

The Virgin Islands Consortium

Mapp Issues 'Marriage Equality' Executive Order; James Not Yet On Board

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ST. THOMAS -- Governor Kenneth Mapp signed an executive order that seeks to give same-sex couples seeking to marry in the territory the same rights and privileges of heterosexual couples, a move he says will place the territory in line with the U.S. Supreme Court's [same-sex ruling on June 26](#), that said the Constitution guarantees a nationwide — and by extension a territorial right — to same-sex marriage.

The order was issued on Thursday afternoon and forwarded to Acting Lieutenant Governor, Senator Neville James, so that he could attest to or witness the Governor's signature pursuant to section 11 of the Revised Organic Act of the Virgin Islands, which states that in the absence of the lieutenant governor, the Senate president is next in

leadership.

In Potter's absence, the law requires the Senate president's signature. James, however, notified Government House that he needed an opportunity to be advised of his duties as acting lieutenant governor before making a decision.

Mapp made his intent of issuing the executive order known during a press conference on June 30, contending that the Supreme Court's decision to legalize same-sex marriage across the U.S., affected the territory as well.

"The Government of the Virgin Islands as a civil society can no longer discriminate on marriage," Mapp said. "The nation has arrived, pursuant to the Supreme Court's ruling, at full marriage equality — when two consenting adults appear for a marriage license and apply for that license, civil society is required to respond. And so persons of the same-sex can be married in the U.S. Virgin Islands."

The governor stressed that the U.S. Supreme Court's ruling does not force churches and ministers to perform same-sex or any other kind of marriage, however as the territory's leader, he must abide by the law.

"I want to again underscore for the conversation that the Supreme Court ruling does not mandate the churches or ministers to perform marriages of any kind. But civil society does have that responsibility and can no longer discriminate on two consenting adults wishing to be married," Mapp said.

When asked about the sentiment among many that the territory was not quite ready for the historic ruling, the governor said his personal opinion on the matter is irrelevant.

"Well, it's not my decision," the chief executive said. "When Lieutenant Governor [Osbert] Potter and I met during the campaign, we met with a council of ministers and they talked about our position [concerning] if a bill should arrive at our desk legalizing same-sex marriage.

"We said to the ministers then that we would not be sending any bill to the Legislature to do that; but we cautioned them that the movement in the nation clearly indicated that the judicial branch of government would ultimately decide this issue. And that as sworn leaders of a civil society, we took an oath that we say we take freely without any mental reservation or purpose of evasion — meaning that we take the oath swearing to uphold the laws of the nation as they apply to the Virgin Islands and the laws of the Virgin Islands."

He continued: "The Supreme Court has made a decision that affects the entire nation. It is not for me to express what my personal feelings are. It is for me to do the business of governance and the business of governance, given the Supreme Court's ruling, says that if an individual in the Virgin Islands is married to a person of the same-sex in any state of the nation, that the Virgin Islands government must recognize that marriage as lawful.

"So the benefits to marriage, the rights and privileges to marriage, must be extended to that individual. Whether it's health insurance, whether it's beneficiary, whether it's filing tax returns, and the executive order that I am writing is to alert the agencies and to direct them how they are to perform given the ruling as issued by the United States Supreme Court."

