

Statement of Congresswoman Stacey Plaskett (VI)

Committee on House Administration, Subcommittee on Elections

Hearing: “Voting Rights and Election Administration in the U.S. Virgin Islands and other Territories”

July 28, 2020, 10:00 AM

Good Morning Chairwoman Fudge, Ranking Member Davis, fellow Members of Congress, distinguished guests. My name is Stacey Plaskett. I represent the Virgin Islands of the United States in the US House of Representatives. Thank you for the opportunity to present a statement before the committee on voting rights, election administration and status in territories of the United States.

One can not discuss voting rights and disenfranchisement in the territories without talking about racism. The unincorporated territory of the Virgin Islands OF the United States (a possession) is the most structural example of systemic racism. That system permeates the legal status as well as the economic, political, and educational structure that keeps the disparity between us and the mainland – it manifests itself as a position of exclusion of the people living in the Virgin Islands from equitable treatment.

One hundred and three years ago, the Danish government sold what is now known as the Virgin Islands to the United States. Land, waters, property and as a part of the package - people. All four of my grandparents were alive and living on the island of St. Croix at the time of the transfer – of my 8 great grandparents I believe 1 may have met the land and income requirement mandatory to be able to vote on the purchase. Only one would

have been able to say vote for his destiny. And after purchase, those living in the territory (my grandparents and great grandparents - my family) were citizens of NO where – they had NO citizenship for 10 years. Yet, after becoming citizens Virgin Islanders came to Washington and petitioned, pleaded, for the ability to be part of the draft. Virgin Islanders like the other territories serve and give the ultimate sacrifice in far greater number per capital than those Americans on the mainland. We want the responsibility not just the privileges.

This is a long-standing absurdity in our current legal system. Nearly four million Americans live on American soil and cannot fully participate in our democracy, and they only can if they leave home. So long as they reside on U.S. soil, they can vote – when they move to the US territory their voting rights disappear.

As you all know, we also do not have equal voting representation in the Congress. In recent history, they have occasionally had similar rights in the House of Representatives in the event that it resolves itself into the Committee of the Whole House on the State of the Union for consideration of amendments to legislation, so long as the territories' vote won't actually make a difference. But currently, during the covered period for proxy and remote proceedings, the standing resolution for such proceedings precludes any votes from being considered in the Committee of the Whole. Do you know what is like to see a bill related to your people, your constituents and not be able to vote on it?

This lack of equal representation and equal voting power has a direct correlation to persistent poverty across all of the U.S. territories. Americans in the territories are accustomed to being last in line: for [hurricane relief](#), for [COVID-19](#) equipment, for basic health care, education, and more. All five territories have a significantly lower per-capita income than any state, yet are subject to arbitrary eligibility barriers and funding caps that [limit their poorest residents' access](#) to much-needed federal benefits like Medicaid and SSI, formulas for roads and education. I submit that they would be much more likely to receive parity and equality under these programs if the millions of Americans who live in the territories of the United States were allowed to participate fully in our democracy.

At the core of disenfranchisement in the territories is a series of controversial Supreme Court decisions, written in the same period that the Virgin Islands became part of the United States, known as the *Insular Cases*. These cases held that the Constitution's rights and protections do not necessarily apply to Americans in the territories, nor do the promises of full political participation or equality. Those decisions were *explicitly* informed by racial assumptions. In one case, the Court refused to extend equal constitutional guarantees in Puerto Rico because doing so would place an undesirable limit on the federal government's ability to rule over "savages" or "alien races" not immersed in "Anglo-Saxon principles of law." It comes as no surprise that the most influential of these cases, *Downes v. Bidwell*, was decided by the same group of Justices who invented the "Separate but Equal" doctrine of racial segregation in *Plessy v. Ferguson*, just three years earlier. Yet even as legal scholars have characterized the *Insular Cases* as "central documents in the history of American racism,". The last three

Administrations – Trump, Obama, and Bush – have each defended the *Insular Cases*, suggesting that outdated racial premises can and should remain the law of the land.

Before the Insular Cases, territories were viewed as inchoate states – areas on the path to full statehood. The Insular cases have created a near permanent colonial status for those living in the territory. While the House Parliamentarian and the Congressional Research Services use the Insular Cases to opine on why the territories should not be given a full vote –The irony of the Insular Cases is that Virgin Islanders in the 1700s pooled together funds for a promising young man to come to the British colonies in the Americas. That young man, Alexander Hamilton, became the co-author and chief proponent of the U.S. Constitution, the same document that the U.S. Supreme Court has held, and this body uses, to continue to keep Virgin Islanders and other territorial residents “Separate and Unequal” today.

What is needed is common ground on a way forward for resolving this disenfranchisement in the U.S. territories, which leaves open the possibility that this may include a different path for different territories. That is why, when the House of Representatives brought to the floor an aggressive package to address long-standing issues of voting rights and election reform, H.R. 1, the For the People Act of 2019, I fought hard for the bill to call for progress on how to form a consensus for a path forward to address voting rights and election issues facing Americans in the territories.

As passed by the House, H.R. 1 has a series of findings:

that residents of the U.S. territories have played an important part in the American democracy for more than 120 years;

that political participation and the right to vote are among the most significant concerns of territorial residents, in part because they were not always afforded these rights;

that voting participation in the territories consistently ranks higher than many mainland communities; and

that the right to vote is one of the most potent instruments that residents of the territories have to ensure that their voices are heard.

Accordingly, the bill would establish a Congressional Task Force to review federal voting rights and election issues facing the territories, and it requires the task force to make recommendations to Congress on providing U.S. citizens residing in U.S. territories with equitable voting representation in Congress, voting rights in the presidential election, and full and equal treatment under other federal voting and election laws.

I am so proud of the many Virgin islanders who have written compelling statements on the importance of full voting rights for the territories. We are ONE Voice on this in the Virgin Islands – from veteran John Canegata Chair of the Republican Party in the Virgin Islands, to Carol Burke National Committeewoman for the Democratic Party in the Virgin Islands. You will hear from the former Supervisor of the Virgin Islands Board of Elections, John Abramson, but I also have a written statement from the present Supervisor of the Board of Elections, Caroline Fawkes (who was also the first female State Army Aviation Officer within the National Guard). That same demand for equality is written by Attorney Emile Hendersen, counsel to the most recent former Governor

Kenneth Mapp and is also written by Carlyle Corbin who served as the envoy to the United Nations from our former Governor to attorney Pamela Colon a plaintiff in a case winding its way through the federal court system and resident of the state who lost her ability to vote almost 30 years ago when she made the Virgin Islands her home.

The urgency of equal voting rights for all has never been more ripe than now upon the recent passing of Representative John Lewis. Mr. Lewis dedicated his life to equal rights for all Americans, which includes the right to vote, and he continued to fight his fight for what he thought was right until his dying day. As a matter of fact, his voice was instrumental to the inclusion of the territorial voting rights provisions of H.R. 1.

I hope to honor Mr. Lewis and all those who came before us by continuing to fight for our equal right to vote. The nearly four million people who live in U.S. territory are not the subjects of a king or a master. They are American citizens. While they live in America, their interests will not be fully represented within the government of the United States until they have full and equal voting rights, just like other Americans.

I close by thanking you for the opportunity to highlight the importance of equal voting rights for all territories of the United States.