

COMMITTEE: LAW AND CRIMINAL JUSTICE COMMITTEE

POLICY: ENFRANCHISING VIRGIN ISLANDS RESIDENTS

TYPE: DEBATE RESOLUTION

WHEREAS, the Virgin Islands is a territory of the United States; and

WHEREAS, the Virgin Islands, like the other 50 continental states, participate in the Democratic and Republican nomination process for the Office of President of the United States; and

WHEREAS, Virgin Islanders who reside in the continental United States have the right to vote for the President of the United States; and

WHEREAS, Virgin Islands residents who are United States citizens, however, are denied voting rights and access to presidential elections; and

WHEREAS, the Democratic and Republican conventions are the territory's only chance at having a say in who the next president is; and

WHEREAS, this denial began with the controversial and divided Supreme Court decisions known as the Insular Cases, which were decided shortly after the United States acquired overseas territories; and

WHEREAS, the Insular Cases established a doctrine of "separate and unequal" constitutional treatment for overseas U.S. territories; and

WHEREAS, the Insular Cases defined the premise that the United States Constitution applies "only in part in unincorporated Territories" but "in full in incorporated Territories destined for statehood"; and

WHEREAS, the Virgin Islands is an unincorporated territory of the United States; and

WHEREAS, the Virgin Islands is subject to the Congress' plenary powers under the territorial clause of Article IV, section 3, of the U.S. Constitution; and

WHEREAS, the Constitution of the United States specifies that the President and the Vice President shall be elected by electors chosen by the States; and

WHEREAS, the Virgin Islands is not a part of any state; but, like states, are able to elect their own governor and legislature; and

WHEREAS, Virgin Islanders, in a few years, will enjoy 100 years of American citizenship though never given the opportunity to elect the President of the United States; and

WHEREAS, children born abroad to a United States citizen are given American citizenship with full voting rights; and

WHEREAS, the Virgin Islands is effectively disenfranchised at the national level due to its inability to elect a President; and

WHEREAS, though unable to elect a President, the Virgin Islands must abide by and is subject to all national policies, rules, regulations and laws enacted and in the United States; and

WHEREAS, Virgin Islanders have served in the United States military and fought in wars on behalf of the United States prior to obtaining the privilege of becoming citizens of the United States; and

WHEREAS, young males who are Virgin Islanders, must register for the selective service and can be drafted by the same Commander in Chief that they cannot vote for; and

WHEREAS, a number of scholars have concluded that the United States national electoral process is not fully democratic due to U.S. Government disenfranchisement of United States citizens residing in United States territories;

THEREFORE BE IT RESOLVED, that the National Conference of State Legislatures respectfully urges the Congress of the United States to review the United States Constitution as it relates to the disenfranchisement of Virgin Islands residents and its inability to elect a President and implement the necessary revisions to grant Virgin Islands residents the right to vote in United States presidential elections;

BE IT FINALLY RESOLVED, that a copy of this Resolution shall be forwarded to the President of the United States of America, Honorable Barack Hussein Obama; Honorable John Boehner, Speaker of the House of Representatives; each member of the United States Congress and the United States Virgin Islands Delegate to Congress, Stacey Plaskett.