

Summary of Revised Organic Act of 1954

Revised Organic Act of 1954 — Basic Charter of Government for the U.S. Virgin Islands (Act of July 22, 1954, Ch. 558, 68 Stat. 497; as amended through 1984)

This 105-slide document reproduces the **Revised Organic Act of 1954** in full — the federal statute that functions as the constitution of the U.S. Virgin Islands — together with its legislative history, cross-references, and extensive court annotations. Courts have repeatedly described it as "**the Virgin Islands analogue of a state constitution**" (*Brown v. Hansen*). Here are the major points.

Nature and Purpose of the Act

- **A complete charter of government.** The Act declared the Virgin Islands an **unincorporated territory** of the United States and completely reorganized its government, abolishing the two former municipalities and their separate councils to create a **single territorial government with a single legislature** (*Virgo Corp. v. Paiewonsky*).
- **Superseded, not amended, the 1936 Organic Act.** Congress intended a **new basic charter** to replace the "cumbersome and inefficient" 1936 Act, granting **greater political and economic autonomy** to the people. Inconsistent provisions of the 1936 Act were repealed by implication.
- **Territorial status, not statehood.** Congress expressly declared the Islands "unincorporated" to signal the territory was **not destined for statehood**, while still granting a detailed three-branch frame of government.
- **Federal supervision.** Relations with the federal government fall under the **general administrative supervision of the Secretary of the Interior**; the capital is **Charlotte Amalie, St. Thomas**.

Bill of Rights (§ 3)

- **Core constitutional protections extended locally** — due process, equal protection, freedom of speech, press, religion and assembly, protection against unreasonable searches, protection against double jeopardy and self-incrimination, and just compensation for takings.
- **Selective incorporation of the U.S. Constitution.** The Act expressly extends specified constitutional provisions and amendments — the **1st through 9th, the 13th, part of the 14th, and the 15th and 19th Amendments** — with later

amendments (1968, 1983, 1984) broadening applicability. Notably, the **Eleventh Amendment was excluded**.

- **Territory-specific prohibitions** — bans on slavery and involuntary servitude, polygamous marriages, hazardous child labor under 16, and holding office by those advocating violent overthrow of government.

Government Structure

- **Legislative branch (§§ 5–10):** A **unicameral legislature** with defined composition, districts, terms, qualifications, immunities, and law-making powers and procedures.
- **Executive branch (§§ 11–17):** An **elected Governor and Lieutenant Governor** (a major autonomy milestone — the elective-governor provisions took effect for the November 1970 election), plus provisions on succession, reorganization, initiative and recall, and the Delegate to the U.S. House.
- **Judicial branch (§§ 21–27):** The **District Court of the Virgin Islands** and local courts, with jurisdiction rules, **appellate review by the Third Circuit**, judicial appointments and tenure, trial by jury, and the U.S. Attorney's role.
- **Fiscal and miscellaneous provisions (§§ 18–36):** A system of accounts, salaries, **disposition of revenues**, U.S. citizenship requirements for officials, control of public property, appropriations, and separability.

Key Legal Doctrines from the Annotations

- **Sovereign immunity.** The government may be **sued in contract but only with its consent in tort** (§ 2(b)). Immunity shields officers sued in their **official** capacity, but **not** when sued individually — protecting the public treasury rather than the individual.
- **Federal supremacy over the territory.** Congress retains plenary power under **Article IV, Section 3** to make rules governing the territory; the three branches are **granted by Congress, not constitutionally mandated**.
- **Only fundamental rights automatically extend.** Where Congress is silent, only the **most fundamental constitutional rights** reach the territory; procedural rights like grand-jury presentment are **not guaranteed**, allowing prosecution by information.
- **Recurring litigation themes** — due process in employment terminations, equal protection in taxation and prosecution, First Amendment limits on patronage

dismissals and defamation of public officials, and personal jurisdiction over foreign corporations.

Constitutional Evolution and Self-Determination

- **Repeated attempts at a home-grown constitution failed.** Constitutional conventions and referenda in **1964–65, 1972, and 1981** all fell short — the 1972 and 1981 proposed constitutions **failed to win voter approval** despite the 1981 draft being approved by Congress.
- **Status referenda.** Legislation from 1988–1993 authorized referenda letting voters choose among **integration/statehood, enhanced territorial status, or independence/free association** — none of which resolved the status question.

Bottom Line

- The Revised Organic Act of 1954 is the **foundational governing document** of the U.S. Virgin Islands, serving as its de facto constitution in the continued absence of a locally ratified one.
- It balances **expanded self-government** (an elected governor, a strengthened legislature, a local judiciary, and a broad bill of rights) against **continued federal sovereignty** and Interior Department oversight.
- The Act's meaning has been **heavily shaped by case law**, especially around **sovereign immunity, the scope of incorporated constitutional rights, and the limits of territorial versus federal power**.
- Decades of **unsuccessful constitutional conventions and status referenda** underscore the Islands' unresolved political-status question — the Act remains the governing charter by default.

Want me to turn this into a clean summary slide or two at the front of the deck, or produce a shorter one-slide executive overview?