

Preface

The final year of a rewarding college experience signifies that this young Virgin Islander¹ could possibly venture back to her paradise and the place she calls home – Saint Thomas, United States Virgin Islands (USVI), the second largest of the four inhabited islands comprising this territory. Having the opportunity to study and work with people from the sister islands, particularly St. Croix, developed a fond and keen interest in all four islands, especially after learning how interestingly unique they are in history and culture. It is no wonder that numerous travelers visit the USVI, while others migrate from neighboring islands and distant countries, thereby contributing to a diverse culture. In the short absence from home, an indescribable love and admiration for these islands strengthened, instilling an intense passion for learning and understanding legislative, judicial, as well as executive operations. Informing friends, classmates, faculty, and people around the world about the USVI is essential and also a priority, so is, contributing to its longevity and success.

Research was inevitable after completing an internship with the USVI's Delegate to Congress, Donna M. Christensen (D-VI). A plethora of issues surfaced with observation of her role in Congress and review of several concerns impacting the islands.

The most critical dilemma is limitations affecting the USVI under its present political status as an “unincorporated territory.” This status implies that U.S citizenship – for residents of the USVI and the other territories Guam, Puerto Rico, and the Northern Mariana Islands, does not guarantee the rights granted to citizens residing in any of the fifty (50) states. Residents of these territories can not vote in Presidential elections and Delegates have no voting power in the U.S House of Representatives. The current status also gives the United States unprecedented power to intervene in the internal affairs of the territories.

Territorial delegates made several attempts to achieve more rights for their constituents. For the past years, including the current 111th Congress, Delegate Christensen sponsored a resolution that was co-sponsored by Madeleine Bordallo (D-GU) and Eni Faleomavaega (D-AS), which proposed an amendment to the Constitution that will allow residents of US territories to vote in presidential elections.² This resolution has yet to receive much attention and only made it as far as the subcommittee level.

Perhaps the diminutive progression of this resolution is an indication to find an alternative solution to the problems faced by these territories, particularly the United States Virgin Islands. Instead of working piecemeal through resolutions or bills to secure more privileges for constituents, it is apparent that the greatest solution, although difficult to obtain, is pursuing a status transition from an unincorporated territory to statehood. Joining the union will have significant impacts on the islands, both favorable and unfavorable. Most importantly, it will guarantee equal rights for Virgin Islanders that are provided to all other U.S citizens residing in the (50) states. Additionally, obtaining the title of a US state will improve the national recognition of the Virgin Islands, especially since the territory is merely tiny dots on the map that are often disregarded.

In an attempt to find out whether the statehood option is even possible and would best serve the requests of the U.S Virgin Islands and its people, this researcher followed certain procedures, including the use of printed materials and human resources. Limited information was available on this topic since it was not a recent focus in the territory. Therefore, discussions with friends, relatives, or whoever was willing to give an opinion, and also formal interviews with a number of scholars and government officials contributed significantly to the literature of the

¹ This term is used to describe people born in any one of the four islands comprising the U.S Virgin Islands

paper. If the answers sought are not as expected, at least the people of the U.S Virgin Islands would have something important to think about for future generations.

I. The Importance of a New Status: Should it be Statehood?

*Considering the extensive time periods it has taken Congress to discuss the ideas of the resident commissioners and the presidential vote, it is safe to assert that it will take it veritable light-years to even begin discussion of statehood for the islands.”*³

The discouraged attitude taken towards statehood by author Gordon L. Lewis is not astounding and is collective among other scholars and residents of the Virgin Islands. Brian Modeste⁴, Staff Director for the House Subcommittee on Insular Affairs, Oceans and Wildlife, stated that the belief of many Virgin Islanders is one that automatically rejects statehood as a plausible option in the search for a new status, viewing it as one that will never happen or one that will take forever to achieve. Generally, the attitude of many Virgin Islanders in respect to status is one that overlooks or is ignorant to the potential threats that the USVI faces as an unincorporated territory. After all, the USVI has developed economically and politically ever since the United States acquired the islands several decades ago. Thus, some may wonder, why change what does not seem broken?

Despite the islands' advancements, several troubling issues are present under the current status. Primarily, Virgin Islanders are treated as second class citizens in so far as several rights given to U.S citizens residing in the United States are not granted to residents of the USVI. Virgin Islanders do not participate in electing Presidents although significant numbers partake in U.S military affairs and were even drafted to fight in the Vietnam War. The Virgin Islands' residents do not receive Supplemental Security Income (SSI), although they contribute to Social

² Read The Bill: H. J. Res. 2 - GovTrack.us. (2009). *GovTrack.us: Tracking the U.S. Congress*. Retrieved November 28, 2009, from <http://www.govtrack.us/congress/billtext.xpd?bill=hj111-2>

³ Lewis, G. K. (1972). *The Virgin Islands: A Caribbean Lilliput*. Evanston: Northwestern Univ Pr. P. 349 - 350

⁴ B. Modeste, personal communication, October 28, 2009.

Security. The United Nations also labeled the USVI as a “non-self-governing territory” hence making the islands less recognizable and influential in the international domain. UN Resolution 1516 explicitly establishes three options (independence, free associated state, or integration) deemed as internationally acceptable political statuses, but the United States has failed to comply. Moreover, Virgin Islanders are U.S citizens by statute and not by constitution and are governed under the Revised Organic Act of 1954.

Because the status of the US Virgin Islands is theoretically undefined and transient at this moment, the US could eventually decide to declare independence for all its territories or to implement certain measures for the islands that are not desired by its residents. These are probably drastic actions, but certainly not impossible. Therefore, procedures should be taken to assure a more secure status for the Virgin Islands, so that the locals could obtain more benefits and rights. All the aforementioned concerns, especially the existing status, were most likely the same sentiments of other Virgin Islanders in the past years, but there has yet to be a general consensus on which political status option would suffice. Thus, unincorporated territory continues to be the political status that dictates the destiny of the United States Virgin Islands.

Statehood appears to be a political status option with great promise as it will ensure the realization of ultimate benefits and privileges enjoyed by other U.S states. If achieved, it will supersede all other prior efforts to secure rights for the people of the Virgin Islands and resolve any fears and uncertainties that may surface with the independent or free associated state options.

In a conscientious assessment, this research paper will first give an overview of the U.S Virgin Islands history and geography, along with some background information on the current status, discuss the necessary preparation vital to becoming a state, and then delve into the advantages and also disadvantages of becoming a state. Additionally, a brief analysis of other

status options will be included revealing the pros and cons, which should be compared to that of statehood, allowing readers to take a position on a status change, should it become extremely necessary or if mandated by the US. The literature will also reveal the position taken by some of the leaders of the territory in regards to the possibility of changing the current status from unincorporated territory to statehood.

II. General Overview

The islands comprising the United States Virgin Islands have a unique historic and geographic composition. They make up the easternmost point of any U.S territory and lie 991 nautical miles south of Miami and 1,431 nautical miles southeast of New York.⁵ The islands are also located at the head of an arc of islands known as the Lesser Antilles, which stretch as far south as Trinidad, and stand on the threshold of the Greater Antilles, a larger group of islands that extend westward. The distinct location of the islands in the center of the Caribbean makes the territory appealing for military and commercial purposes since they form the hub of sea-routes extending north, south, east and west to Europe, North America, and to other islands and mainland territories in the Caribbean.⁶

The territory consists of about fifty (50) uninhabited cays and islets and three main islands, St.Croix, St.Thomas, and St.John. These islands make up a total area of about one hundred thirty-eight (138) square miles. St.Croix is the largest island at approximately twenty-two miles long and six miles wide with an area of about eighty-four square miles. St.Thomas – the location of the capital, Charlotte Amalie, stands at thirteen miles long and two to three miles wide with an area of about thirty-two square miles, and tiny St.John is approximately nine miles

⁵ Willocks, H. W. (1995). *The Umbilical Cord - The History of the United States Virgin Islands from Pre-Columbia Era to the Present*. Christiansted: Harold W.L. Willocks. P. 1

⁶ Dookhan, I. (2000). *History of the Virgin Islands*. Kingston: University Press Of The West Indies. P. 1

long and five miles wide with an area of twenty square miles.⁷ As of 1996, Water Island became part of the USVI and is now the smallest of the four islands, at just 491.5 acres, two and a half miles long and a half mile wide.⁸

The islands are relatively separated from one another. St.John is situated three or four miles at the nearest point east from St.Thomas, while St.Croix is situated to the south forty miles away from the rest of the islands. Water Island is less than 10 minutes away from St.Thomas via boat.⁹ St.Thomas and St.John share geographic commonalities because they are part of a great sea shelf that extends from Puerto Rico northward in a crescent-like curb called the Virgin Bank. St.Croix is on a water shelf that curves southeastward from the Anegada Passage, resulting in the island sharing common geophysical ground with the Windward Islands.¹⁰ The highest elevation on each island is Crown Mountain on St. Thomas with an average height of 1550 feet, St.Peter Mountain or Signal Hill on St.Croix ranging at an average height of 1,165 feet, and Bordeaux Mountains on St.John at 1,277 feet. Almost all of St.Croix is relatively flat in comparison to the other three islands that consist of several hills. Of the three, St.John is made up of the most hills.¹¹

The population includes a mixture of people from different backgrounds including descendants of African slaves and of European – Danish, Spanish, Portuguese, and Scottish settlers, immigrants from neighboring Caribbean islands, especially Puerto Rico, St.Kitts and Nevis, Dominica, Dominican Republic, Haiti, and St.Lucia and the U.S mainland.¹² The demographic makeup as of the 2000 Census was 76.2% Black, 13.1% White, 6.1% other, 3.5%

⁷ Boyer, W. W. (1983). *America's Virgin Islands: A History of Human Rights and Wrongs*. Durham, NC: Carolina Academic Pr. P. xxii

⁸ Water Island - Virgin Islands. (2009). *Virgin Islands Travel Information*. Retrieved November 29, 2009, from <http://www.vinow.com/waterisland> P. 1 ; Willocks, P. 6

⁹ Dookhan, P. 3

¹⁰ Ibid. P. 1

¹¹ Ibid, P. 3 ; Willocks P. 2

mixed, and 1.1% of Asian descent.¹³ Currently, the total population of the territory is roughly 108,612 as determined by the 2000 U.S Census.¹⁴ This population represents an increase of 7 percent or 6,803 persons since the previous Census in 1990. A recent estimation of the population by islands reveals St.Croix with approximately 54,000, St.John with 4,300, St.Thomas 52,000, and less than 200 residents on Water Island.¹⁵

The history of the islands' settlers is analogous; they were all inhabited by Native American tribes, explored by Christopher Columbus in 1493, followed by other European settlers, who then transported African slaves to the islands for labor purposes. No matter how similar, each had different experiences because of earlier ownership and/or the manner in which the land was used. St.Thomas was considered a cosmopolitan with commercial interests and little need for slaves. However, St.Croix and St.John whose economies focused primarily on agriculture included a large population of slaves. There were also numerous interesting accounts of conflicts between slaves and plantation owners on both islands. Denmark owned St.Thomas and St.John several years prior to purchasing St.Croix from France.¹⁶ It is also important to point out that before Denmark bought St.Croix, the island was under five different flags. That is, at some point in its development, five European countries took charge of St. Croix.

III. U.S Acquisition: A Transition for the Islands

A major transformation occurred during the early twentieth century when Denmark sold the islands known at that time as the Danish West Indies, to the United States. After several

¹² Boyer P. xxii

¹³ DOI Office of Insular Affairs (OIA) - U.S. Virgin Islands. (2009). *U.S. Department of the Interior Home Page*. Retrieved December 15, 2009, from <http://www.doi.gov/oia/Islandpages> P. 1

¹⁴ Official Business | US Virgin Islands. (2009.). *Home | US Virgin Islands*. Retrieved November 28, 2009, from <http://www.usvitourism.vi/official> P. 1

¹⁵ Virgin Islands Travel Information. (2009). *Virgin Islands Travel Information*. Retrieved November 29, 2009, from <http://vinow.com/> P. 1 & Helpful Information USVI. (2009, Nov. - Dec.). *This Week: Your Guide to America's Paradise, I*, 55.

¹⁶ Willocks, 1

attempts to acquire these islands from as early as 1867, the territory was officially transferred to the US on March 31, 1917 for \$25 million in gold.¹⁷ The US valued the islands chiefly for strategic purposes. They were interested in utilizing the area as a coaling station and naval base, and intended to prevent European powers, Germany in particular, from taking ownership of the islands.¹⁸ The United States also sought to defend against approaches to the Panama Canal that opened in 1914.¹⁹

The United States' desire to acquire the Virgin Islands coincided with the growing imperialist attitude in the nineteenth century. In defense of the United States, there was nothing in the foreign policy during that time which forbade obtaining colonies through purchase.²⁰ Growing concerns involving threats from other world powers to purchase the islands increased, causing Secretary of State Robert Lansing, the main point of contact for the US in the negotiations, to threaten to occupy the islands by force if Denmark had refused to sell.

In the years preceding the purchase, the islands were in terrible economic conditions, and the natives had no relationship with Denmark. In fact, only a small remaining percentage of the population was Danish, and astonishingly the predominant language spoken was English.²¹ It was anticipated that Denmark would eventually sell the islands, even if the US did not receive the opportunity to acquire them. Yet, the inhabitants were not given the option to voice their opinion on the purchase. Only one referendum occurred and it was in Denmark, where voters approved the sale by a 64% margin.²² Some natives experienced mixed emotions, as they were thrilled to be under America's control because of the expectation of prosperity and protection

¹⁷ Purchase of the United States Virgin Islands, 1917. (2009). *U.S. Department of State*. Retrieved November 29, 2009, from <http://www.state.gov/r/pa/ho/t> P. 1

¹⁸ Lewis, P. 110

¹⁹ Dookhan, P. 248

²⁰ Ibid, P. 249

²¹ Ibid, P. 247

during the era of World War I, but still poignant to see the Danish flag lowered at the transfer celebration held on March 31st, 1917.²³ Lots of business owners and laborers favored the transfer, with the exception of the citizens of Danish origin and those with personal, economic, or political ties to Denmark.

The Treaty of Cession was signed by Danish and US officials in New York in August of 1916. It incorporated all the provisions of the transfer and clarified that Congress had the authority to determine the civil rights and political status of the inhabitants of the islands.”²⁴ After the purchase, the people were regarded as nationals of the United States and entitled to its full protection, receiving every possible political liberty.²⁵ Natives did not immediately receive U.S citizenship, even though Denmark tried to secure this privilege in negotiations with the U.S. The United States had a major upper hand in the arrangements and they ignored several requests made by Denmark, which intended to accommodate the natives.²⁶ With limited power, natives were required to simply adapt to the changes and amend to new authority and rules. This was the beginning of an extensive journey for Virgin Islanders to become more influential in their own domain.

IV. Political/Economic Development

As time elapsed, dramatic changes occurred within the political spectrum of the islands and the territory also managed to overcome an economic downturn gradually becoming one of the most successful economies in the Caribbean. It is with commitment by natives working towards better conditions and outside assistance by human rights groups that the Virgin Islands

²² Leary, P. (1992). *Major Political & Constitutional Documents of the United States Virgin Islands 1671 - 1991*. U.S.V.I: University of The Virgin Islands. P. 322

²³ Willocks, P. 248

²⁴ Ibid, P. 52

²⁵ Boyer, P. 84

²⁶ Statham Jr., E. R. (2003). *Colonial Constitutionalism: The Tyranny of United States' Offshore Territorial Policy and Relations*. New York: Lexington Books.

were able to advance after those years of turmoil. This section will emphasize the key political and economic changes that led to better living conditions within the Virgin Islands.

Retracing back to the time of the acquisition, the United States refused to change the political status of the place or its inhabitants. Instead, Congress passed a bill that introduced a temporary government system for the islands. It was projected to last until the next session of Congress where permanent legislation would pass. But World War I postponed immediate action and in due time, there was no instant attempt by Congress at constitutional reform.²⁷ The new government was under the leadership of the Navy with the commanding officer appointed as governor and other naval officers installed in top civilian positions.²⁸ The territory continued to use the governmental system that existed under Danish Colonial Law instead of “encouraging democratic institutions to enable the people to participate in their own development.”²⁹ The rationale behind the new government utilizing Danish Colonial Law was that the colonial laws of 1906 were somewhat compatible with those of the U.S. Also, at a time of confusion, caused by the transfer, “it allowed people to feel secure under almost the same laws they were accustomed to, and Congress was reluctant to pass new laws to set up the permanent government without proper knowledge of the islands.”³⁰

Furthermore, Virgin Islanders were displeased that they were not granted citizenship automatically, and years passed without changes. It was not until February 25, 1927, ten years after the transfer, that the people of these islands received US citizenship. Noteworthy in the fight was the American Civil Liberties Union (ACLU), who facilitated growing media attention and support from people in the US about the concerns in the USVI. In fact, various movements

²⁷ Dookhan, P. 26

²⁸ Willocks, P. 262

²⁹ Statham, P. 52; Dookhan, P. 266

³⁰ Willocks, P. 251

in the territory were organized, and spearheaded by influential Virgin Islanders such as Rothschild Francis, Roger Baldwin, David Hamilton Jackson, and Casper Holstein.³¹

Within the first five years, ruler ship under the Navy was slow-moving and the islands' socio-economic and political status continued to deteriorate, despite the several social reforms (such as improvements to public health, water supply, roads and streets etc...) and enterprises executed by the leaders. In 1922, the Colonial Council of St.Thomas appointed locals, Rothschild Francis and two other men to visit Washington, DC to plead for relief from the economic and political problems.³² The trip resulted in an investigation in 1924 by the federal commission who examined the effects of the Navy's implementation of the Danish Legal Codes and also conditions in the USVI. At the request of the commission was the drafting of an Organic Act projected to replace the Temporary Government Act of 1917, recognize courts, centralize the legislative system, and grant US citizenship to native Virgin Islanders.³³ Conflicting opinions existed in Congress and the navy officials hesitated on those recommendations.

Yet, this did not stop Rothschild Francis with assistance from the ACLU from preparing a draft of a constitution that same year. The bill was then introduced to Congress by Senator McLean of Connecticut on March 10, 1924.³⁴ Notwithstanding impediments by the Governor of the Virgin Islands, urging Congress not to take actions, a Colonial Council headed by Lionel Roberts with members Dr. V.A Christensen, Donald Boreham, Conrad Corneiro, Benito Smith, Dr. David Canegata, Arnold Golden, and Ralph de Chabert, formed to conduct hearings and draft a bill of rights specifically for the Virgin Islands. The final bill was modified by the House Committee on Insular Affairs, the Senate Committee on Territories and Insular Affairs, and

³¹ Ibid, P. 261

³² Ibid, P.. 262

³³ Ibid, P. 263

³⁴ Ibid, P. 311

finally approved on June 22, 1936. President Roosevelt then accepted and instituted the bill which became known as the 1936 Organic Act of the Virgin Islands of the United States. The first step in the right direction and towards self-rule occurred after Virgin Islanders encountered nineteen (19) years of colonialism.

The 1936 Organic Act detailed the confines of the territory. Some of the main provisions incorporated a creation of a legislative assembly consisting of members of the two municipal councils (St.Croix and St.Thomas/St.John) who would act on legislation affecting the entire Virgin Islands; authority for the President of the United States to appoint a governor; the formation of a District Court of the Virgin Islands, establishment of voting rights for all US citizens from the age of twenty-one, providing that they were able to read and write English, and formation of a bill of rights similar to the United States Constitution.³⁵ Each municipality retained its two years with the power to initiate and pass legislation for its island and the newly established legislative assembly was only required to meet at least once a year.³⁶

Prior to the Organic Act, the American concept of “separation of powers” did not exist in the Virgin Islands and the most powerful branch was the executive.”³⁷ Although the Organic Act of 1936 provided limited local self-government for the islands, it did not offer the US citizens of the Virgin Islands representation or participation of any kind in the federal government that claimed sovereignty over them.³⁸

Since then, revisions to the Organic Act in 1954 unified, improved, and simplified the structure of the Virgin Islands government as it abolished the two municipal councils with the replacement of a unicameral legislative body, known as ‘the Legislature of the Virgin Islands. It

³⁵ Bough, J. A.(ed.), & Macridis, R. C.(ed.) (1970). *Virgin Islands: America's Caribbean Outpost The Evolution of Self Government*. Wakefield: Walter F. Williams Publishing Company.

³⁶ Dookhan, 279

³⁷ Willocks, P. 251

also worked to give additional authority to the actual senators by imposing more restrictions on the governor, especially in terms of responding to veto law in a timely manner.³⁹ Other profound changes included the restructuring of each island into voting districts, the abolishment of the use of language, property, income, race, sex, color or religious beliefs as criteria to vote, and the power of the U.S Congress to annul any legislation passed.⁴⁰

In due time, the Virgin Islands was on the path towards self-government. Further developments included the *Elective Governor Act* of 1968 that provided for a popular election of the governor and the lieutenant governor, the *Delegate to Congress Act* of 1970 that allowed for a non-voting representative from the Virgin Islands in Congress, and also a newly reformed organization of the Virgin Islands Legislature comprising of seven senators from St.Croix, seven from St.Thomas, and one at-large senator, who must be a resident of St.John.⁴¹

In terms of economy, the early years were plagued with hardships and misfortunes for numerous reasons. Although a major factor, the economic hardships were not limited to the influence of Navy rule over the territory. In fact, some other attributing factors included the effect of the World War I on the islands prior to the US acquisition, the Great Depression, and decline in rum, cotton, and sugar production. By the 1930s, President Herbert Hoover referred to the islands as “an effective poorhouse”.⁴² The declining economy also caused a 15.5 percent decline in population from 1917 to 1930 since many Virgin Islanders left the territory.⁴³ In an attempt to rectify the economic difficulties, Congress considered annexing the Virgin Islands

³⁸ Statham, P. 54

³⁹ Willocks, P. 326 -327

⁴⁰ Ibid, P. 327

⁴¹ De Zela, P. P. (1978). *The Impact of Change and Political Leadership: The Case of the U.S Virgin Islands*. Ann Arbor: University Microfilms International. P. 65

⁴² Hill, V. A. (1971). *Rise to recognition;: An account of Virgin Islanders from slavery to self-government*,. Madrid: Valdemar A. Hill, Sr.. P. 111

⁴³ Dookhan, p. 270

with Puerto Rico in 1924. However, this suggestion was unacceptable by locals and received lots of protest; therefore, Congress dropped the idea.⁴⁴

Under the leadership of Ralph Paiwonsky from 1961 to 1969, the islands regained momentum, thereby experiencing a transition period of economic prosperity. The booming economy, like any other, encouraged numerous developments and demand for man power, so naturally, the population doubled as more and more immigrants entered the territory. The region continued on an upward trend with better economic conditions along with an improved standard of living. In actuality, the USVI developed one of the most dynamic and prosperous economy in the West Indies by the 1970s. Instrumental in the economic changes were investments in the tourism industry, especially on the island of St.Thomas with the construction of more hotels.⁴⁵ Tourism even advanced and became the major contributor to industrial development and economic success. To the territory's advantage, Congress granted a special exemption to American tourists shopping on each of the islands, plus the advent of Castro socialism that cut off Cuba as a tourist area, made the USVI more appealing and limited its competition.⁴⁶

Other factors contributing to the islands prosperity were federal contribution such as grants and matching funds for assistance in financing a wide range of public services and public work. Incentives, including tax exemptions and duty-free exports to the U.S mainland led to the establishment of watch-assembly and textile plants; an oil refinery (made possible primarily by a duty-free oil import quota) with promise to generate petro-chemical industries; a plant that produces alumina or the raw material for aluminum; and some others, but minor industries.⁴⁷

⁴⁴ Willocks, P. 263

⁴⁵ Hill, P. 111

⁴⁶ Ibid, P 112

⁴⁷ Bough & Macridis, P. 145

Evidently, the political and economic developments that have occurred since 1917 are significant in understanding why the islands remained an unincorporated territory.

The citizens of the Virgin Islands experienced unjust treatment, as aforementioned, and they were forefront in the fight for more rights because of racism and limited say in legislative affairs. Assumingly, as improvements sustained, the residents became more complacent with their lifestyles, trusting of their leaders, and accepting of the political status. Thus, the status of their home made minor difference, or to their understanding, a status change was unnecessary. Other tangible objectives became priority, especially for the influx of immigrants who saw the prosperity of the islands as a means to enhance their living situations and also as an opportunity for success.

V. USVI Current Status – Unincorporated Territory

Virgin Islanders questioned the islands' political status starting as early as the transfer in 1917. Their concerns stemmed from additional inquiries about political and human rights under United States control. It was declared that the status for the territory was solely up to Congress; as a result, the natives' agenda shifted mainly on receiving citizenship, among other matters.

The Organic Act of 1954 formally designated the USVI as an unincorporated territory. The doctrine of unincorporated territory, surfaced from a concurring opinion written by Justice White from the famous Insular Cases of 1900 and 1901. He wrote that “inhabitants of the recently acquired American empire⁴⁸ were not American citizens, and did not have the right to the liberties and benefits guaranteed under the United States Constitution unless Congress specifically conferred them.”⁴⁹ The exact definition of “unincorporated territories” was decided

⁴⁸ The United States acquired new territories (Guam, Puerto Rico, and Philippines) as a result of winning the Spanish American War in 1901

⁴⁹ Willocks, P. 258

in the 1922 case of *Balzac v. the People of Porto Rico*, 258 U.S. 298.⁵⁰ It was defined as “territories which have not become a part of the United States for all purposes, those which merely belong to the United States and are not within the operation and benefit of all the provisions of the United States Constitution. These cases were noteworthy because they set the precedent that allowed Congress to declare the Virgin Islands as an unincorporated territory. This also indicated that the United States had no intention of incorporating the Virgin Islands into the Union at the time they were purchased.”⁵¹

Nevertheless, this current political status is outdated and raises serious international and domestic human rights issues. The *Major Political & Constitutional Documents of the United States Virgin Islands* included that “internationally the Virgin Islands are defined as a colony that has not yet exercised its inherent right to self-determination⁵² and is subjected to the protections provided by international law, including the United Nations Charter.”⁵³ It is also indicated that domestically, the unincorporated territory doctrine “continues to define the Virgin Islands place in the American political system. The problem is that basic democratic political rights are denied.

VI. Requirements of Statehood as the New Status

Throughout the course of American history, the admission of states into the Union has varied. Arnold Leibowitz sheds light on the numerous methods and reasons for admission of new states including those that were admitted to maintain their status as a state that prohibited slavery or to continue with the authority to harbor slaves as evidenced in the Missouri Compromise of 1820, and also for partisan advantage or to avert partisan advantage, which occurred in the case

⁵⁰ FindLaw | Cases and Codes. (n.d.). *FindLaw: Cases and Codes*. Retrieved December 15, 2009, from <http://caselaw.lp.findlaw.com/scripts/getcase.pl?court=us&vol=258&invol=298>

⁵¹ Statham, P. 54

⁵² Means that a people has the right to determine for itself the form of government it wishes to adopt, and the external relationships it desires to establish

⁵³ Leary, P. 322

of Hawaii and Alaska.⁵⁴ Additionally, states have been admitted into the union because of their large populace and inspite of their small population. The differences in entry stemmed from Congress' power to add new states to the Union, under Article IV, Section 3 of the Constitution.

Nevertheless, according to the U.S General Accounting Office, the various statehood deliberations have resulted in trends that Congress pays close attention to when considering a new state. These factors include population, size and composition, geographic location and characteristics, economic development, and historical circumstances.⁵⁵ The Northwest Ordinance also resulted in standard criteria including:

“1. the inhabitants of the proposed new State are imbued with and sympathetic of democracy as exemplified in the American form of government, 2. that a majority of the electorate desire statehood, and 3. that the proposed new State has sufficient population and resources to support State government and provide its share of the cost of the Federal government”⁵⁶

These standards were not imposed in any meaningful way until the cases of Hawaii and Alaska.⁵⁷

The differences in how states entered the union point out that in fact, it is possible for the territory to become a state. It is up to the locals to convince Congress regarding why the U.S Virgin Islands should join the Union. To undergo the task of changing from unincorporated to statehood, careful planning and research must be done and the proper steps taken. United Nations Principle IX of United Nations Resolution 1514 specifically provides a few guidelines to follow for integration with an independent state or statehood. It first states that integration should have taken place by:

⁵⁴ Leibowitz, A. (1989). *Defining Status: A Comprehensive Analysis of United States - Territorial Relations* (1 ed.). New York: Springer P. 69

⁵⁵ Ibid, P. 69

⁵⁶ Ibid, P. 70

“The integrating territory... (attaining) an advanced stage of self-government with free political institutions, so that its peoples would have the capacity to make a responsible choice through informed and democratic processes.”⁵⁸

Obviously, the USVI meets this requirement. The significant political achievements over the decades attributed to a more advanced government in the US Virgin Islands where locals were given more control over the internal affairs of the islands. In other words, the government moved closer towards self-government. Principle IX continues by stating that:

“The integration should be the result of the freely expressed wishes of the territory’s peoples acting with full knowledge of the change in their status, their wishes having been expressed through informed and democratic processes, impartially conducted and based on universal adult suffrage. The United Nations could, when it deems it necessary, supervise these processes.”

This criterion points out that the inhabitants must support the American form of government. In fact, a fifty (50) percent plus one vote of registered voters’ requirement was designated by the USVI government in order for the desired option to be valid.⁵⁹ Gaining support from Virgin Islanders is a major obstacle to overcome because of the lack of interest in the islands on political status. The last political status referendum that occurred in the territory was held in 1993. In that election, only 27.4 per cent of the registered electorates voted on the question; however, 80.3 percent supported the existing status, 14.2 percent voted for full integration with

⁵⁷ Ibid, P. 70

⁵⁸ "LIST OF NON-SELF-GOVERNING TERRITORIES SINCE 1945." *United Nations*. Web. 11 Dec. 2009. <<http://www.un.org/Depts/dpi/decolonization/docs.htm> >.

⁵⁹ U.S.V.I Commission on Status & Federal Relations (1989) *The Statehood Option: Questions & Answers* (Brochure).

the United States, and a mere 4.8 percent voted for an end to United States sovereignty. These results were considered invalid, as less than the required 50 percent of the electorates voted.⁶⁰

The status quo or current status was unsurprisingly the most favored option, and the population neglected to show enough interest in voting on a political status. According to Arnold Leibowitz (a Washington, DC based attorney who has advised and provided counsel for constitutional, status, and governance issues in the Virgin Islands) “in the territories today, people are more deeply affected by the same sorts of larger problems as people in the states – like lack of access to healthcare”.⁶¹ He also stated that those problems are more so governance issues that can be solved by better leaders rather than political status. In an interview held with the Delegate to Congress of the Virgin Islands Donna M. Christensen⁶², she discussed the existing indifference towards political status in the U.S Virgin Islands, as justified by several past attempts to choose a status option that were unsuccessful. She also highlighted that the transition could not come from the top officials, but should be sought after by the people. Her firm belief is that if the locals do not show interest in changing the current political status, it would be complicated for government officials to oversee a status change.

Senator Shawn-Michael Malone⁶³ of the Virgin Islands Legislature emphasizes that the lack of interest reflects the general approach taken by several Virgin Islanders, who only pay attention to an issue in dire circumstances. In other words, the importance of pro-active measures to rectify situations (i.e. status change) is often overlooked.

Comments from the first Status Commission in 1980 suggested that the general opinion of most Virgin Islanders was one that wished to continue the association with the United States,

⁶⁰ General Assembly. (2003). *United Nations*. Retrieved December 15, 2009, from <http://daccess-dds-ny.un.org/doc/UNDOC/GEN/N03/237/24/PDF/N0323724.pdf?OpenElement>

⁶¹ Poiniski, M. (2007, November 2). Special Report. *The Daily News*, pp. 4-6.

⁶² Congresswoman D. Christensen, personal communication, December 10, 2009

but not necessarily through statehood.⁶⁴ The actual political status preference, which included a list of seven options, namely; incorporated territory, free association, statehood, commonwealth, independence, compact of federal relations, and trust territory, was distinctive among Virgin Islanders. Reasons for the mixed opinions are aligned with the diverse population and cultural background of the Virgin Islands people. In an interview with Dr. Gilbert Sprauve⁶⁵, a former University of the Virgin Islands Professor and scholar on political affairs of the USVI, he expressed the differing interest among the people who come to the Virgin Islands from neighboring islands (which make up a substantial amount of the population) for better opportunities and stated that more than likely status would not be of utmost priority. There is also the interest of the business community, who is mainly engaged in commercial affairs and engrossed in maintaining industrial incentive tax breaks.

The locals disinterest should not undermine efforts to prepare for a political status change. Instead, long-term measures should be taken in order to gain more interest among the people. Dr. Tregenza Roach, a professor at the University of the Virgin Islands suggested that with education, the more a person can deal with the issue of status. In 1980, the Virgin Islands Commission on Status and Federal Relations was created with the duty to educate the public on various political status options.⁶⁶ In addition, regular citizens expressed their opinions in local newspapers concerning the particular status they preferred for the territory. Along with the commission, there were some locals who expressed interest in changing the political status. However, the ineffective referendum in 1993 led to the demobilization of the Commission on December 31, 1993. The longevity of this effort was hindered as the interest eventually expired.

⁶³ Senator S. Michael-Malone, personal communications, November 13, 2009

⁶⁴ Feuerzeig, P. (1980, August 1). Islanders' Opinions On Future Vary, *The Daily News*, pp. B-2 - B-17.

⁶⁵ Dr. G. Sprauve, phone interview, November 12, 2009

⁶⁶ DOI Office of Insular Affairs, P. 2

Dr. Malik Sekou⁶⁷, Associate Professor of History-Political Science at the University of the Virgin Islands and former Associate Director of the VI Commission on Political Status and Federal Relations held in 1992-1994, shared his expertise on the subject matter by placing emphasis on the importance of finding a national identity for the people of the territory; he thinks that this would make it easier to reach a common ground on one status option. The outlook is that gathering sufficient Virgin Islanders to choose one particular status would be difficult to attain. Thus, in order to persuade the people that statehood is the best option, a great idea would be to create a statehood movement and have persons responsibly for lobbying this effort.

Moreover, it is pertinent for the economy of the USVI to be evaluated and ascertain that as a state, the government would be able to maintain sufficient revenue to pay into the US Treasury, while simultaneously providing financial support for the further development and sustenance of the territory. According to the statehood advocate, Attorney Charlotte Poole Davis,” statehood does not promote dependency, and every state, like any independent government, must be able to contribute to its people and their well-being.”⁶⁸ If this statement is valid, why then should the Virgin Islands select statehood over independence? The simple answer is that under statehood the islands would benefit from becoming a member of one of the most powerful countries and gain from funding that are eligible for states from the federal government. Independence would mean that the USVI’s government is mostly on its own to maintain the economy and protect its people.

After countless interviews, the common accord is that, presently, the U.S Virgin Islands would not be able to generate enough revenue to contribute to the high costs of the United States Treasury. In fact, when asked what the most important issue for the USVI is at the moment, the

⁶⁷ Dr. M. Sekou, personal communication (email), November 12, 2009

⁶⁸ Davis, C. (1992, Summer). Statehood!. *The V.I Voice*, 3, 11.

Delegate to Congress Christensen mentioned that instead of focusing on status, the main focus should be on stabilizing the economy.

In recent years, US Virgin Islands' government faced instability and corruption in several departments. Some of the major problems are that nearly all food and other commodities must be imported to the islands accounting for about 200 to 300 million per year, the inadequate power and water supplies, and the extremely high cost of living for the residents.⁶⁹ The cost of living is also reflected in exceedingly high values of homes, which several locals are unable to purchase. Thus, numerous young adults have limited opportunities to own a house or property and must reside at their childhood residence with other family members. Additionally, in 2001, the V.I government employees experienced their first payless payday, even though the checks were issued within a week. In 2002, the U.S Department of Housing and Urban Development took control of the V.I Housing Authority because of improper management of millions of dollars, and in 2002, the U.S Department of Education refused to give grant money directly to the VI Department of Education because of its reputation of mismanagement.⁷⁰ The solid waste program and the property tax system also fell under the scrutiny of the federal government increasing its influence in the governing of local affairs.⁷¹ The tourism industry has also suffered as a result of the economic recession. The V.I Bureau of Economic Research indicated that there was a decrease in the amount of visitors to only 152,633 in the territory in July 2009 which was down 15,444 visitors or 9.2 percent in comparison to July 2008.⁷² Air arrivals, cruise ship

⁶⁹ General Assembly P. 7; Hill P. 122,116

⁷⁰ Melchior, A. (2007, September 2). Virgin Islands Accountability. *The Daily News*, pp. 27

⁷¹ Melchior, A. Jr. (2007, August 4). CFO: Is the Virgin Islands ready to take care of its business or not?. *The Daily News*. Pp 17

⁷² U.S Virgin Islands July 2009 Tourism Indicators. (2009, November 1). *Bureau of Economic Research*, 1, 1.

passengers and hotel occupancy rates also decreased.⁷³ The unemployment rate has increased to 7.5% in 2009 from 5.7% in 2008.⁷⁴

Despite the setbacks in the economy, government officials addressed the economic concerns, with cutbacks in government spending and incentives to lure more tourists to the territory. Currently, efforts toward financial gain continue and the USVI manages to remain one of the most financially sound territories in the Caribbean. The territory recently secured a deal with the international beer, wine and spirits company Diageo for a Captain Morgan rum distillery on St. Croix.⁷⁵ The most recent information of the islands gross domestic product (GDP) according to Department of Insular Affairs was estimated at \$3.2 billion⁷⁶.

Yet, those economic hardships have not ceased and this suggests that if the USVI was to consider the statehood option immediately, the islands would possibly not be able to maintain its statehood obligations. This should still not discredit the urgent need for the territory to select a recognizable status out of the three options. Congresswoman Christensen's point about stabilizing the economy is astute because without a stable economy, the other two status options— independence and free association would be even more unlikely than statehood because of higher economic responsibilities and demands.

Attorney Charlotte Poole Davis stated that “under Statehood, we have a much clearer picture of our obligations, responsibilities and benefits. We have 51 models to which we can look.”⁷⁷ She also suggested that in order to meet continued growth and development, agriculture, light industry and manufacturing should be promoted to boost the economy and growth of the people.

⁷³ Fields, T. (2009, May 19). Tourist visits to territory continue to decline. *The Daily News*, pp. 6.

⁷⁴ Unemployment Rate. (2009, November 5). *U.S.V.I Bureau of Economic Research*. Retrieved December 11, 2009, from <http://www.usviber.org/UN09.pdf> P.1

⁷⁵ Stokes, F. (2009, May 7). Diageo breaks ground on distillery. *The Daily News*, pp. 2.

⁷⁶ DOI Office of Insular Affairs (OIA) - U.S. Virgin Islands., P. 3

⁷⁷ Davis, P.11

Attorney Davis has reaffirmed that statehood is achievable, if desired, and Virgin Islanders could work together to make their economy more attractive to outside world and possibly earn enhanced changes to convince Congress of this new political status.

Leading as the primary economic activity in the islands is tourism which account for more than 70% of the islands' GDP. The manufacturing sector, consisting of petroleum refining, textiles, electronic, pharmaceuticals, and watch and jewelry assembly, make up the second largest percentages responsible for about 15 percent of the territory's revenue.⁷⁸ The government also provides tax breaks to encourage more private sector investments. The industrial sector is dominated by the Hess Oil Refinery (St. Croix), one of the largest in the Western hemisphere, which employs about 2,000 workers.

In evaluating the general requirements used by Congress and established by the United Nations in Principle IX of Resolution 1514, it seems that with the proper planning it is possible for the Virgin Islands to receive statehood. However, it is a difficult endeavor because Virgin Islanders have not reached a consensus on a desired status and limited information is available on the different options. Additionally, the ultimate decision is in Congress' hands. In terms of the economy, it is evident that despite the instability and economic turmoil in recent years, the islands continue to work on improving their economy by investing more funds in the tourism industry and through efforts to create other industries.

VII. Assessment of Statehood

Considering the pros and cons are imperative in evaluating whether statehood is a desirable status option. The Virgin Islands would officially become a member of one of the most powerful countries in the world and would fully be protected under the United States Constitution. The territory would gain entry in the Electoral College with three electoral votes

for president and the locals would have the facility to vote for Presidency, as well as run for the position. The territory would immediately receive two Senators and at least one representative in the House of Representatives. On the contrary, their political representation in Congress would create problems since states with large population might resist the dilution of their voting power by senators from a state with the small population size of the USVI.⁷⁹ Republicans might also fight against allowing the territory to enter the Union because the dominant political party is Democratic and this more than likely would give Democrats a slight edge in Congress when it comes to voting on various bills.

Moreover, federal programs and services such as Supplementary Security Income (SSI), which assists certain ages, blind and disabled persons, would be available.⁸⁰ Congresswomen Christensen, who is not an outright supporter of statehood, discussed that the immediate consideration for these federal programs is one of the most significant benefits of joining the union, especially since a cap would be lifted off Medicaid funding. Currently, the USVI do receive some federal funding but are not considered for various federal programs administered to states. Jed Bullock⁸¹, professional staff member for the Subcommittee on Insular Affairs, Oceans and Wildlife, House Committee on Natural Resources, stated that the downside is that the greater access to federal funding as a State indicates that islands' top officials would lose flexibility in arranging certain federal spending since more accountability is required for lots of those funding. This however, is a minor drawback, since accountability is necessary in order to assure that the money is spent on proper measures and to evaluate whether the program is beneficial. This would seem to help the islands more than hurt them. The USVI will also receive full integration

⁷⁸ General Assembly, P. 7

⁷⁹ U.S.V.I Commission on Status & Federal P. 1

⁸⁰ Ibid, P. 1

⁸¹ J. Bullock, personal communication, October 28, 2009

into customs and immigrations and the territory would all be able to receive Congressional Financial benefits in order to facilitate the transition to Statehood.⁸²

The disadvantages include that the existing “separate status” relations will be eliminated; therefore, locals will lose their national identity. For instance, the Virgin Islands would not be able to carry its own individual team to the Olympics. Dr. Sekou also suggested that becoming a state “will (perhaps) eliminate the ability to place legal constructs in the state constitutions to provide special privileges to ‘Natives’ of the Virgin Islands.” Also at hand is the impact of Statehood on the current customs and traditions of the United States Virgin Islands. Nevertheless, the Virgin Islands’ culture can be preserved through legislative bills as is the case in Hawaii. It is also the duty of Virgin Islanders to preserve the unique and long lasting traditions in their culture, despite changes in a political status.

Moreover, Congresswoman Christensen discussed that size instability does not really allow for the islands to be considered. She also discussed that often times when discussions of the statehood status do circulate with political leaders, there is the tendency to suggest joining with another state or territory. This however, is not fully supported by the Virgin Islands as an alternative for statehood. The Virgin Islands would also have to pay federal and state taxes. This would eliminate the mirror tax system emplaced in the islands and excise taxes on rum and petroleum products will cease. The capacity to benefit from duty free shopping for tourists along with the exemption from the Jones Act, which allows the use of foreign flag ships by Hess and the cruise industry would end.

Reviewing the pros and cons is a realization of how difficult the decision to change the existing status to statehood would be for citizens. It is a give and take situation which seems to have some dire consequences for the residents. The pros of statehood are significant and will

⁸² Ibid, P. 1

benefit the territory. On the other hand, is it worth it to upset the customary patterns of the U.S Virgin Islands under its current status? It is worth the hassle because it will provide a permanent status for the territory? Transition will not happen overnight, but preparations should be considered for the next step.

VIII. Brief Comparative Analysis of the USVI with Hawaii, Puerto Rico, and DC

The fight for statehood by previous states could be used as another guide for the USVI in making the decision to pursue this status. Some of the experiences revealed that some states were rejected in their first attempt, eventually met the criteria, and won the tedious battle. Hawaii, the last state integrated into the union is a perfect comparison in this case as it helps to further explain why it is possible for the USVI to move to become a state against all odds. First off, the United States acquired Hawaii in the year 1898. A major difference is that several Hawaiian formed a movement from the time of the acquisition to focus on entering the union. This point reaffirms why the formation of a grass roots movement would be ideal in helping to facilitate a status change. Also, it took the Hawaiian Islands about sixty-one (61) years to be accepted into statehood on August 21, 1959. In their pursuit, there were barriers and immense challenges but they were even more encouraged to proceed to the end.⁸³

Most importantly, Hawaii has similarities with the USVI. They are both separate from the mainland and several miles away, have unique cultures and possess differences in communications. Discussion on the disadvantages includes the impact that statehood might have on culture.⁸⁴ However, it was stated that becoming a state did not significantly change Hawaii's culture and in fact, development and tourism were more significant. Hawaii's government strives

⁸³ "Hawaii's quest for statehood was a long and winding road, part 1." *Burlington Vermont News, Restaurants, more by Top Local Experts*. N.p., 1 Aug. 2009. Web. 16 Dec. 2009. <<http://www.examiner.com/examiner/x-10529-Honolulu-Affordable-Travel-Examiner~y2009m8d1-Hawaiiis-quest-for-statehood-was-a-long-and-winding-road>>. P. 3

to preserve its culture with the implementation of cultural laws. Likewise, the USVI could follow Hawaii by working to preserve its culture, even as a state. Of course, a little of the culture may have changed over time, but this could have occurred even if Hawaii was not a state. With this case in mind, it seems like there are possibilities for the USVI to become a state, someday. Advocates of statehood in Hawaii were able to receive a popular support in their territory and ultimately win over the support in Congress. While Hawaii is a good model for the Virgin Islands to emulate, many factors differ among the regions. Some of the differences include geographic location, attractiveness, and of course natural resources. Hawaii also has a substantial population and size in comparison to the Virgin Islands. Needless to say, this territory is unique and has a few limitations.

As previously acknowledged, statehood may not be possible in the very near future, but as the proverb goes, ‘nothing good happens over night.’ Statehood is a realistic option for the Virgin Islands; the locals should understand that this worthwhile goal will take many years to achieve and sacrifices are inevitable. First and foremost, the people and the leaders must work cohesively toward a common goal.

Major barriers are obvious and can make clear why statehood for the USVI will possibly be a lengthy process. Most people who were interviewed about statehood discussed that before the Virgin Islands could be considered for this status, progression must occur for both Puerto Rico and the District of Columbia who have both pursued the statehood option for decades. It was also stated that problems pertaining to culture and gaining support for statehood also exists in Puerto Rico; hence why their headway is forestalled.

IX. Attempts towards Statehood

⁸⁴ Arnold, P. 118

There have been multiple discussions on status pertaining to the Virgin Islands, but there has yet to be any in depth discussion on whether statehood is possible. Brian Modeste stated that the people of the Virgin Islands do not think that it is feasible because of preconceived notions. They automatically believe that the Virgin Islands do not fit the criteria. Congresswoman Christensen stated that often times, discussions about statehood for the USVI bring up whether the islands should join with another state or territory. There also existed conversation on whether the Virgin Islands should join with Puerto Rico and become one state since they are all located in the same region. However, this option would certainly not receive popular vote. It also does not seem logical. Arguments against this proposition included that Puerto Rico would ignore the interests of the Virgin Islands since they are much larger; it would be hard for the islands to function because of the language barrier and because of their distinct culture. Overall, a statehood attempt would be impossible until the residents of the Virgin Islands agree to vote on a political status.

Coincidentally, Congress recently passed by the H.R 3940 which will grant authorization to “the Secretary of Interior to extend grants and other assistance to facilitate political status public education programs for the peoples of the non-self-governing territories of the United States.” Hopefully, this new initiative by Congress will be beneficial and expedite the process of selecting a status option for the Virgin Islands as appropriate funds could be allocated to the educating the locals.

X. Constitution or Status: What should be the main Focus?

Meanwhile, there are different opinions among the people as to whether the Virgin Islands should even consider a status when there is no constitution in place. In discussions, the question asked is should the Virgin Islands work on a constitution to replace the Revised Organic

Act of 1954 or should it first work on establishing a status and then work on a constitution? The opinions varied on this matter. Congresswoman Christensen and also Brian Modest believed that working on a Constitution would not only be faster to achieve but would also make it possible for the local legislature of the Virgin Islands to make amendments without having to authorize Congress and go through the lengthy hearing process. Currently, a Constitutional Convention made up of an elected group of Virgin Islanders from each island did some work on a constitution. However, the Governor of the USVI John de Jongh, failed to sign the final copy because of a few controversial issues placed in the document that are deemed unconstitutional. This was the fifth constitutional attempt. Dr. Malik Sekou is one that expressed more interest in seeking a political status prior to a constitution. He stated that in 1982, the electorates of the Virgin Islands voted for political status to be resolved first, which was to be followed by a constitution. However, this plan was disregarded and the Legislature of the Virgin Islands voted for a Constitutional Convention. Some people have expressed interest for the constitution to be written first, in order for the Virgin Islands to have more autonomy over its government. Meanwhile, others prefer to work on maintaining a permanent more identifiable status. This division makes it even more complex to generate a strong movement for status. Because the population is divided between issues of such magnitude, it must be problematical for the people to make such a tangible decision like status. Currently, the US Virgin Islands along with Guam are the only territories without their own constitution.

The reason given for the failure of the Constitution drafted thus far is the controversial definition of a 'Native' & 'Ancestral' Virgin Islander and ultimately who should sustain the advantage to vote for status rights in the Virgin Islands while also possessing certain benefits over others. This issue has been split among the delegates of the Constitutional Convention as

some see this endeavor as against the basis ideals of the United States. The greater question at hand at the moment, however, is whether this constitution should be stalled and greater attention given to implementing a status. Five failed attempts should be motivation to move on to prepare for a new status. Senator at Large Craig Barshinger⁸⁵ stated that it seems impossible to deal with status issue if a constitution cannot even be implemented. In fact, he believes that because the attempt has already been set in motion to establish the constitution, it should be the main priority right now. Consequently, it seems like if the constitution problem is not fixed, then there will be a longer delay compromising efforts intending for a political status.

XI. Other Status Options

Earlier in this paper, it was mentioned that the Virgin Islands have some other alternatives other than statehood. Specifically, there are two options recognized by the United Nations. They are free association and independence. Free association was a preferred status among the people who were interviewed. For instance, Dr. Malik Sekou stated this status would allow “the largely African-Caribbean majority population to pursue its distinct interests within the Caribbean Basin without the need for national unity with a society that is today largely European American and concerned with NATO”. He also stated that the national interests of the Virgin Islands are tied to the Caribbean Basin and Latin American more than with North American. It seemed like this is a preferable status because the islands would be able to maintain their national identity and still receive some assistance from the United States. The problem with this option, however, is that in terms of negotiating with a superpower like the United States, it may not be as easy for Virgin Islanders to achieve their demands. Independence option does not seem like a good idea due to the existing conflicts among Virgin Islanders pertaining to the political future of the territory. Apparently, reaching a consensus on various issues would be

⁸⁵ Senator C. Barshinger, personal interview, November 13, 2009

difficult and further compromise the economy of the Virgin Islands. The opinion of most interviewees is that independence is an unfavorable choice because it is difficult for the Virgin Islands to sustain on its own. Currently, the funding received from the United States is very significant to the islands' success. Another factor is because of a limited population, the United States Virgin Islands will struggle in handling its own military. An opponent for independence, former Senator Adelbert Bryan, confirmed that independence will allocate for Virgin Islanders to determine their own destiny, but this would not be allowed if the islands continue to cling on to the United States.

XII. Conclusion

The purpose of this paper was to generate information and sufficient knowledge of the status of the Virgin Islands and also to inform readers and the people of the territory about the importance of a political status, the evils of an unincorporated status, and the benefits of statehood. Additionally, this research serves as a means of clarifying why the US Virgin Islands' current status remains prevalent for so many years although the islands are excluded from a few rights and privileges enjoyed by U.S citizens on the mainland. Curiosity and concern were just two reasons why this research was done. What exactly was gathered from this research? At first, it seemed impossible to complete because of several limitations, some of which are the lack of current information and accessibility to what is available, since most of the needed information is obtainable exclusively in the territory. Nevertheless, the challenge was a valuable investment.

Research findings indicate that a change of political status to any status is not as simple as perceived, especially in a cultural region with a diverse population holding other concerns besides status. While being classified as unincorporated limits the people's power and rights, it has a number of economic benefits for the territory. The research also reveals that though

statehood is the best choice to ensure equal rights as made possible by the constitution, the territory may not be able to meet the financial obligations required of states. In considering the economy and the lack of interest shown by the same people who will be affected, it is a fair assumption that currently, the government of the USVI is not in the position to seek statehood or any one of the other choices as the next status.

But what if at some time in the future, Congress demands a change of status? To prepare for status changes in the near future, more emphasis should be placed on educating Virgin Islanders on the implications of each status option. This would better prepare the locals to vote on a desired status option. Hopefully, the people of the Virgin Islands would see why statehood is a preferable option in comparison to free association and independence. It is also evident that it is not easy to fully determine whether the pros outweigh the cons of statehood since selecting the statehood option would indicate giving up some benefits and not selecting it would imply that the territory is losing out on some advantages. Overall, the question of political status as it pertains to the United States Virgin Islands is extremely difficult. Although statehood may appear more beneficial than the free association and independence, it is hard to determine without more research and education whether statehood will be the likely route for the US Virgin Islands in the future.

Recommendation/ Suggestions:

It is the responsibility of this researcher to make some recommendations for the future of the entire territory. As everyone in authority knows, education is an important asset and the key to success. It is also the responsibility of those in authority, especially the law makers to look out for the residents and make sure that they understand each status option in its entirety. To do this, the residents should be educated for as long as it takes. The school children should be offered

more courses in the understanding of government operations, law, and economics from as early as elementary. They should be involved via the classroom and field trips just as they are in learning other subjects. Reaching the young people of the Virgin Islands is a way of ensuring knowledge gains, changes in attitudes, positive perceptions and eventually, the necessary interest valid in selecting the next political status. As a young Virgin Islander just comprehending the importance of status and the direction in which this beautiful territory is heading, it is of utmost importance that youngsters are involved in making essential decisions, now, not later. Therefore, the people who are in charge of the three aspects of government, Executive, Judicial, and especially Legislative, along with the appointed heads of the various departments of the government must come together to create a practical plan. It is clear that being an unincorporated territory is not a horrible thing and that statehood is not in the forefront, but do the majority of the people know that there are other status possibilities? Are they even aware that statehood is a possible choice? Again, education must be the first step in the preparation plan, followed by an enhanced comprehensive curriculum in government, to include all learning levels.