

Claire

**Proposed Constitution:
First Constitutional Convention
1964-65**

SOURCE: Proposed Document.

**VIRGIN ISLANDS CONSTITUTIONAL CONVENTION
REPORT**

**DRAFT OF ORGANIC ACT FOR THE TERRITORY OF
VIRGIN ISLANDS OF THE UNITED STATES**

Adopted by Constitutional Convention of the Virgin Islands
February 26, 1965

DRAFT

To provide for the Second Revised Organic Act of the Virgin Islands.

BE IT ENACTED by the Senate and House of Representatives of the United States of America in Congress assembled:

§1. SHORT TITLE.

That this Act may be cited as the Second Revised Organic Act of the Virgin Islands.

§2. GEOGRAPHICAL SCOPE OF ACT; DEFINITION OF "VIRGIN ISLANDS;" TERRITORIAL DESIGNATION; POWERS AND LEGAL STATUS OF GOVERNMENT; CAPITAL AND SEAT OF GOVERNMENT.

(a) The Provisions of this Act, and the name "Virgin Islands" as used in this Act, shall apply to and include the territorial domain, islands, cays, and waters acquired by the United States through cession of the Danish West Indian Islands by the convention between the United States of America and His Majesty, the King of Denmark entered into August 4, 1916, and ratified by the Senate on September 7, 1916 (39 Stat. 1706). The Virgin Islands as above described are hereby declared an unincorporated territory under the constitutional system of the United States of America and shall hereafter be designated an "Autonomous Territory."

(b) The government of the Virgin Islands shall have the powers set forth in this Act and shall have the right to sue by such name and in cases arising out of contract, to be sued: Provided, that no tort action shall be brought against the government of the Virgin Islands or against any officer or employee thereof in his official capacity without the consent of the legislature constituted by this Act.

The capital and seat of government of the Virgin Islands shall be located at the city of Charlotte Amalie, in the island of Saint Thomas.

BILL OF RIGHTS

§3. RIGHTS AND PROHIBITIONS.

No law shall be enacted in the Virgin Islands respecting an establishment of religion or prohibiting the free exercise thereof, or abridging the freedom of speech or the press or the right of the people peaceably to assemble and to petition the government for redress of grievances; **nor shall the right of lawful association be denied or abridged.**

No law shall be enacted in the Virgin Islands which shall deprive any person of life, liberty, or property without due process of law, nor deny to any person the equal protection of the laws.

The right of the people to be secure against unreasonable searches and seizures shall not be violated, and no warrant for arrest or search shall issue, but upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched, and the persons **to be arrested** or things to be seized.

In all criminal prosecutions, the accused shall be informed, by a copy thereof, of the nature and cause of the accusation, shall have the right to be represented by counsel for his defense, **and upon demand shall have the right to a trial by jury**, to have compulsory process for obtaining witnesses in his favor, to be confronted with the witnesses against him, and shall enjoy the right to a speedy and public trial. (b) All persons shall be bailable by sufficient sureties in the case of criminal offenses, except for first-degree murder or any capital offense when the proof is evident or the presumption great. Excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishment inflicted. (c) No person shall be held to answer for a criminal offense without due process of law, and no person for the same offense shall be twice put in jeopardy of punishment, nor shall be compelled in any criminal cause to give evidence against himself.

No law impairing the obligation of contracts shall be enacted nor shall private property be taken for public use except upon payment of just compensation ascertained in the manner provided by law. Neither slavery nor involuntary servitude shall exist in the Virgin Islands, except in the latter case as punishment for a crime after the accused has been duly convicted by a court of law, nor shall any person be imprisoned or suffer forced labor for debt.

All persons shall have the privilege of the Writ of Habeas Corpus and the same shall not be suspended except as herein expressly provided.

No ex post facto law or bill of attainder shall be enacted.

The contracting of polygamous or plural marriages is prohibited.

No political or religious test other than an oath to support the Constitution and the laws of the United States applicable to the Virgin Islands and the laws of the Virgin Islands shall be required as a qualification to any office of trust or profit under the Government of the Virgin Islands. Provided, however, that no person who advocates, or who knowingly aids or belongs to any party, organization or association which advocates the overthrow by force or violence of the government of the Virgin Islands or of the United States shall be qualified to hold any office of trust or profit under the government of the Virgin Islands.

The rights, privileges, and immunities of citizens of the United States shall be respected in the Virgin Islands to the same extent as though the Virgin Islands were a State of the Union and subject to the provisions of paragraph 1 of Section 2 of Article IV of the Constitution of the United States.

The foregoing enumeration of rights shall not be construed restrictively. Nothing contained in this Act shall be construed to limit the power of the legislature herein provided to enact laws for the protection of life, the public health, social welfare, or the public safety.

No money shall be paid out of the Virgin Islands treasury except in accordance with an Act of Congress or money bill of the legislature and on warrant drawn by the proper officer.

No law authorizing or permitting the conducting or operation of public or private gambling, beyond such forms or types authorized or permitted under the law existing on the date of enactment of this Act, shall be effective in the Virgin Islands until and unless approved by a two thirds majority vote of the electorate of the Virgin Islands.

FRANCHISE

§4. VOTING FRANCHISE; DISCRIMINATION PROHIBITED.

The franchise shall be vested in residents of the Virgin Islands who are citizens of the United States, eighteen years of age or over. Additional qualifications may be prescribed by the legislature. Provided, however, that no property, language, or income qualification shall ever be imposed upon or required of any voter, nor shall any discrimination in qualification be made or based upon differences in race, color, sex, or upon **political** or religious belief.

LEGISLATIVE BRANCH

§5. LEGISLATIVE POWER.

(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.

COMPOSITION AND METHOD OF ELECTIONS

(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, Great Saint James, Little Saint James, and Capella Islands, Thatch Cay and adjacent islets and cays; the District of Saint Croix, comprising of Saint Croix and Buck Island 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. **Three Senators shall be elected by the qualified electors of the District of Saint Thomas; three 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 St. John. The other four 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. The order of names upon the ballot for each office shall be determined as the legislature may by law prescribe.**

§6. TERMS OF OFFICE.

(a) The term of office of each member of the legislature shall be two years. The term of office of each member shall commence on the second Monday in January following his election.

(b) QUALIFICATION OF MEMBERS

No person shall be eligible to be a member of the legislature who is not a citizen of the United States, who has not attained the age of twenty-five years, who is not a qualified voter in the Virgin Islands, who has not been a bonafide resident of the Virgin Islands for at least three years next preceding the date of his election, or who has been convicted of a felony or of a crime involving moral turpitude and has not received a pardon restoring his civil rights: **Provided, that in case of District candidates no person shall be eligible who has not resided in the respective district for at least one year of the three years required to qualify above.** Federal employees and persons employed in the legislative, executive or judicial branches of the government of the Virgin Islands shall not be eligible for membership in the legislature.

(c) APPOINTMENT OF ELECTORAL OFFICERS

All officers and employees charged with the duty of directing the administration of the electoral system of the Virgin Islands and its representative districts shall be appointed in such manner as the legislature may by law direct.

(d) IMMUNITY OF MEMBERS

No member of the legislature shall be held to answer before any tribunal other than the legislature for any speech or debate in the legislature and the members shall in all cases except treason, felony, or breach of the peace, be privileged from arrest during their attendance at the sessions of the legislature and in going to and returning from the same.

(e) COMPENSATION AND ALLOWANCES

Each member of the Legislature shall be paid such compensation as shall be fixed by enactment of the Legislature and approved by the Governor; Provided that such compensation after it has first been fixed shall not be changed except by legislative enactment for the next Legislature. Each member of the Legislature who is away from the island of his residence shall also receive a per diem, fixed by the Legislature, for each day's attendance while the Legislature is actually in session, in lieu of his expenses for subsistence, and shall be reimbursed for his actual travel expenses in going to and returning from each session, or period thereof. The salaries, per diem, and travel allowances of the members of the Legislature shall be paid by the Government of the Virgin Islands.

(f) LIMITATIONS ON HOLDING OTHER OFFICES

No member of the legislature shall hold or be appointed to any office which has been created by the legislature, or salary or emoluments of which have been increased, while he was a member, during the term for which he was elected, or during one year after the expiration of such term.

(g) JUDGE OF ELECTION AND QUALIFICATIONS OF MEMBERS

The Legislature shall be the sole judge of the elections and qualifications of its members, shall have and exercise all the authority and attributes inherent in legislative assemblies, and shall have the power to institute and conduct investigations, issue subpoena to witnesses and other parties concerned, and administer oaths. The rules of the Legislature of the Virgin Islands existing on the date of approval of this Act shall continue in force and effect for sessions of the legislature, except as inconsistent with this Act, until altered, amended or repealed by the legislature.

(h) VACANCIES

The Governor of the Virgin Islands shall fill any vacancy in the office of a member of the Legislature by appointment **in such manner as the Legislature may by law direct.**

§7. LEGISLATIVE SESSIONS

(a) Regular Sessions of the legislature shall be held annually, commencing on the second Monday in January (**unless the legislature shall by law fix a different date**) and shall continue in regular sessions for **not more than 60 days which need not be consecutive; Provided, that the session shall conclude no later than May 31st.** The Governor may call special sessions of the legislature at any time when in his opinion the public interest may require it, but no special session shall continue longer than fifteen calendar days, and the aggregate of such special sessions during any calendar year shall not exceed thirty calendar days. No legislation shall be considered at any special session other than that specified in the call therefor or in any special message by the Governor to the legislature while in such session.

(b) PLACE OF HOLDING

Sessions of the legislature shall be held in the capital of the Virgin Islands at Charlotte Amalie, Saint Thomas.

§8. LEGISLATIVE POWER

(a) The legislative authority and power of the Virgin Islands shall extend to all rightful subjects of legislation not inconsistent with this Act or the laws of the United States made applicable to the Virgin Islands, but no law shall be enacted which would impair rights existing or arising by virtue of any treaty or international agreement entered into by the United States, nor shall the lands or other property of non-residents be taxed at a higher rate than the lands or other property of residents.

(b) APPLICABILITY OF LAWS AND ORDINANCES

The laws of the United States applicable to the Virgin Islands on the date of approval of this Act, including laws made applicable to the Virgin Islands by or pursuant to the provisions of the Act of June 22, 1936 (49 Stat. 1807), and of the Act of July 22, 1954 (68 Stat. 491) as amended respectively, and all local laws and ordinances in force in the Virgin Islands, or any part thereof on the date of approval of this Act shall, to the extent they are not inconsistent with this Act continue in force and effect until otherwise provided by the Congress: Provided; that the legislature shall have power, when within its jurisdiction and not inconsistent with the other provisions of this Act, to amend, alter, modify, or repeal any local law or ordinance, public or

private, civil or criminal, continued in force and effect by this Act, except as herein otherwise provided, and to enact new laws not inconsistent with any law of the United States applicable to the Virgin Islands.

§9. QUORUM AND METHOD OF VOTING ON BILLS.

(a) The quorum of the legislature shall consist of seven of its members. No bill shall become law unless it shall have been passed at a meeting, at which a quorum was present, by the affirmative vote of a majority of the members present and voting, which vote shall be by yeas and nays.

(b) ENACTING CLAUSE

The enacting clause of all acts shall be as follows: "Be it enacted by the Legislature of the Virgin Islands."

(c) GOVERNOR'S MESSAGE AND BUDGET

The Governor shall submit at the opening of each regular session of the Legislature a message on the state of the Virgin Islands and a budget of estimated receipts and expenditures, which shall be the basis of the appropriation bills for the ensuing fiscal year, which shall commence on the first day of July.

(d) APPROVAL AND DISAPPROVAL OF BILLS

Every bill passed by the Legislature shall, before it becomes a law, be presented to the Governor. If the Governor approves the bill, he shall sign it. If the Governor disapproves the bill, he shall return it, with his objections, to the legislature within ten days (Sundays excepted) after it shall have been presented to him. If the Governor does not return the bill within such period, it shall be a law in like manner as if he had signed it, unless the legislature by adjournment prevents its return, in which case it shall be a law if signed by the Governor within thirty days after it shall have been presented to him; otherwise it shall not be a law. When a bill is returned by the Governor to the Legislature with his objections, the legislature shall enter his objections at large on its journal and proceed to reconsider the bill. **If, after such consideration, two-thirds of all the members of the legislature agree to pass the bill, it shall become a law.** If any bill presented to the Governor contains several items of appropriations of money, he may strike out any one or more of such items of the bill, **which shall include the appropriation therefor.** In such case, he shall append to the bill, at the time of signing it, a statement of the **item or items** to which he objects, and the **item or items**, so objected to shall not take effect.

If at the termination of any fiscal year the legislature shall have failed to pass appropriation bills providing for payment of the obligations and necessary current expenses of the government of the Virgin Islands for the ensuing fiscal year, then the

several sums appropriated in the last appropriation bills for the objects and purposes therein specified, so far as the same may be applicable, shall be deemed to be reappropriated item by item.

(e) BILLS: SINGLE SUBJECT

The Legislature shall enact no law except by bill and every bill, except bills for appropriations and bills for modification, revision, or rearrangement of existing laws, shall be confined to one subject. All appropriation bills shall be limited to the subject of appropriations. However, legislative compliance with the requirements of this section is a constitutional responsibility that is not subject to judicial review by any court.

The Legislature shall keep a journal of its proceedings and publish the same. Every bill passed by the legislature and the yeas and nays on any question shall be entered in the journal.

§10. RESIDENT COMMISSIONER

The Virgin Islands shall be represented in the United States Congress by a Resident Commissioner, who shall be officially recognized by all Government departments as the representative of the Virgin Islands, and shall have all the rights and privileges of a Member of the House of Representatives except that he shall not be entitled to vote or to offer a motion to recommit. He shall receive the same salary, emoluments, allowance, facilities and service as may be provided by law for Members of the House. He shall be elected by the qualified electors of the Virgin Islands every four years, and no person shall be eligible for election as Resident Commissioner unless he is a citizen of the United States and of the Virgin Islands, is over 25 years of age, reads and writes English, and meets such additional qualifications as the legislature may by law prescribe. In case of a vacancy in the office, the Governor of the Virgin Islands shall appoint a Resident Commissioner to serve until the next election of a Resident Commissioner and until his successor is elected and qualified.

EXECUTIVE BRANCH

§ 11. GOVERNOR, ELECTION, POWERS AND DUTIES GENERALLY.

The executive power of the Virgin Islands shall be vested in an executive officer whose official title shall be the "Governor of the Virgin Islands." The Governor of the Virgin Islands shall be elected by a plurality of the votes cast by the people who are qualified to vote for the members of the Legislature of the Virgin Islands. The first election for Governor shall be held on the

first Tuesday after the first Monday in November in 1966, and the Governor then elected shall hold office for a term of two years and until his successor is elected and qualified. Thereafter the Governor shall be elected at the general election in 1968 and every fourth year thereafter at the general election, and hold office for a term of four years and until his successor is elected and qualified; unless sooner [sic.] removed for cause. The term of the elected Governor shall commence on the fifth day of January following the date of election.

No person shall be eligible for election to the office of the Governor unless at the time of taking office he is at least 30 years of age, is able to read and write the English language, and is and has been for the preceding five years a citizen of the United States, and a bonafide resident of the Virgin Islands for five consecutive years immediately preceding the election. The nomination of candidates and the conduct of the election shall be governed by the laws of the Virgin Islands.

The Governor shall maintain his official residence in the Government House in St. Thomas during his official incumbency, free of rent, and while in St. Croix may reside in Government House on St. Croix, free of rent, which houses together with the land appurtenant thereto are hereby transferred to the Government of the Virgin Islands, and the Secretary of the Interior hereby is authorized to execute the proper transfer instrument.

The Governor shall have general supervision and control of all the departments, bureaus, agencies, and other instrumentalities of the executive branch of the government of the Virgin Islands. He may grant pardons and reprieves and remit fines and forfeitures for offenses against local laws, he may grant respites for all offenses against the laws of the United States applicable in the Virgin Islands until the decision of the President can be ascertained. He may also veto any legislation as provided in this Act. He shall appoint all officers and employees of the executive branch of the government of the Virgin Islands, except as otherwise provided in this or any other Act of Congress, and shall be responsible for the faithful execution of the laws of the Virgin Islands and the laws of the United States applicable in the Virgin Islands. Whenever it becomes necessary he may call upon the commanders of the military and naval forces of the United States in the islands, or summon the posse [sic.] 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. **He shall report such action to the Legislature, and must suspend it, if two-thirds of the Legislature request it.** He shall have the power to issue executive regulations not in conflict with any applicable law. He may attend or may designate another person to represent him at the meetings of the Legislature, may give expressions to his views on any matter before that body, and may recommend bills to the Legislature.

**§12. LIEUTENANT GOVERNOR, ELECTION, CUSTODY OF SEAL,
POWERS AND DUTIES.**

(a) There is hereby established the office of Lieutenant Governor for the Virgin Islands. He shall have custody of the seal of the Virgin Islands and shall countersign and affix such seal to all executive proclamations and all other executive documents. He shall record and preserve the laws enacted by the Legislature. He shall promulgate all proclamations and orders of the Governor and all laws enacted by the Legislature. He shall have such executive powers and perform such other duties as may be assigned to him by the Governor. The Lieutenant Governor shall be elected at the same time and in the same manner and for the same term as the Governor. No person shall be eligible for election to the office of Lieutenant Governor unless at the time of the election he is at least 30 years of age, is able to read and write the English language, and has been for the preceding five years a citizen of the United States, and a bonafide resident of the Virgin Islands for five consecutive years immediately preceding the election. The nomination of candidates and the conduct of the election shall be governed by the laws of the Virgin Islands.

**VACANCY IN OFFICE, OF [sic., i.e., OR] ABSENCE OF GOVERNOR;
POWERS OF LIEUTENANT GOVERNOR**

(b) In case of the temporary disability or temporary absence of the Governor, the Lieutenant Governor shall have the powers of the Governor.

Provided, however, that in case of a permanent vacancy in the Office of the Governor due to death, disability or any other reason, the Lieutenant Governor shall become the Governor, and as such he shall appoint a new Lieutenant Governor, with the advice and consent of the Legislature, both to hold office for the unexpired term and until their successors shall have been duly elected and qualified.

(c) In case of the temporary disability or temporary absence of the Lieutenant Governor, or during such period when the Lieutenant Governor is acting as the Governor, the Governor or the Acting Governor may from time to time designate an officer or employee of the executive branch of the Government of the Virgin Islands to act as Lieutenant Governor so long as such condition continues. Provided, however, that in case of a permanent vacancy in the Office of the Lieutenant Governor due to death, disability or any other reason, the Governor shall appoint a new Lieutenant Governor, with the advice and consent of the Legislature, to hold office for the unexpired term until his successor shall have been

duly elected and qualified.

No additional compensation shall be paid to any person acting as Governor or Lieutenant Governor under this Act.

**VACANCY IN OFFICES, OR ABSENCE OF GOVERNOR AND
LIEUTENANT GOVERNOR; DESIGNATION OF DEPARTMENT HEAD
TO ACT**

(d) In case of a vacancy in the offices of the Governor and Lieutenant Governor or the disability or temporary absence of both the Governor and Lieutenant Governor, the powers of the Governor shall, for so long as such condition continues, be exercised by such person as the laws of the Virgin Islands may prescribe: Provided, that such person may be removed for cause as provided herein.

(e) The Governor or Lieutenant Governor or the Resident Commissioner of the Virgin Islands may be removed for any or all of the following causes: Treason, bribery, misconduct in office or other felonies and misdemeanors involving moral turpitude by either of the following methods:

(1) By an affirmative vote of 75% of the persons voting in a referendum; such referendum to be initiated by the Legislature following a 2/3 vote of the members of the Legislature of the Virgin Islands.

(2) By an affirmative vote of 75% of the persons voting in a referendum. Such a referendum may be initiated by the petition to the Legislature of 25% of the voters registered to vote in the Virgin Islands.

REORGANIZATION OF GOVERNMENT

(a) The executive departments, bureaus, independent boards, agencies, authorities, commissions and other instrumentalities of the government of the Virgin Islands which are in existence on the effective date of this Act are hereby continued in existence until the Legislature of the Virgin Islands shall otherwise prescribe by law. The head of each executive department, other than the Department of Law, shall be designated the Commissioner thereof, and the Commissioner of Finance shall be bonded. The head of the Department of Law shall be known as the Attorney General of the Virgin Islands.

CHANGES AFTER EXAMINATION FROM TIME TO TIME.

(b) The Governor may from time to time, examine the organization of the executive branch of the Government of the Virgin Islands, and shall make such

changes therein, subject to the approval of the legislature, not inconsistent with this Act, as he determines are necessary to promote effective management and to execute faithfully the purposes of this Act and the laws of the Virgin Islands.

APPOINTMENT OF DEPARTMENT HEADS, TENURE, REMOVAL; POWERS AND DUTIES.

The heads of the executive departments of the Government of the Virgin Islands shall be appointed by the Governor with the advice and consent of the Legislature. Each shall hold office during the continuance in office of the Governor by whom he is appointed and until his successor is appointed and qualified, unless sooner removed by the Governor. Each shall have powers and duties as may be prescribed by the Legislature. The Chairman and members of any board, authority or commission established by the laws of the Virgin Islands, shall if the laws of the Virgin Islands hereafter provide, also be appointed by the Governor with the advice and consent of the legislature, if such board, authority or commission has quasi-judicial functions.

COMPENSATION OF GOVERNOR, LIEUTENANT GOVERNOR AND STAFFS OF DEPARTMENT HEADS.

(d) The salaries and travel allowances of the Governor, the Lieutenant Governor, the heads of the executive departments and other officers and employees of the Government of the Virgin Islands shall be paid by the Government of the Virgin Islands at rates prescribed by the laws of the Virgin Islands.

§13. GOVERNMENT BONDS; MAXIMUM AMOUNT; SALE, INTEREST, ETC.

(b) (i) The Legislature of the government of the Virgin Islands may cause to be issued on behalf of said government bonds or other obligations (1) for a specific public improvement or specific public undertaking authorized by an act of the legislature, and (2) for the establishment, construction, operation, maintenance, reconstruction, improvement, or enlargement of other projects, authorized by an act of the legislature, which will, in the legislature's judgment, promote the public interest by economic development of the Virgin Islands. Such bonds or obligations shall be payable solely from the revenues derived from and attributable to such specific public improvement, public undertaking, or other project. Bonds or other obligations issued pursuant to this paragraph (i) may bear such date or dates, may be in such denominations, may mature in such amounts and at such time or times, not exceeding thirty years from the date thereof, may be redeemable (either with or without premium) or non-redeemable, may be payable at such place or places, may carry such registration privileges as to either principal and interest, or principal only, and may be executed by such officers and in such manner as shall be prescribed by the government of the Virgin Islands.

Said bonds or other obligations shall be sold at public or private sale. In case any of the officers whose signatures appear on the bonds or coupons or other obligations shall cease to be such officers before delivery thereof, such signature, whether manual or facsimile shall, nevertheless, be valid and sufficient for all purposes, the same as if such officers had remained in office until such delivery. The bonds or other obligations so issued shall bear interest at a rate not to exceed 5 per centum per annum, payable semiannually. All such bonds or obligations shall be sold for not less than the principal amount thereof plus accrued interest. All such bonds or obligations issued by the Government of the Virgin Islands or by its authority shall be exempt as to principal and interest from taxation by the Government of the United States, or by the Government of the Virgin Islands, or by any State, territory, or possession or by any political subdivision of any State, territory or possession, or by the District of Columbia. Such bonds or obligations shall under no circumstances constitute a general obligation of the Virgin Islands or of the United States.

(ii) (A) Subject to the provisions of this paragraph (ii), the Legislature of the Government of the Virgin Islands may cause to be issued such negotiable general obligations bonds or other evidence of indebtedness as it may deem necessary and advisable to construct, improve, extend, better, repair, reconstruct, acquire, and equip hospitals, **housing**, schools, libraries, gymnasias, **recreation areas**, sewers, sewage-disposal plants, and water systems **and resources**; and to construct, improve, extend and better, repair, reconstruct, acquire, and equip any other public improvement as may be authorized by the Legislature: Provided, That no public indebtedness of the Virgin Islands shall be incurred in excess of 10 per centum of the aggregate assessed valuation of the taxable real property in the Virgin Islands except that in determining the amount of such public indebtedness there shall be excluded that portion thereof for the funding or refunding of which bonds or other obligations shall have been issued. Bonds or other evidence of indebtedness issued pursuant to this paragraph (ii) shall bear such date or dates, may be in such denominations, may mature in such amounts and at such time or times, not exceeding thirty years from the date thereof, may be payable at such place or places, may be sold at either public or private sale, may be redeemable (either with or without premium) or non-redeemable, may carry such registration privileges as to either principal and interest, or principal only, and may be executed by such officers and in such manner, as shall be prescribed by the legislature of the government of the Virgin Islands. In case any of the officers whose signatures appear on the bonds or coupons or other evidence of indebtedness shall cease to be such officers before delivery thereof, such signature, whether manual or facsimile, shall nevertheless be valid and sufficient for all purposes, the same as if such officers had remained in office until such delivery. The bonds or other evidence of indebtedness so issued shall bear interest at a rate not to exceed that specified by the legislature and payable semi-annually. All such bonds or other evidence of indebtedness shall be sold for not less than the principal amount thereof plus accrued interest. All such bonds or other evidence of indebtedness issued by the Government of the Virgin Islands, including specifically interest thereon, shall be exempt from taxation by the Government of the United States, or by the government of the Virgin Islands or any political subdivision thereof, or by any State, territory, or

possession or by any political subdivision of any State, territory, or possession or by the District of Columbia.

(B) The proceeds of the bonds issued or other obligations herein authorized shall be expended only for the public improvements set forth in the preceding subparagraph (including the funding and refunding of debt incurred therefor) or for the reduction of the debt created by such bond issue or obligation, unless otherwise authorized by the Congress.

Bonds or other obligations issued pursuant to this paragraph (ii) shall not be a debt of the United States be liable thereon [sic].

§14. (a) There is created an agency of the government of the Virgin Islands to be known as the Office of the Government Comptroller which office shall be independent of the executive departments, and shall be under the control and direction of the Government Comptroller.

(b) The Governor shall appoint a Government Comptroller with the advice and consent of the Legislature. The Government Comptroller shall hold office for a term of ten years and until his successor is appointed and is qualified unless sooner removed by the Governor for cause with the consent of three-fourths of all the members of the Legislature in formal session. He shall not be eligible for reappointment. The salary of the Government Comptroller shall be fixed in the annual budget but shall not be less than \$18,000.

(c) The Government Comptroller shall audit and settle all accounts and claims pertaining to the revenues and receipts from whatever sources of the government of the Virgin Islands and of funds derived from bond issues; and he shall audit and settle, in accordance with law and administrative regulations, all expenditures of funds and property pertaining to the government of the Virgin Islands including those pertaining to trust funds held by the government of the Virgin Islands.

(d) It shall be the duty of the Government Comptroller to bring to the attention of the proper administrative officer failures to collect amounts due to the government, and expenditures of funds or property which in his opinion are extravagant, excessive, unnecessary, or irregular.

(e) It shall be the duty of the Governor, upon the recommendation of the Government Comptroller, to certify to the Secretary of the Interior the net amount of government revenues which form the basis for Federal grants for the civil government of the Virgin Islands.

(f) The decisions of the Government Comptroller shall be final except that appeal therefrom may be taken by the party aggrieved or the head of the department

concerned within one year from the date of the decision, **to the Governor**, which appeal shall be in writing and shall specifically set forth the particular action of the Government Comptroller to which exception is taken with the reasons and the authorities relied upon for reversing such decision.

(g) If the Governor confirms the decision of the Government Comptroller, relief may be sought by suit in a court of competent jurisdiction.

(h) The Government Comptroller is authorized to communicate directly with any person having claims before him for settlement, or with any department, officer or person having official relations with his office. He may summon witnesses and administer oaths.

(i) As soon after the close of each fiscal year as the accounts of said fiscal year may be examined and adjusted, the Government Comptroller shall submit to the Governor and to the Legislature an annual report of the fiscal condition of the government, showing receipts and disbursements of the various departments and agencies of the government.

(j) The Government Comptroller shall make such other reports as may be required by the Governor of the Virgin Islands, the Comptroller General of the United States or the Secretary of the Interior.

§15. The Governor shall establish and maintain systems of accounting and internal control designed to provide:

- (a) full disclosure of the financial results of the government's activities;
- (b) adequate financial information needed for the government's management purposes;
- (c) effective control over and accountability for all funds, property, and other assets for which the government is responsible, including appropriate internal audit;
- (d) reliable accounting results to serve as the basis for preparation and support of the governor's certification of local revenues, the Governor's budget request to the legislature, and for controlling the executive of the said budget.

REVIEW OF OFFICE AND ACTIVITIES OF GOVERNMENT COMPTROLLER, REPORTS

The office and activities of the Government Comptroller of the Virgin Islands shall be subject to review annually by the Comptroller General of the United States, and report thereon shall be made by him to the Governor, the Legislature, the Secretary of the Interior, and to the Congress.

§16. The proceeds of customs duties, the proceeds of the United States Income Tax, the proceeds of any taxes levied by the Congress on the inhabitants of the Virgin Islands, and the proceeds of all quarantine, passport, immigration and naturalization fees collected in the Virgin Islands, less the cost of collecting all of said duties, taxes, and fees, shall be covered into the Treasury of the Virgin Islands, and shall be available for expenditures as the Legislature of the Virgin Islands may provide: Provided that the term "inhabitants of the Virgin Islands" as used in this section shall include all persons whose permanent residence is in the Virgin Islands, and such persons shall satisfy their income tax obligations under applicable taxing statutes of the United States by paying their tax on income derived from all sources both within and outside the Virgin Islands into the Treasury of the Virgin Islands: Provided, further, that nothing in this Act shall be construed to apply to any tax specified in section 3811 of the Internal Revenue Code.

(c) Section 42 of the Trade Mark Act of 1946 (60 Stat. 440, 15, U.S.C., 1952 Edition, sec. 1124) and Section 526 of the Tariff Act of 1930 (46 Stat. 741, 19 U.S.C., 1952 Edition, sec. 1526), shall not apply to importations into the Virgin Islands of genuine foreign merchandise bearing a genuine foreign trade-mark, but shall remain applicable to importations of such merchandise from the Virgin Islands into the United States or its possessions; and the dealing in or possession of any such merchandise in the Virgin Islands shall not constitute a violation of any registrant's right under said Trade Mark Act.

(d) There shall be levied, collected, and paid unto all articles coming into the United States or its possessions from the Virgin Islands the rates of duty which are required to be levied, collected, and paid upon like articles imported from foreign countries, and the internal revenue taxes imposed by section 3350 of Title 26, United States Code. Provided, That all articles, the growth or product of, or manufactured in such Island, from materials grown or produced in such islands or in the United States, or both, or which do not contain foreign materials to the value of more than 50 per centum of their total value, upon which no drawback of customs duties has been allowed therein, coming into the United States from such islands shall be admitted free of duty. In determining whether such a Virgin Islands article contains foreign material to the value of more than 50 per centum, no material shall be considered foreign which, at the time the Virgin Islands article is entered, or withdrawn from warehouse, for consumption, may be imported into the continental United States free of duty generally.

§17. (b) Subchapter B of Chapter 28 of the Internal Revenue Code is amended by adding to section 3350 thereof the following subsection:

(c) Disposition of Internal Revenue Collections —The Secretary of the Treasury shall determine annually the amount of all taxes imposed by, and collected during the fiscal year under the internal revenue laws of the United States on articles produced in the Virgin Islands and transported to the United States. The amount so determined less one per centum and less the estimated amount of refunds or credits shall be

subject to disposition as follows:

'(i) There shall be transferred and paid over to the government of the Virgin Islands from the amounts so determined a sum equal to the total amount of revenue collected by the government of the Virgin Islands during the fiscal year, as certified by the Governor of the Virgin Islands. The moneys so transferred and paid over shall constitute a separate fund in the Treasury of the Virgin Islands and may be expended as the legislature may determine.'

'(ii) If at the end of any fiscal year the total of the Federal contribution made under (i) above at the beginning of the fiscal year has not been obligated or expended for an approved purpose, the balance shall continue available for expenditure during any succeeding fiscal year, but only for approved emergency relief purposes and essential public projects.'

§18. ADMINISTRATORS; RESIDENCE; DUTIES; PREFERENCE IN APPOINTMENTS:

The Governor shall appoint an **Administrator** who shall reside in St. Croix and an **Administrator** who shall reside in St. John, each of whom shall be confirmed by the Legislature of the Virgin Islands. Administrators shall perform such duties as may be assigned to them by the Governor, **or prescribed by law**. In making such appointments, preference shall be given to qualified residents of the Virgin Islands.

§19. DISTRICT COURT OF THE VIRGIN ISLANDS, AND INFERIOR COURTS.

The Judicial power of the Virgin Islands shall be vested in a Court of record to be designated the "District Court of the Virgin Islands," and in such court or courts of inferior jurisdiction as may have been or may hereafter be established by local law. ...

§20. JURISDICTION OF DISTRICT COURT; TRANSFER OF ACTIONS.

The District Court of the Virgin Islands shall have jurisdiction of a district court of the United States in all causes arising under the Constitution, treaties and laws of the United States, regardless of the sum or value of the matter in controversy. It shall have general original jurisdiction in all other causes in the Virgin Islands, exclusive jurisdiction over which is not conferred by this Act upon the inferior courts of the Virgin Islands. When it is in the interest of justice to do so, the district court may on motion of any party transfer to the district court any action or proceeding brought in an inferior court and the district court shall have jurisdiction to hear and determine such action or proceeding. The District Court shall also have appellate jurisdiction to review the judgments and orders of the inferior courts of the Virgin Islands to the extent now or hereafter prescribed by local law.

**§21. JURISDICTION OF INFERIOR COURTS; TRANSFER OF ACTION;
STATUS AS COMMITTING COURT; BAIL; RULES.**

The inferior courts now or hereafter established by local law shall have exclusive original jurisdiction of all civil actions wherein the matter in controversy does not exceed the sum or value of \$500, exclusive of interest and costs, all criminal cases wherein the maximum punishment which may be imposed does not exceed a fine of \$100 or imprisonment for six months, or both, and all violations of police and executive regulations, and they shall have original jurisdiction, concurrently with the district court, of all actions, civil or criminal, jurisdiction of which may hereafter be conferred upon them by local law. Any action or proceeding brought in the district court which is within the jurisdiction of an inferior court may be transferred to such inferior court by the district court in the interest of justice. The inferior court shall hold preliminary investigation in charges of felony and charges of misdemeanor in which the punishment that may be imposed is beyond the jurisdiction granted to the inferior courts by this section, and shall commit offenders to the district court and grant bail in bailable cases. The rules governing the practice and procedure of the inferior courts and prescribing the duties of the judges and officers thereof, oaths and bonds, the times and places of holding court, and the procedure for appeals to the district court shall be as may hereafter be established by the district court. The rules governing disposition of fines, costs and forfeitures, enforcement of judgments, and disposition and treatment of prisoners shall be as established by law or ordinance in force on the date of approval of this Act or as may hereafter be so established.

**§22. JUDGE OF THE DISTRICT COURT; TENURE; REMOVAL;
COMPENSATION; ASSIGNMENT OF OTHER JUDGES, MARSHALS**

The President shall, by and with the advice and consent of the Senate, appoint a judge for the District Court of the Virgin Islands, who shall hold office for the term of eight years and until his successor is chosen and qualified, unless sooner removed by the President for cause. The salary of the judge of the district court shall be at the rate prescribed for judges of the United States district courts. Whenever it is made to appear that such an assignment is necessary for the proper dispatch of the business of the District Court the Chief Judge of the Third Judicial Circuit of the United States may assign a circuit or district judge of the Third Circuit, or the Chief Justice of the United States may assign any other United States circuit or district judge with the consent of the judge so assigned and of the chief judge of his circuit, to serve temporarily as a judge of the District Court of the Virgin Islands. The compensation of the judge of the district court and the administrative expenses of the court shall be paid from appropriations made for the judiciary of the United States. The Attorney General shall appoint a United States marshal and **Deputy Marshals** for the Virgin Islands, to whose office the provisions of chapter 33 of Title 28, United States Code shall apply.

§23. JUDICIAL DIVISION; SESSION; APPLICABILITY OF PROCEDURAL RULES; PROSECUTION BY INFORMATION OR INDICTMENT.

The Virgin Islands consists of two judicial divisions, the Division of Saint Croix, comprising the island of St. Croix and adjacent islands, and cays, and the Division of Saint Thomas and Saint John, comprising the islands of Saint Thomas and Saint John and adjacent islands and cays. The district court shall hold sessions in each division at such times as the court may designate by rule or order, at least once in three months in each division. The rules of practice and procedure heretofore or hereafter promulgated and made effective by the Supreme Court of the United States pursuant to section 2072 of Title 28, United States Code in admiralty cases, and section 30 of the Bankruptcy Act in bankruptcy cases shall apply to the District Court of the Virgin Islands and to appeals therefrom. All offenses shall continue to be prosecuted in the District Court by information as heretofore except such as may be required by local law to be prosecuted by indictment by grand jury.

§24. TRIAL BY JURY

All criminal cases originating in the district court shall be tried by jury upon demand by the defendant or by the Government. If no jury is demanded the case shall be tried by the Judge of the district court without a jury, except that the judge may, on his own motion, order a jury for the trial of any criminal action. The legislature may provide for trial in misdemeanor cases by a jury of six qualified persons.

§25. UNITED STATES ATTORNEY AND ASSISTANT; APPLICATION OF TITLE 28, CHAPTER 31, UNITED STATES CODE; POWERS, DUTIES; VACANCIES.

The President shall, by and with the advice and consent of the Senate, appoint a United States attorney and **assistant United States Attorneys** for the Virgin Islands to whose office the provisions of chapter 31 of Title 28, United States Code, shall apply. Except as otherwise provided by law it shall be the duty of the United States attorney to prosecute all offenses against the United States and to conduct all legal proceedings, civil and criminal, to which the Government of the United States is a party in the district court and in the inferior courts of the United States. He shall also prosecute in the district court in the name of the Government of the Virgin Islands all offenses against the laws of the Virgin Islands which are cognizable by that court unless, at his request or with his consent the prosecution of any such case is conducted by the Attorney General of the Virgin Islands. The United States attorney, may, when requested by the Governor or the Attorney General of the Virgin Islands, conduct any other legal proceedings to which the Government of the Virgin Islands is a party in the district or the inferior courts of the Virgin Islands. In the case of a vacancy in the office of the United States attorney, the District Court may appoint a United States attorney to serve until the vacancy is filled. The order of appointment by the court shall be filed with the clerk of the court.

MISCELLANEOUS PROVISIONS

§26. UNITED STATES CITIZENSHIP REQUIREMENT OF GOVERNMENT OFFICIALS; LOYALTY STATEMENT.

All officials of the Government of the Virgin Islands shall be citizens of the United States. Every member of the Legislature of the Virgin Islands and all officers and employees of the Government of the Virgin Islands shall before entering upon the duties of their respective offices, or, in the case of persons in the employ of the Government of the Virgin Islands on the effective date of this Act, then within 60 days of the effective date hereof, make a written statement in the following form:

"I,, do solemnly swear (or affirm) that I will support, obey, and defend the Constitution and laws of the United States applicable to the Virgin Islands and the laws of the Islands, and that I will discharge the duties of with fidelity.

"And I do further swear (or affirm) that I do not advocate, nor am I knowingly a member of an organization that advocates, the overthrow of the Government of the United States or of the Virgin Islands by force or violence or other unconstitutional means, or seeking by force or violence to deny other persons their rights under the Constitution and laws of the United States applicable to the Virgin Islands.

"And I do further swear (or affirm) that I will not so advocate nor will I knowingly become a member of such organization during the period that I am an employee of the Virgin Islands."

§27. REPORTS BY GOVERNOR; JURISDICTION OF SECRETARY OF THE INTERIOR; EXCEPTIONS.

All reports required by law to be made by the Governor to any official of the United States shall hereafter be made to the Secretary of the Interior, and the President is hereby authorized to place all matters pertaining to the government of the Virgin Islands under the jurisdiction of the Secretary of the Interior, except matters relating to the judicial branch of said government which on the date of approval of this Act are under the supervision of the Director of the Administrative Office of the United States Courts, and the matters relating to the United States Attorney and the United States Marshal which on the date of approval of this Act are under the supervision of the Attorney General.

§28. LEASE, SALE, AND CONTROL OF PUBLIC PROPERTY.

(a) The Secretary of the Interior hereby is authorized to lease or sell upon such terms as he may deem advantageous to the Government of the United States any property of the United States under his administrative supervision in the Virgin Islands not needed for public purposes.

(b) The government of the Virgin Islands shall continue to have control over all public property that is under its control on the date of approval of this Act.

§29. AMENDMENT OF 1890 ACT RELATING TO IMPORTATION OF DISEASED ANIMALS.

Section 6 of the Act of August 30, 1890 (26 Stat. 414, 416), as amended (21 U.S.C., 1946 Edition, sec. 104), is further amended by inserting the words "and the admission into the Virgin Islands" immediately following the word "Texas," so that such section will read as follows:

"The importation of cattle, sheep, and other ruminants, and swine, which are diseased or infected with any disease, or which shall have been exposed to such infection within sixty days next before their exportation, is prohibited: Provided, that the Secretary of Agriculture within his discretion and under such regulations as he may prescribe is authorized to permit the admission from Mexico into the State of Texas and the admission into the Virgin Islands of cattle which have been infested with or exposed to ticks upon being freed therefrom. Any person who shall knowingly violate the foregoing provision shall be deemed guilty of a misdemeanor and shall, on conviction, be punished by a fine not exceeding \$5,000, or by imprisonment not exceeding three years, and any vessel or vehicle used in such unlawful importation within the knowledge of the master or owner of such vessel or vehicle that such importation is diseased or has been exposed to infection as herein described, shall be forfeited to the United States."

§30. AMENDMENT OF 1903 ACT RELATING TO PREVENTION OF INTRODUCTION AND DISSEMINATION OF CONTAGIOUS DISEASES OF ANIMALS, POULTRY; ETC.

Section 2 of the Act of February 2, 1903 (32 Stat. 791, 792), as amended (21 U.S.C., 1946 Edition, sec. 111), is hereby further amended by striking out the period and adding at the end thereof the following: "Provided, That no such regulations or measure shall pertain to the introduction of live poultry into the Virgin Islands of the United States."

§31. EFFECTIVE DATE; TEMPORARY CONTINUATION OF FUNCTIONS AND OF INCUMBENTS IN OFFICES; PRESERVATION OF TERM OF OFFICE OF DISTRICT COURT JUDGES IN OFFICE.

This Act shall take effect upon its approval, but until its provisions shall severally become operative as herein provided, the corresponding legislative, executive, and judicial functions of the existing government shall continue to be exercised as now provided by law or ordinance, and the incumbents of all offices under the government of the Virgin Islands shall continue in office until their successors are appointed and have qualified unless sooner removed by competent authority. The enactment of this Act shall not affect the term of office of the judge of the District Court of the Virgin

Islands in office on the date of its enactment.

§32. APPROPRIATIONS.

There are hereby authorized to be appropriated annually by the Congress of the United States such sums as may be necessary and appropriate to carry out the provisions and purposes of this Act.

AMENDMENTS AND REVISIONS

§33. PROPOSAL OF AMENDMENTS AND REVISIONS BY THE LEGISLATURE OF THE VIRGIN ISLANDS.

The Legislature of the Virgin Islands may propose amendments and revisions to this Organic Act by a vote of not less than two-thirds of the total number of members of which the Legislature is composed. All proposed amendments and revisions shall be submitted to both Houses of the Congress and if approved by both Houses of the Congress shall become effective as constituent parts of the Organic Act upon the approval of the President of the United States.

§34. PROPOSAL OF AMENDMENTS AND REVISIONS BY POPULAR INITIATIVE.

Amendments and revisions of this Organic Act may be proposed to the Legislature of the Virgin Islands by means of a petition signed by not less than ten per cent of the qualified voters. If the Legislature approves the proposed amendments or revisions by a vote of not less than two-thirds of the total number of members of which the Legislature is composed, said amendments and revisions shall be submitted to both Houses of the Congress and if approved by both Houses of the Congress shall become effective as constituent parts of the Organic Act upon the approval of the President of the United States.

If the Legislature rejects, fails to act upon, or substitutes other amendments or revisions for the amendments or revisions proposed by the people through the initiative, the proposals of the people go on ballot at the next general election. If such proposals are approved by a majority of the voters voting on the matter, said proposed amendments or revisions shall be submitted to both Houses of the Congress by the Governor and if approved by both Houses of the Congress shall become effective as constituent parts of the Organic Act upon the approval of the President of the United States.

**§35. PROPOSALS OF AMENDMENTS AND REVISIONS BY A
CONSTITUTIONAL CONVENTION.**

The Legislature of the Virgin Islands by a vote of not less than two-thirds of the total number of members of which it is composed may submit to the qualified voters at a referendum held at the same time as a general election, the question, "Shall there be a Constitutional Convention to propose amendments and revisions to the Organic Act?" If a majority of the qualified voters voting on this question vote in favor of calling a constitutional convention, such convention shall be called by the Legislature and delegates elected in such manner as provided by law.

Amendments or revisions made by the Constitutional Convention after being approved by a vote of not less than two-thirds of the total number of members of which it is composed shall then be submitted to both Houses of the Congress by the presiding officer of the Convention and if approved by both Houses of the Congress shall become effective as constituent parts of the Organic Act upon the approval of the President of the United States.

§36. SEPARABILITY OF PROVISIONS.

If any clause, sentence, paragraph, or part of this Act, or the application thereof to any person, or circumstances is held invalid, the application thereof to other persons, or circumstances and the remainder of the Act, shall not be affected thereby.

This Act shall take effect upon its approval.

Thus passed by the Convention on February 26, 1965:

Witness our Hands and Seals this 26th Day of February, A.D., 1965.

AUBREY A. ANDUZE
President

WARREN E. BROWN
Secretary

MEMBERSHIP

CONSTITUTIONAL CONVENTION

ABRAMSON, ANN E.
ANDUZE, AUBREY A.
ANDUZE, VIVIAN
BOSCHULTE, BERTHA C.
BOUGH, JAMES A.
BRIDGEMAN, JAMES
BROWN, WARREN
BRYAN, CLARICE A.
CALLWOOD, HORACE A.
COLE, LEE M., JR.
DE CASTRO, MORRIS
DE CHABERT, MARIO
DE LUGO, RONALD
DOWARD, AUGUSTIN
FELIX, BASILIO
FRANCIS, FELIX A.
GARCIA, VINCENTE GARCIA
HENDERSON, JAMES O'NEAL
JAMES, RANDALL N.
LAWAETZ, FRITS E.
MADURO, JOHN L.
MOOREHEAD, THEOVALD E.
MORALES, DIAZ AUREO
OTTLEY, EARLE B.
PURITZ, A. DAVID
REESE, PERCIVAL H.
ROUSS, RUBY M.
SCHADE, AXEL
SEWER, ROY
SPRAUVE, JULIUS E., JR.
SUAREZ, ANGEL, JR.
TORRES, MANUAL
TURNBULL, CHARLES W.