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# **‘Neither citizen nor alien’: Migration, Territoriality, and Malfunctioning Empire in the US Virgin Islands**

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In 1924, the mechanics of the American empire’s travel regime malfunctioned on the docks of St. Thomas, an island in the Caribbean. The glitch stranded a 34-year-old housewife, Leander Hassell Holder, in a limbo where she was considered “neither citizen nor alien,” as she attempted to return to her life in New York City.<sup>1</sup> The snafu sent a flurry of letters, cables, and memos circulating through the islands–mainland circuit. Virgin Islands activists, the American Civil Liberties Union (ACLU), federal officials, and Holder’s loved ones became embroiled in a debate over how she might return to her mainland life. Holder’s story, buried in the ACLU archives, played out against a legal and social landscape in which the processes tasked with regulating the running of American empire and advancing its territorial interests grappled with the instability wrought by migration in an era when both borders and citizens were made according to imperial whim. What makes this incident intriguing is that the question at its heart—whether or not peoples migrating to, from, and between American territories could be fully incorporated into and regulated by the nation—has yet to be resolved.

I argue that the Holder case furthers our understanding of the disorder and chaos inherent to the exercise of empire. The case also illuminates the reach and limits of American power, illustrating how a single migrating person embodies the legal, political, and racial ambiguities that undermine imperial order.<sup>2</sup> One Virgin Islands woman, marooned on American soil, lays bare the deficiencies of not only America’s territorial regimes but also the mechanisms by which empire functions in the lives of ordinary people. Leander Holder’s story is one where empire looms large, yet also one

where empire breaks down on encountering a single body migrating across oceans, borders, and nationalities.

To examine Holder's case, I employ theories of territoriality, territorial regimes, and migration in the vein of scholars Miles Kahler, Barbara F. Walter, and Paul A. Kramer.<sup>3</sup> I also build on work by an interdisciplinary cohort of scholars who have examined the changing nature of citizenship and legal subjectivity in American territories.<sup>4</sup> My work positions the Holder conundrum as the point of ignition that enabled sparks to fly along a circuit wired by imperial expansion and shifting understandings of citizenship. This spark provoked new considerations of the challenges territories and their peoples posed to the metropole among those involved in Holder's case. Although the case never resulted in major litigation or a named legal precedent, it nonetheless demonstrates how migration becomes a point of imperial malfunction and vulnerability. It thus enters into conversation with pressing contemporary concerns about how the ideologies, legal processes, and bureaucratic technologies that sustain and create empire impact peoples around the globe as the United States attempts to regulate its imperial position through paperwork, passports, executive orders, and tweets.

Ann Laura Stoler has argued that the empire's power is as much about instability and dysfunction as it is about order. This instability and confusion disproportionately impacts those residing in American incorporated and unincorporated territories, as "those who inhabited those indeterminate places and who were subjected to those ambiguous spaces were neither beyond the reach of imperial force nor out of imperial bounds."<sup>5</sup> As scholars have increasingly turned their attention to the realities of what Amy Kaplan has described as "the multiple histories of continental and overseas expansion, conquest, conflict, and resistance which have shaped the cultures of the United States and the cultures of those it has dominated within and beyond its geographical boundaries," American territories and their peoples have received new attention.<sup>6</sup> They have become integral for considering the ways in which American empire in the early twentieth century has been undergirded by the charged intersections of race, culture, gender, class, uplift theories, white supremacy, and Progressive Era conceptions of progress and modernity.<sup>7</sup>

In this vein, the Holder case is a compelling moment composed of resistance, collaboration, and entangled articulations of imperial power and dysfunction. The case's crossed currents define moments where the power of empire is intensely present but concealed, as the ordinary nature of the snafu—a missing document, confusion over status, a missed steamer—is an example of what Stoler calls the "elusive, nontransparent power" of empire.<sup>8</sup> In this spirit, I point to Holder's difficulties as illustrative of a functional illogic of empire and to bureaucratic untranslatability as a vector of power. Based on my explorations of the Holder case's archive, I contend those involved with the case recognized that the breakdown of empire's presumed logic—through the inability of its travel regimes, judicial congruence, and fixed borders to effectively cope with a single migrating person—provided the opening for legal

challenges and ideological pushback against empire's exclusionary underpinnings, including the discriminatory distinction between American citizen and subject. By revealing the layers of complications Holder encountered, from the impact of new immigration laws on territorial migrants to the pitfalls of proving one's citizenship, I argue that the power of empire makes itself most evident when its logic, mechanics, and regulatory regimes fail. In these examinations, I am also attentive to race's role in the construction of Holder and other territorial people as "impossible subjects," and the ways in which a range of actors, from the US government to the Quebec Steamship Company's agents, acted on these types of subjects as part of shared, uneven, relational, and historically contingent processes of racialization.<sup>9</sup> In this way, race is inherent to imperial bureaucracy's logic as well as to its contradictions.

### The Case's Circumstances

The case began thousands of miles away from the American metropole. In 1924, Holder, an Afro-Danish housewife, attempted to buy a ticket to return home to New York City after a visit to her native St. Thomas in the US Virgin Islands.<sup>10</sup> Her children, Herbert and Esther, both American citizens due to their births on the mainland, were with her.<sup>11</sup> The family was traveling from one American space to another, yet Leander Holder's travels did not simply traverse physical spaces. As I will detail, her movements not only encompassed New York and St. Thomas. They constitute an itinerary that connects Virgin Islands's transformation from Danish colony to American territory; the emergence of America's immigration and travel regimes; and the evolution of territorial subjectivity and differentiated citizenship in the early twentieth century.

Despite their status as American subjects and citizens, problems arose with the family's return journey.<sup>12</sup> While the British-held Quebec Steamship Company would allow Holder's children to board a ship bound for New York, it refused their mother passage. According to a letter to the ACLU dated July 12, 1924, the company would not book Holder's return ticket because she lacked proof of American citizenship. In the letter, Rothschild Francis, a Virgin Islands activist and editor of St. Thomas-based newspaper, *The Emancipator*, reported that the company did not consider Holder a United States citizen because she had not resided in the islands at the time of their transfer to American control in 1917, making her ineligible for automatic citizenship. Furthermore, Francis wrote, the steamship officials' refusal to sell Holder passage back to New York stemmed from the company's interpretation of the Johnson-Reed Act—new immigration legislation that had been recently become law.<sup>13</sup> The act was the most restrictive and sweeping US immigration legislation passed in the early decades of the twentieth century. Unless Holder could produce her husband's naturalization papers, Francis's letter continued, the company would not accept her as a passenger, placing her in a "very peculiar position" with respect to the new immigration quotas imposed by the act.<sup>14</sup> Other islanders, the *Emancipator* editor noted, had run into similar migration-related troubles since the law's passage. "We further request that you take this matter

up with the Secretary of Labor, The Quebec Steamship Company, and the President of the United States,” Francis told Roger N. Baldwin, the executive director of the ACLU. “We need all the long-distance help you can give.”<sup>15</sup>

In his correspondence with Baldwin, Francis detailed three circumstances impeding Virgin Islanders’ travel. The first related to islanders like Holder who resided on the mainland prior to the territory’s transfer, but who returned to the Caribbean for visits. The second concerned islands residents who had not emigrated from the islands, but who wished to travel and found themselves barred from passage to the mainland. The third referred to people Francis termed “aliens”—non-Virgin Islanders who had migrated from the United States to the islands before the quota law took effect, and who now wished to return stateside.<sup>16</sup> The steamship company denied Holder passage under the first exclusion criterion. Neither Francis nor the archive comment as to why the company, through its St. Thomas-based agents, chose to act as a regulatory authority on behalf of the American immigration regime.<sup>17</sup>

These exclusion criteria had roots in the treaty by which the United States acquired the islands in 1917 from Denmark. Prior to the transfer, Virgin Islanders were subjects of the Danish Crown. Article 6 of the 1916 treaty establishing American rule in the islands is useful when considering the Holder case. According to the article,

[t]hose, who remain in the islands may preserve their citizenship in Denmark by making before a court of record, within one year from the date of the exchange of ratifications of this convention, a declaration of their decision to preserve such citizenship; in default of which declaration they shall be held to have renounced it, and to have accepted citizenship in the United States ... .

The civil rights and the political status of the inhabitants of the islands shall be determined by the Congress, subject to the stipulations contained in the present convention.<sup>18</sup>

Two key phrases in Article 6 bear scrutiny. The first is that “Danish citizens” residing in the islands could, by declaration before a presumably American court of law, keep their Danish nationality. In carving out a space for people to preserve their prior nationality, the United States acknowledged the prior imperial loyalties, rights, and identities of Danes—white and Black—living in the Virgin Islands, in a form of what Stoler describes as “[p]arallel patterns of colonial intimacies.”<sup>19</sup> However, the treaty is silent as to the nationalities of Virgin Islanders living in diaspora in other parts of the Caribbean and on the American mainland. The treaty article’s language also fails to make space for the preservation of those preexisting rights, identities, and nationalities and fails to account for the movement of peoples across spaces and identities.

A second critical phrase in the treaty article relates to the way that Danish nationality lapses and transforms into American citizenship. The treaty assumes that those who have not actively retained their Danish citizenship automatically become US

citizens within one year of the treaty's ratification. This language removes agency and self-determination from those inhabiting the islands. As scholars have noted, this kind of assumption gives the US Congress unprecedented authority to reconfigure the nationalities and legal/political standings of territorial peoples in this period.<sup>20</sup> Congress's redefinitions—without accompanying expansions of civil rights or full citizenship—then can be seen as serving two purposes: one, reinforcing the distinctions that American imperial architects made about the racialized inhabitants of territories and those territories' function as part of American empire; and two, tying territorial peoples more tightly to the state through participation in certain national projects, like voluntary or drafted military service, without fully embracing or accepting them into the nation by extending the full privileges of citizenship and suffrage.<sup>21</sup> Forms of automatic or ambiguous naturalization also act to derail concerted resistance movements or agitations for self-determination and independence.<sup>22</sup>

These moves speak to how the United States declined to fully incorporate territories and their peoples into the nation. The movement toward permanent colonies, as opposed to state creation, resulted directly from the precedents set in the Insular Cases. Decided in the aftermath of the Spanish-American War, these rulings by the US Supreme Court allowed the federal government to break with past precedents of organizing eventual states from previously unorganized territories.<sup>23</sup> The 1901 ruling opinion of *Downes v. Bidwell* established this rupture. The court's ultimate ruling overrode the dissent of four justices who argued against the decision to create a government "empowered to acquire countries throughout the world, to be governed by different rules than those obtaining in the original States and territories."<sup>24</sup> The dissenters feared sanctioning the United States's overt imperial acquisitions would undermine the nation's constitutional republican spirit for a "system of domination over distant provinces in the exercise of unrestricted power."<sup>25</sup>

Prior to *Downes*, contiguous US North American continental territories had gone on to statehood. Most of these territories' inhabitants were automatically naturalized as full citizens on the state's admission into the union.<sup>26</sup> The court's decision in *Downes* altered this course. It created territories as "states of exception," and set the nation on a path away from a single category of citizenship enjoyed by the residents of states to the differentiated citizenship held by Holder and other territorial residents.<sup>27</sup> The final clause in the transfer treaty's Article 6 is evidence of how the case translated into law. The article delegates the authority to determine Virgin Islanders' political and citizenship fates to Congress, placing self-government and self-determination beyond territorial residents and their fellows in diaspora. As indicated by letters in the Holder case's archive, these limitations restricted the avenues of redress for situations like her stranding to federal legislative solutions that were wholly impractical to swiftly resolve situations on the ground.<sup>28</sup>

As 1924 wore on, letters continued circulating from the Caribbean to the US mainland while the disjuncture of law and bureaucracy kept Holder in St. Thomas. The

archive shows that ACLU attorney Adolph Berle worked closely with Francis and Baldwin to push for an enabling act in Congress that would resolve the confusion over Virgin Islander citizenship, suffrage, and civil rights. Meanwhile, the ACLU, Holder's husband, Herbert, and Virgin Islands activists exchanged notes and lobbied federal officials for a more immediate solution to the situation. Herbert, a 38-year-old porter, wrote to the State Department on July 16, 1924 to request a passport for his wife and provided his own citizenship documentation, also known as a Declaration of Intention, as proof of the couple's citizenship claim.<sup>29</sup> J. Preston Doughten, chief of the Visa Office at the State Department, replied on August 1, 1924. While he had received the July letter and paperwork, he noted that Herbert Holder's entreaties on his wife's behalf were unnecessary. As far as the State Department was concerned, Leander Holder could travel freely across American soil *sans* authorizing documents. "In reply, you are informed that it is not necessary that your wife have a passport, visa, or any other document in order to return to this country from St. Thomas," Doughten wrote. "It is suggested that you advise her to continue her efforts to book passage for the return journey to this country."<sup>30</sup> Doughten's reply suggests that at least one federal department considered Virgin Islanders to fall under American jurisdiction. This intimates that the travel regimes the United States applied to its citizens, not the immigration quotas intended for foreign aliens, applied to territorial people like Holder.

Other federal departments involved in the Holder case issued more ambiguous guidance, conflicting with Doughten's straightforward interpretation of the matter. In a letter dated October 18, 1924, Berle informed Baldwin that he had been in touch with the Department of Labor—which oversaw the nation's immigration and naturalization services—about the Holder case. Based on his exchanges with federal labor officials, Berle concluded, "[i]t is true that under the definition of the act a Virgin Islander coming from the Virgin Islands to the United States is not an immigrant."<sup>31</sup> But, he continued, questions remained as to how to classify the type of citizenship or legal status Holder and Virgin Islanders held. One option was to consider her a "citizen of the Islands." "That definition excludes from the classification of aliens, citizens of the islands under United States rule," Berle wrote. "But there is nothing to show that a Virgin Islander is a 'citizen of the Islands.'"<sup>32</sup> The ACLU attorney noted that the "citizen of the Islands" designation stemmed from prior court rulings related to the residents of other American territories, which had never been specifically extended to Virgin Islanders. It was unclear what rights to migration and travel a "citizen of the Islands" might enjoy, as well as the kind of legal proof such a person must provide immigration officials.

The letter shows that confusion remained about how Virgin Islanders were legally members of the nation. "I am not sure however, that a Virgin Islander is not an 'alien' under the terms of Section 28-b [of the Johnson-Reed Act]," Berle speculated. "This jurisdiction would arise only when some unhappy islander happened to get caught outside of his own islands or of the United States .... The question has never been worked out in the courts so far as I know, being one of the gaps left in our tangled

colonial jurisdiction since the Insular Cases.”<sup>33</sup> Throughout 1924, Berle worked closely with Francis and Baldwin to push for an enabling act in Congress that would resolve the confusion over Virgin Islander citizenship, suffrage, and civil rights. Holder’s situation even led Berle to speculate about the necessity of setting up a confrontation that could test the enforcement and bounds of American immigration law. His hypothetical scenario imagined a Virgin Islander traveling to Cuba and then on to New York with the understanding that said person would be taken into custody by immigration officials. The ACLU, he theorized, could then bring a test case on the doctrine of habeas corpus so “that the courts must once more consider whether or not an inhabitant under the American Flag has any rights which the executive is bound to respect.”<sup>34</sup> From Berle’s vantage point, there appeared to be no redress when a Virgin Islander like Holder was caught on her islands and *within* the United States, but *outside* of the mainland metropole.

Eventually, Holder was able to return home to New York.<sup>35</sup> A letter dated February 26, 1925 thanks Baldwin for his efforts on her behalf. However, both the case’s archive and the letter are largely silent about her exact path of return. It appears Holder may have reentered the US mainland under the Johnson-Reed Act’s quota provisions, a confusing path as residents of the Western Hemisphere were theoretically exempt from the law’s quotas.<sup>36</sup> Passenger records show that she embarked on more trips back to the Virgin Islands in the 1920s, following a circulation route familiar to many Virgin Islanders who resided on the mainland but retained strong ties to their Caribbean birthplace.<sup>37</sup> On these later trips, however, Holder carried protection against another imperial mishap. By February 1928, records show she had completed steps to become a naturalized United States citizen, a process Holder completed when she swore her Oath of Allegiance in a New York court on March 4, 1929.<sup>38</sup>

### Imperial Disruptions

While obscure, the Holder case demonstrates that chaos was inherent to the construction of the United States’s territorial reach in and beyond the Virgin Islands, as changing conceptions of citizenship and territoriality in the rapid globalization of the early twentieth century fed a wider context of imperial friction and malfunction. To understand the circumstances that birthed the Holder conundrum, one must briefly examine the cultural and governmental frenzies about empire and national boundaries that engulfed the country as it entered the twentieth century. Following the end of the Spanish-American War in 1898, the United States formally acquired colonial territories in the Caribbean and Pacific. It also extended the reach of its hard and soft power by embarking on military campaigns; participating in expert exchanges with “lesser” nations; attending international legal conferences; and supporting expanded commercial ventures in Asia, Africa, and South America.<sup>39</sup>

Due to their nation’s newfound military and political ascendancy, Americans looked to the Caribbean as a new sphere of possibility. White mainland Americans



imagined their growing empire as a benevolent force of order, modernity, and racial custodianship over peoples less capable than them of self-determination and self-rule. In “America is Honest,” the editorial staff of the *Chicago Daily Tribune* acknowledged the United States’s imperial interventions as problematic, but excused these excursions, noting:

The United States has suppressed revolution in these countries. It has denied the peoples of these countries the right to fight their own fights, in their own way, for their own purposes. It has overthrown the governments which factions have established.

In these countries the United States rules, in fact or by threat. Its marines fight skirmishes with natives who attempt uprisings. Its gunboats keep customs towns and ports in order. This is against the will of spokesmen for the countries who call themselves the people and who demand the right to rebel, to set up governments, and to have political liberty . . .

These things have all been necessary . . . the United States has been, of necessity, adding to its empire. We may call it what we will but it is, in expanding process, an empire. It grows in territory and spreads in influence. It takes over the custody of other peoples and denies them the privilege of disorder, which they would call self-government.<sup>40</sup>

The editorial writers position the use of US military forces to dominate their neighbors in the Western Hemisphere as necessary interventions that deny them what the paper terms “the privilege of disorder.”<sup>41</sup> The editorial refuses to connect these potential freedom struggles to the United States’s own revolution and this denial of common struggles for liberty and self-determination aligns with what Eric T. Love has argued were the “exclusionary relations of power based on race,” undergirding US empire.<sup>42</sup>

The editorial also provides insight into the matrix of military might, ascendant white notions of civilization, and international legal structures that created the space for America’s hegemony in the Caribbean. For example, the paper’s use of the phrase “takes over the custody of other peoples,” evokes legal custody and a paternalistic moral imperative to dominate “lesser” peoples. As legal historian Benjamin Allen Coates observes, “the US empire of the early twentieth century was in important ways a legalist one,” i.e., one built on legal processes and precedents, most if not all of which were grounded in white, imperial traditions.<sup>43</sup> The use of law—and the resulting incorporation of language like “taking custody” into America’s lexicon—illustrates how public institutions like the press, universities, organizations, and experts created the conditions where a more muscular and transparent American imperialism could thrive.<sup>44</sup>

However, as it expanded, the country’s “legalist empire” provided openings for resistance from those whom the empire marginalized. As Gerald Neuman notes, in the first decades of the twentieth century, “the metaphorically expressed question, ‘Does

the Constitution follow the flag?’ became newly urgent.”<sup>45</sup> Questions of citizenship and its accompanying rights and privileges trailed behind the US gunboats entering Caribbean harbors like the Virgin Islands’s Charlotte Amalie. In the Holder case, the ACLU and the Virgin Islands activists working on her behalf were keenly aware of these vexed questions. Throughout the 1920s, Holder’s ally Casper Holstein wrote extensively about the problems associated with islanders’ lack of full citizenship. Holstein headed the Virgin Islands Congressional Council (VICC). The VICC lobbied for the territory’s full inclusion in the nation and for full civil rights and citizenship for Virgin Islanders. Holstein railed against the “neither citizen nor alien” quandary, writing in a 1925 essay, “[t]hat this is either ill-will or deliberate indifference appears from the fact that the rest of the United States Constitution—especially those parts which guarantee the right of full manhood and womanhood suffrage—are kept in abeyance” in the islands.<sup>46</sup>

Holstein also followed the Holder case and wrote a memo about it at Baldwin’s request in July 1924. In it, he pinpoints the dysfunction of the American imperial system as hinging on the islanders’ inclusion in the nation, but in a historically anomalous state distinct from full citizenship. “Either the Virgin Islanders are of American nationality or of some other,” he wrote in the memo. “If the Virgin Islanders are not Americans why is theirs a government by Americans in their islands?”<sup>47</sup> Holder’s situation spoke to urgent concerns in the islands’ diaspora. In 1920, fifty thousand Afro-Caribbean immigrants and their fifty-five thousand American-born children lived in the United States. New York was home to a large Virgin Islands diaspora, part of a larger Caribbean migration that reshaped its Harlem neighborhood between the wars.<sup>48</sup> Prior to 1924, Virgin Islanders and other West Indians were able to travel to and from their islands of origin without significant restrictions or paperwork.<sup>49</sup> Women and extended families grounded the islands–mainland circuit, spurring continual flows of people between America’s Caribbean sphere of influence and the mainland for social, familial, and economic reasons.<sup>50</sup> The tightening of American travel regulations and the passage of the Johnson-Reed Act increased the need to provide documentary proof of citizenship.

In the Holder case, Holstein posited that if Virgin Islanders, the majority of whom were Black or of mixed-race ancestry, were, indeed, Americans, “whether serfs, subjects or citizens, then this brutal and atrocious denial of the freedom to travel to and from various parts of their common country is a disgrace against American principles of liberty and freedom.”<sup>51</sup> However, the 1916 Virgin Islands treaty, American immigration law, and the nation’s territorial legislation failed to explicitly enable processes and their accompanying technologies of documentation for Virgin Islanders who had been living in diaspora to prove their new American citizenship or nationality while in migration. Without this proof, a traveler risked running afoul of gaps in the empire’s territorial and legal regimes as Holder did in 1924. As a resident of New York City since 1907, she had not been “residing in said islands” at the time of the transfer.<sup>52</sup> She also lacked the technologies to prove her citizenship, which, as a married woman, would have depended on that of her husband, Herbert. In light of these circumstances, she

had nothing on hand to prove to the steamship company ticket office that she was not an “alien” subject to the quota restrictions of American immigration law.

Activists like Holstein and the ACLU understood that the US empire’s power rested as much on its contradiction as its ideological, political, and legal intelligibility. The Holder case’s archive illustrates that these activists understood that glitches and gaps in the empire’s travel regimes and day-to-day bureaucratic processes had direct and devastating bearing on the lives of ordinary men and women. As part and parcel to Holstein’s question above, it is necessary to examine the political and legal structures facilitating and limiting people’s movements to, from, and across imperial spaces. These structures, embedded in the nation’s attempts to preserve its sovereignty and territoriality in the face of the migration of its diverse territorial subjects, set the course for empire to malfunction in the Holder case.

### **Migration as Malfunction Point**

Migration is at the core of Holder’s stranding. It is important to keep *migration* as opposed to *immigration* in sight as the predominant disruptive force of empire acting on the St. Thomas docks. Although one can argue that Holder’s case presents opportunities to explore new wrinkles in American immigration history, by considering the flexible, multidirectional concept of migration, the controversies surrounding her movements expose important sites of imperial malfunction and territorial anxiety to scrutiny.<sup>53</sup> Historian Paul A. Kramer has argued that “the nation’s alliances, rivalries, campaigns, and conflicts have all been imprinted on the ways in which it maintains its boundaries *vis-à-vis* migrants.”<sup>54</sup> He also reminds us that, “[i]n some respects, migrants from U.S. colonies were unique in terms of the intensity and asymmetry of their interactions with American global power and the moral, political, and juridical claims they could, at least in theory, make on metropolitan U.S. authority.”<sup>55</sup> Controlling this and other migrations became key imperial projects in the early decades of the twentieth century as racism and xenophobia combined with America’s overt imperialism in an especially potent cultural cocktail. Although I will briefly touch on the ways the US empire’s moves to restrict migration into, across, and through the nation to groups deemed racially and culturally desirable served particular policies and agendas, I do so only to the degree that it is useful to consider how the conflation of immigration and migration contributed to the chaos of the Holder case. More work remains to uncover the ways in which territorial migration complicates our understanding of US immigration history.

When Holder left New York bound for St. Thomas she moved through imperial space, but her nationality, citizenship, and legal standing got lost in transit when she attempted to return home. Because the steamship company could not categorize or adjudicate Holder’s legal relationship to the American mainland, it refused her passage to New York. As Gary Gerstle observed in his study of immigration and race in the twentieth century, “[t]his movement for immigration restriction strengthened the racist

tradition of American nationalism precisely at the moment when Americans are often thought to have dispensed with 'older' notions of racial hierarchy and embraced the freewheeling thinking and behavior of the Jazz Age."<sup>56</sup> Imperialists and nativists saw threats in an increasingly diverse American metropole, including from the people of color who inhabited their newly acquired Caribbean and Pacific territories. Theodore Roosevelt, for example, advocated aggressive Americanization policies that not only applied to new immigrants but also to territorial subjects who might upset his and other imperialists' vision of the American melting pot. As Gerstle notes, Roosevelt and imperialists who came after him believed assimilation into the nation must be controlled and "[o]nly certain kinds of racial combinations produced superior hybrids."<sup>57</sup> Indeed, in one of the other key decisions in the Insular Cases, 1904's *Gonzales v. Williams*, attorneys for the US government argued that racially exclusionary precedents like the *Chinese Exclusion Act* should apply to "peoples coming from the 'tropics' since they also represented a 'menace' to American society."<sup>58</sup>

In *Gonzalez*, Solicitor General Henry M. Hoyt urged the US Supreme Court to extend exclusionary laws designed to halt immigration from what he deemed racially undesirable nations to America's new colonies. Hoyt argued that territorial subjects, although now under American control, posed "the very oriental and tropical dangers" that Congress had attempted to protect a pure white nation from via exclusionary legislation. Territorial peoples, in Hoyt's view, were "remote in space, culture, or race ideals from our own country." The solicitor general was not alone in his worry about the influence of "these dangerous and burdensome classes of foreigners."<sup>59</sup> Over the course of the twentieth century's early decades, declarations, editorials, and essays reveal imperialists' anxieties about assumed destructive links between race and miscegenation in the life of empires. In a vein similar to Hoyt's arguments before the Supreme Court, an editorial from the *Boston Herald* was read into the *Congressional Record* in April 1924. It warned, "'Rome had [mistaken] faith in the melting pot, as we have. It scorned the iron certainties of heredity, as we do. It lost its instinct for race preservation, as we have lost ours.' ... 'Rome rapidly senilized and died.'"<sup>60</sup> Imperialists were determined that America's empire would remain exceptional—and free from the historic fate of empires.<sup>61</sup> While immigration from parts of the world considered ethnically suspect by many imperialists had been recognized as a threat in the nineteenth century, numerous white Americans would confront migration from their nation's new colonies as a fresh danger to their empire in the twentieth.

Increasingly influenced by the nexus of race and empire, Congress moved to pass immigration acts in 1917, 1918, 1921, and 1924. These laws collectively reduced immigration by about eighty-five percent overall; barred Asian immigrants for all intents and purposes; and enabled "the establishment of racialized and politicized patterns of exclusion and inclusion" that carried through until immigration reform in 1965.<sup>62</sup> Of these acts, the 1924 Johnson-Reed Act—the law that stranded Holder—was the most influential and far-reaching, emerging at an especially tempestuous time in the nation's relationship with migration.

As part of this broader state of anxiety, imperialists identified unfettered colonial migration as a threat to empire and, as sociologists Rick Baldoz and César Ayala write, “[t]he prospect that between eight and ten million newcomers from America’s overseas colonies would be free to migrate to the US with the same arsenal of rights accorded to white citizens gave lawmakers pause.”<sup>63</sup> If we follow Kramer’s contention that migrating people from the nation’s overseas colonies “scrambled dichotomies of inside and outside,” then it also stands to reason that regulating the flow of these migrants in spite of the metropole’s “relatively permeable outer shell” took on new significance for the nation-state at this time.<sup>64</sup>

Although it is tempting to see the Holder case as a strictly legal quandary, Kramer also reminds us that “global power is also made manifest in boundary openings and the cultivation of movement.”<sup>65</sup> Given the attention the United States paid to establishing migration regimes and technologies like passports and travel documents in this period, the Holder incident becomes a site where power malfunctioned in the moment its enabling technologies and regimes failed. The archive shows that Holder’s case was not an example of premeditated, coherent state action closing the nation’s bounds to her. Holder’s predicament illustrates how American migration and immigration regimes “were often forged ad hoc, in response to sudden shifts, such as international crises or the advent of unforeseen migrations, especially those migrations that threatened to cross US borders or the borders of states critical to projections of US power.”<sup>66</sup> In the Holder case, the Quebec Steamship Company made a fuzzy interpretation of her right to migrate through American space, based on her ambiguous nationality and legal standing. The archive reads as a series of dueling opinions and speculations, none of which adequately addressed the gaps in the function and enforcement of American migration protocols with respect to territorial subjects like Holder. In place of one streamlined migration process, as would be expected in an orderly empire, passport controls and legal precedents failed to effectively facilitate or legally bar Holder from moving between colony and mainland. While the archive remains silent about their motivation, in Holder’s case the British-held steamship company’s officials chose to act as enforcement agents for America’s immigration regime and denied her passage, thereby attempting to create a semblance of order out of imperial disorder.

In this atmosphere, migrating racialized territorial subjects like Holder added to imperial angst. Migration necessarily destabilizes exclusionary borders and structures meant to preserve the mainland’s territorial and racial integrity. In the context of state formation, borders are often considered hard and fixed. They serve as bastions against incursions and the dissolution of sovereignty. American citizenship—and its accompanying rights to free movement—then become a weapon in the empire’s defense system as it struggles to maintain territorial integrity. As Cheryl Shanks notes in her study of twentieth-century immigration debates, “[c]ontrolling access to citizenship helps states stay sovereign in the face of globalization.”<sup>67</sup>

A state's territoriality is critical to this process of access control as it allows states to demarcate boundaries and the behaviors of those living within those borders through the cohesive administration of policies and laws across its bounds.<sup>68</sup> In the nineteenth century, the law's reach was much more land-bound than it would become in subsequent centuries, and it was the law's relationship to physical space that provided the basis for the Quebec Steamship Company and federal officials to interpret Holder's migration through a lens of "strict territoriality."<sup>69</sup> In this vein, she enjoyed less protection under American law because she was located in what was considered "a different *kind* of American territory."<sup>70</sup> Holder was doubly hamstrung because she was physically located in a space that was considered legally distinct from the American mainland but also because, as a Virgin Islander, her standing in the nation—her citizenship—was also in doubt.

Holder's migration was also held up by what could be construed as a classic paperwork glitch. Yet, this reading of the case demonstrates the power inherent to imperial malfunctions. Throughout history, empires necessarily established regimes of paperwork, motivated by evolving desires of states to acquire knowledge for what Benedict Anderson has called the "confusedly classifying mind of the colonial state," and to ensure the seemingly smooth function of their hegemony on a macro- and microlevel.<sup>71</sup> These bureaucratic technologies are some of the "familiar, strange, and unarticulated ways in which empire has appeared and disappeared" in American history.<sup>72</sup> In the context of the Holder case, federal correspondence, passports, naturalization documents, and bureaucratic enforcement decisions compose a matrix supporting American empire's territorial regime, one bolstered by a seeming agreement about the application of United States law across the ocean dividing mainland from Caribbean territory.<sup>73</sup> The Insular Cases and other legal and legislative maneuvers created protocols for migration and recognizable, if not consistent or clear, parameters defining territorial subjects and their ostensible rights—or lack thereof.<sup>74</sup> However, the presumed transfer of coherent imperial systems—through legal precedent and/or travel regime—failed. In the Holder case, territorial migrants became conflated with immigrants, shattering illusions of imperial coherence. The lack of clarity surrounding the relationship between territorial subjects and the nation collided with the process and technology enabling the nation's empire to function on the St. Thomas docks. The result left Holder without a steamship ticket or many options. The collision allows us a glimpse the ways the early twentieth century's debates about territorial migration and immigration regulation acted in concert to reinforce racially tinged definitions of citizenship. However, more work is needed to fully illuminate the complex fault lines and tensions fragmenting empire's imagined logic, immigration regimes, and the laws and practices governing its territories.

### **Tripped Circuits in the Present**

Today, when a person attempts to board a flight to the US mainland at the Cyril E. King Airport on St. Thomas, a passport and passage through US Customs are necessary. The

Virgin Islands are still *terra incognita*, part of the nation, but apart from it. In the early twentieth century, even as the United States flexed its military, economic, and foreign policy muscles on an ever wider stage, it was forced to contend with new challenges to its territorial integrity, the ability of its laws to cross contexts and ocean currents, and the limitations of the technologies it used to support the everyday running of its territorial regimes and their regulation of bodies and boundaries.

The case of Leander Hassell Holder complicates our historical understandings of these issues. As the archive shows, Holder was—depending on the understanding of a federal official, treaty provision, or steamship company clerk’s determination—a citizen or an alien, but never truly a full member of the American nation. Because the American construction of territorial subjects like Holder rested on previous legal and treaty provisions, failures in borrowing, translation, and judicial congruence broke what may otherwise have been a smooth cable line of legal precedents to frame Holder’s nationality. This resulted in an impasse over not only Holder’s return journey to New York, but also in debates about the ambiguities of managing American empire’s borders, boundaries, and migrants. In spite of the nation’s recent preoccupation with border walls and deportation regimes, it is also necessary to recall Kramer’s admonition that “[d]espite the best efforts of border patrols and nativist public figures, and much to their frustration, this sovereignty [will] always be at best partial and contingent, coming into being and coming undone, pushed by ... the counter-geographies of humanity on the move.”<sup>75</sup> These countergeographies of movement necessitate rapid legal and technological innovation. They challenge empire’s dominion and test the nation’s ideological, political, and physical bounds by creating gaps where resistance can grow, and activists can imagine new strategies to unsettle imperial power. As a result, empire’s mechanics continue to malfunction and to exercise power most blatantly in dysfunction and incoherence, disrupting lives and sparking activist outrage today as surely as they did when Leander Holder stood marooned on America’s Caribbean shores just under a century ago. Questions like those raised in the Holder case remain unanswered about America’s territorial integrity and empire’s imagined orderliness as migration continues to destabilize empire, from within and beyond its borders.

## Notes

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<sup>1</sup> This anecdote will be fully discussed in the subsequent pages of this article and its details can be found in the files of the American Civil Liberties Union (ACLU) from the Roger Baldwin Era that are cited extensively in the discussion to follow. While earlier scholarship by Isaac Dookhan and a 1945 obituary published in the *Virgin Islands Daily News* have clouded Leander Holder's identity, further research into vital records such as her 1927 Naturalization Petition and an earlier Declaration of Intention filed by her husband, Herbert, align with details contained in letters in the ACLU files and confirm the couple's individual identities and roles in the case. The naturalization documents and other supporting evidence will be cited in full later in this article. See Isaac Dookhan, *Civil Rights and Political Justice: The American Civil Liberties Union in the U.S. Virgin Islands, 1920-1936* (New York: The American Civil Liberties Union, 1983). For the obituary, see "Leander Holder Dies in New York," *The Virgin Islands Daily News*, November 26, 1945, *Google Newspapers*, <https://news.google.com/newspapers?id=zKNNAAAAIBA&sjid=sUMDAAAAIBA&pg=5796%2C2637334>. The specific phrase "neither citizen nor alien," is taken from Casper Holstein, "The Virgin Islands," in *The Opportunity Reader: Stories, Poetry, and Essays from the Urban League's Opportunity Magazine*, ed. Sondra Kathryn Wilson (New York: Random House, 1999), 394.

<sup>2</sup> Ann Laura Stoler, "Intimidations of Empire: Predicaments of the Tactile and the Unseen," in *Haunted by Empire: Geographies of Intimacy in North American History*, ed. Stoler (Durham, NC: Duke University Press, 2006), 9.

<sup>3</sup> I will focus most heavily on how these terms are utilized in Miles Kahler and Barbara F. Walter, eds., *Territoriality and Conflict in an Era of Globalization* (Cambridge, MA: Harvard University Press, 2006); and Paul A. Kramer, "The Geopolitics of Mobility: Immigration Policy and American Global Power in the Long Twentieth Century," *American Historical Review* 123, no. 2 (April 2018): 393-438, <https://doi.org/10.1093/ahr/123.2.393>.

<sup>4</sup> See Bartholomew H. Sparrow, *The Insular Cases and the Emergence of American Empire* (Lawrence: University of Kansas Press, 2006); Cheryl Shanks, *Immigration and the Politics of American Sovereignty, 1890-1990* (Ann Arbor: University of Michigan Press, 2001) and essays in Gerald L. Neuman and Tomiko Brown-Nagin, eds., *Reconsidering the Insular Cases: The Past and Future of the American Empire* (Cambridge, MA: Harvard University Press, 2015). See also T. Alexander Aleinikoff's *Semblances of Sovereignty: The Constitution, the State, and American Citizenship* (Cambridge, MA: Harvard University Press, 2002), among others.

<sup>5</sup> Stoler, "Intimidations of Empire," 9.

<sup>6</sup> Amy Kaplan, "'Left Alone with America': The Absence of Empire in the Study of American Culture," in *Cultures of United States Imperialism*, ed. Kaplan and Donald E. Pease (Durham, NC: Duke University Press, 1993), 4.

<sup>7</sup> Kaplan, "'Left Alone with America,'" 4.



<sup>8</sup> Ann Laura Stoler, "Preface," in *Haunted by Empire: Geographies of Intimacy in North American History*, ed. Stoler (Durham, NC: Duke University Press, 2006), xiii.

<sup>9</sup> Ngai defines these subjects as "a person who cannot be and a problem that cannot be solved." See Mae M. Ngai, *Impossible Subjects: Illegal Aliens and the Making of Modern America* (Princeton, NJ: Princeton University Press, 2004), 5. I also necessarily nod to Natalia Molina's theorizations and articulations of "racial scripts," i.e. the means to identify how different racial projects operate and affect different groups at the same time, highlighting both the historical and spatial relationships between racialized groups as well as the ways that racialization is a shared process driven by a range of actors, from institutions to individuals. See Natalia Molina, *How Race is Made in America, Immigration, Citizenship, and the Historical Power of Racial Scripts* (Berkeley: University of California Press, 2013), 6–11.

<sup>10</sup> I employ "Afro-Danish" to describe Holder's background as an expansion on conceptions of the "Afro-Caribbean" world as both a means to be more specific about the Virgin Islands's history of Danish, rather than Spanish, English, or Dutch colonization, as well as to align with the colonial history that activists in Holder's circle such as Casper Holstein evoked in their argument against abuses of American colonial rule, particularly those of the US Navy, which administered the territory from 1917 until the early 1930s. For a greater discussion of the Virgin Islands's Danish colonial history, see William W. Boyer's *America's Virgin Islands: A History of Human Rights and Wrongs*, 2nd ed. (Durham; NC: Carolina Academic Press, 2010). Boyer's first through third chapters are especially useful.

<sup>11</sup> Rothschild Francis to Roger N. Baldwin, July 12, 1924, American Civil Liberties Union Correspondence, Reel 38, Vol. 270, microfilm; and J. Preston Doughten to Herbert Holder, August 1, 1924, American Civil Liberties Union Correspondence, Reel 38, Vol. 270, microfilm.

<sup>12</sup> The Holder party included both US citizens and American subjects. Leander (also spelled Leandar) Holder, born between 1890 and 1893 on St. Thomas, was not a US citizen at the time of the incident, despite living in New York with her husband and other relatives since at least 1908. Her seven-year-old daughter, Esther (also spelled Ester in a number of records), and nine-year-old son, Herbert Westley (who shared a first name with Leander's St. Thomas-born husband, Herbert Henry), were both born in New York, and enjoyed birthright citizenship. For Leander Holder's details, see multiple vital records including "The 1910 United States Federal Census," database with images, *Ancestry.com*, [https://www.ancestry.com/imageviewer/collections/7884/images/4449603\\_00080](https://www.ancestry.com/imageviewer/collections/7884/images/4449603_00080); > New York > New York > Manhattan Ward 12 >.

District 0504, Census entry for Leander Hassell in the 1910 United States Federal Census, citing "Thirteenth Census of the United States, 1910 (NARA microfilm publication T624, 1,178 rolls). Records of the Bureau of the Census, Record Group 29. National Archives,

Washington, D.C.” Confirmation of her children’s births and citizenship is available as follows: For Esther Holder, see “New York, New York, Birth Index, 1910-1965,” database with images, Ancestry.com, [https://www.ancestry.com/imageviewer/collections/61457/images/47769\\_b353750-00264](https://www.ancestry.com/imageviewer/collections/61457/images/47769_b353750-00264); > 1917 > Manhattan, New York, Birth Index 1910-1965 entry for Esther L Holder, citing “New York City Department of Health, courtesy of www.vitalsearch-worldwide.com. Digital Images.” For Herbert Wesley Holder, see “New York, New York, Birth Index, 1910-1965,” database with images, Ancestry.com, [https://www.ancestry.com/imageviewer/collections/61457/images/47769\\_b353748-00277](https://www.ancestry.com/imageviewer/collections/61457/images/47769_b353748-00277); > 1915 > Manhattan, New York, New York, Birth Index 1910-1965 entry for Herbert Holder, citing “New York City Department of Health, courtesy of www.vitalsearch-worldwide.com. Digital Images.”

<sup>13</sup> Francis to Baldwin, July 12, 1924, ACLU correspondence. President Calvin Coolidge signed the act on May 24, 1924.

<sup>14</sup> Francis to Baldwin, July 12, 1924, ACLU correspondence.

<sup>15</sup> Francis to Baldwin, July 12, 1924, ACLU correspondence.

<sup>16</sup> Francis to Baldwin, July 12, 1924, ACLU correspondence.

<sup>17</sup> Further exploration may shed light on the company’s decision but at this time, the case’s archive is silent as to why the British-held company and its personnel took on this regulatory and enforcement role and the ramifications this stance had in the broader landscape of US travel and immigration regimes.

<sup>18</sup> The treaty titled *Convention Between the United States and Denmark for the Cessation of the Danish West Indies*, was signed at New York on August 4, 1916. It was ratified by the United States Senate on September 7, 1916. Denmark’s government ratified the treaty in December 1916, President Woodrow Wilson signed it on January 16, 1917. A day later, ratifications of the treaty were exchanged in Washington, D.C., and the treaty was proclaimed on January 25, 1917, in the United States and in March of that year in Denmark. For a copy of the treaty see *Convention Between the United States and Denmark for the Cessation of the Danish West Indies*, Appendix C in Charles Tansill, *The Purchase of the Danish West Indies* (Baltimore, MD: The Johns Hopkins University Press, 1932), 533. A digital copy of the treaty is accessible at <https://www.doi.gov/sites/doi.gov/files/migrated/oia/about/upload/vitreaty.pdf>. The referenced article is found on pages 31–32 in the PDF.

<sup>19</sup> Ann Laura Stoler, “Tense and Tender Ties: The Politics of Comparison in North American History and (Post) Colonial Studies,” in *Haunted by Empire: Geographies of Intimacy in North American History*, ed. Stoler (Durham, NC: Duke University Press, 2006), 34.

<sup>20</sup> Pedro Cabán, "Puerto Ricans as Contingent Citizens: Shifting Mandated Identities and Imperial Disjunctures," *Centro Journal* 29, no. 1 (March 2017): 252.

<sup>21</sup> Cabán, "Puerto Ricans as Contingent Citizens," 240, 252; Amílcar Antonio Barreto and Kyle Lozano, "Hierarchies of Belonging: Intersecting Race, Ethnicity, and Territoriality in the Construction of US Citizenship," *Citizenship Studies* 21, no. 8 (December 2017): 1006–1008, <https://doi.org/10.1080/13621025.2017.1361906>.

<sup>22</sup> Cabán, "Puerto Ricans as Contingent Citizens," 272–74.

<sup>23</sup> Cabán, "Puerto Ricans as Contingent Citizens," 247–49.

<sup>24</sup> *Downes v. Bidwell*, 182, U.S. 244, 373 (1901) in Brook Thomas, "A Constitution Led by the Flag," in *Foreign in the Domestic Sense*, ed. Christina Duffy Burnett and Burke Marshall (Durham, NC: Duke University Press, 2001), 87.

<sup>25</sup> *Downes v. Bidwell*, in Thomas, 87.

<sup>26</sup> Native Americans were an exception to this automatic naturalization until the passage of the *Indian Citizenship Act* in June 1924. African Americans became naturalized citizens with the passage of the Thirteenth and Fourteenth Amendments following the end of the Civil War. The residents of territories captured from Mexico following the Mexican-American War were naturalized as American citizens under the 1848 Treaty of Guadalupe Hidalgo, despite the eventual racialization and discriminatory practices that would apply to former Mexican subjects. Territorial subjects in the late nineteenth and early twentieth centuries such as Holder, who were most often peoples of color, were tracked into different strata of citizenship due to the Insular Case rulings, a marked departure from previous US precedents. Priscilla Wald provides a succinct but key analysis of the evolving racialization of territorial citizenship with respect to both Native and African Americans. She also connects those historical citizenship routes to the territorial experience in useful ways. See Priscilla Wald, "Terms of Assimilation: Legislating Subjectivity in the Emerging Nation," in *Cultures of United States Imperialism*, ed. Amy Kaplan and Donald E. Pease (Durham, NC: Duke University Press, 1993), 59–84.

<sup>27</sup> Rogers M. Smith, "The Insular Cases, Differentiated Citizenship and Territorial Statuses in the Twenty-First Century," in Gerald L. Neuman and Tomiko Brown-Nagin, eds., *Reconsidering the Insular Cases: The Past and Future of the American Empire* (Cambridge, MA: Harvard University Press, 2015), 105. The idea of a "state of exception" has been usefully used by scholars such as Stoler, who discusses it as a "the fuzzy sovereign status of U.S. 'dependencies,' 'trusteeships,' and 'unincorporated territories.'" See Stoler, "Intimidations of Empire," 9.

<sup>28</sup> Adolph Berle to Roger N. Baldwin, October 18, 1924, American Civil Liberties Union Correspondence, Reel 38, Vol. 270, microfilm.

<sup>29</sup> Doughten to Holder, August 1, 1924, ACLU correspondence. A Declaration of Intention, in the early twentieth century and today, is the preliminary legal document that an alien files to begin the process toward becoming an American citizen. Herbert Holder, also a native of St. Thomas, filed a Declaration of Intention requesting naturalization as a United States citizen on August 27, 1924 in New York City. It is likely that he furnished some other paperwork related to the Declaration of Intention to Doughten to prove that the naturalization proceedings had been initiated, but the archive is unclear regarding what that may have been. See “New York, State and Federal Naturalization Records, 1794-1943,” database with images, *Ancestry.com*, [https://www.ancestry.com/imageviewer/collections/2280/images/007795764\\_01892](https://www.ancestry.com/imageviewer/collections/2280/images/007795764_01892); > District Court, Southern District > Vols 280-282 1924 Certificates 148851-150700, imaged Declaration of Intention no. 15065, Herbert Holder, filed August 27, 1924, citing “Naturalization Records. National Archives at New York City, New York, New York.”

<sup>30</sup> Doughten to Holder, August 1, 1924, ACLU correspondence.

<sup>31</sup> Adolph Berle to Roger N. Baldwin, October 18, 1924, ACLU correspondence.

<sup>32</sup> Berle to Baldwin, October 18, 1924, ACLU correspondence.

<sup>33</sup> Berle to Baldwin, October 18, 1924, ACLU correspondence.

<sup>34</sup> Berle to Baldwin, October 18, 1924, ACLU correspondence.

<sup>35</sup> Records from the steamship *S.S. Parima* indicate that Leander Holder returned to New York on September 23, 1924, after departing St. Thomas on September 16 of that year. See “New York, Passenger and Crew Lists (including Castle Garden and Ellis Island), 1820-1957,” database online with images, *Ancestry.com*, [https://www.ancestry.com/imageviewer/collections/7488/images/NYT715\\_3544-1016](https://www.ancestry.com/imageviewer/collections/7488/images/NYT715_3544-1016); > Date > 1924 > Sep > 23 > Parima, imaged List or Manifest of United States Immigration Officer at Port of Arrival from the *S.S. Parima* and its entry for Leander Holder on September 23, 1924, citing “Supplemental Manifests of Alien Passengers and Crew Members Who Arrived on Vessels at New York, New York, Who Were Inspected for Admission, and Related Index, compiled 1887-1952. Microfilm Publication A3461, 21 rolls. NAI: 3887372. RG 85, Records of the Immigration and Naturalization Service, 1787-2004; Records of the Immigration and Naturalization Service; National Archives, Washington, D.C.”

<sup>36</sup> Leander Holder to Roger N. Baldwin, February 26, 1925, American Civil Liberties Union Correspondence, Reel 43, Vol. 292, microfilm.

<sup>37</sup> See “New York, Passenger and Crew Lists (including Castle Garden and Ellis Island), 1820-1957,” database with images, *Ancestry.com*, [https://www.ancestry.com/imageviewer/collections/7488/images/NYT715\\_3829-0812](https://www.ancestry.com/imageviewer/collections/7488/images/NYT715_3829-0812); > Date > 1926 > Apr > 14 > Dominica, imaged List or Manifest of United States Immigration

Officer at Port of Arrival from the S.S. Parima and its entry for Leander Holder on April 14<sup>th</sup>, 1926 from the S.S. Dominica, citing “Supplemental Manifests of Alien Passengers and Crew Members Who Arrived on Vessels at New York, New York, Who Were Inspected for Admission, and Related Index, compiled 1887-1952. Microfilm Publication A3461, 21 rolls. NAI: 3887372. RG 85, Records of the Immigration and Naturalization Service, 1787-2004; Records of the Immigration and Naturalization Service; National Archives, Washington, D.C.”

<sup>38</sup> “Petition for Naturalization for Leander Holder,” in “New York, Naturalization Records, 1882-1944,” database with images, *Ancestry.com*, [https://www.ancestry.com/imageviewer/collections/2499/images/31301\\_167966-00087](https://www.ancestry.com/imageviewer/collections/2499/images/31301_167966-00087); > (Rolls 0545-0578) Petition No. 125551 - Petition No. 134214 > (Roll 0567) Petition No. 131101 - Petition No. 131373; and, for its second page, “New York, Naturalization Records, 1882-1944,” database with images, *Ancestry.com*, [https://www.ancestry.com/imageviewer/collections/2499/images/31301\\_167966-00088](https://www.ancestry.com/imageviewer/collections/2499/images/31301_167966-00088); > (Rolls 0545-0578) Petition No. 125551 - Petition No. 134214 > (Roll 0567) Petition No. 131101 - Petition No. 131373, New York, Naturalization Records, 1882-1944 for Leander Holder, citing “Petitions for Naturalization From the U.S. District Court for the Southern District of New York, 1897-1944. NARA Microfilm Publication M1972, 1457 rolls. Records of District Courts of the United States, Record Group 21. The National Archives at Washington, D.C., U.S.A.” This petition would have been the second of two steps aliens typically completed in order to obtain US citizenship.

<sup>39</sup> These efforts have been documented by a range of scholars, including Benjamin Coates’s *Legalist Empire: International Law and American Foreign Relations in the Early Twentieth Century* (New York: Oxford University Press, 2016; Mary A. Renda’s *Taking Haiti: Military Occupation and the Culture of U.S. Imperialism, 1915–1940* (Chapel Hill: University of North Carolina Press, 2001); and Emily S. Rosenberg’s “Ordering Others: U.S. Financial Advisers in the Early Twentieth Century,” in Stoler, *Haunted by Empire*, 405–24.

<sup>40</sup> “America is Honest,” *Chicago Daily Tribune* (1872–1922), February 25, 1918, 6, ProQuest Historical Newspapers. The ProQuest Document ID number for this article is 174330930.

<sup>41</sup> “America is Honest.”

<sup>42</sup> Eric T. Love, *Race Over Empire: Racism and U.S. Imperialism* (Chapel Hill: University of North Carolina Press, 2004), xii.

<sup>43</sup> Coates, *Legalist Empire*, 2.

<sup>44</sup> Coates, *Legalist Empire*, 1–3.

<sup>45</sup> Gerald L. Neuman, “Introduction,” in *Reconsidering the Insular Cases: The Past and Future of American Empire*, xiii.

<sup>46</sup> Holstein, "The Virgin Islands," 394.

<sup>47</sup> Casper Holstein, "Memorandum for the American Civil Liberties Union," July 26? 1924, American Civil Liberties Union Correspondence, Reel 38, Vol. 270, microfilm. The date is smudged but appears to be July 26 or 28, 1924.

<sup>48</sup> Irma Watkins-Owens, *Blood Relations, Caribbean Immigrants and the Harlem Community, 1900–1930* (Bloomington: University of Indiana Press, 1996), 1–4.

<sup>49</sup> Watkins-Owens, *Blood Relations*, 3.

<sup>50</sup> Watkins-Owens, *Blood Relations*, 13.

<sup>51</sup> Holstein, "Memorandum for the American Civil Liberties Union," July 26? 1924, ACLU correspondence.

<sup>52</sup> *Convention Between the United States and Denmark for the Cessation of the Danish West Indies*, 31–32, in the PDF copy of the treaty. For an alternate copy of the treaty text, see Charles Tansill, *The Purchase of the Danish West Indies* (Baltimore, MD: The Johns Hopkins University Press, 1932), 533.

<sup>53</sup> Kramer, "The Geopolitics of Mobility," 403.

<sup>54</sup> Kramer, "The Geopolitics of Mobility," 395.

<sup>55</sup> Kramer, "The Geopolitics of Mobility," 414.

<sup>56</sup> Gary Gerstle, *American Crucible: Race and Nation in the Twentieth Century* (Princeton, N.J.: Princeton University Press, 2001), 82–83.

<sup>57</sup> Gerstle, *American Crucible*, 42.

<sup>58</sup> Henry M. Hoyt quoted in Edgardo Meléndez, "Citizenship and the Alien Exclusion in the Insular Cases: Puerto Ricans in the Periphery of American Empire," *Centro Journal*, 25, no. 1 (March 2013): 125.

<sup>59</sup> Hoyt qtd. in Meléndez, "Citizenship and the Alien Exclusion in the Insular Cases," 125.

<sup>60</sup> *Congressional Record*, April 8, 1924, 5872, in Gerstle, *American Crucible*, 107; edit in square brackets in Gerstle.

<sup>61</sup> For a historical discussion of this evolution, see Shelley Streeby, "Empire," in *Keywords for American Cultural Studies*, ed. Bruce Burgett and Glenn Hendler (New York: New York University Press, 2007), 95–101.

<sup>62</sup> Gerstle, *American Crucible*, 94–95.

<sup>63</sup> Rick Baldoz and César Ayala, "The Bordering of America: Colonialism and Citizenship in the Philippines and Puerto Rico," *Centro Journal* 25, no. 1 (Spring 2013): 79.

<sup>64</sup> Kramer, "The Geopolitics of Mobility," 414.

<sup>65</sup> Kramer, "The Geopolitics of Mobility," 399.

<sup>66</sup> Kramer, "The Geopolitics of Mobility," 404.

<sup>67</sup> Cheryl Shanks, *Immigration and the Politics of American Sovereignty, 1880–1990* (Ann Arbor: University of Michigan Press, 2001), 1.

<sup>68</sup> Miles Kahler, "Territoriality and Conflict in an Era of Globalization," in Kahler and Walter, *Territoriality and Conflict*, 3. This also incorporates theorizations of "legal spatiality." See Kal Raustiala, "The Evolution of Territoriality: International Relations and American Law," in Kahler and Walter, *Territoriality and Conflict*, 219.

<sup>69</sup> Raustiala, "The Evolution of Territoriality," 219–220.

<sup>70</sup> Raustiala, "The Evolution of Territoriality," 220. Original emphasis.

<sup>71</sup> Benedict Anderson, qtd. in Martha Hodes, "Fractions and Fictions in the United States Census of 1890," in Stoler, *Haunted by Empire*, 241.

<sup>72</sup> Stoler, "Intimidations of Empire," 1.

<sup>73</sup> This agreement speaks to Kahler's ideas of "judicial congruence" as a sustaining trait of territoriality. See Kahler, "Territoriality and Conflict," 4–5.

<sup>74</sup> Baldoz and Ayala, "The Bordering of America," 80–82.

<sup>75</sup> Kramer, "The Geopolitics of Mobility," 405.

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