

AMENDING SECTIONS 7, 14, AND 20 OF THE ORGANIC ACT OF THE VIRGIN ISLANDS OF THE UNITED STATES

MAY 19, 1938.—Committed to the Committee of the Whole House on the state of
the Union and ordered to be printed

Mr. KOCIAŁKOWSKI, from the Committee on Insular Affairs, submitted
the following

REPORT

[To accompany H. R. 10649]

The Committee on Insular Affairs, to whom was referred the bill (H. R. 10649) to amend sections 7, 14, and 20 of the organic act of the Virgin Islands of the United States, having considered the same, report favorably thereon with an amendment and recommend that the bill as amended do pass.

The amendment is as follows:

Page 2, line 8, before the word "officers", insert the word administrative".

The following letter from the Secretary of the Interior dated March 21, 1938, fully explains the purposes of the bill:

THE SPEAKER OF THE HOUSE OF REPRESENTATIVES,
Washington, D. C.

SIR: I transmit herewith a draft of a bill to amend sections 7, 14, and 20 of the organic act of the Virgin Islands of the United States (49 Stat. 1807).

On June 22, 1936, the new organic act for the Virgin Islands was approved by the President. This enactment replaced the act of March 3, 1917, which created a temporary government for the Virgin Islands. Numerous changes were made in the governmental organization of this island possession in the organic act. In general, these changes have been effected smoothly and satisfactorily. It has developed, however, that several minor amendments are necessary to clarify certain sections of the organic act so that uncertainties may be removed.

Under the organic act a new legislative body was created in the Virgin Islands with power to enact legislation for the entire insular possession. This body, known as the legislative assembly, has met only once and failed to make progress with legislation due to disputes arising over purely technical and procedural matters. Section 7 of the organic act, which creates the legislative assembly, makes no provision for the establishment of rules of business for that body. It is, therefore, proposed that that section be amended to include a provision under which rules of business may be established for that body.

Section 14 of the organic act gives the Governor power to introduce legislation into the municipal councils for the consideration and action of those bodies. By

an oversight, the same power was not specifically granted to permit the Governor to introduce measures in the legislative assembly. At the time of the enactment of the organic act representatives of the local governments were present and discussed fully with the committees to whom this proposed legislation had been referred the question of the advisability of permitting the Governor to continue the long-established practice of introducing legislation for the consideration of the legislative bodies in the Virgin Islands. After a long discussion, the decision was made to continue this practice, but wording was not specifically included in the organic act which authorized the Governor to introduce legislation in the legislative assembly as well as in the municipal councils. As a result, at the first meeting of the legislative assembly a number of measures proposed by the Governor were not introduced and a number of matters of prime importance were neglected. Because of the fact that the legislatures, whether the municipal councils or the legislative assembly, have complete power to refuse to enact any measure introduced by the Governor or to alter it in any way that they see fit before enacting it, it is not a matter involving any great constitutional principle to permit the Governor to introduce measures for the consideration of the legislative bodies. From the practical point of view, it is important that the Governor have this power, not only with respect to the municipal councils, but with respect to the legislative assembly as well, because his office has the administrative and legal assistance which is necessary to draft satisfactory legislation, whereas the legislative bodies do not. The communities in the Virgin Islands are so small and are so lacking in financial resources that provision cannot be made for the establishment of a legislative drafting office which might give the assistance to the legislature that is necessary to warrant the expectation that legislation drafted by members would be suitable for enactment.

It is a fact that practically all legislation enacted by the legislative bodies of the Virgin Islands has been drafted by the executive department prior to its consideration by the legislative bodies. There are no political parties in the Virgin Islands, and the executive cannot therefore call upon party members in the legislature to put forward measures whose enactment is considered desirable. The organic act empowers the executive to sit with the legislative bodies during their meetings, and it is believed that the frank and direct introduction by him of measures whose purposes he can explain and whose terms he can justify is the most desirable procedure which can be established in the circumstances.

Section 20 of the organic act now authorizes the Governor to attend meetings or to depute another person to represent him. Some question has arisen as to whether or not a member of the Governor's staff can attend meetings of the council when he is himself present, to give expression to the Governor's views. On many occasions, when legal matters or matters relating to finance or other technical matters are under consideration, it is believed desirable that the Governor be accompanied at meetings of the legislature by members of his staff who are especially qualified to speak on such matters. An amendment is proposed to this section which would clearly authorize members of the Governor's staff to be present with him and to speak for him on such matters as relate to their special fields.

The effect of these amendments will in no way alter the fundamental purpose of the organic act which was to establish a more democratic form of government in the Virgin Islands and to establish a government which gave a greater degree of local autonomy than did the law which it replaced. These amendments will clarify details which have proved to be subject to different interpretations and will permit the smoother functioning of the Organic Act as a whole.

It is requested that the accompanying bill be introduced for the consideration and action of the House. It is recommended that it be favorably acted upon. The Bureau of the Budget advises that this proposed bill is not in conflict with the legislative and financial policies of the President.

Sincerely yours,

HAROLD L. ICKES,
Secretary of the Interior

The committee considered especially the effect of the amendment proposed to section 14 of the Organic Act of the Virgin Islands with a view to determining whether or not undue additional power would be conferred upon the Governor by this amendment. Because the Governor now has the power under section 14 of the organic act to introduce drafts of legislation into both of the municipal councils of

the Virgin Islands, which bodies have plenary legislative power within their own jurisdictions, it was determined that the amendment proposed, which merely gives this same power to the Governor with respect to the legislative assembly, did not confer unwarranted additional power in the Governor. After introduction by the Governor of drafts of legislation, the legislative bodies of the Virgin Islands have complete freedom to alter any draft proposed by the Governor or to refuse to act on it. As a consequence, it is held that the amendment to section 14, as proposed, is desirable.

CHANGE IN EXISTING LAW

In compliance with paragraph 2a of rule XIII of the Rules of the House of Representatives, changes in sections 7, 14, and 20 of the Organic Act of the Virgin Islands of the United States made by the bill 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):

SEC. 7. After January 1, 1937, joint sessions of said municipal councils shall constitute and shall be designated the "Legislative Assembly of the Virgin Islands." The legislative assembly shall convene in Saint Thomas upon call by the Governor, and also whenever both municipal councils shall determine by resolutions passed by each of them: *Provided*, That the Governor shall call the legislative assembly at least once during each calendar year. The legislative assembly shall have power to enact legislation applicable to the Virgin Islands as a whole, but no legislation shall be considered other than that specified in the message by the Governor calling such a session, or in both of said resolutions: *Provided further*, That so long as the membership of the legislative assembly does not exceed sixteen members, a quorum of the legislative assembly shall consist of not less than ten members, and no bill shall be enacted until it shall be passed by a two-thirds majority vote of the members present. The municipal councils shall not enact laws or ordinances in conflict with the enactments of the legislative assembly. *The legislative assembly may adopt rules of procedure not inconsistent with this Act.*

SEC. 14. [The Governor may introduce bills in the respective municipal councils.] *The Governor may introduce bills in the respective municipal councils and in the legislative assembly.* The Governor shall submit to the respective municipal councils, at least ninety days before the close of each fiscal year, a budget of estimated receipts and expenditures for the respective municipalities, which shall be the basis for the annual local appropriation bills for such municipalities. He shall from time to time submit to the respective municipal councils such reports concerning the fiscal affairs of the municipalities as may be requested by resolution of either municipal council.

SEC. 20. The executive power of the Virgin Islands and of the municipalities thereof shall be vested in an executive officer whose title shall be "the Governor of the Virgin Islands" and shall be exercised under supervision of the Secretary of the Interior. The Governor shall be appointed by the President, by and with the advice and consent of the Senate, and shall hold office at the pleasure of the President and until his successor is chosen and qualified. The Governor shall reside in the Virgin Islands during his official incumbency. He shall have general supervision and control of all executive and administrative departments, bureaus, and offices of the government of the Virgin Islands. He shall faithfully execute the laws of the United States applicable to the Virgin Islands, and the laws and ordinances of the Virgin Islands. He may grant pardons and reprieves and remit fines and forfeitures for offenses against the local laws, and may grant respite for all offenses against the applicable laws of the United States until the decision of the President can be ascertained. He may veto any legislation as provided in this Act. He shall commission all officers that he may be authorized to appoint. He may call upon the commanders of the military and naval forces of the United States in the islands, or summon the posse comitatus, or call out the militia, to prevent or suppress violence, invasion, insurrection, or rebellion; and he may, in case of rebellion or invasion, or imminent danger thereof, when the public safety requires it, suspend the privilege of the writ of habeas corpus,

or place the islands, or any part thereof, under martial law, until communication can be had with the President and the President's decision thereon made known. He shall annually, and at such other times as the President or the Congress may require make official report of the transactions of the government of the Virgin Islands to the Secretary of the Interior, and his said annual report shall be transmitted to the Congress. He shall perform such additional duties and functions as may, in pursuance of law, be delegated to him by the President, or by the Secretary of the Interior. [He shall have the power to issue executive regulations not in conflict with any applicable law or ordinance. He shall attend or may depute another person to represent him at the meetings of the legislative authorities herein established, and may give expression of his views on any matter before such bodies.] *He shall attend or may depute another person to represent him at the meetings of the legislative authorities herein established, and may give expression of his views on any matter before such bodies; and may he request officers of the government of the Virgin Islands to be present with him or his deputy and to assist him in expressing his views on any such matters.*

