

The Virgin Islands Consortium

Op-Ed | Kings of the United States Virgin Islands

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Editor's Note: This opinion piece was originally submitted to the VI Consortium [in January 2015](#) by former federal prosecutor Paul Murphy, when the USVI witnessed Soraya Diase-Coffelt's [swift resignation](#) from the V.I. attorney general position two weeks after she was appointed by former Governor Kenneth Mapp. The Consortium's Editorial arm believes the discussion is relevant to the present day, and therefore decided to reprint.

By way of introduction and background, I was a prosecutor for 36 years retiring in 2011 with 32 of those years as a federal prosecutor. From 2005 through 2009, I served as the first assistant, and the acting and interim U.S. Attorney in the United States Virgin

Islands. I teach Criminal Procedure at the University of St. Thomas Law School in Minneapolis, Minn.

Obviously, I write only as a private citizen and in no official capacity to express an opinion on the failure of the Revised Organic Act of 1954 (ROA) to guarantee impartial and independent local law enforcement in the United States Virgin Islands (USVI).

Being governor of the U.S.V.I. makes the person in that office the only king in the United States. It is undeniable that the Virgin Islands Legislature is powerless to rein in any governor who chooses to act unconstitutionally or engage in power politics. No function of the U.S.V.I. government escapes the control of the governor. That, by definition, is tyranny.

In order to conduct themselves as monarchs, it is absolutely essential that the governors control the Virgin Islands Department of Justice (VIDOJ). It is a fundamental error in the ROA that the governor chooses the Attorney General of the Virgin Islands (VIAG), and worse, has the power to remove the VIAG at any time without cause.

It is unethical for any prosecutor to permit politics to be a part of their prosecutorial decisions. The control of the VIAG by governors guarantees such political influence. In the V.I., cross a governor and you are fired or, if the person is ethical, they are forced to resign.

A person who resigns in such circumstances deserves the full support of the people, as they have put the rights of the people before their own interests.

Only Congress can change this constitutional error in the ROA. Virgin Islanders must exercise their constitutional right to petition Congress through their Delegate, and as necessary, directly, to curtail the ROA powers of the Governor which have, in effect, created a monarchy in the U.S.V.I.

It is anathema to Virgin Islanders to seek any intervention from the federal government on any issue. In this instance, the issue is their basic freedom from tyrannical and arbitrary government.

V.I. public officials, in response to this suggestion, will hurl epithets of colonialism or even worse. However, such name-calling is a ruse to distract. Make no mistake about the motive for their response. They are not concerned with preventing federal government involvement, they are concerned with holding the ultimate power over law enforcement and ensuring that V.I. law enforcement, including prosecution of any misconduct by government officials, will be controlled by the governor and not by an independent, law-enforcement official.

It is not your interests they have at heart. History has demonstrated that it is their own self-preservation while they commit misconduct, break the law, and know that the local VIAG is powerless to prosecute it.

Virgin Islanders have to choose between what they believe are two curses: The curse of a King or the curse of federal authority. Given the long history of denial of freedom in the Virgin Islands by governors who disregard the law and fundamental principles of a free society, Virgin Islanders should choose the lesser of the two evils and petition Congress

now.

The Delegate must act to preserve freedom in the V.I. If Virgin Islanders succumb to the banal braying which appeals to provincialism opposing federal solutions to V.I. Government constitutional problems, then there is no hope for Virgin Islanders to free themselves of the yoke of oppression.

If Virgin Islanders choose not to seek assistance from Congress, they are condemning themselves to repeat the history of corruption and general mayhem which has permeated their lives for decades. Only if Virgin Islanders stand up and petition Congress will Congress pay any attention to this issue.

It is only if there is a populace movement in the Virgin Islands, led by the Delegate, that is vocal enough and sustained long enough to attract the attention of the Congress and the national press, that there will be any change.

V.I. lives matter. Stand up and say so loudly enough that it is heard in the halls of Congress. Otherwise, Virgin Islanders are condemned to repeat the errors of their history.

At the risk of increasing the approbations that will be hurled by V.I. Government officials, consider this suggestion: The ROA should be amended to permit the governor to nominate a person to serve as the VIAG. That nominee must undergo the same vetting process that is applied to all nominations for U.S. Attorney positions, including approval by the U.S. Senate.

The governor has no power to remove the VIAG and removal must be approved by the U.S. Attorney General, under USDOJ personnel rules. Until final confirmation by the U.S. Senate, the U.S. Attorney General will appoint a person to serve as the interim VIAG.