

**FLOOR**

03/25/2024-REASSIGNED TO THE COMMITTEE ON HOMELAND SECURITY, JUSTICE AND  
PUBLIC SAFETY  
03/25/2024-SPECIAL ORDERED TO THE FLOOR

**BILL NO. 35-0248**

**Thirty-Fifth Legislature of the Virgin Islands**

**March 25, 2024**

A Resolution petitioning United States Congress to amend the Revised Organic Act of the Virgin Islands to authorize the people of the Virgin Islands to elect the Attorney General of the Virgin Islands

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**PROPOSED BY:** Senator Alma Francis Heyliger

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1       **WHEREAS**, under section 11 of the Revised Organic Act of the Virgin Islands, the  
2 Governor of the Virgin Islands has direct supervision and control of all the departments,  
3 bureaus, agencies, and other instrumentalities of the executive branch of the Government of the  
4 Virgin Islands;

5       **WHEREAS**, in 1962, the Virgin Islands Department of Justice was established as an  
6 executive department in the Government of the Virgin Islands under the title 3 Virgin Islands  
7 Code, chapter 8;

8       **WHEREAS**, the Attorney General of the Virgin Islands, who is appointed by the  
9 Governor, with the advice and consent of the Legislature, supervises and directs the Department  
10 of Justice;

1           **WHEREAS**, pursuant to the Revised Organic Act of the Virgin Islands, 48 U.S.C. §  
2 1597(c), the Attorney General of the Virgin Islands holds office during the continuance in office  
3 of the Governor who appointed the Attorney General;

4           **WHEREAS**, the Legislature of the Virgin Islands affirms that the office of the Attorney  
5 General and the Department of Justice shall be independent and accountable, and the Attorney  
6 General shall uphold the integrity of these institutions ensuring they do not undermine the  
7 independence mandated to uphold the rule of law.

8           **WHEREAS**, Title 1-8.100 of the Justice Manual, an internal document of the United  
9 States Department of Justice, containing general policies and guidance relating to the work of  
10 the United States Attorney’s offices, it states that “the rule of law depends on the even handed  
11 administration of justice”; that the legal decisions “must be impartial and insulated from  
12 political influence”; and that the prosecutorial powers must be “exercised free from partisan  
13 consideration”;

14           **WHEREAS**, with the inherent conflicts the Virgin Islands have experienced in the past,  
15 the Virgin Islands must revisit the independence of the Office of the Attorney General and its  
16 location within the executive branch.

17           **WHEREAS**, an Attorney General beholden to an administration is a recipe for  
18 partisanship and protection instead of acting as an independent law enforcement official  
19 ensuring the laws are faithfully executed;

20           **WHEREAS**, governments that use the enormous power of law enforcement to punish  
21 their enemies and reward their allies are not constitutional republics; they are autocracies, and  
22 as such, the territory’s top law enforcement officer and the territory’s law enforcement agency  
23 must be independent;

