

**Testimony of Congressman Michael F.Q. San Nicolas (GU)**

The Subcommittee on Elections of the Committee on House Administration  
“Voting Rights and Election Administration in the U.S. Virgin Islands and Other Territories”  
July 28, 2020 | 10:00am

Chairwoman Fudge and Ranking Member Davis and honorable members of the Subcommittee, my name is Michael F.Q. San Nicolas and I am the Representative At-Large for the Territory of Guam to the U.S. House of Representatives. Let me begin by expressing my thanks to the Committee for taking the historic step to hold this hearing, as it encompasses a subject no less significant than the suffrage of this democracy of our United States.

Today the Committee will be hearing testimony and receiving testimony from witnesses who will very eloquently articulate the circumstances of the subject before us - the voting rights of American citizens who reside in our U.S. Territories.

The Committee will hear compelling arguments of the inequality and injustice of these circumstances. How it is fundamentally un-American, and how it is long overdue for remedy.

For my part, in representing my constituency the people of Guam, I first want to open in full agreement that the inability for American citizens to impact electorally the full voting representation they have in the Congress and the President of their country, is a circumstance that must be addressed.

Equally, as a non-voting member of this House, I also have the unique perspective to assert in full confidence that these present circumstances denying American citizens of the opportunity for full representation is not born out of malice from any member of this House. Plainly put, there is not a single member of Congress - to my knowledge - who relishes in the fact and seeks to perpetuate the reality that Americans anywhere, and in particular our Territories are disenfranchised.

We are here today because the history of our country, the makeup of our Republic, the framework of our Constitution, and the case law of our courts, have not caught up to what we today would expect to be an American standard - that every American living in America should be equally protected and represented as Americans.

The challenge before us today is how to address this. History has shown that it was never the intent of this Republic to perpetually maintain Territories. Every American Territory before 1898 had a very distinct path into the Union, and what was consistent in all paths was a deliberate attempt to invest in their eventual inclusion. Whether it was through encouraging settlement, or investing in infrastructure, or in the deliberate attempt by the predecessors of this body to take pride in growing the number of States that encompass America.

Territories that qualify for full inclusion into the Republic as States must be so included. Puerto Rico MUST be included as a State in this Republic or released by this Republic. There is no rational basis to maintain it as a Territory as it meets all Constitutional thresholds for inclusion, and the inaction of this government that perpetuates its territorial status is inexcusable. A binding referendum in Puerto Rico administered by the United States, for inclusion of the State of Puerto

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Rico or recognition of an independent Puerto Rico is a duty we have not the convenience to ignore. The very integrity of our Republic is at stake.

For our smaller Territories to include Guam, a deliberate attempt to bring them into the Union must be undertaken by this country. Further incremental progress must be taken in this regard, to include the extension of delegates not only to the House of Representatives as we have today, but to the United States Senate, that there may be some form of representation in both chambers of Congress. Similarly, electoral college representation as so extended to the District of Columbia must so too be extended to all Territories. While the latter represents a larger hurdle requiring a constitutional amendment, the former could have us seating Senate delegates post haste, as legislation in my H.R. 5526 introduced in this 116<sup>th</sup> Congress would see it so.

Additional consideration must be given to Territories to enhance their abilities to qualify for inclusion as States. Deregulation of shipping constraints to lower the cost of living, travel waivers to encourage tourism growth, public transportation infrastructure investment to mobilize economies, and higher education investment to firm up local governance and enterprise, are all modern day equivalents of the same policies that transformed the West and the Midwest into the States of Alaska, Arizona, Arkansas, California, Colorado, Idaho, Iowa, Kansas, Louisiana, Minnesota, Missouri, Montana, Nebraska, Nevada, New Mexico, North Dakota, Oklahoma, Oregon, South Dakota, Texas, Utah, Washington, and Wyoming. Our Territories need the same support. A deliberate attempt to meet their unique needs and circumstances in order to fuel their growth into full membership and the fulfillment of full voting rights for those who call them home.

The quest for voting rights in this Republic and how we address it is nothing less than a testament of this government’s commitment to this Republic. To growing it. Strengthening it. And graduating its Territories into whole parts of it, or setting them free, and preserving this Republic from bastardization. This is the question before us. The sanctity of American Democracy.

Thank you so much for the opportunity to testify before you today. I look forward to working with you and all the great representatives of this Congress, to address these truths as they are now known and our commitment to it.