

ORGANIC ACT OF THE VIRGIN ISLANDS OF THE UNITED STATES

MAY 13, 1936.—Committed to the Committee of the Whole House on the state of the Union and ordered to be printed

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

REPORT

[To accompany S. 4524]

The Committee on Insular Affairs, to whom was referred the bill (S. 4524) to provide a civil government for the Virgin Islands of the United States, having considered the same, report favorably thereon and recommend that the bill do pass.

On April 7 the Insular Affairs Committee favorably reported H. R. 12298 with the recommendation that the same do pass. The number of the report accompanying H. R. 12298 is House Report No. 2449. However, on May 4 the Senate passed S. 4524, which was transmitted to the House and referred to the Committee on Insular Affairs May 7. Additional evidence has convinced the House committee that S. 4524 would more completely harmonize the differences of opinion that have arisen between the Interior Department, the delegation representing the Virgin Islands, and the Governor of the Virgin Islands than would H. R. 12298. Therefore, the committee has instructed its chairman to request that S. 4524 be substituted for H. R. 12298 and passed by the House.

[S. Rept. No. 1974, 74th Cong., 2d sess.]

The Committee on Territories and Insular Affairs, to whom was referred the bill (S. 4524) to provide a permanent government for the Virgin Islands of the United States, and for other purposes, having considered the same, report favorably thereon with an amendment in the nature of a substitute and as amended recommend that the bill do pass.

GENERAL STATEMENT

Nearly 20 years have elapsed since the purchase of the Virgin Islands from Denmark. However, this possession is still governed under the act of March 3, 1917 (39 Stat. 1132), establishing "a temporary government" for the then

newly acquired Territory. The act of March 3, 1917, embodies no orderly or organized plan of government. It is essentially a makeshift designed to serve until an adequate body of fundamental law should be incorporated in an organic act for the Virgin Islands.

The experience of the past 20 years has revealed the basic governmental needs of this insular possession. A proposed organic act, similar to the present bill in many particulars, was the subject of committee hearings during the Seventy-third Congress. From time to time the local municipal councils have drafted proposals for an organic act and have conducted public hearings for the discussion of such proposals in the Virgin Islands. Very soon after the government of the Virgin Islands was placed under supervision of the Department of the Interior that Department addressed itself to the problem of a permanent local government with a view to making such recommendations to Congress as would provide for a responsible and adequate government, consistent with American democratic ideals and satisfactory to the people of the Virgin Islands.

Thus, when the Committee on Territories and Insular Affairs held hearings upon the present bill (S. 4524), the Governor of the Virgin Islands, representatives of the Interior Department, an official delegation from the local councils, and other informed persons were able to present pertinent data and to acquaint the committee with the views of the present governing authorities and of the people to be governed.

Detailed discussion of the bill should be prefaced further by a statement that the inhabitants of the Virgin Islands are literate and loyal citizens of the United States. It is the view of the committee that they are capable of managing their local affairs. Unfortunately, the islands are not yet economically self-supporting. Hence it has been necessary to provide for an amount of Federal control over local affairs commensurate with continuing expenditures of Federal funds to subsidize the local government.

PROVISIONS OF THE BILL

The first four sections of the substitute bill reported by the committee define the territorial limits of the Virgin Islands and provide for the subdivision of the insular possession into two inferior political units, namely, the municipality of St. Croix, and the municipality of St. Thomas and St. John. Provision is also made for the division of public property between the Federal Government and the municipalities.

The three inhabited islands are St. Croix, an agricultural community, and St. Thomas and St. John, two islands near to each other but some 40 miles from St. Croix, with an economy organized around the business of the harbor of St. Thomas. In accordance with the wishes of the people of the Virgin Islands and the divergent interests of the islands themselves, it has been deemed desirable to preserve the present political identity of each community as a political subdivision of the insular possession.

FRANCHISE AND LEGISLATIVE BRANCH

Sections 5 to 19 inclusive, concern the franchise and the organization of the legislative branch of the local government. The only elected officers of the local government are the members of the local legislative bodies. Provision is made for three such bodies, a municipal council of nine members for St. Croix, a municipal council of seven members for St. Thomas and St. John, and a territorial legislative assembly composed of the 16 persons who are members of the municipal councils. Matters of purely local concern are placed within local legislative power. The levying of local taxes and the expenditure of local revenue are authorized. It has not been deemed wise to give the local government power to incur bonded indebtedness so long as local revenue is insufficient to pay the entire cost of local government.

Locally enacted bills may be vetoed by the Governor. A bill may be passed over the Governor's veto by a two-thirds majority of the enacting legislative body. However, in such case the measure does not become law until referred to the President whose disapproval will prevent it from becoming law.

Provision is made for universal suffrage in the islands beginning January 1, 1938, or after January 1, 1937, if the local legislative authorities shall so provide. This is a departure from present law under which property qualifications and other inequitable restrictions relating to suffrage prevent all but about one-twentieth of the population from qualifying as voters.

EXECUTIVE BRANCH

Sections 20 to 24, inclusive, provide for an executive branch of the local government of which the Governor of the Virgin Islands is the head. The Governor is to be appointed by the President, by and with the advice and consent of the Senate. The Government Secretary, who is the second ranking executive officer, is also to be appointed by the President. Other Federal officers employed in the executive branch of the government of the Virgin Islands are appointed by the Secretary of the Interior, under whose supervision the administration of the government of the Virgin Islands is placed.

Officers of the municipal government, paid out of local revenues, are to be appointed by the Governor with the consent of the local legislative assembly.

JUDICIAL BRANCH

Sections 25 to 33, inclusive, provide for a district court of the Virgin Islands and inferior local courts. The district judge and a district attorney are to be appointed by the President, by and with the advice and consent of the Senate. Officers of the court are placed under the administrative jurisdiction of the Department of Justice. Salaries and other expenses involved in the administration of this court are to be borne by the United States.

The District Court of the Virgin Islands is to combine the function of a court of general jurisdiction in enforcing local, civil, and criminal law and the laws of the United States applicable to the Virgin Islands. Although this latter function is ordinarily vested in a district court of the United States, so few cases arise under Federal law in the Virgin Islands that it has been deemed unnecessary and unduly expensive to create a Federal court in addition to the district court of the Virgin Islands. However, the local legislative assembly is authorized, at such time as local revenues may warrant, to create a local superior court with general jurisdiction over the enforcement of local laws.

Provision is made for inferior courts, of which there is now one in each municipality, to adjudicate petty criminal and civil matters.

MISCELLANEOUS PROVISIONS

Section 34 is a bill of rights in familiar form.

Section 35 confers upon each municipality control over collection and expenditure of public revenue within its borders.

Section 36 continues present import duties and customs, but authorizes the local legislative authorities to reduce present export duties.

Section 37 relates to the running of judicial process and the conduct of penal and criminal prosecutions in the local courts.

Section 38 provides that all officials of the government of the Virgin Islands shall be citizens of the United States.

Section 39 provides for reports by the Governor to the Secretary of the Interior whose jurisdiction is to extend to all matters pertaining to the government of the Virgin Islands.

Section 40 empowers all present officers and agencies to continue to function until new officers shall be appointed and new agencies organized under the new Organic Act.

Section 41 provides that the new act may be cited as the "Organic Act of the Virgin Islands of the United States".



