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The Territorial and District Representation Amendment: A Proposal

*Colin P.A. Jones**

EXECUTIVE SUMMARY

This article will propose and explain a draft amendment to the United States Constitution that would secure an intermediate degree of political representation for Americans living in U.S. territories. While concerned principally with U.S. territories, the amendment would also address Congressional representation for the District of Columbia.

I. INTRODUCTION

The U.S. territories of Puerto Rico, Guam, The U.S. Virgin Islands, American Samoa and the Commonwealth of the Northern Mariana Islands (CNMI) exist in an alternate dimension of constitutionality. Some of the structure of this alternate reality comes from the U.S. Constitution itself—its allocation of political representation in Congress and the electoral college to states only, leaving nothing for U.S. citizens living in territories.[1] However, it has been further developed through Supreme Court jurisprudence on the mystifyingly optional applicability of the Constitution in U.S. territories, including in particular the so-called *Insular Cases*, a series of cases that for the most part remain "good law" today, embarrassingly so, given their racist and colonial foundations.[2]

The purpose of this article is not to revisit the *Insular Cases*, a subject which has been dissected in great detail in over a century's worth of books and law review articles, or to further decry the depressing lack of democratic participation in national governance accorded to U.S. citizens

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1. U.S. CONST. art. I, §§ 2–3; *id.* art. II, § 1.

2. There are various views on the subject of exactly which Supreme Court decisions constitute a part of the *Insular Case* canon, but for purposes of this article the following description should suffice: *"A series of cases decided by the Supreme Court between 1901 and 1922 interpreting Congress's power under the Territorial Claus*e." Lisa M. Kömives, *Enfranchising a Discrete and Insular Minority: Extending Federal Voting Rights to American Citizens Living in United States Territories*, 36 U. MIA. INTER-AM. L. REV. 115, 117 n.4 (2004).

and nationals living in U.S. territories.[3] The sole purpose of this article will be to propose a "simple" and practical solution to just the latter problem: the lack of meaningful federal voting rights for U.S. territories.

The proposed solution is a constitutional amendment. As a law professor who actually lives in a U.S. territory (Guam), the author has a personal interest in generating real world remedial actions as opposed to additional contemplative scholarship on the subject. Accordingly, the text of a pragmatic draft amendment—entitled the "Territorial and District Representation Amendment" or "TRDA"—is proposed below and an explanation of the rationale behind the language of the amendment follows.

The proposed amendment is "simple" in that it would do nothing more than constitutionalize the Congressional representation already accorded to the territories by federal law.[4] The non-voting delegates currently elected to the House of Representatives by territories would be converted to voting members who participate fully in the activities of that chamber.[5]

3. In the interests of sparing both editors and readers the traditional citation attempting to list every work ever published on a subject, the author hopes a few cites to book-length works on the subject will be adequate to support the propositions contained in this paragraph. *See, e.g.*, JUAN R. TORRUELLA, THE SUPREME COURT AND PUERTO RICO: THE DOCTRINE OF SEPARATE AND UNEQUAL (1985); BARTHOLOMEW H. SPARROW, THE INSULAR CASES AND THE EMERGENCE OF AMERICAN EMPIRE (2006); GARY LAWSON & GUY SEIDMAN, THE CONSTITUTION OF EMPIRE (2004); SAM ERMAN, ALMOST CITIZENS: PUERTO RICO, THE U.S. CONSTITUTION, AND EMPIRE (2019); Geoffrey Wyatt & Neil Weare, *Ongoing Denial of Voting Rights in U.S. Territories Incompatible With Our Founding Values*, HARVARD CIVIL RIGHTS – CIVIL LIBERTIES REVIEW (Oct. 3, 2018), available at: https://harvardcrcl.org/ongoing-denial-of-voting-rights-in-u-s-territories-incompatible-with-our-founding-values/. The author's own small but recent contribution to the literature is also noted: Colin P.A. Jones, *The Islands that Ate the Constitution*, 42 LIVERPOOL L. REV. 51 (2021). The author has also used a recent book review to point out the likely relationship between the *Insular Cases* (*Reid v. Covert*, in particular) and the introduction of civil, criminal and grand juries in U.S.-occupied and administered Okinawa. Colin P.A. Jones, *Civil Juries in Okinawa's Past and Japan's Future*, 8 ASIAN J.L. & SOC'Y 183 (2021) (reviewing OSAMU NIIKURA, SATORU SHINOMIYA, HIROSHI FUKURAI & TAKAYUKI II TOKYO, CIVIL JURY TRIALS COULD CHANGE JAPAN [MINJI BAISHIN SAIBAN GA NIHON WO KAERU] (2020)); *Reid. v. Covert*, 354 U.S. 1 (1957).

4. 48 U.S.C. § 1711 ("The territory of Guam and the territory of the Virgin Islands each shall be represented in the United States Congress by a nonvoting Delegate to the House of Representatives…"); 48 U.S.C. § 1731 ("The Territory of American Samoa shall be represented in the United States Congress by a nonvoting Delegate to the House of Representatives…"); 48 U.S.C. § 1751 ("The Commonwealth of the Northern Mariana Islands shall be represented in the United States Congress by the Resident Representative to the United States authorized by section 901 of the Covenant To Establish a Commonwealth of the Northern Mariana Islands in Political Union With the United States of America [citation omitted]. The Resident Representative shall be a nonvoting Delegate to the House of Representatives, elected as provided in this subchapter."); 48 U.S.C. § 891 ("The qualified electors of Puerto Rico shall choose a Resident Commissioner to the United States at each general election…")

5. Acknowledging that the formal title of Puerto Rico's representative in Congress is "Resident Commissioner," for simplicity, this article refers to all territorial representatives under existing law as "delegates."

Electoral college votes (electors) would also be allocated to the territories in essentially the same manner as they are to States under the Constitution; one for each member of Congress. Territories would differ from states in that each would only have a single elector, due to the absence of senate representation and having only a single representative in the House regardless of population, as is currently the case. This may seem inequitable, but the amendment has modest goals: to constitutionalize what already exists.

With this amendment, territories would obtain at least partial constitutional representation in the federal law-making process. They would also participate in choosing the president, a basic democratic right the people of U.S. territories are currently denied. Territories would not be represented in the Senate but such representation can be achieved by advancing to statehood, at least for those territories with a population sufficient to be viable for full membership in the union.

Under the TDRA, territories would remain subject to the plenary powers of Congress under Article IV, Section 3. The trade-off for this would be that they would retain the special rules on taxation, land tenure and local political representation that are possible through those plenary powers, and which would be incompatible with full statehood.[6] This is not stated in the text of the amendment, but should be implicit from the limited scope of changes it seeks to achieve.

Although primarily directed at territorial representation, the amendment also seeks to address the democratic deficit suffered by the people of the District of Columbia.[7] It does so through the same simple mechanism: constitutionalizing the Congressional representation currently accorded to the District by federal law.[8] The principal difference is that the District already participates in presidential elections through the Twenty-third Amendment, so no changes are needed in that respect.

The amendment does not address the comparative lack of representation in Congress or the number of electoral college votes that would be accorded to Puerto Rico compared to states with a comparable

6. For a discussion of some of these special rules, see, for example, Jones, *The Islands that Ate the Constitution*, *supra* note 3, as well as other articles in this volume.

7. The constitutionality of the lack of Congressional representation was recently upheld by the U.S. Supreme Court in *Castañon v. United States* [citation pending]. *See also*, Andrew Beaujon, *Supreme Court Rules That DC Should Not Have Voting Rights in Congress*, WASHINGTONIAN (Oct. 4, 2021), available at: https://www.washingtonian.com/2021/10/04/supreme-court-rules-that-dc-should-not-have-voting-rights-in-congress/.

8. 2 U.S.C § 25a(a) ("The people of the District of Columbia shall be represented in the House of Representatives by a Delegate…The Delegate shall have a seat in the House of Representatives, with the right of debate, but not of voting).

population. Under current law, the District of Columbia and each territory has a single representative (delegate), and the amendment would not change this.[9] This proposal assumes the ultimate solution to such inequity is statehood. As to Washington, D.C., this article assumes that its path to statehood is rendered more difficult by the existence of Article I, Section 8 Clause 17 and the likely need for a separate constitutional amendment (though it is acknowledged there are various views on this subject). Nevertheless, since D.C. statehood is a subject beyond the scope of the proposed amendment, it is not discussed further.[10]

II. The Territorial and District Representation Amendment

The text of the proposed amendment is set forth below. A clause-by-clause explanation of the underlying rationale for specific text follows.

THE TERRITORIAL AND DISTRICT REPRESENTATION AMENDMENT

Section 1.

(1) The United States Territories of Puerto Rico, Guam, American Samoa, the U.S. Virgin Islands, the Commonwealth of the Northern Mariana Islands, and any future Territory of the United States having a population of at least 30,000 people and for which Congress has constituted a government, and the District constituting the seat of government of the United States shall each have one Member in the House of Representatives, who shall be additional to those Representatives apportioned to the States. Representatives elected from the Territories and the District shall have all the privileges, immunities and duties of a Representative under this Constitution, federal laws and the rules of the House of Representatives.

(2) No Person shall be a Representative under the preceding section who shall have not have attained the Age of twenty five years,

9. 48 U.S.C. § 1711; 2 U.S.C § 25a(a); *supra* note 4 and note 8.

10. In any case, at current population levels the District would be entitled to only a single member in the House of Representatives even if it were a state.

been seven years a citizen of the United States (or, in the case of the Representative for American Samoa, a national owing allegiance to the United States) and, when elected, been a lawful Inhabitant of the Territory or District in which they will be chosen. Nor shall a Representative hold other paid public office or, on the date of their election, be a candidate for other public office. No territorial government shall impose additional requirements on eligibility for its Representative, nor shall Congress impose any such additional requirements on the Representative of any Territory or the District.

(3) The people of each Territory and the District shall choose their Representative every second year.

(4) Those eligible to vote for Representative in each Territory shall have the qualifications established by their territorial legislatures, but no person shall be disqualified from voting for the Representative from their Territory on grounds of heritage, birth, or manner of acquisition of United States citizenship or nationality. When vacancies happen in the Representation from any Territory, the executive authority thereof shall issue Writs of Election to fill such Vacancies.

(5) Those eligible to vote for Representative in the District shall have the qualifications provided by Congress, and vacancies in the Representation from the District shall be filled by election pursuant to rules established by Congress.

Section 2.

The voters of each Territory qualified to vote for their Representatives shall also appoint, in such manner as the Legislature of the Territory may direct, one elector of President and Vice President; these electors shall be in addition to those appointed by the States, but they shall be considered, for the purposes of the election of President and Vice President, to be electors appointed by a State, and shall perform such duties as provided by the twelfth article of amendment.

Section 3.

> A Territory that ceases to be a Territory of the United States for any reason other than its admission as a State shall immediately cease to have a Representative in Congress.

Section 4.

> The Congress shall have power to enforce this article by appropriate legislation.

III. EXPLANATORY REMARKS

A. Overall Approach

For the sake of consistency, existing constitutional language and conventions (such as capitalization of "Representative") has been replicated as much as possible, with particular attention to the provisions of Article I, Section 2 and the Twenty-third Amendment. Existing Congressional legislation establishing territorial delegates has also been referenced for language and content. One exception to the effort at consistency is the use of the term "voter" rather than "elector" to describe persons participating in general elections by voting. This has been done to avoid the confusing overlap with the term "Elector" as used in connection with the process of selecting a President and Vice-President. Another departure from earlier constitutional language is the use of "they/them/their" in place of "he/him/his."

The TRDA contains several provisions limiting Congressional authority. At first glance these may seem unnecessary, but recall the underlying presumption of the Territorial Clause and the *Insular Cases* and their progeny is that Congress will continue to have plenary powers over the territories.[11] This is an oversimplification of the current jurisprudence, but for constitutional drafting purposes the safe assumption is that Congress can do anything to the Territories that is not clearly *prohibited* by the Constitution.

Moreover, given that unlike States, territorial governments are the creation of Congress or, in the case of American Samoa, the executive

11. *See, e.g.*, United States v. Lebrón-Caceres, 157 F. Supp. 3d 80, 96–97 (D.P.R. 2016).

branch, it seems prudent to include protections against the possibility of undue federal interference in territorial electoral processes. This includes indirect "permissive" actions, such as allowing territorial governments to impose conditions on the exercise of political rights that would be impermissible if done by state governments.

B. Section 1

Section 1 establishes that each existing territory and the District of Columbia shall have one representative in the House of Representatives. Since the goal is to constitutionalize what already exists, it makes it clear that these Representatives are in addition to those allocated to the states. This is also to prevent the possibility of states losing Representatives to territories from being used as grounds for political opposition to the amendment.

Each territory is identified by name, but in light of the Constitution's longevity it also anticipates the admittedly remote[12] possibility of further territorial acquisitions by the United States. No future Americans should have to wait for another constitutional amendment to secure basic political rights. The 30,000 population threshold in paragraph (1) is somewhat arbitrary but intended to establish something close in size to the smaller existing territories as the minimum needed for Congressional representation.[13] To be eligible for a Representative a new territory must also have a government constituted by Congress, such as through an Organic Act. This is intended to exclude temporarily-acquired territories from eligibility.[14]

The final sentence of paragraph (1) is intended to eliminate any distinction between state Representatives and those of territories or the

12. Recent presidential musings about buying Greenland notwithstanding! Phillip Inman, *Why does Donald Trump want to buy Greenland?*, THE GUARDIAN (Aug. 19, 2019), available at: https://www.theguardian.com/us-news/2019/aug/19/why-does-donald-trump-want-to-buy-greenland (last accessed Mar. 30, 2022).

13. American Samoa has a population of 55,100 and the Commonwealth of the Commonwealth of the Northern Mariana Islands: 57,917 (Greenland: 56,973!). *United States Territories 2022,* WORLD POPULATION REV., https://worldpopulationreview.com/country-rankings/united-states-territories (last accessed May 3, 2022); *Greenland Population 2022 (Live),* WORLD POPULATION REV., https://worldpopulationreview.com/countries/greenland-population (last accessed May 3, 2022).

14. The requirement that the government be constituted by *Congress* would arguably exclude a territory with a status similar to American Samoa, due to its government being constituted by the executive branch (unless one considers the "by Congress" requirement to be satisfied through the Senate ratification of the relevant treaty of acquisition). However, it seems inappropriate to anticipate further territorial acquisitions of this type in the Constitution.

District. The reference to rules of the House of Representatives is intended to eliminate the possibility of that chamber using its rule-making authority under Article I, Section 5 of the Constitution to perpetuate or create distinctions between state representatives and former delegates.

The qualifications for territorial and district representatives set forth in paragraph (2) replicate those in Article I, Section 2 of the Constitution, subject to a few changes. The prohibition contained in existing federal legislation disqualifying territorial delegates who hold other public offices or are simultaneously candidates for other elective offices have been replicated for good measure. Though they already exist under federal law, they should also be constitutionalized for the sake of consistency.[15]

One diversion from the existing constitutional qualifications for representatives, however, is needed to address the possibility that the Representative from American Samoa will be a U.S. national but not a citizen. The parenthetical language allowing nationality rather than citizenship to satisfy the qualification achieves that goal.[16]

Although the United States Supreme Court has held that neither Congress nor states may impose additional qualifications on their Representatives,[17] the TRDA would ensure this also applies to territorial governments, as well as to a Congress seeking to exercise its plenary powers under Article IV, Section 3. There are several reasons for doing so. First, *U.S. Term Limits, Inc. v. Thornton,* was a 5-4 decision about term limits, so not necessarily as enduring a constitutional norm as could be achieved by clear constitutional text. Second, if the *Insular Cases* stand for anything it is the proposition that, when given the opportunity, Congress can and will discriminate against the people of territories. In point of fact, it is embarrassingly *still* a requirement of federal law that Puerto Rico's resident commissioner to Congress be able to "read and

15. *See, e.g.* 48 U.S.C. § 1713 (Qualifications for delegates from Guam and U.S. Virgin Islands); 48 U.S.C. § 1753 (CNMI); 48 U.S.C. § 1753 (American Samoa); 2 USC § 25a (b) (District of Columbia); 48 U.S.C. § 892 (Puerto Rico).

16. Current federal law addresses the issue by requiring the delegate from American Samoa to "owe allegiance to the United States." 48 U.S.C. § 1753. To ensure proper interpretation, this language has been used together with "national."

17. Powell v. McCormack, 395 U.S. 486 (1969); U.S. Term Limits v. Thornton, 514 U.S. 779 (1995).

write the English language."[18] The amendment would invalidate this colonial-era requirement.[19]

Moreover, in other contexts territorial governments have themselves restricted or sought to restrict political participation based on grounds that would be patently unconstitutional if attempted by states. Examples include membership in the American Samoan senate being limited to hereditary chiefs or *matai*, and the government of Guam's understandable but unsuccessful recent effort to limit voting in future plebiscites on the island's political status to "native inhabitants of Guam."[20] The people of U.S. territories have experienced generations of colonialism with limited democratic recourse and certain forms of special treatment *locally* are part of the original bargain between the territory and the United States; this article does not intend to challenge this history or the merits of any special dispensations. Given the overarching principles of equality on which the Constitution is founded, however, and need for a House of Representatives that reflects those principles, it should be clear that territorial governments cannot impose additional qualifications on their representatives beyond those in the Constitution or be allowed to do so through Congress' exercise of its plenary powers.

Paragraph (3) confirms that Territorial and District representatives shall be elected every two years, just as with state representatives. This could arguably be left unsaid but given that under current law the Resident Commissioner for Puerto Rico serves a four-year term,[21] it seems prudent to eliminate the possibility of ongoing differential treatment through constitutional language.

The same logic applies to the language in paragraphs (4) and (5) regarding vacancies. This is intended to ensure that, just as with states, vacancies in the House of Representatives are filled by elections rather than appointment. Under current federal law a vacancy in the office of Resident Commissioner is appointed by the Governor of Puerto Rico upon

18. 48 U.S.C. § 892. Of course, it may be perfectly desirable that a legislator be literate in the language of the legislative body to which they are elected. The point is that this is not an eligibility requirement that is legally imposed on any other members of Congress.

19. The amendment would also eliminate another quirky qualification requirement currently applicable only to delegates from the District of Columbia: a three-year continuous residency requirement. 2 USC § 25a (b)(4).

20. REVISED CONST. AM. SAM., art. II, §3 ("A Senator shall… be the registered matai of a Samoan family who fulfills his obligations as required by Samoan custom in the county from which he is elected."); Davis v. Guam, 932 F.3d 822 (9th Cir. 2019), *cert. denied*, 140 S. Ct. 2739 (2020) (Finding the "native inhabitants of Guam" limitation a "proxy for race" in violation of the 15th Amendment).

21. 48 U.S.C. § 891.

the advice and consent of the territory's senate,[22] another divergence from constitutional norms which should be eliminated by clear text.

Paragraph (4) also includes language intended to ensure that territorial Representatives represent all the people of their territory by ensuring that the franchise is not limited on grounds that would otherwise be clearly unconstitutional but for the territorial context. The basis for this concern has already been mentioned above in the discussion of qualifications for Representatives. The reference to "heritage, birth, or manner of acquisition of United States citizenship" is intended to address attributes that have been used to discriminate in favor of native inhabitants of territories in other contexts.[23] The appropriateness of such discrimination in other contexts is not at issue here; the point again being to prevent such categories being used as the basis of excluding U.S. citizens living in U.S. territories from participating in the selection of their nation's leaders based on attributes they can neither control nor change.

Since Washington D.C. is under the direct jurisdiction of Congress, paragraph (5) defers to Congress regarding eligibility to vote without referencing other legislative bodies. It also seems prudent to repeat the requirement that vacancies be filled by election; silence here could invite arguments that Congress has the power to (for example) pass legislation allowing the Speaker of the House or the President to appoint a replacement.

C. Section 2

Following existing constitutional language, Section 2 establishes that each territory chooses one elector for the President and Vice-President. Since there will be only one elector per territory, it seems unnecessary to

22. 48 U.S.C. § 892.

23. See, for example, the Guam Act establishing the Chamorro Land Trust Commission, which defines *"native Chamorro"* as "any person who became a U.S. citizen by virtue of the authority and enactment of the Organic Act of Guam or descendants of such person"—categories based on manner of acquisition of citizenship or birth. 21 GCA§75101(d). The same law then requires that the Chamorro Land Trust Commission membership include a certain number of native Chamorro and authorizes it to lease certain categories of land only to native Chamorro. 21 G.C.A. §75102(a), §75107(a). This may be reasonable in addressing ancestral lands, but a similarly defined category—native inhabitant of Guam—was rejected as a proxy for race in *Davis*, 932 F.3d at 822. The limitation of certain political positions to those with the hereditary *matai* status in American Samoa has already been noted. The constitution of the Northern Mariana Islands prohibits the acquisition of permanent or long-term interests in land by anyone not "persons of Northern Marianas descent," which is defined as "a citizen or national of the United States and who" has at least some degree of Northern Marianas Chamorro or Northern Marianas Carolinian ancestry, with further detailed provisions addressing the treatment of persons having only a fraction of the required bloodline. CNMI CONST. art. XII, §§ 1, 4.

replicate the Twelfth Amendment's language about electors "meeting in their respective states."

Section 2 contains one of the most significant departures from existing constitutional norms—the constitutionalization of the requirement that electors be chosen by Territorial voters. This reflects existing practice by states, but constitutionally states are still (theoretically) free to choose their electors in other ways.[24] Given: (i) Congress's broad plenary powers over territories and their governments which, absent constitutional restraint, could theoretically be used to interfere with the manner in which Territories choose their electors, and (ii) past and present efforts by some territorial governments to limit participation by some citizens in various political processes (as already discussed above), it seems prudent to specify the manner by which territories choose their electors through constitutional text.

In a similar vein, the reference to the qualification of voters addresses the same possibility of territorial legislatures seeking to disenfranchise certain voters as discussed above. The solution is the same: ensuring eligibility to vote for Representative renders a voter also eligible to vote for President and Vice President.

Note that one incidental benefit of the TRDA would be the number of electors in the electoral college would be increased to 543: the current 538 plus the five additional from the territories. This would (should!) make a 50:50 split electoral vote impossible.

D. Section 3

Section 3 may be controversial in anticipating the possibility of a territory ceasing to be under U.S. sovereignty. The possibility that some territories may not be naturally destined for "incorporation" into the United States as a state is, of course, one of the underlying and problematic assumptions of the *Insular Cases*.[25] However, in the TRDA the possibility is anticipated primarily for the benefit of the territories. Insofar as there are independence movements in some of the territories[26] and some territories have never had referenda on their political status, it seems appropriate and consistent with U.S. international obligations to at least address the possibility of independence or other changes in status not

24. U.S. CONST. art. II, §1.

25. *See*, *e.g.,* DeLima v. Bidwell, 182 U.S. 1 (1901).

26. *See, e.g.*, *How Popular Is Independence in Puerto Rico?*, P.R. REP. (July 4, 2020), https://www.puertoricoreport.com/how-popular-is-independence-in-puerto-rico/.

involving statehood.[27] The language is also intended to address possible concerns in individual territories that constitutionalizing their Congressional legislation might leave them "trapped" in their current relationship with the United States. This should not be the case. Accordingly, the possibility of a departure is acknowledged through minimalist yet practical language confirming what happens to territorial Representatives in that event.

E. SECTION 4

Section 4 sets forth the grant to Congress of legislative authority to implement the TRDA that has been included in a number of other amendments, starting with the Thirteenth. Arguably the language may be unnecessary; there is no need to "enforce" the provisions of this amendment against state governments, as was the case with the Thirteenth and Fourteenth Amendments and the amendments relating to voting rights. Moreover, as has already been explained, Congress already has the ability to legislate for the territories and the District. Nonetheless, in the interests of prudence and consistency with the Twenty-third Amendment, which deals with similar subject matter, the language has been included.

IV. CONCLUDING REMARKS

In its proposed form, the TRDA should be viewed as a compromise. It does not fully address the long history of inequity suffered by U.S. territories. The reality of constitutional amendments, however, is that they must be broadly unobjectionable to a large number of Americans to succeed. The TRDA is thus specifically crafted to advance a completely reasonable, unobjectionable proposition: that representatives of territories already sitting in Congress should be treated the same as those of representatives from states, including for purposes of participating in presidential elections. Many Americans would likely be surprised to learn that this is not already the case.

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27. According to the United Nations, Guam, American Samoa and the U.S. Virgin Islands are "Non-Self Governing Territories," that is, "territories whose people have not yet attained a full measure of self-government." U.N. Charter, art. 73. Under Principle VII of UN Resolution 1541 of 1960, G.A. Res. 1541(XV) (Dec. 15, 1960) ("Principles which should guide Members in determining whether or not an obligation exists to transmit the information called for under Article 73 e of the Charter"), Non-Self Governing Territories generally escape such status through independence, integration with an independent state or free association with an independent state. *See also*, *The UN and Decolonization – Non-Self-Governing Territories*, UNITED NATIONS https://www.un.org/dppa/decolonization/en/nsgt (last accessed June 8, 2021).

The solution offered by the TDRA is simple: constitutionalize what is already there. As with all constitutional amendments, making it a reality will be challenging and entail significant effort and political capital. One can only hope the legion of politicians, commentators, and activists who profess concern about voting rights in the fifty states will be made aware that millions of Americans still effectively have none and be further motivated to do something about it.