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Bill to Establish USVI's 6th Constitutional Convention Passes Legislature

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Lawmakers during the early morning hours of Friday passed legislation to establish a 6th Constitutional Convention which will be asked to develop a draft constitution that will allow self-governance and to make future amendments accordingly.

The 6th Constitutional Convention of the Virgin Islands will be responsible for either adopting a new constitution, using the 5th constitutional draft, or adapting the almost seven-decade-old Revised Organic Act (1954) as part of the territory's constitution.

There were a number of points in the 5th constitutional draft that did not meet the requirements of the United States Congress and described them as being unconstitutional.

The Fifth Constitutional Convention was rejected by Congress because of controversial portions of the document, including language that says ancestral Virgin Islanders, more pointedly those who had family in the territory in or before 1932, would be exempt from paying property taxes. The failed document also says only native-born Virgin Islanders can run for the office of governor or lieutenant governor. The fifth document was proposed in May 2009.

It is on that basis that former Senator Myron Jackson was not in favor of using the contents of the 5th constitutional draft, noting that it was the culmination of five failed proposals.

Instead, he suggested revising the Organic Act, saying, “I do believe it is a method to get where we need to go.”

“It may not be as fast as some of us would like it. After five constitutional conventions and its dormancy, until this bill for the referendum came forward, we were just nowhere,” he said.

He further stated that the necessary amendments can be made to the 5th draft after the document is returned to the USVI from Congress.

The bill must be approved by the governor, the U.S. Congress and passed by the United States president.

It would then be returned to the USVI, where members would be delegated (Constitutional Commission) who would begin to amend the constitution and present it to residents of the territory for a vote in a referendum.

Unlike Mr. Jackson, Gerard Luz James II, president of the 5th Constitutional Convention proposed that the members of the convention work with the 5th constitutional draft, despite Congress’s wish to have certain portions amended.

“Let’s work with what we have. Don’t just throw it to the side,” he insisted.

“How can Congress dictate. Then, they’re not allowing us to really do what we want in terms of putting a free document together to represent the people of the Virgin Islands,” he remarked.

Gerard Emanuel, delegate of the 5th Constitutional Convention however shared similar reasoning with Jackson, remarking, “If we continue to do the same thing, that’s madness.”

“Yes, I agree with former president James that the president and Congress can’t tell us what to do with the document, but they raised issues showing that constitutional concerns existed,” he said.

The first constitutional convention was formed in the year 1964 to create another Organic Act.

Subsequent constitutions have been created to draft a document to change the USVI constitution. All have failed either for lack of reaching a 50+1 percent turnout of registered participating voters or residents voting against the proposed changes.

“It’s okay to be here again,” said Senator Janelle Sarauw, sponsor of [Bill No. 34-0153](#), the latest constitutional convention measure.

“Every country and island in this region and this world was there again and again and again until we get it right,” she said, insisting that the 6th Convention must happen to allow the territory to gain a level of political maturity.

Seven delegates from the St. Croix District, seven from St. Thomas and one from St. John are likely to be selected to serve on the 6th Constitutional Convention.

The bill was voted by all 12 senators present. Senators Kurt Vialet, Milton Potter and Dwayne DeGraff were absent.

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