

The Virgin Islands Consortium

Dear Obama, It Is Long Overdue That Virgin Islanders Be Viewed As Permanent U.S. Citizens

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Editor's note: *This letter was submitted to The Consortium on Wednesday morning by former Delegate to Congress Donna M. Christensen. It was originally written to President Obama on September 4, 2014, and has become all the more pertinent in light of recent events surrounding the status of U.S. Virgin Islanders and other Insular areas' residents.*

I write to express the shock and disappointment of my constituents and I regarding assertion made in a brief filed by your Justice Department in *Tuaua v. United States*, that U.S. Citizenship for Virgin Islanders is not a fundamental right. The case in question, seeks to ratify the proposition that citizenship-by-birth extends to residents of the U.S. territories as well as those of the states.

While it is true, as U.S. Attorney Ronald Machen Jr. wrote in his brief, that Congress was within its authority to determine that the U.S. Virgin Islands was unincorporated and therefore a person born there was not automatically a citizen, hearing those words expressed on behalf of our President was extremely hurtful to the residents of my District which is renowned for its patriotism and willingness to sacrifice for our nation.

Since becoming a part of the United States in 1917, Virgin Islanders sought permission to volunteer in every major war or conflict our country participated in, from the Revolutionary War, to World Wars I and II, to Vietnam, to the wars in Afghanistan and Iraq today and all those in between. Moreover, my constituents served and continue to serve in numbers far exceeding other U.S. areas on a per capita basis. We hold our U.S. citizenship very dear, which is why you can understand the hurt we feel when we are told that our citizenship is not permanent and can be taken away on a whim by Congress.

One of the seminal moments in Virgin Islands history that was also hurtful -- but in a different way -- was the fact that we could not vote for your election as the first African American to be elected as President of the United States. As a majority population of African descent, we beamed with pride at your historic campaign and election in 2008 but struggled to with the painful fact that, as Americans, we couldn't join our brothers and



vote to secure your place as the 44th President since 2004; I have introduced a resolution in judgment granting the residents of the U.S. the United States.

Former Delegate to Congress Donna M.

Similarly, I joined my colleague from Guam, Delegate Madeline Bordallo, in submitting an Amicus Brief in the American Samoan citizenship case to express the view of my constituents that “as long as the Virgin Islands and other U.S. territories are part of the United States, citizenship by birth should be recognized as a right guaranteed by the Constitution, not a mere privilege extended by Congress”.

Words, even when they are factually or legally correct, can hurt and damage the psyche of the most vulnerable members of our American family. It is therefore incumbent upon the leaders of our family to keep this fact in mind as we attempt to express complex legal arguments that will have direct bearing on these vulnerable Americans lives. But more importantly I would look to you to join us in our effort, or lead the effort to ensure the constitutional right of citizenship that should be ours.

It has been more than a hundred years since the Supreme Court decisions known as the Insular Cases cemented the contemporary racists beliefs regarding residents of the off-shore territories and whether they were “worthy” of enjoying all of the benefits of our constitutions. I hope you would agree that it is time that we discard this unfortunate vestige of 19th century thinking and recognize the contributions of Americans living in the Territories, which the Tuaua lawsuit is seeking to do. I look forward to pursuing this issue with you further.

With best regards,

Donna M. Christensen