

AMENDMENT TO ORGANIC ACT OF THE VIRGIN ISLANDS

APRIL 20 (calendar day, MAY 12), 1938.—Ordered to be printed

Mr. TYDINGS, from the Committee on Territories and Insular Affairs,
submitted the following

REPORT

[To accompany S. 3722]

The Committee on Territories and Insular Affairs, to whom was referred the bill (S. 3722) to amend sections 7, 14, and 20 of the organic act of the Virgin Islands of the United States (49 Stat. 1807), having considered the same, reports favorably thereon with an amendment and recommends that the bill as amended do pass.

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

DEPARTMENT OF THE INTERIOR,
Washington, March 21, 1938.

The PRESIDENT OF THE SENATE,
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 Senate. 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.