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FINAL REPORT

prepared by

THE V.I. COMMISSION ON STATUS AND FEDERAL RELATIONS

for the

GOVERNOR

and the

20TH LEGISLATURE OF THE V.I.

December 31, 1993

INTRODUCTION

On September 17, 1988, the V.I. Commission on Status and Federal Relations was sworn in at Government House on St. Thomas and held its first meeting. This is how the current Commission began its operations. From then until October 11, 1993 (except for an eighteen month recess due to the ravages caused by hurricane Hugo in 1989), the Commission attempted to make status and federal relations one of the most prominent issues in the Virgin Islands. However, as with any major undertaking, everything did not go as intended. This report documents some of the factors with which this Commission had to contend which affected the eventual outcome of the referendum.

The report is divided into several short sections. The first entitled GENERAL HISTORICAL OVERVIEW, discusses the political context of the Virgin Islands and how it has evolved since Danish rule. Highlighted are several factors which assist in understanding the political climate in the Virgin Islands.

The second section contains a brief history of the various entities which addressed status and federal relations. Although many pertinent details were omitted in order to keep the report to a manageable length, it is sufficiently comprehensive to permit one to obtain a general understanding of what these "commissions" did as well as some of the difficulties they encountered.

The third section contains the recommendations of the Commission for addressing status in the future. Included are several issues which were raised constantly during the public education campaign but were apparently not resolved to the satisfaction of a majority of the electorate and thus affected the turnout at the polls. Also indicated are proposals for the institutionalization of the entire status policy development and public education efforts, based in part on an existing model in another U.S. territory. Finally, this section contains proposals for the structuring and functioning of future commissions which may facilitate their operation by eliminating some of the problems which arose.

The final section contains a record of how the Commission's finances were utilized, some of the challenges encountered and several recommendations for future commissions.

GENERAL HISTORICAL OVERVIEW

The historical background on the political status of the U.S. Virgin Islands can be traced to the Pre-Columbian societies of the indigenous people of the region and the forebears of the present ethnic groups of the Islands. But for the sake of convention, it is necessary that we emphasize the beginning of U.S. Virgin Islands history in the European colonial period. It is during this period that we find important trends with profound effects on the present political status and federal relations debate.

The U.S. Virgin Islands was a classic colony of Western European imperial states for over 300 years. Although Spain, France, Holland, and the Knights of Malta held the Islands (in particular St. Croix) for the first 150 years, the main European colonizer was Denmark during most of the European colonial period. It exercised effective control over all three Islands from 1733 until 1917. This 184 year period of Danish colonialism has had a major influence in the political development of the islands. The political culture and socio-psychological framework of the Virgin Islands people were partially formed during this phase.

An absolutist monarchy for centuries, Denmark did not develop a liberal western democratic state until the late 1880's. Thus, Danish colonialism did not advance democratic practices in its Caribbean colony because the metropole only developed a mature parliamentary democracy in the 20th century--almost at the end of Danish rule in the Islands.

Even more, although Virgin Islands society resembled the rest of the Caribbean in many ways, several notable differences emerged at the end of the Danish colonial phase between the late 1880's and the early 1900's. Large portions of the population emigrated to Cuba, the Dominican Republic, Panama, and the United States. The local elite, now mainly mestizos/mulattoes and Europeans, did not develop a nationalist consciousness as was the case in other Caribbean societies. If anything, there were some stirrings for more responsible governance under Denmark, but the elite as well as the progressive community looked forward to the impending purchase of the Islands by the United States.

In no other unincorporated territory is this situation duplicated. Except for the resident Danes and some Virgin Islanders wary of American-styled racism, the majority of the population supported the transfer of Danish colonialism to U.S. colonialism. No other unincorporated territory looked forward to the purchase of its society by the United States. In most cases, territories were acquired as war booty or through treaties with independent/indigenous entities.

We can not misunderstand the impact of growing U.S. interests in the Caribbean region or the Virgin Islands during the Danish colonial era. From as early as the 1830's, the majority of Danish Caribbean trade was with the U.S. With concerns of Danish-German relations degenerating and considering the strategic position of the Islands in the region, the U.S. began negotiations to purchase the Islands as early as 1867.

The Danish government allowed the Islands to deteriorate in the late 1800's when U.S. purchase was imminent. The Virgin Islands masses and elite looked forward to the eventual transfer. It took 40 years before the negotiations bore fruit.

Throughout the rest of the Caribbean in the late 1800's to the early 1900's, the usual trends in relation to European colonialism were for a segment (or combination of segments) of the population to seek reforms toward equality as an integral part within the metropolitan state or equality outside the colonial status as an independent republic. The Virgin Islands sought none of the above. U.S. rule was generally welcomed by a population that did not formulate its distinct national identity and a society that never sought serious political status changes. At the Transfer in 1917, the Virgin Islands stood out in the U.S. territorial family as a very pro-American society that merely sought the amelioration of its daily conditions.

Consequently, Virgin Islands politics has been marked by evolutionary change. During the first four decades, there were no serious debates on changing status such as selecting statehood, independence, free association, or any derivation of the territorial status. The general thrust in political changes was to reform within the unincorpated territorial status.

Hence, naval rule was removed in 1931, and appointed

civilian rule existed from then until 1969. It is during the 1960's-70's we find the initiation of serious discussions on political status and federal relations.

During the 1960's-70's, we find attempts to define status through the Constitutional Convention movements. In the first two conventions in 1965 and 1971, the majority of the delegates sought the maintenance of unincorporated territory as the favored status relationship. Due to U.S. Public Law (94-584) passed in 1976, the last two conventions in 1978 and 1981 were legally prohibited from tampering with political status and federal relations. However, status discussions did occur within the political status and federal relations committee chaired by Earle B. Ottley in the latter constitutional conventions. Nonetheless, issues related to political status emerged during the constitutional conventions, and the importance of status related issues in the constitutional debates partially led to the formation of the first Status Commission.

THE STATUS COMMISSIONS

Act. No. 4462 of the V.I. Legislature created the first Status Commission in 1980. It attempted to continue the work of the Fourth Constitutional Convention by appointing Earle B. Ottley as its executive director. This Commission was created in line with a U.S. federal policy review of territories under its jurisdiction. Its task was to study the relationship of the Virgin Islands to the federal government and provide for the popular ratification of a territorial-federal relationship. The first Commission was also formed consistent with United Nations resolutions from 1977-80 that called on the U.S. as the administering power of the Islands under international law, to encourage discussions within the territory on the status issue.

Public hearings on the status question were held and a position paper in 1981 on U.S.V.I. status possibilities was produced. It was an examination of the concept of the U.S. territorial system as it evolved in the Pacific. Five political options were presented in the paper: unincorporated territory, incorporated territory, statehood, independence, commonwealth, and free association. The position paper was limited to examining domestic law and domestic territorial policy.

It did not address comparisons between the U.S. Virgin Islands and the Caribbean dependencies of Britain, France, and Holland. The political and/or federal relationships of other Caribbean territories reveal that there have been more flexible arrangements as autonomous societies available to the U.S. Virgin Islands as a non-self-governing territory, consistent with the concept of self-determination under international law.

Other proposals of the first Commission included:

(1) V.I. government control over its internal affairs;

(2) The elimination of V.I. government reports to the Department of Interior and U.S. Reports to the U.N.;

(3) U.S.V.I. government authority to join Caribbean and international institutions;

(4) V.I. government control over immigration;

(5) Territorial control of most federal lands;

(6) The retrieval and retention of excise taxes on petroleum products manufactured in the territory and exported to the U.S.

The First Commission of 1980 lacked resources and was unable to embark on a mass education campaign. It was dissolved in 1982 with the resignation of the executive director.

In spite of its shortcomings, the first Status Commission did manage to get several recommendations accepted. The Virgin Islands gained the right to be represented in international and regional bodies. The territorial court system gained greater autonomy. The status education process began -- albeit restricted. These activities encouraged the holding of the 1982 referendum authorized by ACT NO. 4747, wherein the electorate voted (62.27% in favor and 37.73% against) to address status before reattempting to write a constitution.

Two years later, Resolution 1132 of the V.I. Legislature created the Select Committee on Status and Federal Relations to once more review the status question. It was comprised of nine senators appointed by the President of the 15th Legislature.

Little in their activities and work show continuity with the previous Status Commission of 1980-82. Except for a series of public hearings on the status issues, the drafting of most of the status bills, and a recommendation for a public education campaign, this body made a modest contribution to status development. It ended in 1985.

In 1988, the second Status Commission was organized by Governor Alexander A. Farrelly and Senate President Iver Stridiron pursuant to ACT NO. 5332. It originally consisted of fifteen members, but was expanded to seventeen by ACT NO. 5417 to include two members from the Latino community.

ACT NO. 5332 authorized the Commission to carry out a public education campaign that would prepare the voters for a referendum on status. At first, the voters were to select one among seven options. However, due to community sentiment about the large number of choices, the Commission recommended, and the Legislature approved in ACT NO. 5426, a grouping of the options into three categories. The categrories were:

(1) COMPLETE INTEGRATION WITH THE U.S.
(Incorporated Territory and Statehood)

(2) CONTINUED OR ENHANCED TERRITORIAL STATUS
(Status Quo - Unincorporated Territory
Compact of Federal Relations and
Commonwealth)

(3) REMOVAL OF U.S. SOVEREIGNTY
(Free Association and Independence)

ACT NO. 5332 had provided that voters would be able to indicate portions of the status bills they did not want. This was thought to be too complicated and thus ACT NO. 5612 finally deleted this provision and made the bills associated with each option only advisory. In addition, this ACT also made the choice finally selected by the voters binding on the local government.

The University of the Virgin Islands was contracted to carry out the public education program. Dr. Paul Leary organized the campaign and lent his vast expertise on the subject.

Public educators, Attorney Marise James on St. Croix and Ms. Stephanie Scott-Williams on St. Thomas, implemented a herculean responsibility in disseminating status

information to the public. From December 1988 to September 1989, the Virgin Islands people experienced their first mass education program in 500 years. Hurricane Hugo interrupted the process in September 1989 and the Status Commission went into recess as the society rebuilt itself.

In January 1992, the Status Commission was back in full activity but with new staff members. The new dates for the vote were set at September 7, October 5, November 2 and 16, 1993. A new educator was hired for St. Thomas/St. John who had little background in local politics, V.I. history, international affairs, U.S. territorial development, and mass political education. His mass education campaign was ineffective. It did not educate the masses. The educator ceased from engaging in meaningful work by May 1992. In July 1992, this educator resigned.

In St. Croix, the status education process was in full swing with the educator utilizing numerous measures to stimulate the status discussion. Ms. Caryn Hodge organized community educational sessions, workshops, and a pilot status education class. Ms. Hodge began an education blitz by holding scores of lectures, presentations, rap sessions, and discussions. The mass media was utilized vis-a-vis newspaper articles and editorials.

In the St. Thomas-St. John District no status education occurred from May until October 1992. Once on board the last St. Thomas-St. John educator, Mr. Malik Sekou, had to start from ground zero in a society where the status question has never had mass interest. The post-election period of December 1992 to January 1993 was geared towards completing and approving overdue status education materials, such as brochures, a slide presentation, and the voter eligibility report which was mandated by ACT NO. 5712 of the Legislature.

Beginning in January 1993, the entire staff mapped out the following education campaign:

(1) February thru April 1993 was The Overview of Status period;

(2) May 1993 was the Unincorporated Territory month;

(3) June 1993 was Integration with the U.S. month;

(4) July 1993 was the Removal of U.S. Sovereignty month;

(5) August thru September 1993 was the Get-Out-To-Vote period.

The educators agreed in principle to coordinate the education campaign. But differences in work style, access to mass media, and educational tactics caused the St. Thomas-St. John educator, Mr. Sekou, to implement a different education campaign than his counterpart, Ms. Hodge, on St. Croix.

Most of the educational programs before June 1993 were panel discussions, symposiums, lectures, rap sessions, television programs, essay contests, workshops, and radio interviews. As soon as the mass media opened up, a high profile media campaign was executed to complement the deluge of status education programs and materials.

This opening allowed for numerous sound-offs, mystery questions, status radio programs, weekend workshops, daily status talks on popular radio shows, special interviews, info-mercials, television interviews, programs, lectures, debates, and newspaper articles. Given the shortage of resources and the difficult political conditions, the Status Commission staff fulfilled its mandate in educating the public.

The first vote had been scheduled for September 7, 1993 by ACT NO. 5712. All status materials and ads included this date. However, due primarily to the need for the Board of Elections to obtain more time to prepare for the election, (since paper ballots were to be utilized), the Legislature in ACT NO. 5886 postponed the vote one month to October 11, 1993.

Unfortunately, the October 11, 1993 referendum did not garner the participation of a majority of the voters as required by Section 12 of the Revised Organic Act. Only 10,732 voters out of the total 39,046 electorate turned out. This was about 27% of the electorate. An overwhelming 80% of those who voted selected the unincorporated territorial status category.

The low turn out is the end product of a number of conditions--some outside the control of the V.I. Status Commission and others tied to its implementation of the status education campaign. As the first Status Commission, the latter Commission was constrained because: