

Good morning and thank you Chairman Bingaman, Ranking Member Murkowski, and other members of the Committee for this hearing on the proposed Virgin Islands Constitution and for the opportunity to testify.

I consider the adoption of our own Constitution an important and requisite step in our political development. Having begun this process more than 30 years ago and now on this our fifth attempt, the time to complete the process is now or it may be years, yet another generation before a 6th convention could be convened. That is unacceptable - at least to me.

Since the people of the Virgin Islands have not made a status decision that would allow us to develop a Constitution under anything other than that of an unincorporated territory, this draft should be consistent with the U.S. Constitution. Reviews thus far by the White House and Justice Department have concluded that it is not in several areas.

While I understand the concerns of the Congress not to abdicate its responsibility to bring it into compliance with the US Constitution, I feel it is necessary that this process be viewed as an important part of our journey to increased political maturity and greater self governance.

Further, the Congress has taken a position in recent years that is supportive but non-prescriptive and of little or no interference in this journey. Recognizing that no law or any constitution of any territory or state can abrogate any right of a person living in the United States and under the US constitution, I believe this is the position we should continue to take in this matter.

As Virgin Islanders, we have grappled with the issues raised by the White House and the Department of Justice for many years. I believe that these issues should be resolved or brought to consensus by the people of the Virgin Islands. If the Congress intervenes, it will not allow the people to go through the important process of coming to this resolution on our own.

We have a choice of years of local court proceedings or reconvening the Constitutional Convention for the purpose of considering the issues raised by the President and the Department of Justice. The better and wiser course I believe is the latter. I recommend that the Convention be reconvened for a specific number of days and that it be left to the Convention delegates to decide the process that they want to follow. To ensure the success of this process it would be critical that the Congress support the extended convention with the necessary funding to properly undertake this task. The Fourth constitutional document has set a precedent for this to be done.

Lastly, I strongly recommend that it not be required that the document be returned to the President or the Congress once the convention has completed its reconsideration of the issues, but that if passed by the Convention it go directly to the people of the Virgin Islands for their adoption or rejection.

I again thank you for this opportunity to testify.