

The Virgin Islands Consortium

Op-Ed: Represent the USVI & Right to Vote on Constitution Day

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Here is something to think about. Today the U.S. Constitution celebrates its 227th birthday. In just a few years, the U.S. Virgin Islands will celebrate its 100th birthday as part of the United States. Yet, Virgin Islanders still cannot vote for President, lack full voting representation in Congress, and the Obama Administration recently [argued in court](#) that citizenship for people born in territories like the VI is a mere congressional privilege rather than a constitutional right.

As we commemorate “Constitution Day and Citizenship Day,” we should be asking ourselves two questions: First, is this what the Founders had in mind when “We the People” came together to create the Constitution? Second, and perhaps more importantly, how does the Constitution empower us to do something about it?

The Constitution was the culmination of a literally revolutionary idea—government should be of the people, by the people, and for the people. Americans would be citizens of a representation by the British Parliament.



VI Memorial Day 2014

Today, nearly 5 million U.S. citizens are treated as second-class simply because of where they live: in a U.S. territory or the District of Columbia. That's over twice the population of the Thirteen Colonies. The result is that we are mere observers in a political process that affects our daily lives, from Veterans' care, to SSI benefits, to healthcare.

But just as the Constitution served to "form a more perfect Union" in 1787, it can provide a path for bringing an end to this second-class status today. Following the Civil War, the Fourteenth Amendment of the Constitution was ratified to guarantee citizenship by birth on U.S. soil and to guarantee Equal Protection of the laws. Of the 13 subsequent amendments, six have served to expand and protect democratic participation.

As a result of these constitutional changes, today it is clearer than ever that the relationship between Virgin Islanders and the federal government is completely contrary to America's most fundamental democratic and constitutional principles.

Fortunately, the Constitution provides a way individuals can stand up for equal citizenship and the right to vote. In short, it's time we made a federal case of it.

Federal courts can offer a more level playing field to people who are politically marginalized because of their disenfranchisement. And as prior civil rights movements have shown time and time again, the right federal case can have the power to ignite and inspire necessary change through the political process.

This Fall we plan to file a federal lawsuit on behalf of residents of the Virgin Islands and other U.S. territories who are denied the right to vote for President. We have put together a team of top notch attorneys who have developed an exciting new equal protection argument that offers an opportunity to succeed in court where past efforts have failed.

Already over 1,500 residents of the VI and other U.S. territories have shared their stories to help develop the case through our "Right to Vote" survey, which is available at www.RepresentVI.org. The more people's stories we are able to bring together, the stronger the case will be.

We are especially interested in hearing from members of the veterans and active duty community in the VI who believe they have earned the right to vote for President. We also are looking for current residents of the VI who at one time resided in Illinois, President Obama's adopted home state. If President Obama were to retire to the VI, even he wouldn't be able to vote for President!

Ultimately, more will be needed than just action in court. Virgin Islands leaders must also work towards political solutions through self-determination. But as with prior civil rights cases, pressure from the courts can be an important ingredient in helping move the conversation forward and drive broader political change.

So long as the U.S. Virgin Islands is part of the United States, with Virgin Islanders fighting to defend the Constitution and America's democratic principles, residents of the VI deserve to be treated as full and equal members of We the People.

Please visit www.RepresentVI.org to let your voice be heard or call or visit Attorney Henderson at (53-A) 429 King St., Ste. 8, Frederiksted, VI, 00840, 772-4444.

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Neil Weare and Emile Henderson III are among the attorneys working to develop this new federal voting rights lawsuit as part of We the People Project's new "Represent VI" campaign.

The views and opinions expressed in this article do not necessarily reflect those of the staff and management of the VI Consortium.