

The (Un)exceptional Life of a Non-Voting Delegate: Guam and the Production of American Sovereignty

Michael Lujan Bevacqua
University of Guam

Abstract

As an organized, unincorporated territory of the United States, Guam endures in a comfortable but nonetheless colonial existence. The nature of its colonialism is more obscene than oppressive, in that Guam sits within a sea of inclusions and exclusion, being one day a central part of the US, the next something forgotten and unrecognized. By using the theories of sovereignty from Giorgio Agamben, this article will examine through the figure of Guam's non-voting delegate to the US Congress, the ways in which the ability to continually include and exclude Guam within the American family reproduces the sovereignty of the US.

1. Hacha - A Fire-Breathing Guam Mention

In his autobiography titled *Fire-Breathing Liberal: How I Learned to Survive (and Thrive) in the Contact Sport of Congress*, Florida Congressman Robert Wexler chronicles his decade-long political career and his involvement in a variety of ideological conflagrations. Amidst his tales of the impeachment of President Bill Clinton and the controversy over the *bare life* of Terri Schiavo he mentions Guam a single time. It appears on page 128:

The belief that you can learn these things from a book or a report is ludicrous. For example, when Madeleine Bordallo entered Congress as the nonvoting representative from Guam in 2003, she was surprised when a Republican member told her he thought Guam was part of Hawaii.

It is easy to focus on the mistake of identity or political geography that this mention is built upon. The small partisan jab that Wexler is taking, mocking, ever so slightly, the ignorance of his political adversaries and by default asserting that Democrats and Liberals would hardly make such a mistake. His implication is that Democrats and Liberals know where Guam is...or maybe where Guam is not at... or maybe not really know where it is. But they certainly know (at least) that Guam is part of the US, as a territory, which is why it has a non-voting delegate!

But the particular "mistake" of this passage is nowhere near as revealing as where the anecdote appears. It is positioned towards the beginning of a long chapter titled "Have Passport, Will Travel: Foreign Policy in Action." In this chapter Wexler recounts the experiences of members of Congress (including his own) when they travel abroad as part of their work in Congress, and the educational importance of really seeing the world out there. The central argument is a refutation of the idea that Congress people take travel junkets to waste taxpayer money and just go on nice vacations. In reality, these trips increase the knowledge that members of Congress have about the world and potentially make them better at their jobs. This is especially true for those like Wexler, who serve on committees such as Foreign Affairs in the House.

Guam's mention, thus takes on a curious significance, as it is placed right on the edge of an edge. As the United States, Americans and the world are laid out, Guam represents a piece of

the outside inside or the inside outside, an exceptional zone, which can conceivably used to represent the exteriority of the interiority of the United States. The fact that the Republican Congressman misrecognizes Guam and does not attach it in the appropriate way to the United States is an example of the insularity of Americans, and how they often live comfortably with a glaring lack of engagement or knowledge about the world outside their borders. But using Guam in this way is different than talking about Syria, Israel, Ukraine, Malaysia, and Afghanistan, which are other sites Wexler remarks upon during travels recalled in his chapter.

The misrecognition of Madeleine Bordallo and Guam by the Republican Congressman is a key narrative point, an example that is meant to animate the whole rest of the chapter. It provides a foundation through which the travels that Wexler and other Congresspeople take around the world are justified. That the important work they do meeting foreign leaders, or reporting on a humanitarian crisis or bring aid or assistance to those in need is in the national interest of your average American. Guam is therefore like a distant outpost, not really part of the foreign or the domestic. It is too simplistic to say that it straddles these two ways of mapping the world or a particular nation. It is instead something, as the small mention that Wexler gives it, something *that can be pulled back and forth across that line*. In this particular instance Guam is used as a gateway to the rest of the world, an American example that leads us to the need for knowledge about the world of foreign countries and foreign affairs. But, Guam could have just as easily been cited as something that exemplifies the need for Americans to know more about themselves. It could have been brought into another chapter on the scope of the American “interior” and how Guam is this lovely distant corner that needs to be recognized.

This labiality of Guam is not something relegated to the pages of Wexler’s biography alone; it is a defining condition of its existence today. As an organized, unincorporated territory of the United States and one of the 16 remaining colonies in the world recognized by the United Nations, Guam is an uncertain remnant of a former global epoch. The geographic and political distance between Guam and the United States often leads to confusion over their connection and in discursive articulations of what is the “United States.” In a casual way, Guam is considered “domestic” one moment, and “foreign” the next.

This flexibility in meaning however, does not extend to its strategic importance. Due to its size and its close proximity to Asia, the Department of Defense considers Guam to be one of their more important bases in the world. In Guam the American flag is flown proudly throughout the island, despite the fact that the US Constitution does not inherently apply to the island (it only does so because of an act of Congress). US citizens living on Guam, whether they come from Guam or elsewhere do not vote for President of the United States and have voting representation in the US Congress. In spite of this lack of democratic participation, all Federal laws apply to Guam without its consent.

In this article I plan to focus on this peculiar and exceptional place that Guam exists in today, and seek to provide at least one way in which we might see the relationship between the exceptionality of Guam and the way the United States is produced through this unequal relationship. The chosen terrain for this inquiry will be, as the title indicates, the (un)exceptional life of a non-voting delegate, or the figures who are elected to represent the colonies of the United States but travel there without the right to vote.

2. Hagua - Reversing the Gaze

My academic and activist work for the past few years has dealt with a number of increasingly complex questions about the relationship between Guam and its indigenous people the Chamorros, and the United States. Several years ago I completed a thesis in Micronesian Studies from The University of Guam written around the question of “Why and how in the past century have Chamorros become so patriotic towards the United States?” (“These May of May Not...”) My answers there led me to question in my masters in Ethnic Studies for University of California, San Diego, “Why are Chamorros on Guam so resistant to any discussions of decolonization?” I referred to this overall resistance as the *decolonial deadlock*, and traced it to the hegemonic idea of the *Chamorro as impossible*, or always dependent, and only capable of survival and existence *through the United States*. For Chamorros who accept this premise and feel that the United States is needed for everything from security, prosperity, education and visibility, then there is nothing more horrifying, or to be forcefully resisted than decolonization. It must be resisted because of the threat it poses in weakening the influence and interests of the United States in Guam (“Everything You Wanted to Know...” 8-9).

This logic creates opposition towards any formal or informal movements supporting the island’s decolonization or the changing of its political status to something more equitable and less colonial. A cataclysm of antagonistic common sense awaits these critiques however, from both inside and outside of Guam. The benevolent and humanitarian hand of the United States is supposedly the theoretical, ontological, economic and socio-political lifeline that pumps the island into vitality, viability and visibility. Chamorro scholar Laura Torres Souder notes in her article “Psyche Under Siege” that local demands that Guam be given a chance to achieve a more evolved political status are met with the following response, “Naughty, naughty, you should not bite the hand that feeds you. Remember, life boils down to this, he who holds the purse strings rules the roost.” (195)

The most recent phase of my academic work has dealt with ways of theorizing decolonization as an academic or public act meant to counter this logic that creates this decolonial deadlock. One of the most prominent ways in which I have sought to accomplish this follows the recommendation of Chamorro Studies scholar Vicente Diaz in “reversing the colonial gaze” or in other words seek ways in which the logic that restricts you and props up another, be shifted to move yourself to a position of strength and your colonizer to a position of weakness or dependency (Diaz). In order to do this one must reject the glowing narratives that accompany such benevolent gestures and break the notion that the flow of power, flow of life, flow of dependency in the relationship between Guam and the US is in each instance *unilateral*. Only one here is dependent, and only one here possesses power and the means of life.

In this context reversing the colonial gaze is accomplished by revealing the co-constitutive elements, the exchanges of power and meaning which are beyond any particular involved agent to fully secure, the productive secret or public relations, or simply put, the ways in which the United States *is dependent upon Guam*. This does not refer to the ways in which the United States *uses* Guam, since as a key strategic base that point is well publicized. It instead deals with the ways in which Guam is used to produce the United States, to make things about it which are not distant or exceptional, but intimate in nature.

My chosen concept in this critique is *sovereignty*. As the United States continually works to reproduce its authority and its power, I want to situate Guam as a productive/ghostly presence that is central and constitutive to that reproduction, to that maintenance. In order to situate the

meaning of “sovereignty” in this paper I will draw upon the work of Italian political theorist Giorgio Agamben, who articulates very effectively the productivity of an exceptional position. The turn to Agamben in grounding this chapter is important, as in the wealth of political theoretical writings, his stands as one of the more thorough at revealing the obscene dimensions of how a community is formed. Amongst political theorists or philosophers of the political, Agamben’s work such as *Homo Sacer: Sovereign Power and Bare Life* and *The State of Exception* provide an important, necessary and logical counter to the dominant articulations of politics, the political and sovereignty. His work provides a bridge from the abstract, more formal definitions of sovereignty to help delve into the everyday sort of mechanics about the relationship between violence, power and the formation of communities.

3. Tulu - Why Agamben Rules

Though we may find different tones in the works of people such as Carl Schmitt, Thomas Hobbes, Jean Jacques Rousseau and John Locke, they all share the same basic feature of being *positive* articulations of a political community or order. This positive transcendent feature that binds the political together can either be articulated prior to the formation of said political community (and is therefore right because it allows the unfolding or manifesting of a shared feature of ethnicity, rationality, locality, etc.) or articulated only after the elevating of a sovereign whose existence determines the ordering and nature of “belonging” to said political community (Laclau). To put this more simply, what this means is that fundamentally, the existence of any community is accompanied by the fantasy that these things *belong together*, or to paraphrase the noted philosopher of nationalism Ernest Renan, these people *want to be together* (21).

In political science texts we find this acceptance of the positive nature of community and sovereignty through the hegemonic status of the circular “state=sovereignty” equation, or that to have a nation-state means to also have sovereignty (Giddens 100-103). The mechanics of sovereignty or its origins and its means of production, outside of a simple historical tracing of the development of the nation-state form or the genesis of a particular nation-state, is rarely an issue. The reason for this is that what we might call the primordial unit of political science work is the state, and not just any state, but a state that is presumed to possess sovereignty by virtue of its existence.

Agamben’s crucial intervention is an obvious and simple one, but within the coordinates of intelligibility for most discussions of sovereignty it is almost completely absent. The progressive quality of the nation that post-colonial theorist Homi Bhabha discusses in *The Location of Culture* absolutely spills over to the state itself, imbibing it with the same forward movement, momentum and retroactively redefining and naturalizing functions (Bhabha). The nation comes into being for a reason, because of the way it embodies a Spirit, an identity, a history, a belonging. The state exists with the same necessary, positive logic, usually buttressed by the threat of some latent or emerging crisis (Verinakis).

This logic is of course what covers up or works to make merely exceptional the negative aspects of political formation that Agamben argues as *fundamental to the founding of any political community* (181). There is no forming of a political order or community without a necessary *exclusion*, which is never simply an expulsion, but is rather translated or returns in the form of *the ban*, the producing of a form of life that is a sort of pure life, half life, barely life, when it appears/returns to the political community that was formed through its expulsion. The

feelings of positivity, the aura of inclusion, stability, order, and belonging are only possible through this exclusion, this founding negative act (Ibid).

Agamben's innovative analysis is dependent upon a number of important and radical claims about the mechanics of modernity. First, he begins the trajectory for his analysis of sovereignty at a far different point, much earlier point than most, especially those writing within the discipline of political science. As already discussed, the dominant version of sovereignty is always argued to have emerged out of a pragmatic, rational awakening of consciousness amongst European kings, political leaders, thinkers during the 17th century, that led to the nation-state system of mutual recognition we know today (Barker 4). This assertion of this particular genesis for the concept is incredibly self-serving as it imputes into the Subject and subjects of Europe an assumed and now manifest destiny of progress, improvement, and universality. It reinforces the fantasy that the world has unfolded into its best possible moment because of the European creation of "sovereignty" that allowed them to put aside the savagery of the old world. This has become an idea so potent that it has colonized the rest of the world and become the basis for international law and relations (Alfred 77).

Agamben bypassed the lure of this European progressivity by starting his genealogy for analyzing the existence and constitution of sovereignty far earlier, namely during the Greek and Roman eras. In doing so Agamben is able to disentangle much of his analysis from the familiarity of the world today, and thus work to prevent the reader from associating the sovereignty of his discussion with the sovereignty that is the lynchpin for the world today (and which as a result must not be questioned). By analyzing law, power, and violence in these ancient times, Agamben takes some of the foundational concepts or terms of sovereignty today and reveals a dimension of them that still persists, but has been shorn away by the ages and is often undetected in analyses of the concept. In doing this, he is able to trace for us the outlines of those ghosts which haunted the writing and exercising of "sovereign" power thousands of years ago, as well as today.

Other notable claims for Agamben deal with the fundamental biopolitical dimension of Western politics: the metaphor of modern life is no longer the city, but *the camp*. Lastly he is most well known today for his theorization of the infamous *homo sacer*, a "sacred man" or "bare life" from Roman times. Because of the way in which *homo sacer* could be killed but not murdered, it was included in a society only through its exclusion. Agamben uses this figure as the means to narrativize the production of sovereign power (Norris 4).

For Agamben there is no sovereignty, no coherent community without this negative gesture and exception, since it is constitutive of any positive forming/feeling of community. Agamben is thus elaborating upon the infamous definition of sovereignty provided by Carl Schmitt at the beginning of his text *Political Theology* (13). While Agamben's theoretical version of the concept deals primarily with governments, kings, and sovereigns in the most "proper" sense, by shifting the focus from the divine or reactionary sources of sovereignty, he nonetheless helps lay the groundwork for the definition of the term I am employing in this article. Sovereignty for Agamben is not about some sort of ethereal, divine or structural source, it is not something which is beamed down to earth or from another dimension, leaving it immanent or pure. It is instead something that often appears with such power, but is always tied to very violent gestures or acts, which results in the production of exceptional bodies. These figures appear as politically empty and are potent ghosts who straddle the line between the powerfulness and the powerlessness. Consequently, the ghosts that haunt the political and the exceptions that stain it are not exceptional in the sense of spectrally particular, supplementary, and irrelevant, but

rather constitutive elements, and to paraphrase a common axiom on sovereignty, they are the exceptions *that make the rule, and the ruler(s)*.

I add of “ruler(s)” in order to draw a clearer link between Agamben’s theories and my argument for this article. Although sovereignty throughout *Homo Sacer* is continually casually linked to the figure of “the sovereign,” the constitutive exclusions which Agamben refers to, those that haunt the political upon their return and form community, do not create a single sovereign, a king, a tyrant, or a Leviathan. Rather, in the shambling figures such as the *homo sacer*, that which can by a society be killed but not murdered, the community itself performs its sovereignty, and can reproduce itself through these shades. These ghosts make possible the “sovereign” distinction that Jens Bartelsen in his text *The Genealogy of Sovereignty* mentions, between hierarchy and anarchy (17).

4. Fattat - Making a Sovereign Community

Sovereignty as I am using it here is therefore not simply violence, might, or the system of mutual recognition amongst states. It is something neither theoretically nor practically absolute, and should not solely be identified with the state, or with those in power. Its reproduction is not simply the purview of those who have the material ability to exclude things or expel things. It is instead something much more tenuous, delicate and pervasive.

Sovereignty in this article is the successful binding together of a collection of bodies, identities and interests into a political community (Derrida 84). The community itself is always changing, but nonetheless exists as an object of discussion or political action, a coherent thing which can be defended and maintained at all levels of political agents (Mcalister 6). Its production and reproduction is dependent upon two gestures. First the negative act of an exclusion that draws a line, attempting to mark an inside and an outside. The second act is a sort of negation, a neutralization of the first act, a taming of the ghosts that the nation/community struggle to forget but cannot. The primordial violence and exclusions that formed this community, return in different differential forms which, through their haunting provide the means for the maintaining, rationalizing and unraveling of the political formation to which they are tethered. They exist both as zones of terrifying indistinction, and as states and mechanisms of exceptionality through which the community itself can produce its everyday sovereignty and authority. If we translate their theoretical ambiguity into imagery, they are figures who walk around as if inside out, who can either force a horror at seeing the guts of a community and therefore induce political vomiting, or can reproduce subjectivities through the thankful recognition that I am not them, and because I am not them, *I am the real political agent, the real American, the real citizen*.

To make this point in a different manner, sovereignty is authority or power derived from the violence of exclusion or the drawing of a border to form a political community, accompanied by the ability to both *exorcise and exercise* the ghosts that return to mark the site of that exclusion. Sovereignty is not simply dependent upon a brutal, primordial exclusion, but is dependent upon the ways in which the ghosts of that exclusion appear as they return to haunt the constitution of the political. The treatment of these ghosts, their ability to be tamed, to be reduced to shades or figures of limited meaning and limited momentum is what gives all political communities the character of being progressive organisms that possess inherent abilities to determine themselves (Bhutilia). This is after all as Slavoj Zizek notes in his text *For They Know Not What They Do*, the core of the formation of any community or feeling of belonging,

their ability to keep shared secrets. In the case of these exceptional figures it means the transforming of the saga of their expulsion and return, the structure of which ties their presence to the community's authority, into a tragedy of banal emptiness? (Markell 30).

In the ways in which Guam flickers, fades, appears to suddenly invade, is quickly expelled, is articulated within or without, or as absent within the imaginary of the United States, I see it potentially as one of these ghosts. It is a point that provides both a dangerous and threatening figure that embodies the obscene mechanics and dependencies of a political order, but which also functions as the means through which it creates the aura of its power, its sovereignty and sovereign ability. In the remainder of this paper I will argue that the non-voting delegate, in the ways in which they are constantly included and excluded as members of Congress, serve a similar power producing purpose.

5. Lima - The Fake Vote Issue

At present the United States Congress has six official non-voting delegates, from the following territories: Washington D.C., Puerto Rico, The Virgin Islands, Guam, American Samoa, as well as the Commonwealth of the Northern Marianas Islands, which received its delegate position in 2009. With no vote, no formal power, although they can serve on committees they are often jokingly and seriously referred to as elected lobbyists, except with no money (Griffin). This position means that although they have a formal position within the dealings of the Congress, their place is nonetheless always informal because they cannot be counted amongst the real representatives, but in essence exist to be *counted by those who are counted as real*.

The geography, size and political status of each of these territories differ, despite their being lumped together as a non-voting bloc by their inability to vote. Their populations range from Puerto Rico (3,706,690), District of Columbia, (617,996), Guam (178,000), US Virgin Islands (109,075), American Samoa (57,291) and CNMI (53,883). Three are located in the Pacific, two in the Caribbean and one wedged between Virginia and Maryland. Despite the significant population in Puerto Rico they are still afforded only a single non-voting delegate. The District of Columbia stands out amongst the rest however, as being the only district whose residents pay Federal taxes and yet do not receive voting representation in Congress. The District of Columbia further stands out as the only territory where the residents are allowed to vote for President (Republican Study Committee).

Each former and current territory of the United States received this symbolic form of representation at different points in their relationship with the United States. Some territories such as California were eagerly accepted into the union, but nearly all others had to work to become states (McNinch). Many had delegates who were elected and attempted to "crash" the United States Congress for decades prior to being formally recognized and given a non-voting delegate position. Guam first sent an unofficial delegate to the United States Congress in 1964, but was not officially given one until 1972. For territories that later became states, the delegate recognition process is a crucial one, as it is part of the transition from being an object of America to becoming a subject of America. This is not so for the remaining territories. Despite the fact that the status of these delegates, their seats, and their powers have regularly changed over the past 110 years, these changes can be characterized as great steps forward that don't seem to go anywhere. The ambiguity of the political relationship has persisted over the past century, from

the relationship between the territories and their colonial master, to the identities and power of the delegates they send to Washington D.C.

To say that people on Guam do not have a vote in the United States Congress may be in essence correct, but it does not do justice to the ambiguity or peculiarity of the Congressional vote that they do not have. In January of 2007, the newly christened, recently elected Democratic majority in the House of Representatives voted to change the House rules in order to allow its five non-voting delegates the “right” to vote “symbolically” when “the committee sits as a whole” (H.R. 78, 110th Congress).

In Guam the local media response was guarded, as was public opinion. The formerly non-voting delegate, now voting non-voting delegate from the island, Congresswoman Madeleine Bordallo, assured everyone that this was “a step forward” and that she was looking forward to using her voting card as soon as possible (Ridgell “Bordallo will tell Guam’s...”). Few other people seemed to share her enthusiasm. In fact save for a handful of media pieces, no one seemed to notice or care that the aspirations of so many Chamorros and others on Guam to participate fully in American democracy had finally been fulfilled through the granting of these voting rights!

When speaking on the floor of the Congress in support of this bill, Bordallo connected the need for this “symbolic vote” and the just inclusion it would secure, to the patriotism and devotion Chamorros have exhibited towards the United States, in particular during World War II:

Democracy is founded on voting and participation...You have not heard their stories of loyalty to our nation, you have not learned of their confinement in concentration camps, of them being beaten and beheaded. You have not seen or felt their patriotism. Our ability to participate in the Committee of the Whole would make these sacrifices all the more meaningful for us Americans (Ridgell “Bordallo will tell Guam’s...”).

She later contended that this vote would also allow her and the other non-voting delegates, to better express the “voices of our constituents” (“Bordallo looks forward...”).

This reticence of Bordallo’s constituents seems well founded however if we take into account what the symbolic nature of this vote implies. If one moves beyond the rhetoric of progress and baby steps-to-eventual uncontested American belonging, we see that the symbolism of this vote accomplishes two potential things. First, it calls into question (in a very ordinary way) the “greatness” of the democracy into which the people on Guam were being “symbolically” incorporated. Second, it makes more tangible and perceptible the waiting room of History that Bordallo’s constituents were being “symbolically” confined to once again (Bevacqua “How Much Chamorro Suffering...”). According to a *KUAM News* story:

The delegate calls it a symbolic vote because the five delegates from the territories will only be allowed to vote on floor amendments and not on the final approval of bills. Also if their vote influences the outcome of an amendment a new vote will be taken without their participation. In the case of a close vote the delegates from the territories will be removed from the committee and the committee will vote again without the territories votes (Ridgell “Bordallo looks forward...”).

It was most likely this spectacle that led to the muted response. This inclusion into American democracy meant shouldering a massive asterisk; one that signified to all the truth that your vote only matters so long as it doesn't matter.

6. Gunum - Spreading Democracy or Defending the Real Americans

The vote that approved this House rule change passed, strictly along party lines, with Democrats supporting the measure and Republicans railing against it (Epstein). For Democrats what was at stake in this issue was the soul of American Democracy, its inclusiveness and its willingness to recognize those who are already Americans, or those who have sacrificed greatly for the greatness of America (Poinski). According to one of the most ardent supporters of the rule change, Alcee Hastings a Democrat from Florida, "This minute change in the House rules represents a major step forward for nearly 5 million Americans whose voices are not represented on the floor of the House" (Ibid). For Mike Honda, a Democrat from California and chair of the Congressional Asian Pacific American Caucus (CAPAC), the inclusion of the delegates in this way, "improves the legislative process and increases the degree to which the House of Representatives accurately reflects the 300 million Americans who are subject to the laws it passes" ("Congressional Asian Pacific American..."). In his press release in support of this measure, he added, "Every American benefits from a truer democracy" (Ibid). Among all the Congresspeople who made statements, Honda's remark passed the closest to referencing contemporary American colonialism, albeit in an effort to show how it is being transcended by small gestures of ever-greater inclusion and representation.

In an interesting variation, Jose Serrano a Puerto Rico-born Democratic Congressman from New York, supported the granting of these voting rights as part of the mission to spread democracy to the world. It was a mission that he noted; the US was already embarking on in the Middle East. According to Serrano, "What are we really giving them? A chance to participate in democracy...How can we be willing to spread democracy around the world when we can't spread it here?" (Brotherton "GOP may sue over Delegates...").

House Majority Leader Steny Hoyer from Maryland who introduced the bill was regularly quoted in the media about the necessary symbolism of this vote that "It is not enough what we do today, but...it would be tragic if we do not do this basic step" (Camire). According to Hoyer:

I have felt very strongly for a long period of time that Guam and the other territories as well as the D.C. [District of Columbia] whose delegates and resident commissioner serve along side the rest of us, have the same offices, the same staff, who also ought to have a vote (Ridgell "Bordallo will tell Guam's...").

Congresswoman Bordallo used this aura of inclusiveness, political fraternity, and openness to assert the Americaness of Chamorros and the people of Guam. Speaking in a *KUAM News* interview, she stated that this "minute" change would allow at last the recognition of the people of Guam "for who we are, members of the American family" (Camire).

From the Republican side, it was precisely the Americaness of these delegates that they rallied their opposition around. Their attacks took a number of forms, but all returned to the notion that this move was simply "politics." Far from a being a democratic expansion, this was

just a Democratic power grab since it would inflate the number of “voting” Democrats in the House (since 4 of the 5 delegates at the time were Democrats). This would be a clear insult to the Americans from voting districts that they represented. Whereas Democrats had tried to assert the Americanness of the delegates in question, through their willingness to sacrifice (most importantly militarily, but also in terms of accepting a semi-American status) for the greater good of the United States, Republicans placed the conditions for being a real American on less ideal or inspiring things. Republicans staked out the realm of practicality by judging these delegates as not sufficiently American, because of first, the fact that four out of five of their districts in question do not pay taxes, and second because three out of the five districts are not large enough to be comparable in population to the existing average population for voting congressional districts.

For John Boehner, Republican Minority Leader from Ohio, this move merited outrage because of the way it would potentially make tax-paying-Americans subject to the “voting” and mandates of non-tax paying populations and their representatives. In an interview with the congressional paper *Roll Call* Boehner explained:

For example, under the bill, Delegates could vote with their Democrat leadership to raise federal income taxes on the American people, even though the territories they represent are exempt from those same taxes. Similarly, the Delegate from American Samoa could vote for labor laws, such as a minimum-wage hike, that exempt his constituents but apply to all other Americans (Brotherton and Davis “GOP will fight delegates...”).

The other pragmatic salvo aimed at the fact that “the Delegates’ constituent bases are not proportionate to those of full voting Members” (Ibid). As the population of the districts in question range from close to 57,000 for American Samoa and nearly four million for Puerto Rico, Republicans were quick to point out that the average number of constituents in an existing Congressional district is 650,000. Due to this fact, House Minority Whip Roy Blunt argued that the prospect of giving the territories these symbolic rights was “...certainly counter to any principle that would reflect the democracy of the House” (Brotherton and Davis “GOP will fight delegates...”).

These two criticisms came together in a sort of sublime way, as Republicans became indignant at the way Democrats, through this rule change were creating the conditions for an undemocratic inversion of that old anti-colonial American mantra, “No taxation without representation.” For now, those lucky enough to be in these territories, the new slogan was “representation without taxation” (Henry). The use of this perversion of the American origins is crucial for the Republican resistance, since by touching the genesis of the United States, its revolution and its Constitution, they make clear that they are speaking for those who are *truly American*. Nowhere was made more explicit than in a statement created by the Republicans of the Pennsylvania Congressional Delegation, which is curiously titled *Pennsylvania Republicans Decry Representation Without Taxation: Express Opposition to Democrat Plan to Make Taxes Easier to Raise*:

The American Flag has a field of fifty stars for a reason; they represent the number of constitutionally recognized states in our Union. Only those states can be fully represented in the United States House of

The (Un)exceptional Life of a Non-Voting Delegate

Representatives under law. The Members of the Republican Congressional Delegation of Pennsylvania agree that this move by the Democratic Majority amounts to nothing more than “representation without taxation” (“Pennsylvania Republicans Decry...”).

David Drier, a Republican Congressman from California illustrated very well the colonial flexibility of the territories, by expressing this rebuke in a more polite and practical way. He stated that, "If they [the people from the territories] want to vote in this body, Mr. Speaker, they should pursue statehood, plain and simple" (Brotherton “GOP may sue...”). This was an interesting moment where a sort of clarity can be perceived in the rhetorical back and forth. In his statement Drier displayed the sovereign ability to dictate and capture, at his pleasure the existences of the districts of these delegates, without recognizing, in any way, the historical and political deadlocks in which the US has contained them. In the case of Guam, this rebuke completely ignores the fact that the United States Government has been on record that it is under no obligation to support or encourage any political status change for the island, not to mention the fact that the United States military prizes the ambiguous/colonial status of Guam (Perez). This is a key moment in terms of understanding how a sovereignty community is formed and maintained. Those who are excluded are blamed for their own exclusion. Their exclusion is not something that stains those who have excluded them, but rather in the discourse of this Congressman, it is something they are responsible for, it is something they themselves must fix. Although the US is constantly the central force in terms of giving discourse strength and meaning in these debates, at this moment it is curiously absent, and all we are left with are the stains upon the colonies.

7. Fiti - America’s Constitutional Crisis on the Edge of Asia...

In order to make clear the role that these voting, non-voting figures play in the reproduction of American sovereignty I must first introduce a distinction between levels of political action and constitution: *politics* and *the political*. The political is the foundation, the ground that is formed through those fundamental exclusions mentioned earlier. For this particular example, one can conceive of the Constitution, the bedrock document or site as the political, and political acts or statements are those that have the ability to touch, reach, or change this level (Mouffe). Politics is the game that takes place above this foundation; the materials and equipment for its enjoyment and its performance are the specters of the exclusions that constitute the political. Politics is therefore a game whose intent and goal is always the *reproduction of the political* (Butler et al.). The political ultimately contains the site or the terrain through which the rules for the political, both those explicit and implicit, those formal and obscene are found. The ability to change those rules, to the change the trajectory or spectrum of what is thought to be possible in a routine, everyday sense, is found in the political, not in politics.

It is in this manner, that the figure of the non-voting delegate is a productive pawn in a way of playing politics. It serves like an object jabbed and passed back and forth, whose political power and existence seems regulated by a sovereignty producing light switch; a switch all parties may use. As an object within this theater of politics, the delegate-pawn is governed by a simple rule; all sides may use these figures, but this “right to use” is solvent, intact, so long as the knife that these delegates represent, in jabbing and defending, never touches and *never cuts to the political*. This game is to be played out completely above the political, in the realm of politics, as

if contact between these figures and the political would be akin to the mixing of two elements that would result in a catastrophic explosion.

The change that allows non-voting delegates a conditional vote takes place both above the political and in fear of brushing up against it. To make this point it is important to note a number of things. First, this change takes place not at the level of the Constitution, where political scientists such as Robert Statham claim that it must take place, but rather at the level of House rules which exist at the whim of whomever controls the majority (Statham). As the delegates are used by both parties — in one instance to prove the inclusiveness and democracy loving nature of the American soul, and in the other to reaffirm, inflate, and reinvigorate those and only those who are truly American — both invoke the encounter of the political existence of these delegates and the United States Constitution, as being terrifying, the stuff that will incite a crisis.

Second, these colonial voting rights are not new. This “sacred” vote has been bestowed before, and has been taken away before. For Washington D.C. it was first allowed a non-voting delegate from 1871-1874, but lost it until 1970. For the territories in general a landmark year in symbolic voting rights was 1993. In possible anticipation of a Republican takeover in the coming year, the Democrats made a rule change in the House that for the first time allowed the non-voting delegates these symbolic rights. In 1995, after the new Congress of the Republican revolution was sworn in, the rules were promptly changed to take these rights away. When the Democrats regained the House in 2007 and were therefore able to dictate the procedural rules, they returned those rights to the delegates. In 2010 the Republicans took control over the House and these “rights” were promptly lost again. What we are left with then is a horribly contingent ephemeral change that is articulated both negatively and positively as being comprised of much stronger and much more *political stuff*, even though it is in truth nothing but politics with little effect on anything. The reversion, the rescinding of these rights is already present; it already exists within this change. *It is not some implied, obscene dimension that all refuse to admit to, but it is part of the rules.*

In the 1990’s as well as today, these changes, the movement of the rights of these delegates and bodies back and forth across an exceptional space, inside and outside of the political, take place in persistent fear of their contact with the Constitution of the United States. The Democrats make this change at the level of House rules, and seek only a “symbolic” vote for the delegates, because it prevents the vote from becoming entangled in a Constitutional morass. They give this form of right precisely because it keeps the figures, rights, and potential existence of these delegates out of the proximity of the Constitution, and allows them to avoid the potential trauma of what the Constitution would appear to require, imply, limit or call for.

The Republicans on the other hand, both in 1993 and 2007, argued openly clearly that the granting of these rights to those who clearly do not deserve them would spark a Constitutional crisis or showdown (Partido). Republicans protested the heavy-handed tactics of the Democrats in pushing this rule change through without any input or debate, and therefore warn, in words of Representative Tom Price from Georgia, “the only option we have is through the courts” (Brotherton “GOP may sue...”). In 1993, Republicans protesting the initial bestowal of these rights filed a court case with the U.S. District Court challenging the constitutionality of having those who don’t pay taxes and aren’t from states vote in Congressional sessions. The United States Court of Appeals, however, upheld this rule change, since the voting of the delegates does not ultimately affect the overall outcome of any vote (Brotherton “GOP may sue...”). A

Washington Post article covering the case was less euphemistic, stating that the case was thrown out because the votes were “symbolic” and therefore “meaningless” (Sheridan).

8. Gualo’ - Where America’s Sovereignty is Reproduced...

The (re)production of the sovereignty of the United States takes place, as I have referenced so far, through its usage in the conjuring of different auras of American power and authenticity. I will conclude this article now by showing how the reproduction of this sovereignty is also dependent upon the creation of a circle of protection and authority around the non-voting delegates that serves to insulate those constituted as “Americans” in Congress from complicity with, or the effect of, any potential crisis these figures might represent.

The exclusion of these delegates is obvious and in truth banal and sort of boring. As one decolonization activist commented to me, to be a non-voting delegate in the US Congress is like being a Youth Congressperson sitting in the real Congress (Leon Guerrero). You are like a junior member, never taken seriously, treated respectfully to your face, but most likely mocked the moment your back is turned. Their exclusion is not seen as anything special, but merely part of the daily contradictions on Capitol Hill.

However, the “symbolic” ways in which the delegate is brought back into the Halls of Congress can be peculiar and intriguing. During a speech on the House floor in 2003, Congresswoman Madeleine Bordallo began her statement in which she begged her colleagues to sign a discharge petition that she could not sign because of her status, with the telling paradox, “I am a member of Congress, but not one of its members” (“Congresswoman Bordallo speaks out...”). It was a mantra an earlier Guam delegate often invoked in order to explain his exceptional place in Washington D.C. The speech of these delegates, everything they say, because of this position, embodies in broad daylight, a political exception, a piece of the outside inside, and the inside outside. *When the delegates speak, it cannot ever not be there.*

This banal, but nonetheless very real and very productive colonial difference, rears its head in the way the delegates speak of “their people,” the way they pronounce the names of their people and their islands, the subordinate position from which they speak, and the pleas for recognition that are always implicit regardless of what they are asking for or seeking. They therefore represent a wound, an opening in the political. In the debate over the rule change to allow the delegates their silly vote, we find a weak version of this crack in the armor of the American political from Guam’s delegate:

If you would deny your fellow Americans, the people of Guam, this small bit of symbolic participation, the greater loss is our nation's loss of its promise to the world of democracy that is inclusive and that values all of its citizens (Camire).

This relationship, this plea to have access to the political, to change the foundation of this political community is persistently rejected. In the debates, Democrats heralded this change as small but meaningful, symbolic but important. Republicans denounced it as politics as usual, political chicanery, and setting the country on a dangerous collision course with the constitutionality of giving these colonies anything (Will). Republicans claimed that this is an “obscene” and “ridiculous” power grab (“Pennsylvania Republicans Decry...”). Democrats chimed back that the Constitutional doomspeak of their opponents was code for “We don’t want

to have four Democratic Delegates,” or simple the groaning of a former Majority adjusting to being the current minority (Brotherton “GOP may sue...”).

Ultimately what gets lost in this saber rattling and sword locking is not simply the delegates and their interests or their positions, but ultimately their ability to signify a particular type of crisis or breakdown (Da Silva xxx-xxxi). The exceptions they represent, the injustices they might embody and carry with them, the basic problems that they indicate about the greatness of the United States, *evaporate* or dissipate before returning to either Democrats or Republicans. What is made impossible here is the possibility for one of these delegates to signify a failure which is not simply theirs alone, but which extends into the political world of their colonizer.

To make this point clear I will continue the anecdote I began earlier in this section. In 2003, during the savage era of a Republican controlled Legislative branch, Delegates were not allowed the incredible privileges they gained in 2007. During the aforementioned speech, Madeleine Bordallo appealed on behalf of the veterans of her district, to the full members of the United States Congress, to sign a discharge petition which would benefit the veterans of not just Guam, but around the country. The rhetorical device and strategy she chose could not help but bump up against the banal, exploitative and colonial treatment of Chamorros. Whether she intended it or not, her speech was *political*:

I am a member of Congress, but not one of its members. I read those words today Madame Speaker because I had them reinforced to me when I tried to sign the discharge petition here in Congress to give the veterans concurrent receipt that they deserve. We have veterans on Guam; 15,000 of them in fact. But I was told as a delegate I can't put my name on that discharge petition. More soldiers from Guam have died per capita in foreign wars than any other state in the nation. But Madame Speaker I can't put my name on that discharge petition. Pacific Islander veterans suffer disproportionately from posttraumatic stress disorder. But I can't put my name on that discharge petition. I am a co-sponsor of HR 303. But I can't put my name on that discharge petition (“Congresswoman Bordallo speaks out...”).

After finishing her statement and in the midst of yielding back her time, a curious incident took place. A Democrat, Bob Filner from California, asked the President of the House, a Republican, if a vote could be taken that would allow Bordallo the privilege of signing the discharge petition upon which she had repeatedly stated that she was not allowed to put her name. During his request, as well as while the Republicans consulted over his request, *laughter* was heard throughout the chamber. The most obscene aspect of this was not the laughter from those who might oppose Congresswoman Bordallo, but rather that the most obvious source of this laughter is Filner himself, who could barely contain himself and smiled repeatedly while discussing the political fate of Bordallo and the voices of her constituents.

After 33 seconds, the President of the House responded that Filner's request was not in order and that the privileges of the delegates are controlled through Rules, or in other words, by whomever controls the majority of the House. Before yielding, Filner made a final statement, one more jab at the Republicans with the non-voting delegate of Guam:

Well I thank the gentle lady for bringing this up, because this an insult to your constituents, this is an insult to you and I will say that if the Democrats get control of the House the right to vote and sign discharge petitions we hope will get back to the delegates (“Congresswoman Bordallo speaks out...”).

The key to this statement is that the ambiguity, the degradation, the hypocrisy, and the inconsistency of the position of the non-voting delegates in the United States Congress is an insult, but speaking as a voting American, it is *an insult to you and to your constituents, not to me*. There is no crisis here; there is no insult here to the rest of us. Your position is as a tool, a piece in a game of politics, which is played above the bones of your exclusion. You are dependent upon me, for justice, for politics, for everything; I am not dependent upon you, and your injustice, your hurt, does not implicate me, it does not wound me. The structure of this relationship disappears, your place in terms of making me is gone, the way I am dependent upon you is gone, replaced with the banalities of *your need for me*. The result is that any injustice is yours alone, and through this relationship my sovereignty is reproduced.

9. Sigua - Finakpo’

To conclude this article let me introduce a quote from another one of the non-voting delegates at the center of this discursive drama. Eni Faleomavaega, the Congressman from American Samoa was quoted in *Roll Call* as feeling poorly over what had happened in terms of the controversy regarding their receiving of these symbolic votes. He stated that, “I must say that I have never seen such a more divisive issue before the House for consideration...And I feel really bad...all we wanted was the symbolic vote” (Brotherton “GOP may sue...”). This indirect acceptance of the blame over this issue matches well with the theatre of laughter surrounding Congresswoman Bordallo in terms of making a final point in terms of how we can perceive the production of sovereignty in this context.

The statement made by the Congressman from American Samoa is unique because of the way it contrasts with everything else in terms of media statements that I have collected for this article. Although you could argue that the drama of this struggle over the rights of the delegates is a political question, one that reveals a long-stand very serious contradiction of the United States, nothing in the public discourse revealed as much. While all sides made claims to represent the United States and thus conjured up their own versions of it, no one was willing to admit to the political truth, that this debate does not stem from the “politics” of Democrats or Republicans, but rather something deeper and more fundamental. This political truth is serious and is very real, but the extent to which no one accepted that responsibility for that truth, it fell upon the non-voting delegates themselves to shoulder it. Congressman Faleomavaega’s statement shows how the non-voting delegates become the shambling figures that reveal truth, but also allow some truth to be made banal. While he represents the gap in the political, he also accepts that the appearance of the gap is something he take responsibility for, even if it is hardly his fault. As a result, even to those who represent that fissure themselves, the potential catastrophe is limited. The sovereignty of the US, both in terms of its appearance as a secure and solvent polity, but also its ability to exclude others to define itself remains largely uncontested.

Although at this article’s end we are given a portrait of powerlessness for both Guam and its non-voting delegate, this is hardly the case. The production of the sovereignty of the colonizer is built upon the non-voting delegate appearing a certain way, and carrying a very limited set of

representations. It is true that figure of the non-voting delegate does not possess the fictitious power its tokenistic position is supposed to it. The formal nature of its power is reflective. In both the ways in which Democrats and Republicans include and exclude it, the glory of the United States is illustrated for all. But the power that it possesses is of a different quality; it is instead obscene and disavowed.

The power that the exceptional member holds is that it bears the structure of the colonizer's power, it is a possible passage to the political. It wears a blueprint for the ways in which the sovereign's power is (re)produced. As a result it potentially holds the means by which that same power is disrupted. Decolonization requires the reversing of the colonial gaze and an essential component of that is being able to see past the notion of the colonizer's presence and power as being eternal and universal. You must instead see it as contingent and dependent. With an understanding of this structure and how sovereignty is produced, you can perceive that sites that once fed power into the colonizer now become potential sites of weakness and breakdown as well.

Works Cited

- 110th Congress. H.R. 78. *Amending the Rules of the House of Representatives to permit Delegates and the Resident Commissioner to the Congress to cast votes in the Committee of the Whole House on the state of the Union*, Sponsor: Steny Hoyer, 19 January 2007. Print.
- Agamben, Giorgio. *Homo Sacer: Sovereign Power and Bare Life*. Stanford: Stanford University Press, 1998. Print.
- Alfred, Taiaiake. *Peace, Power and Righteousness: An Indigenous Manifesto*. Oxford: Oxford University Press, 1999. Print.
- Barker, Joanne. "For Whom Sovereignty Matters," *Sovereignty Matters: Locations of Contestation and Possibility in Indigenous Struggles for Self-Determination*. Ed. Joanne Barker. Lincoln, Nebraska: University of Nebraska, 2005. Print.
- Bartelson, Jens. *A Genealogy of Sovereignty*. Cambridge: Cambridge, 1995. Print.
- Bevacqua, Michael Lujan. "These May or May Not Be Americans: The Patriotic Myth and the Hijacking of Chamorro History on Guam." Unpublished M.A. Thesis: University of Guam, 2004. Print.
- . "Everything You Wanted to Know About Guam, But Were Afraid to Ask Zizek." Unpublished M.A. Thesis: University of California, San Diego, 2006. Print.
- . "How Much Chamorro Suffering is Worth a Fake Vote?" *No Rest for the Awake – Minagahet Chamorro*, <http://minagahet.blogspot.com>, 29 January 2007. Web. 28 December 2011.
- Bhabha, Homi. *The Location of Culture*. London: Routledge, 2004. Print.
- Brotherton, Elizabeth. "GOP may sue over Delegates' votes," *Roll Call*, January 25, 2007. Print.
- Brotherton, Elizabeth and Susan Davis, "GOP Will Fight Delegates' Voting Rights," *Roll Call* 7 February 2007. Print.
- Butalia, Urvashi. *The Other Side of Silence: Voices from the Partition of India*. Durham, North Carolina: Duke University Press, 2000. Print.
- Butler, Judith. Ernesto Laclau, Slavoj Zizek. *Hegemony, Contingency, Universality*. London: Verso, 2000. Print.
- Camire, Denis. "Delegates Win Partial Voting Rights," *Pacific Daily News*, 26 January 2007.

The (Un)exceptional Life of a Non-Voting Delegate

- Print.
- Da Silva, Denise Ferreira. *Towards a Global Idea of Race*. Minneapolis: University of Minnesota Press, 2007. Print.
- Henry, Patrick. *Democrats' Delegate Vote: Implementing 'Representation Without Taxation,'* 24 January 2007. Print.
- Derrida, Jacques. *The Politics of Friendship*. London: Verso, 2006. Print.
- Diaz, Vicente. *Personal Communication*. 6 November 2005.
- Epstein, Edward. "GOP in House call Dems heavy-handed" *San Francisco Chronicle*, 25 January 2007. Print.
- Giddens, Anthony. *The Nation-State and Violence*. Berkeley: University of California Press, 1987. Print.
- Griffin, John. "Guam's Role in Pacific Still Uncertain," *Guam Daily News*, 24 November 1969. Print.
- Hobbes, Thomas. *Leviathan*. New York: Penguin Classics, 1982. Print.
- Laclau, Ernesto. *Empancipation(s)*. London: Verso, 1996. Print.
- Leon Guerrero, Victoria. *Personal Communication*. 13 February 2009.
- Locke, John. *Two Treatises of Government*. New York: Penguin Classics, 2005. Print.
- Markell, Patchen. *Bound by Recognition*. Princeton: Princeton University Press, 2003. Print.
- Mcalister, Melanie. *Epic Encounters: Culture, Media and U.S. Interests in the Middle East since 1945*. Los Angeles: University of California Press, 2006. Print.
- McNinch, Ron. "Backwaters," *The Marianas Variety*, 24 December 2009. Print.
- Mouffe, Chantal. *The Return of the Political*. London: Verso, 2006. Print.
- Norris, Andrew. "Giorgio Agamben and the Politics of the Dead," *Politics, Metaphysics and Death: Essays on Giorgio Agamben's Homo Sacer*. Ed. Andrew Norris. Durham, North Carolina: Duke University Press, 2005. Print.
- The Office of Congresswomen Madeleine Bordallo. *Congresswoman Bordallo speaks out for Guam's disabled veterans*, <http://www.house.gov/bordallo/videoFiles.html>, 1 October 2003. Web. 10 January 2012.
- The Office of Congressman Mike Honda, *Congressional Asian Pacific American Caucus Urges Support for Delegate Voting Resolution*, 23 January 2007. Print.
- Partido, Gerardo R. "Guam, U.S. Territories Get Limited Voting Rights," *The Marianas Variety*, 26 January 2007. Print.
- Perez, Sabina. "The Poisons of Powerlessness," *Hita Guahan: Chamorro Testimonies at the United Nations*. San Francisco: Guahan Indigenous Collective and Famoksaiyan, 2006. Print.
- Poinski, Megan. "Delegates to Congress get power to vote in U.S. House Committee of the Whole," *The Virgin Islands Daily News*, 25 January 2007. Print.
- Renan, Ernest. "What is a Nation?" *The Nation and Narration*. Ed. Homi K. Bhabha. London: Routledge, 1990. 8-22. Print.
- Republican Members of the Pennsylvania Congressional Delegation, *Pennsylvania Republicans Decry Representation Without Taxation: Express Opposition to Democrat Plan to Make Taxes Easier to Raise*, http://www.house.gov/list/press/pa03_english/delegate0107.html, 24 January 2007. 29 Web. 29 May 2011.
- Ridgell, Clynt. "Bordallo looks forward to new voting authority," *KUAM News*, 25 January 2007. Web.
- . "Bordallo will tell Guam's story on Capitol Hill" *KUAM News*, 26 January 2007. Web.

- Republican Study Committee, *Legislative Bulletin*, 24 January 2007. Web.
- Rousseau, Jean Jacques. *The Social Contract*, Trans. Maurice Cranston. New York, Penguin Classics, 1968. Print.
- Schmitt, Carl. *Political Theology: Four Chapters on the Concept of Sovereignty*. Chicago: University of Chicago, 2006. Print.
- Sheridan, Mary Beth. "Delegates Gain Limited Voting Rights," *Washington Post*, 25 January 2007. Print.
- Statham, Robert. *Colonial Constitutionalism: The Tyranny of United States Offshore Territorial Policy and Relations*. Lanham, MD: Lexington Books, 2002. Print.
- Souder, Laura Torres. "Psyche Under Siege: Uncle Sam, Look What You've Done to Us." *Sustainable Development or Malignant Growth?* Suva, Fiji: Marama Publications, 1994. 193-195. Print.
- Verinakis, Theofanis. *Barbaric Sovereignty: States of Emergency and their Colonial Legacies*. Ph.D. Dissertation: University of California, San Diego, 2008. Print.
- Wexler, Robert. *Fire-Breathing Liberal: How I Learned to Survive (and Thrive) in the Contact Sport of Congress*. New York: Thomas Dunne Books, 2008. Print.
- Will, George. "Voting Rights Chicanery." *Washington Post*, 28 January 2007. Print.
- Zizek, Slavoj. *For They Know Not What They Do: Enjoyment as a Political Factor*. London: Verso, 2002. Print.