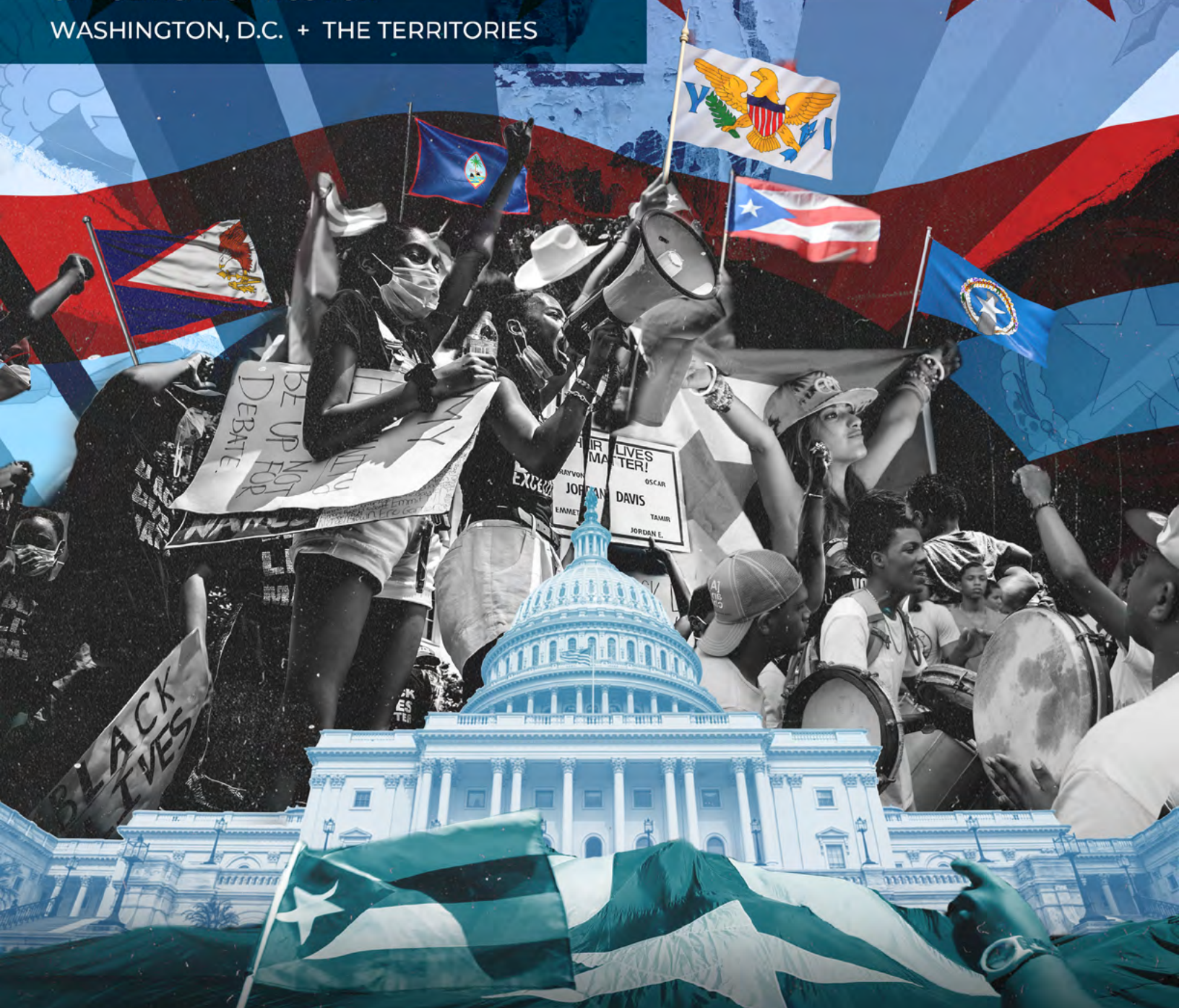


SELF-DETERMINATION

OF POLITICAL STATUS FOR
WASHINGTON, D.C. + THE TERRITORIES



INCLUSIVE DEMOCRACY AGENDA

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“In general, a process of decolonization that must follow the rules of the colonizer is not decolonization: it is an extension of colonization. It is a transformation of colonization into another form, while protecting the same structures of power and inequality.”

– Michael Lujan Bevacqua, Guamanian scholar and decolonization activist¹



The Problem

American democracy is predicated on the people's ability to select elected officials who represent our interests in a governing body—and to hold those leaders accountable when they do not. While racism, sexism, classism, xenophobia, and other ills of our society have kept us from achieving a truly representative democracy to date,² the idea of government of, by, and for a sovereign people remains a core aspiration of American democracy.

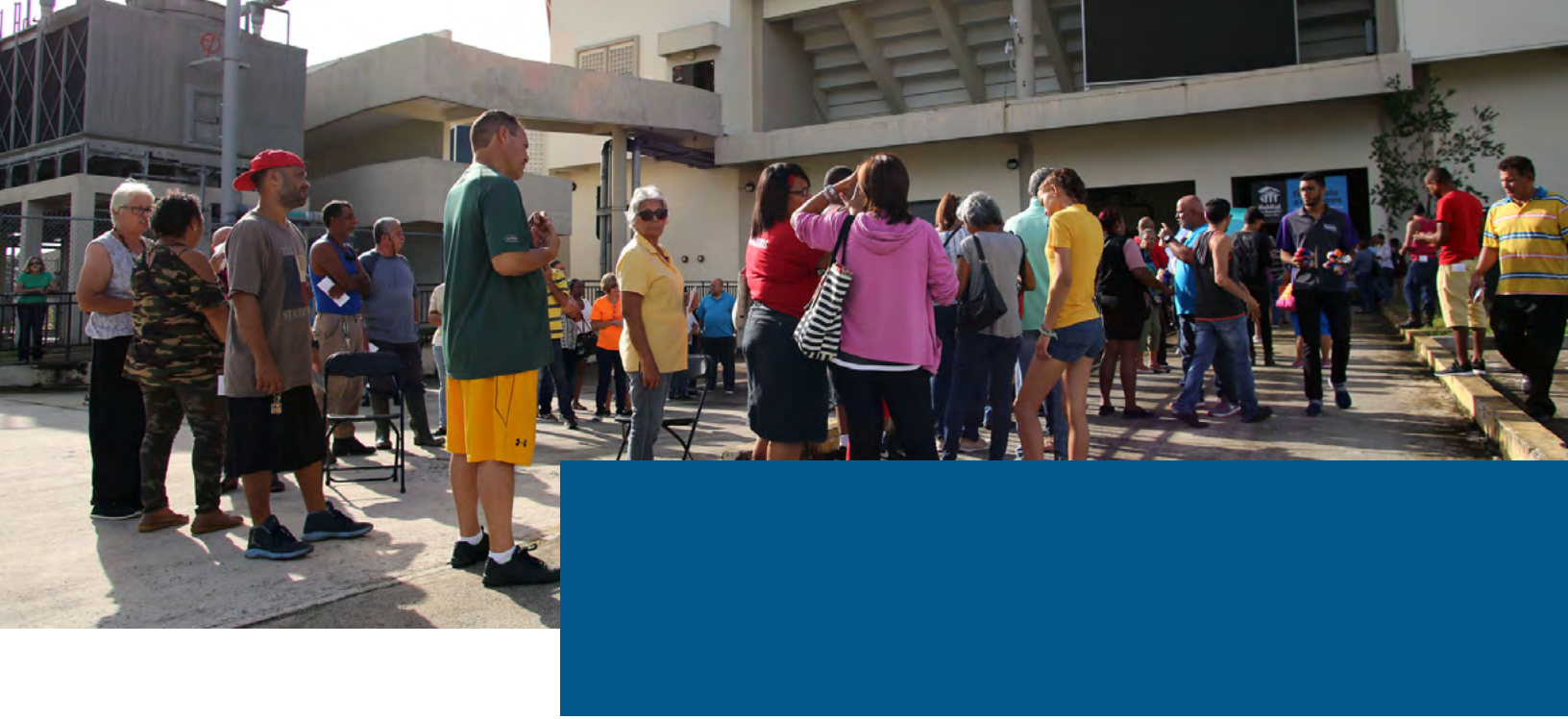
Yet there are well over 4 million people living under the U.S. American flag³ who continue to be denied that right to sovereignty and self-determination for which so many Americans have died. The people of Washington, D.C., Puerto Rico, Guam, the U.S. Virgin Islands, American Samoa, and the Northern Mariana Islands⁴—roughly 90 percent of whom are people of color⁵—continue to this day to live under some form of colonization.⁶

Colonization has always been a desperate attempt to exert white supremacy, and the continued denial of full democracy to the people of D.C. and the territories is among its last, dying gasps. The people of each of these places have called for a reckoning with this racist distortion of our democratic principles, ideally in the form of a process of decolonization and self-determination of each jurisdiction's political status. To date, these calls have mostly fallen on deaf ears in Congress and the White House. The struggle for democracy and for racial justice led by people of Washington, D.C., Puerto Rico, Guam, the U.S. Virgin Islands, American Samoa, and the Northern Mariana Islands continues, and sooner or later they will win.

In the meantime, these more than 4 million Americans lack voting representation in Congress,⁷ and all except D.C. residents also lack the ability to vote for U.S. president in the general election.⁸ They are subject to the laws and policies of the federal government, and fund that government through Social Security, payroll, estate, business, gift, and other federal taxes, but they have little say in how it governs. The residents of D.C. and of each of the territories can elect representatives to local governments that make laws and govern their local and territorial affairs, somewhat akin to state and local governments in U.S. states. However, each of these bodies is subject to oversight and preemption by Congress that goes well beyond that faced by U.S. states.

Preemption in this context refers to a higher level of government or legal authority's ability to overturn or displace the laws of a lower level of government when the two conflict.⁹





While our federalist system provides broad protections for states' rights,¹⁰ the U.S. Constitution denies non-state jurisdictions this protection, instead giving Congress virtually limitless power to govern the territories however it sees fit via the "Territorial Clause."

The U.S. Constitution only mentions the territories once, in Article IV, Section 3, known as the "Territorial Clause." While brief, the mention is potent, granting Congress the "power to dispose and make all needful rules and regulations respecting the territory or other property belonging to the United States."

Some of the territories have their own constitutions, which provide important powers and protections for their people with respect to internal governance in each territory.¹¹ However, these governing documents are still subject to the unilateral authority of the U.S. Constitution, even as the people of the territories are denied its full rights and protections. A series of Supreme Court decisions in the early 20th century known as the *Insular* cases ruled that residents of the territories do not have the same rights and protections under the U.S. Constitution as residents of the U.S. states (and Washington, D.C.). These decisions, likened to *Plessy v. Ferguson*, remain case law today.¹² While D.C. residents enjoy more constitutional protections than residents of the territories, Congress reviews, and has the power to veto, all legislation passed by the D.C. Council before it becomes law, and has authority over the city's budget.¹³

The Color of Colonization

Like all the gravest ills in our democracy, racism and white supremacy are at the center of the continued subjugation and denial of sovereignty and democratic rights of the people of Washington, D.C. and the territories.

Long home to a robust community of free Black people, Washington, D.C. was the first jurisdiction in the United States to abolish slavery—9 months before Lincoln’s Emancipation Proclamation¹⁴—and by the turn of the century, D.C. had a higher percentage of Black residents than any other city in the U.S.¹⁵ White politicians’ fear of what voting rights and representation for the District would mean were evident from the earliest days of Reconstruction. After Black men in D.C. gained the right to vote in 1867 and immediately elected Black leaders to every level of D.C.’s local government, Congress eliminated local democracy altogether by replacing elected D.C. government with a board of 3 commissioners—all white men—appointed by the president.¹⁶ In defending the move, Alabama Senator John Tyler Morgan claimed Congress had “to burn down the barn to get rid of the rats... the rats being the negro population and the barn being the government of the District of Columbia.”¹⁷

While Morgan’s comments are particularly horrifying, they were not unique. Nor has the racist opposition to D.C. statehood changed over time, even if the rhetoric has evolved. At a historic hearing of H.R.51 in September 2019, conservative lawmakers showed their opposition to democracy for D.C. is just as racially-motivated. Representative Jim Jordan (R-OH), for example, spent his opening remarks alleging that D.C. is too corrupt or otherwise incapable of managing its own affairs,¹⁸ assertions that are little more than racist dog-whistles utilized as cover for the deep fear among the white establishment of Black political power.¹⁹

The conquest and ongoing colonization of the territories was no less racialized. In arguing for U.S. imperialism shortly after the U.S. colonized Puerto Rico and the Pacific territories, Senator Albert Beveridge of Indiana appealed to Americans’ faith in God and in white supremacy, asserting “God has given us this Pacific empire for civilization.”²⁰ Beveridge, a leader in the Progressive Era, clearly assumed (correctly, as it turned out) that racialized appeals about “uncivilized” people would move the American people to countenance colonialism, even as they espoused the virtues of democracy.²¹

Beveridge's views were shared by the most powerful actors in the U.S. government at the time. In ruling that the people of the territories were not guaranteed the same constitutional protections as people on the mainland, the Supreme Court majority that decided the *Insular* cases used language like “savages” and “alien races” to describe the people of the territories, warning that affording them full constitutional protections would “wreck our institutions” and possibly even overthrow the “whole structure of the government.”²² Perhaps most telling is the ease with which the western territories—once white settlers had murdered or displaced most of the Native Americans who were their original inhabitants—achieved statehood,²³ while the Caribbean and Pacific territories, the inhabitants of which are overwhelming people of color, continue some form of colonial status as territories to this day.²⁴



The Consequences of Ongoing Colonization

The present-day consequences of this denial of sovereignty and lack of representation are significant. In Washington, D.C., residents pay the highest taxes per capita in the nation, yet without voting representation in Congress, they have no real say in how those taxes are spent by the U.S. government²⁵ and sometimes receive less funding than states.²⁶ Longtime civil rights and D.C. statehood advocate Wade Henderson likens the ongoing disenfranchisement of Washingtonians to the pre-Civil Rights Movement era: “We are taxpaying citizens but we can’t cast a single vote... D.C. is like the South for African Americans in the pre-1965 South.”²⁷

Additionally, Congress has subverted the will of Washingtonians again and again by preempting local laws on issues of importance to the District. In recent years, Congress has opposed District residents on a number of high-profile issues—including gun control, marijuana legalization, abortion funding, and education—in some cases overturning local lawmaking and in others forcing unpopular programs on District residents.²⁸ While such meddling would be a clear overstep if applied to any state in the Union, likely met with outrage and litigation, for Washingtonians it is a commonplace occurrence. Most recently, the violent white supremacist insurrection at the Capitol on January 6, 2021, which had grave implications for D.C.’s largely Black and brown residents,²⁹ has made clearer than ever the consequences of denying the District a voting voice in Congress and full home rule.³⁰

The costs of ongoing colonialism also have continued to weigh heavily on the people of the territories. Since 2016, the U.S. has tightened its control over the governance of Puerto Rico through the appointment of an undemocratic, unelected oversight board, the Financial Oversight and Management Board (FOMB).³¹ The FOMB has imposed austerity measures that have dire consequences for the Puerto Rican people, including deep cuts to Medicaid spending, significant reductions in funding for public higher education, and a dramatic cut to pension benefits for retired public servants.³² Even as it has imposed harsh austerity measures that endanger the health and livelihoods of millions of Puerto Ricans, the U.S. government has utterly failed to aid its own citizens after Hurricane María, one of the most devastating natural disasters in U.S. history, which claimed an estimated 3,000 thousand lives in Puerto Rico.³³ And all of this comes on top of more than 100 years of colonial rule, during which the government turned a blind eye to neglect and atrocities such as alleged medical murder.³⁴

U.S. citizens of the Virgin Islands also faced devastation—and inadequate federal government response—after Hurricanes Irma and María, which similarly came on top of chronic underinvestment from the federal government in health care. The besieged health care system in the USVI evidences the results of this underinvestment: a full 30 percent of the population is uninsured³⁵ (compared to 12 percent in the mainland United States), and there are chronic staffing shortages and inadequate facilities to support those suffering from mental illness.³⁶ Residents of all the territories also receive lower Medicaid and Medicare reimbursements than other U.S. citizens,³⁷ and they are not eligible for Supplemental Security Income (SSI).³⁸

Despite having higher military service rates than any U.S. state—and, consequently, much higher casualty rates³⁹—residents of Guam and American Samoa receive fewer veterans' benefits.⁴⁰ Daniel Aga, Director of the American Samoa Office of Political Status, Constitutional Review, and Federal Relations, points to the irony of the islands' young people being made to swear an oath to “support and defend the Constitution of the United States,” when that very constitution does not give them all its rights, and of the fact that the U.S. citizens and nationals living in the territories, who enlist in the military at record rates, serve a flag “with a white star for each of the 50 states and nothing for any of the territories, no star to represent their island home.”⁴¹

* * *

Residents of Washington, D.C. describe their quasi-colonial status in a way that should invoke indignation from any American who has studied U.S. history: “Taxation Without Representation.”⁴² Northern Mariana Islands activist and political leader John Gonzales calls it “the hypocrisy of U.S. democracy.”⁴³ Aga talks about the “serious democratic deficiencies” of the relationship between American Samoa and the “Administering Power,” the U.S. federal government.⁴⁴ Political anthropologist and public intellectual Yarimar Bonilla describes the events of the past few years—including the debt crisis and Hurricane María—as having “started to peel away the façade of Puerto Rico as a decolonized place” and have “made it patently clear that the island’s commonwealth status did not offer any measure of sovereignty.”⁴⁵ And historian Daniel Immerwahr, who has studied the history of U.S. colonialism across the territories, puts it this way: “They’re subject to the whims of Congress and the president, but they can’t vote for either. More than fifty years after the Voting Rights Act, they remain disenfranchised.”⁴⁶

The Solution:

Enact statehood for Washington, D.C., a political status 86 percent of residents have already voted to support.

Allow the residents each of the permanently-inhabited U.S. territories to pursue a process of decolonization and self-determination of their preferred political status.

- The federal government should not attempt to influence or otherwise interfere with this process in any way, though it should make funding available for robust education of the public on the various status options, led by grassroots groups and other trusted local actors.
- The federal government must respect and support the outcome of the self-determination process, whatever each territory chooses, and work with leaders within each territory to effectively transition to the new status in a timely way.

The problems created by ongoing U.S. imperialism in the U.S. territories and Washington, D.C. are unique to each jurisdiction, and the path toward rectifying these long-standing injustices must be unique to each place as well. Critically, these solutions must be determined by the people of Washington, D.C., Puerto Rico, Guam, American Samoa, the U.S. Virgin Islands, and the Northern Mariana Islands themselves, not by politicians in Washington, unelected oversight boards outside the territory, or well-meaning academics, advocates, or policy organizations like Demos. Residents of the U.S. territories and D.C. must have the right to “freely determine their political status” guaranteed to them (and all colonized peoples) by the United Nations,⁴⁷ so that they can exert full sovereignty and pursue a process of decolonization and determination of their futures.⁴⁸

Conversations about democracy reform in the U.S. have generally centered around voting rights. Sometimes they encompass a broader set of issues, as with H.R.1, the “For the People Act,” which also tackles campaign finance reform and ethics.⁴⁹ Rarely, however, do these conversations confront the deep and enduring democratic deficiencies inherent in the U.S.’ colonial relationship with the people

of Washington, D.C. and the territories. D.C. statehood has enjoyed more attention in recent months, thanks in large part to the tireless organizing by local activists in D.C.,⁵⁰ but many in the United States still fail to see the issues facing these more than 4 million people as related to our democracy—if they are aware of them at all.⁵¹

However, just as no conversation about democracy in the U.S. is complete without attention to the territories, no set of democracy reforms is sufficient without solutions addressing the anti-democratic relationships between the U.S. and each permanently-inhabited territory. Ending the ongoing colonization of the U.S. territories, and allowing each territory to determine how it wants to constitute itself moving forward, are absolutely key to a fully inclusive democracy in the United States. The United States' ongoing, and in most cases more than century-long,⁵² colonization of sovereign people is fundamentally inconsistent with democracy. As such, respecting the sovereignty of the territories and supporting each of their unique processes of decolonization and self-determination, on whatever timeline and under whichever conditions they choose, is essential to achieving an inclusive democracy.

Washington, D.C.

Washingtonians are clear on the solution to their centuries-old problem of “taxation without representation”: statehood. In 2016, 86 percent of D.C. residents voted via referendum in support of statehood.⁵³ In 1982, residents of D.C. hosted a constitutional convention, drafting and approving a new state constitution⁵⁴—as other states seeking admission to the Union have done previously—and they again convened in 2016 to update the proposed constitution.⁵⁵

D.C. statehood can be enacted by a simple Congressional vote and presidential signature.⁵⁶ A bill on D.C. statehood has been introduced in Congress each year since 1993.⁵⁷ In the 116th Congress, the “Washington D.C. Admission Act” (H.R.51)⁵⁸ garnered 227 co-sponsors before passing the House of Representatives on June 26, 2020,⁵⁹ the first time in history a D.C. Statehood bill passed through either House of Congress.⁶⁰ The bill died in the Senate, however, after then-majority leader McConnell refused to take it up. D.C. Representative Eleanor Holmes Norton re-introduced H.R.51 at the beginning of the 117th Congress, and it is expected to receive action in both the House and the Senate this Congress.⁶¹

H.R.51 would make the majority of the land that currently constitutes D.C. an independent state called “Washington, Douglass Commonwealth,” with 2 voting senators, voting representatives proportionate to its population, full home rule,

and having equal footing with other states in all respects. A small area of land—including the White House, the U.S. Capitol, and the federal monuments, among other federal buildings—would be exempted from the new state and would remain the district constituting the seat of the federal government, known as the “District of Columbia.”⁶²

Puerto Rico, Guam, the U.S. Virgin Islands, American Samoa, and the Northern Mariana Islands

In the course of developing Demos’ recommendations on these issues, we have engaged with people in the 5 permanently-inhabited territories, as well as people in the mainland U.S. working on issues affecting people in the territories. There is not consensus in the territories on questions of political status. Within each territory, some support statehood, others want full independence, while still others imagine a new bilateral relationship altogether. And, given the diversity of people and of historical context among the territories, each has distinct considerations and priorities that do not lend themselves to a one-size-fits-all solution. Each territory must be afforded the sovereignty with which its people can pursue their own process of decolonization and self-determination of their preferred political status.

Crucially, the federal government must respect that process of self-determination and honor its outcomes, whether statehood, independence, free association, or a new bilateral relationship. Further, the federal government should make resources available for territorial governments, in partnership with community organizations and with opposition parties and other civil society groups outside of the party structure, to pursue robust education efforts that will allow the public to fully understand the pros and cons of various status options. The federal government must not seek to influence the outcome of, or otherwise interfere in, such a process, beyond appropriating the resources necessary to ensure that the process is legitimate and that residents of each territory are able to make a fully-informed decision about which status option they prefer.

There has been some encouraging movement toward such a proposal in Congress recently, at least for the people of Puerto Rico. The Puerto Rico Self-Determination Act (H.R. 8113), introduced by Congresswomen Nydia Velázquez and Alexandria Ocasio-Cortez in August 2020, is a promising start.⁶³ The bill would help bring about a process of self-determination for the people of Puerto Rico by recognizing their right to call for a constitutional assembly on status and by creating an accountability mechanism to build Congressional engagement with, and buy-in

to, the results of the assembly. Excitingly, the bill also includes a public financing provision to support Puerto Ricans who wish to campaign to be a delegate to the status convention. The bill has received support from several leading advocates for Puerto Rican sovereignty and self-determination, who call it a “fair, inclusive, and transparent approach to solving the colonial status of Puerto Rico.”⁶⁴

Working toward the decolonization of the territories is our obligation under international law, an obligation the U.S. has shirked for 60 years.⁶⁵ The principle of self-determination as a fundamental human right—essentially, the ability of a people to chart their own future—was codified by the United Nations in its 1960 Declaration on the Granting of Independence to Colonial Countries and Peoples. The Declaration asserted, among other things, that “all peoples have an inalienable right to complete freedom, the exercise of their sovereignty and the integrity of their national territory.” It noted that “immediate steps shall be taken, in Trust and Non-Self-Governing Territories or all other territories which have not yet attained independence, to transfer all powers to the peoples of those territories, without any conditions or reservations, in accordance with their freely expressed will and desire, without any distinction as to race, creed or colour, in order to enable them to enjoy complete independence and freedom.”⁶⁶ While 89 countries voted in favor of this 1960 Declaration, the United States joined 7 other colonial powers in abstaining.⁶⁷ In spite of the United States’ ongoing abdication of responsibility on the question of sovereignty and self-determination, the Declaration is international law to which all members of the United Nations are bound.

One thing was utterly clear across each of our conversations with people invested in the territories’ struggles for decolonization and self-determination: the people of Puerto Rico, Guam, the U.S. Virgin Islands, the Northern Mariana Islands, and American Samoa all want improvements in their quality of life, including greater economic opportunity, better health care and schools, and the ability to take care of their families. More than 100 years of colonial rule over these territories has made painfully evident that, despite being U.S. citizens or nationals, and regardless of their allegiance to the U.S. government, their status as territories has prevented the people of the territories from accessing the types of social and economic opportunities promised to residents of the states. It has also prevented them from the possibility of achieving an alternative prosperity as independent nations. And it has prevented them from enjoying the promise of true democracy: self-determination and political control by the people themselves.

More than serving as a definitive solution, which Demos is not in a position to propose and must come from the people of each territory, we hope the incorporation of a section on the territories in our Inclusive Democracy Agenda will help us all remember that, as long as they remain part of the United States, the rights of the people of the territories are as integral to the health of American democracy as any others. As we think about what it will take to fix our democracy, we cannot continue to ignore the question of the territories. Instead, we must look to the leadership of Puerto Ricans, Guamanians, U.S. Virgin Islanders, American Samoans, and Northern Mariana Islanders to determine the best path forward.

* * *

Democracy requires that people have a hand in electing their leaders at all levels of government and a say in how those leaders govern. Racial justice requires that Black and brown people have equitable access to the political and economic opportunities they need to thrive. For more than 4 million people living under the U.S. American flag, this fundamental promise of democracy is yet unrealized. And these more than 4 million join tens of millions of other Black and brown Americans who are still denied the promise of racial justice. The ongoing subjugation of the people of Washington, D.C., Puerto Rico, Guam, the U.S. Virgin Islands, American Samoa, and the Northern Mariana Islands is a deep stain on our nation that must finally be scrubbed clean if we are to call ourselves a democracy. We can do that by listening to the demands of the people of D.C. and of the territories and heeding their cries for decolonization and self-determination. Doing so will not solve all the problems in our democracy, but it will be an important step toward achieving the just, inclusive, multiracial democracy we envision.



Endnotes

1. Michael Lujan Bevacqua is an Assistant Professor of Chamorro Studies at the University of Guam, Co-Chair of the Independence for Guam Task Force, and member of Guam's Commission on Decolonization. His remarks are from his paper, "The Davis Decision and Updates on Guam's Quest for Decolonization," shared at the Caribbean Regional Seminar on the Implementation of the Third International Decade for the Eradication of Colonialism: the Future for Decolonization in the Non Self-Governing Territories: What are the Prospects? In Kingstown, Saint Vincent and the Grenadine, May 16-18, 2017, The United Nations, https://www.un.org/dppa/decolonization/sites/www.un.org.dppa.decolonization/files/2017_6_dp_michael_lujan_bevacqua.pdf.
2. See generally: Reflective Democracy Campaign, *Who Leads Us? 2014 Findings*, <https://wholeads.us/research/who-leads-us-findings/>; Martin Gilens, *Affluence and Influence* (Princeton: Princeton University Press, 2012); Martin Gilens and Benjamin I. Page, "Testing Theories of American Politics: Elites, Interest Groups, and Average Citizens," *Perspectives on Politics*, 2014, doi:10.1017/S1537592714001595.
3. The population of Washington, D.C. in 2019 was 705,749. U.S. Census Bureau, "Quick Facts: District of Columbia," <https://www.census.gov/quickfacts/DC>. The population of Puerto Rico in 2019 was 3,193,694. U.S. Census Bureau, "Quick Facts: Puerto Rico," <https://www.census.gov/quickfacts/PR>. The populations of the other territories are not counted between decennial censuses, so we use the 2010 population estimates: Guam 181,000; Virgin Islands 110,000; American Samoa 66,000; Northern Mariana Islands 48,000. U.S. Census Bureau, *Statistical Abstract of the United States: Puerto Rico and the Island Areas*, 817. <https://www.census.gov/prod/2011pubs/12statab/outlying.pdf>.
4. While the U.S. American flag flies over 16 territories, these represent the 5 that are permanently inhabited.
5. Neil Weare, "Equally American: Amending the Constitution to Provide Voting Rights in U.S. Territories and the District of Columbia," *Stetson Law Review*, Vol 46, February 2, 2017, 2. https://papers.ssrn.com/sol3/papers.cfm?abstract_id=2910745.
6. The United Nations defines non-self governing territories as "territories whose people have not yet attained a full measure of self-government." See "The United Nations and Decolonization," United Nations, <https://www.un.org/dppa/decolonization/en/nsgt>. The UN currently does not list Puerto Rico or the Northern Mariana Islands among the 17 Non-Self-Governing Territories still awaiting a process of decolonization, as both are Commonwealths of the United States. Puerto Rico became the Commonwealth of Puerto Rico in 1952; see R. Sam Garrett, "Political Status of Puerto Rico: Brief Background and Recent Developments for Congress," Congressional Research Services, June 12, 2017, <https://fas.org/sgp/crs/row/R44721.pdf>. The Northern Mariana Islands became self-governing as a commonwealth of the United States in 1990; see "The United Nations and Decolonization: International Trusteeship System," the United Nations, <https://www.un.org/dppa/decolonization/history/international-trusteeship-system-and-trust-territories>. However, as detailed further in this piece, Commonwealth status has not, in fact, meant freedom from unaccountable colonial rule. After a recent visit to Puerto Rico, Philip Alston, the United Nations Special Rapporteur on extreme poverty and

human rights, concluded, “It is not for me to suggest any resolution to the hotly contested issue of Puerto Rico’s constitutional status. But what is clear is that many, probably most, Puerto Ricans believe deeply that they are presently colonized and that the US Congress is happy to leave them in the no-man’s land of no meaningful Congressional representation and no ability to really move to govern themselves. In light of recent Supreme Court jurisprudence and Congress’s adoption of PROMESA there would seem to be good reason for the UN Decolonization Committee to conclude that the island is no longer a self-governing territory.” See Philip Alston, “Statement on Visit to the USA, by Professor Philip Alston, United Nations Special Rapporteur on extreme poverty and human rights,” United Nations Office of the High Commissioner for Human Rights, December 15, 2017, <https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=22533>.

7. Washington, D.C. and the territories are able to elect one representative each to the U.S. House of Representatives, but as non-voting members, these representatives have limited power with which to effectively advocate for the residents they serve. Residents of D.C. and the territories lack even non-voting representation in the Senate, an even more powerful and consequential body than the House.
8. Residents of the Territories can vote for president in primaries. See “US Presidential Election Ends at Conventions for Territorial Citizens,” William Gallo, *VOA News*, July 28, 2016, <https://www.voanews.com/usa/us-presidential-election-ends-conventions-territorial-citizens>. Residents of Washington, D.C. gained the right to vote for president in 1961, with the ratification of the Twenty-Third Amendment to the U.S. Constitution.
9. The preemption doctrine refers to the idea that a higher authority of law will displace the law of a lower authority of law when the two authorities come into conflict. “Preemption,” Legal Information Institute, Cornell Law School, <https://www.law.cornell.edu/wex/preemption>.
10. The Tenth Amendment to the U.S. Constitution says that all powers not explicitly given to the federal government or expressly prohibited to the states are reserved for the states and is the basis for the broad protections for states’ rights in our federalist system.
11. For example, American Samoan sovereignty advocate Daniel Aga asserts that, “The Constitution of American Samoa gives our people the right to free and open elections... the freedom of speech and freedom of religion...” and it “protect[s] persons of Samoan ancestry against alienation of their lands and the destruction of the Samoan way of life and language...” See “Statement by Mr. Daniel Aga,” for the Caribbean Regional Seminar on the Implementation of the Third International Decade for the Eradication of Colonialism: the Future for Decolonization in the Non Self-Governing Territories: What are the Prospects? in Kingstown, Saint Vincent and the Grenadines, May 16-18, 2017, The United Nations. Accessed from author, Daniel Aga, in November 2019. Also available at <https://fdocuments.us/amp/document/written-statement-of-the-american-samoa-government-on-of-american-samoarevpdf.html>.
12. *Id.*, at 4. See also Neil Weare, “Why the *Insular Cases* Must Become the Next *Plessy*,” *Harvard Law Review Blog*, March 28, 2018, <https://blog.harvardlawreview.org/why-the-insular-cases-must-become-the-next-plessy/>; and Daniel Immerwahr, *How to Hide an Empire*, (New York: Farrar, Straus, and Giroux, 2019), 85.
13. “District of Columbia Home Rule Act of 1973,” Public Law 93-198; 87 Stat. 774, <http://dccouncil.us/wp-content/uploads/2018/11/Home-Rule-Act-2018-for-printing-9-13-182.pdf>.

14. D.C.'s emancipation act was signed on April 16, 1962. "The District of Columbia Emancipation Act," National Archives, <https://www.archives.gov/exhibits/featured-documents/dc-emancipation-act>.
15. "A Brief History of African Americans in Washington, DC," Cultural Tourism DC, <https://www.culturaltourismdc.org/portal/a-brief-history-of-african-americans-in-washington-dc>.
16. Brief for the District of Columbia as Amicus Curiae in support of the plaintiffs, June 10, 2019, <https://oag.dc.gov/sites/default/files/2019-06/Castanon-v-US-Amicus.pdf>. See also "Timeline – 221 Years of the District of Columbia's Efforts to Restore Self-Government," Yes We Can! D.C. Statehood, https://dcstatehoodyeswecan.org/j/index.php?option=com_content&view=article&id=98:timeline-dcs-quest-to-regain-its-democratic-rights&catid=46:statehood&Itemid=56.
17. *Id.*, at 7.
18. H.R. 51: Making D.C. The 51st State: Hearing before the Committee on Oversight and Reform, U.S. House of Representatives, 116th Congress, September 19, 2019, at 3. <https://docs.house.gov/meetings/GO/GO00/20190919/109960/HHRG-116-GO00-Transcript-20190919.pdf>
19. Nick Martin, "The Argument Against D.C. Statehood is Rooted in Racism," *The New Republic*, September 20, 2019, <https://newrepublic.com/article/155132/racist-roots-dc-statehood>.
20. Immerwahr, *How to Hide an Empire*, 81.
21. See generally the U.S. Declaration of Independence, U.S. Constitution, Federalist Papers, etc.
22. *Supra* note 20, 86.
23. *Id.*, at 8.
24. *Id.*, at 21, 81. Note: while some in the territories have advocated for statehood over the decades, there are sizeable groups in the territories today that do not desire statehood. The point, though, is that they continue to be denied the opportunity to self-determine any political status beyond the colonial status quo.
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