

AMENDING THE REVISED ORGANIC ACT OF THE VIRGIN
ISLANDS TO PROVIDE FOR THE REAPPORTIONMENT
OF THE LEGISLATURE OF THE VIRGIN ISLANDS

MAY 10, 1966.—Committed to the Committee of the Whole House on the State
of the Union and ordered to be printed

Mr. O'BRIEN, from the Committee on Interior and Insular Affairs,
submitted the following

R E P O R T

[To accompany H.R. 13277]

The Committee on Interior and Insular Affairs, to whom was referred the bill (H.R. 13277) to amend the Revised Organic Act of the Virgin Islands to provide for the reapportionment of the Legislature of the Virgin Islands, having considered the same, report favorably thereon with amendments and recommend that the bill do pass.

The amendments are as follows:

Page 1, line 3, after "That", insert "effective January 1, 1967".

Page 1, line 6, strike out "eleven" and insert "fifteen".

Page 2, strike out all of lines 5, 6, 7, 8 and 9, and insert the following:

Until the legislature shall provide otherwise, four members shall be elected at large, five shall be elected from the District of Saint Thomas, five from the District of Saint Croix, and one from the District of Saint John, as those Districts were constituted on July 22, 1954.

PURPOSE

The purpose of H.R. 13277 is to amend the Revised Organic Act of the Virgin Islands to provide for the enlargement and reapportionment of the Legislature of the Virgin Islands. The legislation was introduced by Representative O'Brien following receipt of an executive communication from the Secretary of the Interior.

NEED

The Revised Organic Act of the Virgin Islands (act of July 22, 1954, 68 Stat. 497, as amended; 48 U.S.C. ch. 12) vests the territory's legislative power in a unicameral body composed of 11 members, known as senators. The power of the legislature extends to "all rightful subjects of legislation" not inconsistent with the laws of the United States which are applicable to the Virgin Islands.

The islands are divided into three legislative districts, St. Thomas, St. Croix, and St. John. Section 5(b) of the Revised Organic Act apportions two senators to the district of St. Thomas, two to the district of St. Croix, and one to the district of St. John. The other six are elected at large. Under the present statute each elector is entitled to vote for two and only two of the at-large candidates.

If enacted, H.R. 13277 will enlarge the membership of the legislature to 15, permit its reapportionment in keeping with the recent U.S. Supreme Court decisions enunciating the "one man, one vote" principle, and abolish the "two out of six" rule. Pending action by the legislature it will also fix the total number of members to be elected at large at four and allocate five each to St. Thomas and St. Croix and one to St. John.

The responsibility of the Congress for continuing the development of meaningful self-government for the Virgin Islands and, although the decisions of the Supreme Court in the recent reapportionment cases do not apply per se to the Virgin Islands, keeping it as consistent as possible with the principles of those cases and the equal protection clause of the 14th amendment require the enactment of this legislation.

The addition of four seats will, furthermore, enable the legislature to discharge its duties better than it now can. This will be particularly helpful in view of the rapid economic development that has taken place in the Virgin Islands in recent years and that requires the legislature to consider increasingly sophisticated and complex problems.

H.R. 13277 is a recognition of political maturity in the government and people of the Virgin Islands. Its provision for reapportionment from time to time as the legislature sees fit, subject to the qualification that no person in the Virgin Islands be denied the equal protection of the laws by such reapportionment and that every voter be permitted to vote for the whole number of persons to be elected in any district or at-large election, will permit the wishes of the people of the Virgin Islands, as they may be expressed, to prevail. While H.R. 13277 does not follow a recommendation of a recent constitutional convention in the Virgin Islands that whatever reapportionment is agreed upon shall be frozen by Federal statute, the committee believes that this should be adjustable as population shifts occur and that the local legislature is the proper body, in the first instance, to make whatever reapportionment may be necessary, it in no way contravenes the basic principles which that convention recommended.

The omission of the existing provision of law limiting each voter to two at-large candidates will, it is believed, strengthen democracy in the Virgin Islands. The present provision, some believe, lends itself to arrangements by and between strong and disciplined political factions and leaders which lead to the election of candidates who are not necessarily the popular choice of the majority.

AMENDMENTS

The original bill was amended in three respects. The first establishes January 1, 1967, as the effective date of the act. The second increases the membership in the legislature from 11 to 15. The third provides that five members of the legislature shall be elected from the district of St. Croix, five from the district of St. Thomas, one from the district of St. John and four at large until the territorial legislature decides otherwise.

COSTS

No Federal expenditure of funds is involved in H.R. 13277.

EXECUTIVE COMMUNICATION

The executive communication from the Secretary of the Interior dated March 3, 1966, is set forth below.

DEPARTMENT OF THE INTERIOR,
OFFICE OF THE SECRETARY,
Washington, D.C., March 3, 1966.

HON. JOHN W. MCCORMACK,
Speaker of the House of Representatives,
Washington, D.C.

DEAR MR. SPEAKER: Enclosed herewith is a proposed bill to amend the Revised Organic Act of the Virgin Islands to provide for the reapportionment of the Legislature of the Virgin Islands.

We recommend that the proposed bill be referred to the appropriate committee for consideration, and we recommend that it be enacted.

Under existing law (48 U.S.C. 1571(b)) the Virgin Islands is divided into three legislative districts, the districts of St. Thomas, St. Croix, and St. John, and the 11 members of the legislature are elected as follows: 2 senators from the district of St. Thomas, 2 senators from the district of St. Croix, 1 senator from the district of St. John, and 6 senators at large who are elected by the qualified electors of the Virgin Islands from the Virgin Islands as a whole. The same law provides that in the election of the six senators at large each elector shall be permitted to vote for two candidates and the candidates receiving the greatest number of votes are declared to be elected up to the number to be elected at that election.

After 11 years of experience with the existing law, a period which comprehends very substantial political development in the Virgin Islands with the achievement of an ever-increasing sense of political maturity, and the pronouncements of the Supreme Court of the United States concerning legislative reapportionment, we believe that the existing law should be modified to reflect experience, the wishes of the people of the Virgin Islands, and external circumstances of the times. The enclosed draft proposal amending the existing law, if enacted, would, in our opinion, provide the necessary revision of the present law.

Recognizing the development of political maturity in the government and people of the Virgin Islands, the proposed amendment would leave to local enactment the details of legislative apportionment. Criteria by which to judge the propriety of any reapportion-

ment are not detailed since it seems to us presumptions at this point in time to attempt to forecast just what criteria may emerge from current litigation concerning this very point. In lieu of specific criteria, the proposed amendment incorporates and makes applicable to any reapportionment the language of the equal protection clause of the 14th amendment of the Constitution, which language is the basis of the Supreme Court's "one man, one vote" decisions. While those decisions are not for application in the Virgin Islands, we nevertheless strongly believe in the correctness of the principle stated and by the foregoing we would provide for its enforcement in the Virgin Islands, should the need for such enforcement ever arise.

The proposed amendment also provides that electors shall be entitled to vote for the whole number of candidates to be elected, whether by district or at large. The substitution of this procedure for the existing "two of six" provision seems to us to be required if we are to be consistent.

Finally, the proposed amendment contains a transitory provision extending the existing law until such time as a reapportionment is effected, subject to a provision that the second proviso pertaining to the number of candidates for whom an elector may vote shall become effective upon enactment.

This proposal is consistent with the wishes of the people and government of the Virgin Islands, although it does not follow the form of the recommendation of the Virgin Islands Constitutional Convention as adopted February 26, 1965. That recommendation followed the format of the existing law and detailed a new apportionment of the legislature to be enacted by the Congress. For the reasons stated, we have suggested that the Congress authorize local legislation in this regard subject to the stated provisos. The deletion of the "two of six" provision is common to the recommendation of the constitutional convention and the enclosed proposal.

The Bureau of the Budget has advised that there is no objection to the presentation of this draft bill from the standpoint of the administration's program.

Sincerely yours,

HARRY R. ANDERSON,
Assistant Secretary of the Interior.

A BILL To amend the Revised Organic Act of the Virgin Islands to provide for the reapportionment of the Legislature of the Virgin Islands

Be it enacted by the Senate and the House of Representatives of the United States of America in Congress assembled, That section 5(b) of the Revised Organic Act of the Virgin Islands (48 U.S.C. 1571(b)), is amended to read as follows:

"(b) The legislature shall be composed of eleven members to be known as senators. The apportionment of the legislature shall be as provided by the laws of the Virgin Islands: *Provided*, That such apportionment shall not deny to any person in the Virgin Islands the equal protection of the law: *And provided further*, That every voter in any district election or at large election shall be permitted to vote for the whole number of persons to be elected in that district election or at large election, as the case may be. Until the legislature

shall provide otherwise, the apportionment of the legislature shall remain as it is upon the date of enactment of this section: *Provided, however*, That the second proviso of this section shall be effective upon enactment."

COMMITTEE RECOMMENDATION

The Committee on Interior and Insular Affairs recommends enactment of H.R. 13277, as amended.

CHANGES IN EXISTING LAW

In compliance with clause 3 of rule XIII of the Rules of the House of Representatives, changes in existing law made by the bill, as reported, are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in italic, existing law in which no change is proposed is shown in roman):

ACT OF JULY 22, 1954 (68 STAT. 497; 48 U.S.C. 1541) AS AMENDED

This Act may be cited as the "Revised Organic Act of the Virgin Islands".

* * * * *

LEGISLATIVE BRANCH

SEC. 5. (a) The legislative power and authority of the Virgin Islands shall be vested in a legislature, consisting of one house, to be designated the "Legislature of the Virgin Islands", herein referred to as the legislature.

[(b) The legislature shall be composed of eleven members to be known as senators. The Virgin Islands shall be divided into three legislative districts, as follows: The District of Saint Thomas, comprising Saint Thomas, Hassel, Water, Savana, Inner Brass, Outer Brass, Hans Lollik, Little Hans Lollik, Great Saint James, Little Saint James, and Capella Islands, Thatch Cay and adjacent islets and cays; the District of Saint Croix, comprising Saint Croix and Buck Islands and adjacent islets and cays; and the District of Saint John, comprising Saint John and Flanagan Islands, Grass, Mingo, Lovango, and Congo cays and adjacent islets and cays. Two senators shall be elected by the qualified electors of the District of Saint Thomas; two senators shall be elected by the qualified electors of the District of Saint Croix; and one senator shall be elected by the qualified electors of the District of Saint John. The other six senators shall be senators at large and shall be elected by the qualified electors of the Virgin Islands from the Virgin Islands as a whole: *Provided*, That in the election of senators at large, each elector shall be entitled to vote for two candidates, and the candidates receiving the largest number of votes shall be declared elected up to the number to be elected at that election. The order of names upon the ballot for each office shall be determined by lot among the candidates: *Provided*, That the Government Secretary or his designee is authorized to draw for a candidate who does not appear in person, or by authorized representative, at the drawing of lots.]

(b) *The legislature shall be composed of fifteen members to be known as senators. The apportionment of the legislature shall be as provided by the laws of the Virgin Islands: Provided, That such apportionment shall not deny to any person in the Virgin Islands the equal protection of the law: And provided further, That every voter in any district election or at large election shall be permitted to vote for the whole number of persons to be elected in that district election or at large election as the case may be. Until the legislature shall provide otherwise, four members shall be elected at large, five shall be elected from the District of Saint Thomas, five from the District of Saint Croix, and one from the District of Saint John, as those Districts were constituted on July 22, 1954.*



