

**Statement of Congresswoman Jenniffer González-Colón (PR -At Large)**  
**Committee on House Administration**  
**Subcommittee on Elections**  
**“Voting Rights and Election Administration in the U.S. Virgin Islands and Other Territories”**  
**July 28, 2020 – 10:00am**

Thank you, Madame Chair, for holding this hearing on voting rights and election administration in the U.S. Virgin Islands and other U.S. territories, including Puerto Rico. The rights to vote and to be equally represented in the governments that make one’s laws and to have elections conducted fairly are the most fundamental and essential elements of democracy.

I represent about 89% of the total population in the five territories. That means I represent 3.2 million American citizens, with the same rights as American citizens in the States. But we, and the residents of the other territories, live in jurisdictions that constitutionally cannot have votes in the government that not only makes our national laws but can – and sometimes does – intervenes in the local laws.

Congress has this power because of the Constitution’s Territory Clause, which makes Congress our super-territorial legislature. Congress can delegate the exercise of self-government to the people of a territory, but it still ultimately possesses the power to govern us in all matters and it can take back the self-government it has delegated.

It did this in Puerto Rico in 2016 with the approval of PROMESA, and the Supreme Court subsequently reiterated the authority. It cannot relinquish the power without making a territory a State or a nation.

It also constitutionally can – and does – treat us differently than the States: overall worse.

These are the single most influential factors in Puerto Rico’s economic underdevelopment. It is also why the Americans that I represent are now only 35% of all Puerto Ricans that live on the Island. Approximately 5 million Americans live in the U.S. mainland, because of the greater opportunity and rights available to them in a State, which Puerto Rico cannot provide.

The United States is history’s greatest democracy – but it has never been a perfect democracy. If my colleague and I did not know that from representing territories, we would know it by being women and members of national minority groups.

Over time, the United States has become more democratic. The problems of democracy and equality for territories, however, cannot be rectified by Congress or the courts because it comes from the plain meaning of the Constitution. As individual Americans, we can only obtain Federal representation and equality by moving to a State.

The only way for a territory to obtain voting representation in Congress, equal or otherwise, or in electing the president is to become a State or for the Constitution to be amended.

We have seen this in the District of Columbia obtaining votes in electing the president through a constitutional amendment and in failing to obtain a vote in the House through legislation even though a vote in the House would be far short of equal representation. We have also seen it in repeated court rulings rejecting claims that tried to extend Federal voting rights of States to citizens in territories.

The only other option for territories to obtain democracy is to become nations, either fully independent from or in a free association with the U.S. (or another nation) that either nation can unilaterally end. This would mean the end of U.S. citizenship in one way or another.

The same is true for obtaining equal treatment in federal programs. Even when we are granted equal treatment, it can be taken away.

The situation that I have described is the hard truth for the Americans of the territories.

These realities – and appreciation of and admiration for the United States – are why the remaining people in Puerto Rico – want the territory to become a State. We should not have to move to an existing State for democracy or equality.

That territories would eventually become States was a founding principle of our Nation that dates to the Articles of Confederation and was re-enacted during the first Session of the 1st Congress. This policy was cast aside after the Spanish-American War because of racial and cultural bigotry. There was a concern that, if Puerto Rico were put on the path to statehood, the Philippines would want it, too.

So, the Supreme Court divined the existence of a previously unknown status: unincorporated territory, that status of being a possession but not a part of the United States. Unincorporated territories can become nations as well as States. Only constitutional rights considered to be fundamental apply absent action by Congress or the Court.

The Supreme Court has resisted all efforts to reverse its finding of this status, including very recently. Doing so, would mean that all of the territories can only become States.

Whether others want to, it is for them to say. I can report that Puerto Rico does want to become a state of the Union; it wants equality and democracy within the United States.