

***Presentation to the***  
**Subcommittee on Insular Affairs, Oceans and Wildlife**  
**United States House of Representatives**  
**Congress of the United States**

**on the**

**Proposed Constitution of the**  
**United States Virgin Islands**  
***Adopted by the Fifth Constitutional Convention***

*by*  
**Lois Hassell-Habtes, Ph.D.**  
**Delegate to the Fifth Constitutional Convention**

*Chair, Preamble, Anthems, Symbols, Bill of Rights and*  
*Human Rights Committee*  
*Committee Member, Education, Youth, and Culture*  
*Committee Member, Economic Development and Labor*  
*Committee Member, Citizenship, Virgin Islands Rights, Environment. & Cultural Preservation*

Honorable Madeleine Bordallo, Chairperson of the Subcommittee on Insular Affairs,  
Oceans and Wildlife, Committee Members, officials, ladies and gentlemen:

I am Lois Hassell-Habtes, an elected delegate to the Fifth Constitutional Convention of  
the U.S. Virgin Islands. I am grateful, and appreciative to be here today, to represent the people  
of the Virgin Islands.

Let me officially say thank you to our Virgin Islands Delegate to Congress, the Honorable  
Donna M. Christensen for her work in getting us here today. I am proud to be a part of this  
progressive movement in the Virgin Islands towards shaping our future for generations to come.

First of all, I bring “greetings” from the people in the Virgin Islands who understand the time has come for us to be governed by a Constitution of the Virgin Islands, and not by an Organic Act written in 1936 and amended in 1954. I am certain that we are here because of strong leadership in this convention which by court order addressed the legislative mandate to forward the Constitution to the President of the United States.

Let me state unequivocally, that many delegates, and people of the Virgin Islands, who attended, listened to, or participated in the many committee hearings and plenary sessions, have despite differences of opinion extended their support for this process. But, just like the drafting of the U.S. Constitution, arguments, debates, and differences of opinions. We remain united in our effort to ensure that future generations have the opportunity for full participation in their government.

All delegates signed and agreed to respect and follow the rules and regulations of this Fifth Constitutional Convention, headed by President Gerard Luz James II. This led to a two thirds vote on the Constitution of the Virgin Islands, so that we could move forward.

Today, I further bring calm, peaceful waves from our serene, beautiful islands, which demand a certain culture, way of living, with rich traditions, which have stood the test of time. Great are the ancestors who preserved these traditions for generations. As Virgin Islanders, we do not have a choice of letting go of these cultural traditions of which we are a part. For who gives us the right to stop what has been passed on from generation to generation.

What we know is that these traditions were passed on to protect us as a people. These traditions inherently denote a way of living that to many of us, is not easy but necessary and respectful to our environment.

However, as I testify before you today, it is with an understanding of a historical disconnect between the people of the Virgin Islands and the existing territorial/federal relationship. As delegates we are acutely aware of the reality that the Virgin Islands electorate has voted against

certain provisions contained in the previous proposed constitutions. The Fifth Constitutional Convention has worked diligently to include their recommendations in our proposed constitution.

I will specifically address the two major committees on which I served, Preamble and Education and Culture.

#### THE SOVEREIGNTY OF THE UNITED STATES:

It should be emphasized that the Fifth Constitutional Convention began with the mandate that all committee Chairs ensure that their committee members consider the language contained in the fourth proposed constitution.

As Chair of the Preamble, Anthems, Symbols, Bill of Rights, and Human Rights Committee I held committee meetings and hearings throughout the territory. These meetings were all open to the public, well publicized in the local newspapers and on the radio, ~~as well as~~ and well attended. We feel that we succinctly delineated the sovereignty and supremacy of federal law. We are well aware that as an unincorporated territory, we have only the authority authorized by federal law and recognized this document is not intended to change the status document.

The Department of Justice has expressed concerns with certain provisions in our proposed Constitution. These provisions, however, can inherently be traced back to the impact of increased immigration to the territory as a result of federal which has stimulated economic development, but which has also caused a certain disconnect among the native Virgin Islanders. We are of the view that certain provisions are necessary to address this disconnect, and to ensure a homeland for future Virgin Islanders.

Most importantly, members of this committee, as well as testifiers, presenters, and people of the Virgin Islands who attended our meetings wanted the Preamble of the proposed

constitution to present the history of the Virgin Islands people who have been inclusive and welcoming of all groups who have chosen to make the Virgin Islands their home. We feel that the Preamble does just that.

#### EDUCATION AND CULTURE:

The rapid growth experienced by Virgin Islands society has resulted in significant overcrowding of our schools. Therefore the quality education received in small, attentive, loving classrooms of locally trained teachers of which we were accustomed has changed to overcrowded schools and a need for more teachers and educators who better understand the students, their culture and their island home.

We are a proud people who have struggled and toiled in their land for progress and benefits for their people and now find themselves competing for their very existence and are losing the battle. We must fight to ensure that our people are properly educated and the culture which defines this land is protected and preserved for generations to come.

#### BILL OF RIGHTS PROVISIONS:

Having reviewed Assistant Attorney Generals' review of the bill of rights ~~this provision~~ within the Constitution, it is clear that protections for the people, including "the dignity of the human being," and "the right to a reasonable expectation of privacy" could burden or constrain the local government. However, the relevant committee that dealt with this section felt it was important that these rights are extended to the people through their inclusion in the Bill of Rights.

#### TERRITORIAL WATERS, MARINE RESOURCES AND SUBMERGED LANDS:

The Committee on Citizenship, Virgin Islands' Rights, the Environment, and Cultural Preservation's intent was to make sure that we also included the protection of the territorial waters, and its submerged lands not to usurp federal law. Members of the committee felt that every person in the territory has a right to an environment which is protected and preserved,

without pollution and degradation. Therefore, committee members felt that by promoting conservation efforts, we would be able to secure ecological development and conservation of our land, waters and their ever diminishing resources. This was not to usurp the federal governments' control.

In closing, I have shared with you the intent of the Delegates of the Fifth Constitutional Convention in writing the Constitution of the Virgin Islands. We have long been and remain ready for enhanced self government. I remain hopeful for fruition of our goals