

UNITED STATES
DEPARTMENT OF THE INTERIOR
OFFICE OF THE SECRETARY
WASHINGTON, D.C. 20240

FEB 18 1967

Dear Senator Jackson:

This is in response to your request for the views of this Department on S. 450, a bill "To provide for the popular election of the Governor of the Virgin Islands, and for other purposes."

We recommend the enactment of S. 450 if amended as suggested in this report.

Section 1 of the bill provides for the removal of limitations formerly imposed by the Revised Organic Act of the Virgin Islands on the length of both regular and special sessions of the legislature of the Virgin Islands. It sets the opening date for the annual session of the legislature and sets the basis for special sessions. We feel that this provision is wholly consistent with the spirit and intent of S. 450 and this Department's concern with providing ever more meaningful "home-rule" in the territories.

Section 2 of the bill changes the number required for a quorum of the legislature from seven to eight.

Section 3 of the bill takes from the President his authority to exercise final veto power over the legislation referred to him by the Governor after such legislation has been passed by the legislature over the Governor's veto.

Section 4 of the bill provides for the popular election of the Governor and Lieutenant Governor, defines the scope of the Governor's authority, sets out the duties of his office, and delineates the qualifications for office. The elected Lieutenant Governor will take the place of the Government Secretary now provided for in the Revised Organic Act of the Virgin Islands. A majority vote is required to elect, and a runoff will be held in case a majority is not obtained in the first election.

The bill provides for the election of the first Governor to take place in November 1970 for a two-year term. Thereafter, the election will be held every four years beginning in 1972. There is a provision that limits a person to two terms unless one full term has intervened.

We strongly endorse this section. An elected Governor is very much desired by the people of the Virgin Islands and is the next step in the self-governing process for this territory.

Section 5 of the bill provides for the removal of the Governor. The section provides for a recall if 75 percent of the registered voters vote for the recall at a referendum election and the removal is approved by the President. It also provides that the referendum for the recall may be initiated by the legislature upon a two-thirds vote of the members in favor of such referendum or upon a petition to the legislature of 25 percent of the registered voters. We recommend two changes in this section. First, the words "or Acting Governor" should be deleted from line 10, page 6, of the bill. We suggest that these words be deleted because we can perceive of no reason to provide for the removal of a temporary official. Later sections of this bill provide for a successor to the office of Governor if the elected Governor should, for some reason, not be able to fulfill his term of office.

Second, on page 6, line 12, delete ": (a)" and insert a period after the words "referendum election" and delete all after that phrase to the end of the sentence on line 16, page 6. We have no preference as to a method for removal of the Governor by the people of the Virgin Islands. Both recall and impeachment have been suggested and we would accept either or both forms, whatever the final decision of the Congress. However, we do not believe that, in connection with the recall, a concurrence by the President in any removal by recall, as now provided in the bill, is desirable, and therefore delete that provision. In our opinion, the requirement for such concurrence is wholly inconsistent with the theory and principle of recall.

Section 6 of the bill repeals the power of the Governor to appoint administrative assistants for the islands of St. John and St. Croix. This power would no longer be needed if the bill is enacted.

Section 7 provides for the succession to the office of Governor or Lieutenant Governor if there is either a temporary or permanent vacancy in either office. We recommend that the phrase "removal by recall," be deleted from line 21, page 7. We recommend this deletion because there is no provision in the bill for removal of the Lieutenant Governor by recall or any other method.

Section 8 deletes from the Revised Organic Act of the Virgin Islands the requirement that the Secretary of the Interior approve the creation or establishment of any department, bureau, independent board, agency, authority, commission, or other instrumentality. This deletion is in keeping with the provisions of the bill.

Section 9 contains changes in section 17 of the Revised Organic Act of the Virgin Islands that are necessary to bring that section into conformity with the changes that the elected Governor and his authority will cause in the administrative setup of the Virgin Islands government.

Section 10 provides for the payment of salaries and travel allowances of the Governor, Lieutenant Governor, the heads of the executive departments, other officers and employees of the government of the Virgin Islands and the members of the legislature by the government of the Virgin Islands.

Section 11 extends to Guam the privileges and immunities clauses, the due process clause, and the equal protection of the laws clause of the Constitution. This will guarantee to all United States citizens in or entering the Virgin Islands--including the corporations of any of the United States--rights of national citizenship such as the right to engage in interstate and foreign commerce, the right to appeal in proper cases to the national courts, and the right to protection abroad. We recommend that on page 11, line 25, the word "paragraph" be deleted and in its place be substituted the word "clause". This is a technical amendment to correct the citation to the Constitution.

Section 12 amends the General Military Law to authorize the President to call upon Federal or local forces to suppress civil insurrection in the Virgin Islands as in any State. This change is necessitated by the limitation of authority for the elected Governor of the Virgin Islands to call upon the United States Armed Forces in an emergency.

At this point, we recommend the insertion of a new section 12, to read as follows, and renumbering subsequent sections:

"SEC. 12. Section 2 of the Revised Organic Act of the Virgin Islands (68 Stat. 497; 48 U.S.C. 1541) is amended by adding at the end thereof the following new subsection (c):

"(c) The relations between such government and the Federal Government in all matters not the program responsibility of another Federal department or agency, shall be under the general administrative supervision of the Secretary of the Interior."

This new section is intended to provide for certain loose ends which will remain upon the enactment of this bill. Following the achievement of Commonwealth status by Puerto Rico, we found that no provision

had been made for any centralized Federal cognizance of the multitude of matters flowing between the Commonwealth and the Federal Government, as well as between private citizens and the Commonwealth through a Federal "middleman". Because of this Department's peculiar responsibilities for the territories before changes in status are effected, we found ourselves in the position of an intermediary without any real assignment of the function and finally found it necessary to deny any responsibility because our information and contacts were inadequate. We believe that the bill before you should recognize this residual need for coordination, and because of this Department's expertise, vest that responsibility in the Secretary of the Interior. Our amendment recognizes that the people and the government of the Virgin Islands, in many cases, will deal directly with various Federal agencies, and specifically excludes from the residual authority any matters which are the program responsibility of another Federal department or agency.

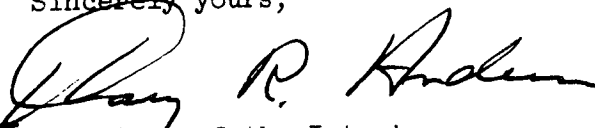
Section 13 sets out the effective date of the various provisions of the bill.

Section 14 is the citation provision.

It is our view that greater autonomy for the Virgin Islands is morally and politically right. Additionally, in recent years, a popularly elected Governor has been and is now very much desired by the people of the Virgin Islands. The action of the 89th Congress, which came so close to fulfilling the people's wish, has served to sharpen that desire. In view of these developments, we more than ever believe that enactment of this legislation is important, and we are therefore hopeful that this legislation will be enacted early in the 90th Congress.

The Bureau of the Budget has advised that there is no objection to the presentation of this report from the standpoint of the Administration's program, but that the Bureau will submit its comments separately.

Sincerely yours,


Assistant Secretary of the Interior

Hon. Henry M. Jackson
Chairman, Committee on
Interior and Insular Affairs
United States Senate
Washington, D. C.