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NOTES AND COMMENTS

William C. Gilmore*

**The Search for Constitutional Change
in the US Virgin Islands**

ABSTRACT

This note traces the evolution of U.S. policy towards the acquisition of the U.S. Virgin Islands in 1917 and subsequent constitutional developments. Particular attention is paid to recent attempts to acquire greater local autonomy through Congressionally authorised Constitutional Conventions. The terms of the proposed constitutional changes, and their subsequent rejection by the Virgin Islands electorate, are examined. Present U.S. policy and existing initiatives on the issue of the future status of the territory are also studied.

INTRODUCTION

In recent years the Caribbean basin region has once again been the focus of widespread political and academic interest. In the main, political interest has centred on the evolution of American policy under the administrations of Presidents Carter and Reagan. In addition, extensive academic treatment has been afforded to such central issues as the future of the regional integration movement, the proliferation of Caribbean 'mini-states', and the re-emergence of the status debate within the Commonwealth of Puerto Rico. Given the above, it is not surprising that recent movements towards constitutional change in the United States Virgin

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Islands should have gone largely unnoticed. Indeed, the history of these islands has been characterized by academic and governmental neglect.

American interest in the islands first manifested itself in the mid-19th century and in 1865 Secretary of State Seward¹ commenced negotiations for their acquisition from Denmark. It was not, however, until 31 March 1917² that the three major islands of St. Croix, St. Thomas and St. John (along with a number of islets) formally came under the jurisdiction of the United States for the purchase price of \$25 million.³ Since that time their constitutional development has been a slow and often uncertain movement towards greater local autonomy and the concomitant weakening of the unrestrained powers of the Federal executive branch.

In 1917, as part of the process of acquisition, the United States Congress provided for a 'temporary' form of government in their new possession while the country was occupied with more pressing European matters. Soon forgotten, this 'temporary' governmental structure was to last for 19 years.⁴ During this period the local inhabitants, who became United States citizens only in 1927,⁵ were governed by a Federally appointed Governor who acted with the advice of local colonial councils which had originally been established by the Danes.⁶ No real constitutional progress occurred during this time. Indeed, for the first 16 years, the territory was administered by the Department of the Navy and the Governor was a naval officer. Only after persistent agitation by the American Civil Liberties Union and Virgin Islanders resident in the continental United States did President Hoover see fit in 1931 to transfer the administration of the Government of the Virgin Islands to the Department of the Interior by Executive Order and to appoint a civilian Governor.⁷

On June 22, 1936, the Congress finally brought to an end the period of 'temporary' government⁸ through the

enactment of the Virgin Islands Organic Act.⁹ This made permanent the 1931 transfer to civilian authority, “abolished property and income requirements for the local voters and brought universal adult suffrage to the Territory”.¹⁰ In addition, the Act established a highly complex form of civil government which clearly reflected the continued influence of the Danish colonial model. This 1936 government was composed of two ‘municipal councils’: one of seven members for the islands of St. Thomas and St. John, and a nine-member body for the island of St. Croix. These two councils jointly constituted a territorial legislative assembly which was required to meet once a year.¹¹

In the years which followed, the United States Congress became increasingly concerned that the system of government which they had established was both unnecessarily inefficient and expensive.¹² In 1954, the Organic Act was completely revised: the municipal councils were abolished, and a single body designated the ‘Legislature of the Virgin Islands’ was created in their place.¹³ Although considerable constitutional change was effected by this enactment, it cannot be said to have constituted a milestone in the evolution of autonomous self-government. Few would disagree with Bough that “a close study of its provisions in comparison with the 1936 Act which it revised will disclose that there was in fact a throwback to more administrative control by Washington.”¹⁴

Although the essential elements of this revised system continue to the present day, the 1960s and 1970s have seen several significant constitutional advances. Of these, perhaps the most noteworthy were the 1968 Act providing for the popular election of the Governor and Lieutenant Governor¹⁵ and the 1972 enactment which authorized the Virgin Islands to send a non-voting delegate to the United States House of Representatives.¹⁶ It is of interest to note that these and other suggestions for reform were pressed on the United

States Congress in 1965 by the First Constitutional Convention of the United States Virgin Islands which had been created by territorial statute in the previous year.¹⁷ Although the Constitutional Convention of that year proposed a number of measures designed to obtain a greater degree of internal self-government it also declared itself “unalterably opposed to independence” and in favour of its existing status as an unincorporated territory of the United States.¹⁸

In 1971 the Legislature of the Virgin Islands created a Second Constitutional Convention as a vehicle for change.¹⁹ This body produced a proposed constitution and Federal Relations Act and was approved by the electorate of the Virgin Islands in the general election of 7 November 1972. In view of the narrow margin of electoral victory it was decided not to seek Congressional approval for the package but to start again with prior legislative authorisation in Washington.²⁰

THE CONSTITUTIONAL CONVENTION EXPERIENCE

In May of 1974, Virgin Islands Delegate Ron DeLugo sought approval for this revised process. With Congressman Philip Burton, he introduced a Bill in the United States House of Representatives designed to permit the people of the Virgin Islands to formulate and adopt a constitution of their choice while retaining the political status of an unincorporated territory.²¹

Pressures of time prevented Congressional action on the measure. However, it was reintroduced in the following year and was unanimously passed by the House of Representatives on 6 October 1975. In July 1976, the Bill was amended and passed by the Senate. Subsequently, a House Senate conference reached agreement on the outstanding issues and on 22 October 1976, the President signed into law “an Act to provide for the establishment of constitutions for the Virgin Islands and Guam”.²²

Enacted in recognition of “the basic democratic principle of government by the consent of the governed”,²³ the measure authorized the Legislature of the Virgin Islands to call a constitutional convention “to draft, within the existing territorial-Federal relationship, constitutions for the local self-government of the people of the Virgin Islands...”²⁴ It was further stipulated that the constitutional document to be formulated be consistent with United States sovereignty over the territory and “the supremacy of the provisions of the Constitution, treaties, and laws of the United States applicable to the Virgin Islands ..., including, but not limited to those provisions of the ... Revised Organic Act of the Virgin Islands ... which do not relate to local self-government”.²⁵ Furthermore, such constitutions were to provide for a bill of rights, a system of local courts, and a republican form of government.²⁶ In addition, the Act provided for a complex system of Presidential and Congressional review of any proposed constitution, and for its subsequent approval by the voters of the Virgin Islands in a referendum.²⁷

Pursuant to the above authorisation, a Bill concerning the constitutional convention was introduced in the Virgin Islands Legislature and was passed on 26 April 1977, and subsequently submitted to the Governor for his assent.²⁸ This measure called for the election of sixty convention delegates to whom the task of drafting the new constitution fell.

In the initial phase of its activities the 3rd Constitutional Convention divided into a number of small substantive committees. From the deliberations of these bodies there emerged in December 1977 a comprehensive first draft of the proposed constitution. This was published in full by the local press and was, thereafter, the subject of discussions at numerous public hearings in the three main islands. Plenary sessions of the Convention and further public hearings followed resulting in the adoption of a proposed Constitution of some eleven Articles on 20 April 1978.²⁹

The document, as adopted by the Convention, was presented to President Carter on 20 July, 1978.³⁰ Under the terms of Public Law 94-584, the President was required to comment on the proposed Constitution and its consistency with the Federal enabling legislation prior to his presentation of the Constitution to Congress for its approval within 60 days.³¹ Several Federal agencies, including the Department of the Interior, the Department of Justice, and the Office of Management and Budget, took part in the Federal Review process.

The President's message to Congress transmitting the Constitution on 20 September 1978, noted three comments by executive agencies with respect to the public debt limitation established by the Constitution; the newly created position of Virgin Islands Comptroller General and its relationship to the existing Federal Comptroller; and a technical comment on the wording of a section of the Transitional Schedule.³² Despite these comments, however, the reviewing agencies concluded that the Constitution

meets the criteria established by Public Law 94-584: it is consistent with sovereignty of the United States, its Constitution, and its laws applicable to the Virgin Islands; it provides for a republican form of government with executive, legislative, and judicial branches; it contains a bill of rights; it sets up a system of local courts; and it deals with those portions of the revised organic act related to local self-government.³³

The President termed the drafting of the Constitution "a significant step toward greater local self-government", and observed that it was "wholly appropriate that the electorate of the Virgin Islands, and not the Federal Government, has the ultimate right to accept or reject it".³⁴

The 95th Congress adjourned on 14 October 1978, without taking any formal action with respect to the Virgin Islands Constitution. Since without Congressional action within 60 days, the Constitution is "deemed to have been approved",³⁵ the Constitutional Convention reconvened on

15 December 1978 to determine the referendum procedures for the popular vote on the Constitution as required by the Virgin Islands enabling legislation.³⁶ Considering the then-approached Christmas holiday, the taking of office by the Governor and Legislature in January 1979, and other matters, the Convention decided that on 6 March 1979 the following referendum question would be put to the voters of the Virgin Islands: "Do you approve the constitution of the Virgin Islands as adopted by the Third Virgin Islands Constitutional Convention?"³⁷ A majority of votes was required for approval of the Constitution (excluding blank ballots and abstentions).

In spite of support for the proposed constitution from the Governor, the Lieutenant Governor, the President of the Virgin Islands Senate, and a majority of the territorial legislature, the referendum of 6 March 1979 attracted only 38 per cent of the eligible voters and resulted in the defeat of the measure by 5,972 votes to 4,627.³⁸ Central to the result was voter unease over the complex provisions for local (as opposed to territorial) government and the anticipated increase in the cost of operating the proposed structure.³⁹ Perhaps surprisingly, little opposition appears to have focussed on a number of 'liberal' or 'progressive' provisions dealing with Civil Rights (Article I) and Protection of Culture and the Environment (Article IX).⁴⁰

The innovations proposed by the Convention in the sphere of Civil Rights fell into two categories. Firstly, it called for the mandating of certain rights commonly protected in the United States by the courts or by statute but rarely found in constitutional charters. Thus, section 6 would have given constitutional status to a suspect's 'Miranda rights', specifically guaranteed provision of counsel at public expense, and confirmed the rule that the failure of an accused to testify due to the exercise of his right not to be compelled to incriminate himself could not be taken into consideration to his detriment. Similarly, constitutional

status was proposed for the 'Exclusionary rule' for illegally seized evidence (section 5) and, following Article I of the Alaska Constitution, the right to privacy in the conduct of one's personal affairs (section 3). Secondly, the Convention called for the constitutional recognition of new rights not generally guaranteed in United States law or practice. Into this category fell among others, collective and individual labour rights (section 10) and a 'right to know' which had been inspired by various state 'sunshine laws', the Federal Freedom of Information Act,⁴¹ and a similar provision in Article II, section 9 of the Montana Constitution.

The Constitution prepared by the 3rd Constitutional Convention also provided for substantive protection of the culture and traditions of Virgin Islanders as well as dealing with environmental matters. In the latter sphere for example, the Constitution would have established a justifiable right to a 'healthful environment' (section 2).

In spite of the rejection of the proposed Constitution by the electorate, territorial political leaders led by Governor Luis⁴² and encouraged by the Carter administration⁴³ decided to continue with the process and convene a 4th Constitutional Convention. In this they were aided by the fact that the original Congressional authorisation was unlimited as to time and was not affected by the failure of the first effort.

On 11 March 1980 some 30 delegates were elected to serve as Convention members. The drafting process subsequently adopted closely paralleled that used in the previous experiment. The Convention established a number of substantive committees which together produced a first draft which was issued on 18 July 1980. Public hearings on the three main islands followed culminating in the adoption of a proposed Constitution on 31 July consisting of a Preamble, 13 Articles and a Transitional Schedule.⁴⁴

This document differed in certain important respects from that produced by the 3rd Constitutional Convention.

This was particularly evident in those articles dealing with the Office of Governor, the size and composition of the territorial Senate, the structure of territorial courts, the post of Auditor-General, the establishment of a Board of Education, and provisions relating to the issuing of Virgin Islands bonds.⁴⁵ Although not identical, the provisions on Civil Rights (Article I) and on the Protection of Culture and Environment (Article X) were substantially similar to those which had been proposed in the earlier exercise.

On 26 August 1980 Governor Luis presented the text of the proposed Constitution to Vice-President Walter Mondale. In the 60-day period provided for review by the executive branch by Public Law 94-584, a number of Federal agencies were again actively involved. This process culminated in the transmission to Congress, on 25 October, of a highly detailed statement by President Carter.⁴⁶ In it the President expressed the view that the draft was "a major step in the territory's political development" and that "it provides a foundation upon which the Virgin Islands can assume greater responsibility for local self-government".⁴⁷ The message of transmittal also recorded the fact that:

The document implicitly recognizes the sovereignty of the United States and the supremacy of United States law over locally-enacted legislation, and is, therefore, in substantial compliance with the pertinent provisions of the Enabling Act⁴⁸

However, in a departure from the 1978 review, the President went on to identify a considerable number of provisions which, in his view, required clarification, deletion, or enactment of Federal legislation. Enclosed with the message was a draft Bill of some 13 sections designed to deal with the concerns which the executive review had identified. The deficiencies related, in the main, to the concept of Virgin Islands citizens, residency requirements for certain elected officials, the proposed island court structure, the issuing of Virgin Islands bonds, and other financial provisions.⁴⁹ A

number of difficulties with the Bill of Rights and the protection of the environment were also identified which, it was thought, would require interpretation by the courts or lead to extensive litigation. In these areas, however, no Congressional action was solicited. As the President stated:

I do not feel it appropriate for me to question the wisdom of entrusting the interpretation of these provisions to the courts. This is a matter for serious discussion by the people of the Virgin Islands, for this document should truly be one of their own making.⁵⁰

Under the enabling legislation Congress had a 60-day period in which to approve, modify or amend the document by joint resolution, in the absence of which it would be deemed approved. However, when transmitted the 96th Congress was actively seized of other pressing matters and its adjournment was near at hand. Legislation was thus enacted amending the review procedure to "sixty legislative days (not interrupted by an adjournment *sine die* of the Congress) after its submission".⁵¹ Consideration of the matter thus fell to the 97th Congress.

On 24 March 1981 the Reagan administration resubmitted the draft Bill to amend the proposed Constitution.⁵² While under consideration on Capitol Hill there was a general recognition that the right of Congress to modify the document should be used only with extreme caution.⁵³ For this reason an informal meeting was held on 7 April 1981 with members of the Constitutional Convention to consider the recommended amendments. This was followed by a meeting of the full Convention on 24 April which adopted some, but not all, of the administration's proposals.⁵⁴ As Mr. Clausen, a member of the House Subcommittee on Insular Affairs, was to state:

It was the subcommittee's view that it was more appropriate for the Virgin Islanders themselves to amend their own constitution than to have these amendments imposed upon them by the Federal Government.⁵⁵

With sufficient amendments to hand House Joint Resolution

238 completed its final stage of approval in June and was signed into law by President Reagan on 10 July, 1981.⁵⁶

In the referendum held in the Virgin Islands on 3 November, 47 per cent of eligible voters were attracted to the polls where the proposed Constitution was rejected by 7,157 votes to 4,821.⁵⁷ This constitutes a severe setback to the process of local constitution drafting and, although there is some support for a renewed effort,⁵⁸ further progress along these lines is unlikely.

THE FUTURE STATUS OF THE VIRGIN ISLANDS

The repeated failure of the attempt to gain voter approval for a locally drafted Constitution does not mean, however, that the movement for change has ceased. Rather, the focus has now shifted to an examination of the future status of the territory. Indeed, this issue, although discussed by both the 3rd and 4th Constitutional Conventions, was beyond the scope of the enabling legislation. As Senator McClure noted on 3 June 1981, approval of the proposed Constitution would “not affect the status of the Virgin Islands as an unincorporated territory of the United States, nor lessen the plenary authority and responsibility of the Congress for the Virgin Islands”.⁵⁹

Both the United States and the relevant organs of the United Nations classify the current status of the United States Virgin Islands as that of a non-self-governing territory within the meaning of Article 73 of the Charter.⁶⁰ For its part, the United States regularly transmits information on the islands to the Secretary-General pursuant to Article 73(e).⁶¹ In 1977, for the first time, the administering power invited a United Nations visiting mission to the territory.⁶² Given the status of the territory, the United Nations General Assembly has consistently reiterated the view that the people of the Virgin Islands have an inalienable right to self-determination and that “questions of territorial size, geographical location,

size of population and limited natural resources should in no way delay the speedy implementation” of that right.⁶³

On 3 September 1977 the American Ambassador to the United Nations, in discussing the report of the visiting mission in the Committee of Twenty-four, emphasised his country’s respect for the right of self-determination whilst noting that independence was but one of the possible outcomes of that process.⁶⁴ He continued by noting that:

The United States remains committed to the principle that the status of the Territory should accord to the freely-expressed wishes of the local people. The people of the Virgin Islands are aware of the range of possibilities and they are free to express their preference without hesitation.⁶⁵

In transmitting to the Congress in 1980 proposals for a comprehensive federal-territorial policy, President Carter, in effect, invited the elected representatives of the Virgin Islands, and certain other insular territories, to express their wishes on their future status. He stated, in part, thus:

In keeping with our fundamental policy of self-determination, all options for political development should be open to the people of the insular territories so long as their choices are implemented when economically feasible and in a manner that does not compromise the national security of the United States.

If the people of any of the territories wish to modify their current political status, they should express their aspirations to the Secretary of the Interior through their elected leaders, as is the case now. The Secretary, along with representatives of the appropriate Federal agencies, will, in turn, consult with territorial leaders on the issues raised. Following such discussions, a full report will be submitted to the Congress, along with the Secretary’s proposals and recommendations.⁶⁶

In response to this invitation the legislature of the Virgin Islands enacted Act No. 4462 of 1980, to create a Status Commission to negotiate a revised status relationship and to provide for popular ratification of the same.

The Commission, consisting of 17 members, is charged with considering the existing relationship with the United

States, and the present and previous relationships enjoyed by other areas. Furthermore:

The Commission shall set forth the options available to the people of the Virgin Islands for relations with the United States and shall, through negotiations and discussions with the appropriate Federal officials, determine which options are likely to be acceptable to the Government of the United States, and which options would improve the economic, social, cultural and political standing of the people of the Virgin Islands.⁶⁷

The Act further mandated that public hearings be held by the Commission and that they solicit the views of delegates to the 4th Constitutional Convention as well as political, civic, labour and business groups.⁶⁸

Finally, it provides that the final specific recommendation of the Commission as to future status be submitted to the Virgin Islands electorate in a referendum.⁶⁹

It is clear that the Commission has under study a wide variety of status options including independence.⁷⁰ Although the work of this body has not progressed to the stage where one can speak with certainty, it would appear highly unlikely that formal separation from the United States will be seriously entertained. A more realistic outcome would be commonwealth status or free association⁷¹ both of which have recently found favour among the component units of the Trust Territory of the Pacific Islands.⁷² However, given the demonstrated conservatism of the Virgin Islands electorate in constitutional matters, mere minor modifications to the current unincorporated territory relationship may prove more acceptable than wholesale status change.

FOOTNOTES

¹See H.R. Rep. No. 1505, 64th Cong., 2d Sess. 2 *et seq.*, (1917).

²The text of the treaty and other relevant documents are conveniently reproduced in J.A. Bough and R.C. Macridis (eds.), [2, pp. 30-39].

³The territory consists of approximately 50 islands and islets of which only the three named are both inhabited and of economic importance. St. Thomas and the small St. John are adjacent, while St. Croix is separated from them by a distance of approximately 40 miles.

⁴See J.A. Bough, "General Introduction to the Constitutional Evolution of the Virgin Islands", in Bough and Macridis [2, pp. 120-21]. The reasons for Congressional neglect are well reflected in a House Report on the 1927 Citizenship Bill: "[T]he 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 ... Almost a decade has passed and nothing further has been done in this matter. In the pressures of other matters, the needs of the Virgin Islands have been overlooked". H.R. Rep. No. 2093, 69th Cong., 2d Sess. 2 (1927).

⁵See 8 U.S.C. 1406, as amended by the Act of 27 June 1952, 66 Stat. 237.

⁶Of particular importance was the Danish Colonial Law of 6 April 1906, reproduced in Bough and Macridis [2, pp. 13-29].

⁷See Bough [1]. The first civilian Governor was Paul M. Pearson.

⁸For an interesting account of this period, see generally, L.H. Evans [5].

⁹Act of 22 June 1936, 49 Stat. 1807.

¹⁰Report of the United Nations Visiting Mission to the United States Virgin Islands, 1977 UN Doc. A/AC. 109/L.1198 (1977) at 6.

¹¹The Act was silent on the important questions of compensation for council members and on the length of its sessions. The duplication in the legislative branch was also evident in the Act's treatment of the executive: it created two departments of police, public works, education, etc.

¹²Cf. S. Rep. No. 1271, 83rd Cong., 2d Sess. 1-3 (1954). It should be noted that the need for reform was also realized by the people of the Virgin Islands, as evidenced by the results of a referendum on April 30, 1953, in which a majority of those voting favoured the creation of a single legislature and treasury for the territory. The majority also called for the popular election of the Governor and

the creation of the post of a Resident Commissioner for the Virgin Islands in the U.S. Congress.

¹³See ss. 5-10 of the Act of 22 July 1954, 68 Stat. 497, (1954). For details of these and other changes, see Bough [1, pp. 7-11]. Also of interest is the Official Records of the General Assembly, Twenty-ninth Session, Supplement No. 23, UN Doc. A/9623/Rev. 1, vol. vi, Chap. XXIV, annex, paras. 9-14.

¹⁴Bough [1, p. 7].

¹⁵Pub. L. 90-496, s. 4, 82 Stat. 842 (1968), amending s. 11 of the 1954 Revised Virgin Islands Organic Act. The first elections were held in 1970. The elected Governor may serve two full successive four-year terms, but may not serve again until one term has intervened. It should be noted that the Governor is still required to make an annual report to the Secretary of the Interior for transmittal to the Congress and other reports, as required from time to time by the Congress or federal law.

¹⁶Pub. L. 92-271, 86 Stat. 118 (1972). The Delegate, who is elected at-large, can serve an unlimited number of two-year terms. Although the Delegate cannot vote on the floor of the House, he or she is eligible for full membership in committees and subcommittees, including voting rights and privileges. This action by the Congress followed years of agitation, including local legislation to provide for a Washington representative by Virgin Islanders. (Act No. 2257 of June 28, 1968, and Act No. 2945 of February 19, 1971, of the Virgin Islands Legislature.) Also of interest is Resolution No. 466 of March 20, 1969, adopted by the Virgin Islands Legislature.

¹⁷Act No. 1174, 1964 of the Virgin Islands Legislature.

¹⁸See Bough [1, pp. 12-13].

¹⁹Act No. 2973, 1971 of the Virgin Islands Legislature as amended by Act No. 3148 and Act No. 3193.

²⁰See Bough [1, pp. 9-20] for details.

²¹s. 2(a) of the 1954 Revised Organic Act for the first time declared specifically that the Virgin Islands had the status of an unincorporated territory of the United States. For the reasons for the inclusion of this provision, see in particular the letter from Judge Albert B. Maris to Sen. Hugh Butler, April 19, 1954, reprinted in S. Rep. No. 1271, *supra* note 8, at 23. The leading U.S. cases on the "unincorporated territory" doctrine include: *DeLima v. Bidwell*, 182 U.S. 1, 45 L.Ed. 1041 (1901); *Dooley v. United States*, 182 U.S. 222, 45 L.Ed. 1074 (1901); *Armstrong v. United States*, 182 U.S. 243, 45 L.Ed. 1086 (1901); *Downes v. Bidwell*, 182 U.S. 244, 45 L.Ed. 1088 (1901) [collectively known as the "Insular Cases"]; *Ocampo v. United States*, 234 U.S. 91, 58 L.Ed. 1231

(1914); *Balzac v. Porto Rico*, 258 U.S. 298, 66 L.Ed. 627 (1922); *Puerto Rico v. Shell Oil Co.*, 302 U.S. 253, 82 L.Ed. 235 (1937); *Reid v. Covert*, 354 U.S. 1, 1 L.Ed. 2d 1148 (1957); and *Calero-Toledo v. Pearson Yacht Leasing Co.*, 416 U.S. 663, 40 L.Ed. 2d 452 (1974).

²²Pub. L. 94-584, 90 Stat. 2899 (1976).

²³*Ibid.*, s. 1.

²⁴*Ibid.*, s. 2(a).

²⁵*Ibid.*, s 2(b) (1).

²⁶*Ibid.*, s. 2(b).

²⁷*Ibid.*, ss. 4 and 5.

²⁸Act No. 3974 of the Virgin Islands Legislature 1977, amended by Act No. 4002, 1977, Act No. 4040, 1977, and Act No. 4095, 1978.

²⁹On the following day the Convention adopted a comprehensive section-by-section analysis of the proposed Constitution prepared by the team of legal consultants.

³⁰See *Virgin Islands Daily News*, 26 and 27 July 1978.

³¹Pub. L. 94-584, *op. cit.*, s. 5.

³²See M.L. Nash (ed.) [6, pp. 193-195].

³³*Ibid.*, at 194.

³⁴*Ibid.*, at 194.

³⁵Pub. L. 94-584, *op. cit.*, s. 5.

³⁶Act No. 3974, *op. cit.*, s. 15.

³⁷See *Virgin Islands Daily News*, 16 December 1978.

³⁸See U.N. Doc. A/34/23/Add.5/28 Sept. 1979, at 124.

³⁹*Ibid.*

⁴⁰See House Doc. 385, 95th Cong. 2d. Sess. (1978) for the text of the proposed Constitution.

- ⁴¹Pub. L. 90-23, 81 Stat. 54 codified with amendments at 5 U.S.C. 552.
- ⁴²See *supra*, note 21, at 125.
- ⁴³See House Doc. 268, 96th Cong., 2d Sess. (1980) at 3.
- ⁴⁴See *Virgin Islands Proposed Constitution: Fourth Constitutional Convention*, July 31, 1980, (1980).
- ⁴⁵See UN Doc. A/Ac. 109/657 (15 May 1981) at 4-6.
- ⁴⁶See House Doc. 375, 96th Cong. 2d Sess. (1980).
- ⁴⁷*Ibid.*, at III.
- ⁴⁸*Ibid.*, at III.
- ⁴⁹*Ibid.*, at III-V.
- ⁵⁰*Ibid.*, at V.
- ⁵¹s. 501, Pub. L. 96-597, 94 Stat. 3479.
- ⁵²See H.R. Rep. No. 25, 97th Cong. 1st Sess. 8-10 (1981).
- ⁵³*Ibid.*, at 2.
- ⁵⁴See S. Rep. No. 66, 97th Cong., 1st Sess., 2 (1981).
- ⁵⁵*Congressional Record*, House, 5 May 1981, at H. 1801.
- ⁵⁶Pub. L. 97-21, 95 Stat. 105. See also, *Weekly Compilation of Presidential Documents* Vol. 17, No. 28, 751 (1981).
- ⁵⁷See U.N. Doc. A/AC.109/697 (16 June 1982) at 5.
- ⁵⁸*Ibid.*, at 6. See also, UN Doc. GA/COC/2218 (22 June 1982) at 2.
- ⁵⁹*Congressional Record*, Senate, 3 June 1981, at s. 5768-5769. See also *supra*, note 32, at 197.
- ⁶⁰See e.g., J.A. Boyd (ed.) [3, pp 59-60].
- ⁶¹See *ibid.*, p. 60. See also UN Doc. A/34/23/Add. 9 (28 Sept. 1979).
- ⁶²See Official Records of the General Assembly, Thirty-second Session, Supplement No. 23 (A/32/23/Rev.1), Vol. IV, Ch. XXVI, annex.

⁶³See e.g., GA Res. 36/47, UN Doc. A/RES/36/47 (17 Dec. 1981).

⁶⁴See *supra*, note 60, at 60.

⁶⁵*Ibid.*, at 61.

⁶⁶*Supra*, note 43, at 3.

⁶⁷Act No. 4462, 1980 of the Virgin Islands Legislature, s.2(a).

⁶⁸*Ibid.*, s. 2(b)

⁶⁹*Ibid.*, s.2(c).

⁷⁰See *supra*, note 57, at 6.

⁷¹see *supra*, note 45, at 8.

⁷²As to the position in the Northern Mariana Islands see, Williams and Siemer [7]. For more recent developments in the Trust Territory see Clark [4].

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