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V.I. Draft Constitution Arrives In Congress, Hearings Set for March

President Barack Obama sent the draft constitution produced by the 5th V.I. Constitutional Convention to the U.S. Congress Monday evening, with comments questioning some provisions, including those granting property tax exemptions to ancestral Virgin Islanders. "In submitting the proposed constitution, Gov. deJongh expressed his concerns about several provisions of the proposed constitution," Obama wrote in his letter to Congress. "But he also expressed his hope that the people of the U.S. Virgin Islands continue to 'move ahead towards [their] goal of increased local governmental autonomy.'" Obama said he had the departments of Justice and Interior analyze the document and they "concluded that several features of the proposed constitution warranted analysis and comment."

Areas of concern include:

- Absence of an express recognition of U.S. sovereignty and supremacy of federal law;
- Provisions for a special election on the U.S. Virgin Islands' territorial status;
- Provisions conferring legal advantages on certain groups defined by place and timing of birth, residency and ancestry;
- Residence requirements for certain offices;
- Provisions guaranteeing legislative representation of certain geographic areas;
- Provisions addressing territorial waters and marine resources;
- Imprecise language in certain provisions of the proposed constitution's bill of rights; and
- The possible need to repeal certain federal laws if the proposed constitution is adopted.

The Justice Department report recommends loosening the residency requirements and eliminating legal advantages, such as tax exemptions for certain groups.

"Because we find it difficult to discern a legitimate governmental purpose that would be rationally advanced by the provisions conferring legal status on certain groups defined by place and timing of birth ... we recommend that those provisions be removed from the proposed constitution," said the Justice Department report, in part.

When the document was approved by the convention last May, Gov. deJongh initially declined to forward it, raising several of the same issues. In December the V.I. Superior Court concluded deJongh did not have the authority to withhold the document and ordered him to forward the draft.

The draft constitution and Justice Department analysis will be reviewed by the committees of jurisdiction in the Congress during the next 60 days, Delegate Donna Christensen said in a statement.

The Subcommittee on Insular Affairs will hold hearings in Washington, D.C., on March 17 and invitations to potential testifiers are in the process of being sent out, she said.

"We had hoped to have a hearing in the territory," she said. "But ... with major pieces of the President's agenda before the Congress, it was difficult to find a time where enough members could come to the Virgin Islands for a hearing," she said. "We are hoping to have the hearings televised and webcast to provide maximum participation of the people at home."

Local news

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