

CITIZENSHIP FOR INHABITANTS OF VIRGIN ISLANDS

FEBRUARY 15, 1927.—Referred to the House Calendar and ordered to be printed

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

REPORT

[To accompany S. 2770]

The Committee on Insular Affairs, to whom was referred the bill (S. 2770) to confer United States citizenship upon certain inhabitants of the Virgin Islands and to extend the naturalization laws thereto, having considered the same, report it back to the House without amendment and recommend that the bill do pass.

This bill confers United States citizenship upon certain inhabitants of the Virgin Islands and also extends the opportunity for naturalization to certain other former inhabitants of the Virgin Islands. It will be recalled that the Virgin Islands were acquired by purchase under a treaty with Denmark in January, 1917. At the time it was understood by all that when the United States purchased these islands the citizenship of the inhabitants thereof was transferred to the United States.

The Navy Department, who have been administering the islands ever since 1917, have always contended that this was the case. The State Department, however, have put a different interpretation upon the treaty, with the result that ever since 1917 the inhabitants of the Virgin Islands, formerly citizens of Denmark, have been people "without a country." Whatever the correct interpretation of the treaty may be, it has been admitted by all that there is a moral obligation on the part of the United States to confer United States citizenship on these inhabitants of the Virgin Islands formerly citizens and subjects of Denmark.

The people of Porto Rico are full citizens of the United States, and your committee sees no reason why the inhabitants of the Virgin Islands should not be placed in the same category. The entire population of the Virgin Islands is 23,000 and there are approximately 3,500 residing in the United States who will be affected by this bill.

A convention between the United States of America and Denmark, providing for the cession to the United States of all territory owned or claimed by Denmark in the West Indies, including the islands of St. Thomas, St. John, St. Croix, and certain smaller adjacent islands, was concluded and signed by plenipotentiaries of the respective powers on the 4th day of August, 1916.

Article 6 of this convention relates to the citizenship of the inhabitants of these islands, and is as follows:

Danish citizens residing in said islands may remain therein or may remove therefrom at will, retaining in either event all their rights of property, including the right to sell or dispose of such property or its proceeds; in case they remain in the islands they shall continue, until otherwise provided, to enjoy all the private, municipal, and religious rights and liberties secured to them by the laws now in force. If the present laws are altered, the said inhabitants shall not thereby be placed in a less favorable position in respect to the above-mentioned rights and liberties than they now enjoy. Those who remain in the islands may preserve their citizenship in Denmark by making before a court of record, within one year from the date of the exchange of ratifications of this convention, a declaration of their decision to preserve such citizenship; in default of which declaration they shall be held to have renounced it, and to have accepted citizenship in the United States; for children under 18 years the said declaration may be made by their parents or guardians. Such election of Danish citizenship shall, however, not, after the lapse of the said term of one year, be a bar to their renunciation of their preserved Danish citizenship and their election of citizenship in the United States and admission to the nationality thereof on the same terms as may be provided according to the laws of the United States for other inhabitants of the islands.

The civil rights and the political status of the inhabitants of the islands shall be determined by the Congress, subject to the stipulations contained in the present convention.

Danish citizens not residing in the islands but owning property therein at the time of the cession, shall retain their rights of property, including the right to sell or dispose of such property, being placed in this regard on the same basis as the Danish citizens residing in the islands and remaining therein or removing therefrom, to whom the first paragraph of this article relates.

It will be observed that this convention left in a somewhat vague situation the status of inhabitants of the Virgin Islands of the United States. Evidently legislative action by the Congress of the United States was contemplated by the framers of this convention and certainly by the people of the Virgin Islands.

These people welcomed the coming of the United States and never entertained a thought that theirs should become a no man's land and that they themselves should be placed in a status of doubtful citizenship. Unfortunately, the organic act of 1917 passed in time of world stress and excitement gave but scant attention to the rights of the islanders. It provided what was expected to be only a temporary form of government, suited to the needs of the hour, and did not undertake to define the citizenship status of the inhabitants of the Virgin Islands of the United States. Almost a decade has passed and nothing further has been done in this matter. In the pressure of other matters, the needs of the Virgin Islands have been overlooked. Their people are patriotic, industrious, and patient. They have a right to expect that their needs will not be overlooked by Congress and that they will at least not be forgotten by the great Nation of which they are a part.

Your committee, after careful consideration of the subject, is of the opinion that the least that can be done at the present time is to clarify and define by appropriate legislation the citizenship status of

the inhabitants of the Virgin Islands of the United States, so that they with greater assurance may proceed on the path of progress, which it is hoped will lead to better and freer government and more satisfactory economic conditions in the islands.

With this object in view, the passage of S. 2770 is recommended.

Section 1 provides that all former Danish citizens who have continued to reside in the Virgin Islands or in the United States and who did not preserve their Danish citizenship under the terms of article 6 of the convention, and also all natives of the islands who were temporarily absent at the time of the cession and who have since returned and now reside in the islands, and their children born subsequent to the date of transfer of sovereignty from Denmark to the United States, shall be citizens of the United States.

Section 2 provides for a special mode of naturalization for those who were absent from the islands and have received an honorable discharge from the military or naval forces of the United States.

Section 3 provides for persons hereafter born in the Virgin Islands of the United States. The rule of citizenship already provided in the fourteenth amendment to the Constitution of the United States.

Section 4 provides that the District Court of the United States for Porto Rico shall have jurisdiction for the naturalization of aliens residing in the Virgin Islands of the United States.

The enactment of this legislation is an act of justice to these people, who will thus be given fresh courage for the larger problems crying for solution and renewed confidence in the great Nation of which they were glad to become a part.

