. expansion into Florida and the Southwest" (Lopez 1996, 61).[9] Still, Lymer read the case as one about the "preponderance of white blood" being sufficient to secure citizenship, although the Rodriguez case specifically addressed the question of citizenship for Mexicans living in conquered territories incorporated into the United States, not naturalization, per se.[10] Noting that the Treaty of Guadalupe Hidalgo that had recognized the right of Mexicans to become naturalized citizens had been abrogated, Lymer concluded that the only way in which the decision to allow Rodriguez to naturalize could be supported would be because, after three hundred years of occupation and control in Mexico, "the Spanish race had 'established itself,' so that Mexicans were presumed to be of substantially white strain." Lymer thus decided that "a race of persons possessing a predominating quantity of white blood would be considered 'white persons' within the meaning of our naturalization law" (1928, 10).

Having decided that a person with a "preponderance" of white blood could naturalize, Lymer then posed the question: "what proportion of the colored blood may an applicant possess and yet be adjudged a 'white person'?" (5). Lymer simply could not believe that Congress had intended to restrict naturalization only to an applicant who could show "that he is of 100 per cent white blood" (Lymer 1928, 4). Lymer further noted that "free white person" as a designation had *already* included various peoples known to be "readily assimilable" with the American people and their laws, customs, institutions and religion, and thus understood the category to be expansive (5). He even noted that the word "white" was first inserted into U.S. naturalization laws for the purpose of wholly excluding Black people from citizenship, and that the term was later omitted but re-inserted again when Congress revised the laws because of apprehension of Chinese immigration. Judge Lymer clearly saw the selective instability and expandability of the "white" category. His notion of it was not based on assumptions of absolute racial purity. But the key in the case would be how assimilable the group of color to which the petitioner belonged was perceived.

Common Knowledge and Polynesians

Common knowledge about racial groups became crucial, for it was important to Lymer that the applicant be able to "naturally" and easily assimilate. Judge Lymer had to consider what kind of citizens those that are "practically white" would make, and so he relied on common notions about racially-mixed Polynesians generally and racially-mixed Hawaiians specifically. Moreover, blood quantum logic within the context of Lymer's reliance on a common knowledge rationale was crucial.

As Lopez traces the legal shift from relying on scientific knowledge to determining cases on the basis of common knowledge alone, he notes that the cases from *Najour* (1909) to *Dow* (1914) set the parameters of the debate between scientific evidence and common knowledge in terms of whether white persons were Caucasians (a "scientific" distinction) or, from a common knowledge perspective, were "generally known to be White" (77).[11] The consequences of accepting existing scientific definitions of racial categories was that if courts accepted all those categorized as Caucasians as white persons, people generally seen as non-white (e.g. Asian Indians) would have become "white," at least for the purposes of citizenship (72). For example, in Stephen's case, had the judge relied on scientific evidence instead, he might have ruled in favor of him because Polynesians were at that time categorized as an "Oceanic branch of the Caucasian division" (Keane cited in Lopez 1996). Therefore, as scientific rationales expanded the boundaries of the category far beyond popular understandings of "whiteness," the U.S. Supreme Court eventually retreated from the term "Caucasian." By 1923, the Court determined whiteness based solely on common knowledge (to uphold popular beliefs about racial difference), as it did when it first addressed the racial prerequisite issue in the cases of *Ozawa v. United States*, 260 U.S. 178 (1922) and *United States v. Thind*, 261 U.S. 204 (1923) (Lopez 1996, 79).[12] The shift from scientific to common knowledge allowed the court to maintain its chief end: racial exclusion.

But in Stephen's case, Lymer's reliance on common knowledge provided the basis for the rationale for *inclusion*, illustrating the ways in which Polynesians and mixed race Hawaiians were racialized as assimilable. The judge told the court that it was important to "consider the fact that the racial admixture which characterizes this applicant is of a very desirable character [,] as the history of Hawaii and the South Seas has clearly proven" (6). He argued that Stephen had "exceptionally valuable British stock" and that, given his one-fourth "Polynesian" ancestry, he had a blood mixture "which experience has shown furnishes the very highest grade of citizen-material." Yet while Lymer's arguments centrally recognized Polynesian racialization, his decision to allow Stephen's naturalization ultimately relied on his faith in Stephen's ultimate de-racialization. For example, he noted that his "racial type" had proven "stamina and civic excellence" and that "as is *well known*, is thoroughly assimilable; the Polynesian

blood, in a short time, utterly disappears, leaving no trace" (Lymer 1928, 9, emphasis mine).

Lymer's understanding of Polynesians' place within white society resonates with other popular conceptions circulating in Hawai'i during the same period. For example, in 1924, a prominent social figure in Honolulu, Rev. Albert W. Palmer, D.D., maintained in his book *The Human Side of Hawaii* that, "it is also a very fortunate thing that Hawaii's basic race is neither Caucasian, Negro, nor Mongolian but the kind hearted, tolerant, loveable Polynesian whose most characteristic contribution to present-day Hawaii is the spirit of 'aloha'" (Palmer 1924, 73). W.A. Kinney, a pro-annexation politician in Hawai'i at the time, argued against Asian assimilation by aligning Hawaiians with white people, contending that Hawaiians were of the "same stock" as the "white race" in that they were of a "branch of the Aryan race" (1927, 172). William Atherton DuPuy, in 1932 executive assistant to the U.S. Secretary of the Interior, commented that Hawaiians, as "new Americans" fit "into that scheme of self-government born to blue eyed people in the other side of the world and previously experienced by few of those who contributed to these strange intermixtures of blood" (DuPuy 1932, ix).[13] DuPuy further predicted that "there ultimately must be a fusion . . . Hawaiian-American" comprised of "something near one-third Japanese, one-fifth Filipino, one-ninth Portuguese, one-tenth Hawaiian, one-twelfth Chinese, one-fifteenth Anglo Saxon, with a sprinkling of Korean, Puerto Rican and what not" (DuPuy 1932, 115-117). In DuPuy's formulation, Hawaiians were anticipated as a reconstituted new assimilable body consisting of a diverse amalgam of citizens. Finally, in another popular account, pro-eugenicist Sidney L. Gulick even imagined a "super race" in Hawai'i, described as "the coming Neo-Hawaiian American race" (Gulick 1937).

The discourses of vanishing, dissolving, and diluted mixed-race Hawaiians relied upon the presumption of both cultural and biological assimilation that lies at the core of blood racialization. The very category of "Hawaiian" seems to eventually have been anticipated to develop as an all-inclusive term marked by geographical designation rather than any specific racial category akin to "Puerto Rican." But in the case of Hawaiians this strategy was tied to land dispossession, a way to diminish distinction, and thus indigenous claims. Studies produced in the 1930s by governmental officials, sociologists, and physical anthropologists reinforced notions of the "hybrid Hawaiian." Therein, Hawaiians were described as "ultimate hybrids," and a "mix of the peoples of the world," (Dunn 1928; Adams 1933; Adams 1937).

Thus, it is crucial that the Hawaiians to whom Judge Lymer so favorably alluded in 1928 were racially mixed, for this case of selective assimilation was predicated upon the ultimate disappearance of bodily racial markers. Judge Lymer did not merely rely on Stephen's individual racial make-up; he drew comparisons with the Hawaiian mix and referred to Stephen as a *new* racial type. Before Lymer systematically evaluated Stephen's petition with regard to the prerequisite

of "white person" necessary for naturalization, he noted that Arabs, Burmese, Chinese, Filipinos, and Hawaiians were *not* "white persons."

To affirm his assessment that Hawaiians were not counted as "white persons," Lymer cited the case of Kanaka Nian, 6 Utah 259, 21993 Pac. (1889), where a Hawaiian man residing in Utah was denied the right to naturalize to U.S. citizenship. In that case, the first question asked by the state court was whether the native inhabitants of the Hawaiian Islands belonged to the white or African "races"—which at that time were the only racial categories eligible for naturalization (260). The court concluded that because the Congress explicitly excluded the Chinese, it had intended to exclude all other races (261).[14]

Even while Hawaiians were not thought of as "white," as per the *Nian* case, it is curious that Lymer did not mention the 50-percent rule defining "native Hawaiian" in congressional legislation by that time, as reflected in the Hawaiian Homes Commission Act of 1920 (Kauanui 1999). This Act allotted approximately 200,000 acres of lease land to Hawaiians who met the 50-percent blood criterion. Moreover, there was another absence in Lymer's assessment: the fact that Hawaiians had been enfranchised in 1900—*after* the *Nian* case. As a political consequence of the illegal U.S. annexation of Hawai'i in 1898, the Organic Act of 1900, which organized the archipelago into a colonial territory, granted citizenship to all Hawaiians and the vote to all men born in the territory.[15] Thus, while race trumped nationality in immigration and naturalization law, a different logic, one born of the pressures of colonization, operated with regard to Hawaiians' citizenship status. Because the enfranchisement of Hawaiians entailed the domestication of a previously recognized sovereign entity (the Kingdom of Hawai'i), the project of erasing the Hawaiian people through discourses of de-racialization and deracination became essential to policies of assimilation. In other words, dominant American policy has worked to erase Hawaiian distinctiveness when it is potentially tied to governance, property, and legal standing. With proper acknowledgement of Hawaiians' indigenous status must come a reckoning with particulate political status considerations, including land claims.

There is a thread of similarity between Stephen's case for naturalization and the development of the 50-percent blood quantum rule used by the U.S. Congress at that time (and subsequently the State of Hawai'i) to define Hawaiian people. The 50-percent blood quantum criterion, which originates in the Hawaiian Homes Commission Act of 1920, defines "native Hawaiians" as "descendants with at least one-half blood quantum of individuals inhabiting the Hawaiian Islands prior to 1778." This definition determined who would be able to lease the allotted lands—Hawaiian Home Lands territory—for residential, agricultural, and pastoral purposes. Given the way in which the 50-percent rule was determined, it is understandable that Judge Lymer stressed that part-Hawaiians were suitable citizen-material (Kauanui 1999; 2002). In the 1920 congressional debates that led to the Hawaiian Homes Commission Act, "part-Hawaiians" were said to be, for the most part, indistinguishable from "white persons." In

the equation of "part-Hawaiians" as "practically white," the subjects were always presumed (in unmarked ways) to have (only) white ancestry along with Hawaiian. On the other hand, in those same debates, those who were of Hawaiian, white, and Chinese ancestry were not identified as "practically white." Moreover, Hawaiians of mixed-Chinese ancestry were figured as a substantial threat to white property rights because of their supposed "alien" status as Asians. Whiteness was always selectively figured as *the* critical solvent.

Ultimately, Hawaiians who did not meet the vagaries of the 50-percent blood quantum rule were deemed ineligible for land leasing on the Hawaiian Home Lands territory. This exclusion rested on a belief in the potential of their assimilability. Participants in the congressional hearings that led to the passage of the Hawaiian Homes Commission Act described white-mixed Hawaiians to be fully competent in their American citizenship because of their "ambitious, aggressive, prolific, and industrious" nature. In other words, those Hawaiians of less than 50-percent blood quantum were regarded as well beyond the need for assistance from the U.S. government and able to secure private property on their own. Enactment of the Hawaiian Homes Commission Act entailed problematic assumptions as to who would and should count as Hawaiian and what counting as Hawaiian would mean and signify. The example of the Hawaiian Homes Commission Act provides numerous examples of assumptions about the relationship between blood quotient and social competency (as American). And it was whiteness that carried the power to selectively assimilate certain Hawaiian subjects.

Stephen's naturalization and citizenship case and the Hawaiian issues of land and citizenship were both based on the politics of blood, but they developed in contradictory and complicated ways. Through a common knowledge justification based on perceptions of racially mixed Hawaiians, Stephen was perceived as able to assimilate and to properly fulfill American citizenship. Racially mixed Pacific Islanders' eligibility to naturalize and part-Hawaiians' racialization were linked by a common racial logic of selective assimilation based on blood quantum criteria that were grounded in assumptions about the "preponderance of white blood" *and* notions about "Polynesian blood."

Immediately after Lymer's ruling rendering Stephen eligible for naturalization, Sanford Wood, the U.S. Special Naturalization Examiner, contested Lymer's ruling. He sent notice to the Ninth Circuit Court of Appeals, objecting "on the ground that said action of said court is contrary to the law and the evidence and weight of evidence adduced at the hearing heretofore . . . [and] . . . herein." In other words, to the attorney representing the United States, Stephen did not constitute a "free white person" under the 1870 Naturalization Act. But there is no record that Lymer's decision was reversed.[16] The U.S. Attorney did not have the power to determine the court's jurisdiction. The lack of a reported decision at the appeals level suggests that the Circuit Court of Appeals refused to hear the case. It seems that the judge's decision on Stephen's naturalization stood.

Conclusion

What are the implications of this tortured history of racial categories? While the bar restricting naturalization to whites (and blacks) was lifted by the 1950s, blood classifications continue to affect and implicate indigenous peoples in the United States. Even though federally recognized American Indian nations assert the authority to define tribal citizenship according to their own definitions, as the case may be, most utilize blood criterion for membership. And even though tribes assert their sovereign prerogative in doing so, the United States Government also continues to define "Native American" by a one-quarter blood rule in federal policy on American Indians that guides funding for housing, education, health, and social services. Hawaiians, on the other hand, are today defined by the 50-percent rule that originated in the U.S. Congress, through the Hawaiian Homes Commission Act of 1920. The impact of that legislation, which embodied assumptions of Hawaiian "character" and assimilation to white society that were evident in the Stephen case, endures in state policy and is today used by both the Department of Hawaiian Home Lands (which oversees the process for leasing lands from the allotted territory) and the Office of Hawaiian Affairs (which administers programs funded by Hawaiian trust land revenues and federal funds) to determine who legitimately shall have access to land and programs legally designated for "native Hawaiians."

For Hawaiian people, blood racialization remains critical to the ongoing issues of citizenship, Hawaiian identity, and sovereignty. Moreover, the blood quanta policies that survive in Hawai'i enable white American economic, political, and social domination that endures through manifestations such as the U.S. Supreme Court ruling in *Rice v. Cayetano* (2002) which judged Hawaiian-only voting rights in trustee elections for the Office of Hawaiian Affairs unconstitutional under the Fifteenth Amendment (see Franklin and Lyons, this issue). Blood constructions also emerged in that case, where the Justices focused on the logics of dilution—because they relied on blood constructions of racial quantification—to undermine the extremely inclusive indigenous conceptualizations of Hawaiianness and belonging, which rely on genealogical connections that privilege kinship and lineal descent by including all those who possess Hawaiian ancestry. In *Rice v. Cayetano*, the Court targeted these inclusive indigenous practices as meaningless. The focus on blood quantum was a substantial component in the ruling, which now allows non-Hawaiians—in this case, any and all residents of Hawai'i, regardless of ancestry—the right to vote in Office of Hawaiian Affairs trustee elections. Furthermore, the case opened the way for numerous legal suits designed to dismantle all federal and state-supported programs that assist Hawaiians with education, health, and housing funding and were granted through dozens of congressional legislative acts for Native Americans (which include Hawaiians along with Alaska Natives and American Indians). And there are also now lawsuits that contest the legal standing of the Hawaiian Home Lands territory and the Office of Hawaiian Affairs by

arguing that they are racially discriminatory against non-Hawaiians. Disregarding the history of blood racialization and classification particular to Hawaiians, these plaintiffs argue that "Hawaiian" should be used as a state residency marker, even though historically the term, along with "Native Hawaiian" and "native Hawaiian" has been reserved for those who are aboriginal descendants, those who are indigenous to Hawai'i. The operative assumption in these suits, much like *Rice v. Cayetano,* is that Hawaiian ancestry is arbitrary unless it "measures up," and even then, perhaps not. In other words, the aim of the suits is to ensure that Hawaiians should not be accorded any distinct rights based on their indigeneity.

In any case, Hawaiians assert the sovereign right to define who counts as Hawaiian on grounds of self-determination. It is important to note that in the 2000 census, 282,667 people in Hawai'i identified themselves as at least part Hawaiian or Pacific Islander—an increase of 74.2 percent from 1990, while 113,539 described themselves solely as a member of that group (Dingeman and Bricking, 2001). This suggests the endurance of Hawaiian indigenous identities, regardless of blood quantum and dominant insistence that those who do not meet the 50-percent blood rule become honorary whites (or Asians, for that matter).

The configurations of Hawaiians' "lack" of blood, rooted in colonial land dispossession and disregard for indigenous sovereignty is analogous to a problem highlighted in the work of Epeli Hau'ofa, who examines ways the Pacific has been configured to the detriment of Island peoples (1995). He summarizes the persistent image of the Pacific as "islands in a far sea," where small island states and territories are considered "too small, too poor, and too isolated to develop any meaningful degree of autonomy" (1995, 89-90). Hau'ofa argues that this view serves as a form of belittlement that is both economically and geographically deterministic and, moreover, overlooks historical processes and forms of "world enlargement" carried out by island peoples transgressing national and economic boundaries that mark colonial legacies and postcolonial relationships. As Hau'ofa re-conceptualizes an expansive Oceania, he describes this "world enlargement" as a vision whereby Pacific peoples see more than just the ever-growing surface of the land as home; they also look to the surrounding ocean, its underworld, and the heavens above. On the history of Pacific Islanders, he succinctly notes, "their world was anything but tiny, they thought big and recounted their deeds in epic proportions" (90-91). Hau'ofa's work in this area enables a re-thinking of Hawaiian genealogical practices in ways that counter blood quantum modes of identification.

Thinking big and recounting of deeds in epic proportions also classically describes Polynesian genealogical recitation. Genealogy is a Hawaiian form of world enlargement that makes nonsense out of fractions and percent signs that are grounded in colonial (now neo-colonial) moves marked by exclusionary racial criteria. Blood quantum can never account for the political nature and

strategic positioning of genealogical invocation. Economically deterministic arguments describing the islands as too small, too poor, and too isolated resonate with racially deterministic arguments about people with too little, too weak, and too diluted Hawaiian "blood." In turn, Hawaiians are emphasizing their genealogical connections to all Pacific peoples in reclaiming a place in Oceania. This move goes beyond merely locating Hawaiians as Polynesians; more significantly, it challenges the legality of the "75 percent white blood" criterion for citizenship used in the Stephen case to permit naturalization or the current 50-percent Hawaiian blood quantum rule to legally define Hawaiianness.

Notes

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1. Specifically, it states "that all free white persons who have or shall migrate into the United States, and shall give satisfactory proof, before a magistrate, by oath, that they intend to reside therein, and shall take an oath of allegiance, and shall have resided in the United States for one whole year, shall be entitled to the rights of citizenship" (quoted in Jacobson 1998, 22).

2. Although the first prerequisite case regarding the racially exclusive naturalization law came as early as 1878, the majority of the cases were filed during the early 1900s.

3. However, prior federal rulings *had* considered "mixed-race" naturalization cases. Lopez notes that there were at least seven such cases before 1928. These include: *In re Camille*, 1880; *In re Knight*, 1909; *In re Alverto*, 1912; *In re Young*, 1912; *In re Young*, 1912; *In re Lampitoe*, 1916; and *In re Fisher*, 1927 (Lopez 1996, 203-207). In all of these cases, the applicants failed to establish their whiteness.

4. I am assuming that the spelling of "Neuru" was a misprint throughout the file and that he was from Nauru Island.

5. For example, there is no African American counterpart. Black people have not been fully allowed mixed-race family histories (Zack 1993). In fact, mixed-race status has historically never conferred advantage of African Americans, for both in state laws and in common practice any identifiable "black" ancestry has routinely been used to disqualify people from entitlements and privileges afforded whites. Under the customary "one-drop rule" anyone who has any African ancestry has been classified as "black." Barbara Fields has pointed out the illogical, arbitrary nature of such rules with her observation that a white woman may give birth to a black child, but no black woman can give birth to a white child (Fields 1982, 149). Thus, in the case of African Americans, blood degree has been invoked to segregate, rather than to assimilate.

6. For more on these issues that focus on the Hawaiian case see Kauanui 1998, 1999, 2002.

7. There are problems with the terms "Micronesian," "Melanesian," and "Polynesian," which have their own histories as anthropological categories of racial classification. Even though the key question is whether these categories were salient at the time of the Stephen case, I use them here to mark the historical distinction among the groupings, but also maintain the use of the term "Pacific Islander," which is not only inclusive of all Pacific peoples, it is also more common within contemporary U.S. and Island-contexts.

8. During the early 1800's, American whalers used Nauru as a base, and by the late 1800's the island came under German administration. In 1914 it was surrendered to Australia and was therefore guided by British law. Japan invaded and occupied Nauru during World War II, and in 1945 Australian forces retook the island. In 1947 the UN granted Australia control of the island under a UN trusteeship, which was jointly held by Great Britain, Australia and New Zealand. Since then, the island has gained greater autonomy, beginning with limited internal self-government by 1951, and full independence by 1968. It now holds Special Member Status in the British Commonwealth.

9. But the Supreme Court later drew the holding in the Rodriguez case into question when it stated in *Morrison v. California* (219 US 82, 95 n. 5, 1933) that, "whether a person of [Mexican]

descent may be naturalized in the United States is still an unsettled question" (cited in Lopez 1996, 242).

10. In his work on Mexican Americans and whiteness, George A. Martinez reads this case differently, arguing: "The court held that Mexicans were White within the meaning of the naturalization laws" (2000, 3).

11. The Najour case went before a federal court in Georgia, where the judge cited scientific evidence and ruled that a Syrian man was considered "white" and so accepted his application for naturalization. But just five years later, in the Dow case, another Syrian applicant was not regarded as white (Lopez 1996, 68).

12. In the *Ozawa* case, a man of Japanese ancestry asserted that his skin color made him white. But the U.S. Supreme Court, asserted that "light skin does not foreclose the possibility that one is non-White" (cited in Lopez 1996, 82). Here the Court continued to rely on science by noting that Japanese would count as Mongolian in the racial taxonomies of the day. In the *Thind* case, the Court rejected its equation in *Ozawa* of "white" with "Caucasian" when it rejected the science of race in response to an East Asian applicant who would have been categorized as Caucasian at the time (Lopez 1996, 86). As Lopez notes, in the *Thind* case, the Court ended the reign of the term Caucasian and instead privileged familiar observation and common knowledge as to whether the average person would believe Thind belonged to the "white race" (cited in Lopez 1996, 91).

13. For more on the problematic republican equation of whiteness with fitness for self-government, see Jacobson 1998, 38.

14. As if the racial designation of Nian was insufficient, the court also decided that Nian did not appear to be sufficiently intelligent to become a citizen (261).

15. Hawaiian resistance to the annexation was well documented—through two memorials against the Treaty of Annexation— and powerful enough to stall the passage of such a treaty in the U.S. Senate in 1897. Disregarding the will of the people, President McKinley went ahead and annexed Hawai'i through domestic law, the Newlands Resolution. For an examination of mass Hawaiian resistance to U.S. annexation after the U.S.-backed *coup*, see Noenoe Silva's path-breaking work (1997; 1998; 2004; and this volume). I contend that the purported annexation was illegal because the United States did not annex the Hawaiian Islands by treaty, as required under international law at the time. Moreover, the constitutionality of the U.S. congressional acquisition of Hawai'i, merely via an internal domestic law, is questionable. In regard to the authority to acquire and establish interim governments for "acquired territories" Chief Justice Taney in *Dred Scott v. John F.A. Sandford*, (60 U.S. 393; 1856) stated: "There is certainly no power given by the Constitution to the Federal Government to establish or maintain colonies bordering on the United States or at a distance, to be ruled and governed at its own pleasure; nor to enlarge its territorial limits in any way, except by the admission of new States." Even though Taney noted that "it has been held to authorize the acquisition of territory, not fit for admission at the time, but to be admitted as soon as its population and situation would entitle it to admission," and that the propriety of admitting a new state is made by the discretion of Congress, the way that Hawai'i became admitted as a state over six decades later, in 1959, is also legally questionable. Like many other colonial territories worldwide, in 1946 the United States inscribed Hawai'i onto the United Nations List of Non-Self-Governing Territories. As such, Hawai'i was eligible for decolonization under international law. However, the United States approved a statehood bill for Hawai'i based on a vote conducted by the territorial government, rather than a plebiscite as mandated by the UN Charter, Chapter XI, Article 73 and General Assembly Resolution 742 regarding the process of non-self governing territories pursuing self-determination and a form of self-government, which should have been undertaken with UN supervision rather that determined by the administrating body of the United States Government. And, in 1998, the UN issued a report recommending that Hawai'i be returned to a UN List of Non-Self Governing Territories, which could make Hawai'i eligible for decolonization as well as a UN-sponsored plebiscite (Omandam 1998, 1).

16. Even if it had been reversed, it is doubtful that he was deported because Stephen had lived in Hawai'i since he was eleven years old and could have applied for a suspension of deportation. Gordon notes that "persons who are racially ineligible for naturalization are, within certain limited exceptions, barred from the United States, are prohibited from obtaining legalization of unlawful entries under special registry procedure provided for those who have resided in the United States continuously since prior to July 1, 1924, and are excluded from applying for suspension of deportation" (Gordon 1945, 240).

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