

Working Group 3 Comprehensive Report

Prepared for: Delegates of the 6CC

By: Delegate Rudel A. Hodge, Jr.

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Working Group 3 Executive Summary

This report compiles the voting data, feedback, and recommendations gathered from “Working Group 3” delegates regarding the proposed 5th CC Virgin Islands Constitution draft. The document aims to highlight areas of consensus, identify sections requiring significant revision, and provide actionable recommendations to improve the draft. The following key areas emerged from the review:

- **Bill of Rights:** Some sections lack clarity, particularly regarding digital privacy, environmental protections, and the explicit protection of marginalized communities.
- **Education:** Funding mechanisms and curriculum structures need clearer implementation pathways.
- **Political Status Advisory Commission:** The role and scope of this body require refinement to align with existing federal and local statutes.
- **Public Health & Safety:** Delegates identified gaps in disaster response, crime victim rights, and accessibility to healthcare.
- **Youth & Culture:** The need for stronger legal protections for youth and clearer strategies for cultural preservation were emphasized.

Voting Analysis

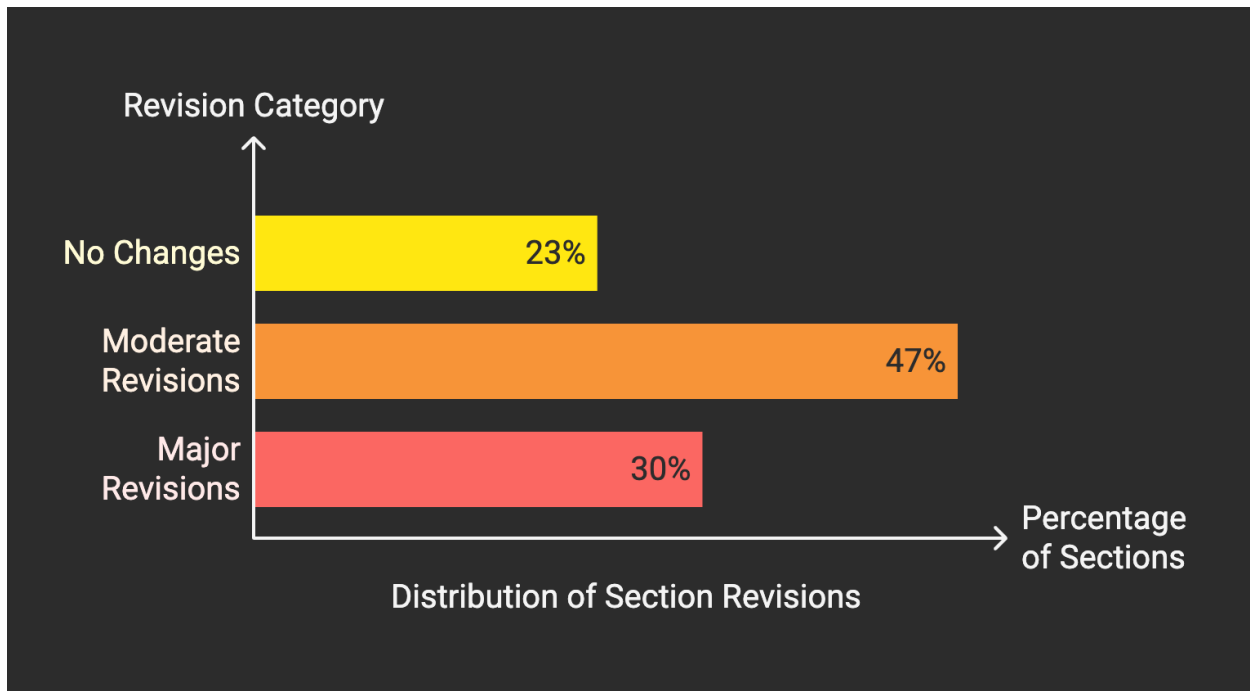
Each section of the draft was reviewed using a **1-2-3** methodology:

- **1 - No Changes Required:** Section is clear and aligns with constitutional principles.
- **2 - Moderate Revisions Needed:** Minor adjustments required for clarity or feasibility.
- **3 - Major Revisions Required:** Significant changes necessary due to enforceability concerns or inconsistencies.

Overall Voting Breakdown

- **Sections receiving a "1" (No Changes):** 23%
- **Sections receiving a "2" (Moderate Revisions):** 47%
- **Sections receiving a "3" (Major Revisions):** 30%

The high percentage of "2" and "3" votes indicates that substantial refinements are needed, particularly in the areas outlined below.



Key Areas of Concern & Issues

1. Article I: Bill of Rights

- **Digital Rights & Privacy:** The absence of explicit digital protections raised concerns, especially regarding online data security and surveillance.
- **Prohibition of Slavery (Section 8):** A debated clause allows forced labor as a punishment for crime; some delegates recommended its removal.
- **Marriage Definition (Section 18):** The restriction of marriage as "a legal union between a man and a woman" conflicts with U.S. constitutional law.
- **Environmental Rights (Section 16):** Needs stronger language to ensure enforceability.
- **Capital Punishment (Section 17):** Some delegates suggested capital punishment may be permissible in extreme cases.

2. Article III: Virgin Islander

- **Definition of "Virgin Islander":** Requires precise language to avoid ambiguity in legal rights and claims.
- **Ancestral & Native Status:** Needs careful delineation to prevent exclusionary interpretations or complete removal.

3. Article IV: Suffrage and Elections

- **Voting Rights Protections:** Delegates expressed concerns over voter suppression and the need for accessible voting mechanisms.

- **Residency Requirements:** Should be reviewed for consistency with federal election laws.

2. Article IX: Education

- **Funding Mechanisms:** Delegates highlighted feasibility concerns regarding the Virgin Islands Fund for Education and its reliance on fluctuating revenue sources.
- **Curriculum Requirements:** Calls for mandatory African and Caribbean history education received positive feedback but require clearer implementation guidelines.
- **Class Size Limitations:** The provision mandating class sizes of no more than 20 students may be logistically difficult to enforce.

3. Article X: Youths

- **Minimum Employment Age:** Needs alignment with federal labor laws.
- **Higher Education Tuition:** The repayment requirement for students who fail to complete a degree drew mixed reactions regarding fairness and feasibility.
- **Women's:** There was a discussion about additional enumerated Women's right as

4. Article XIII: Public Health, Safety & Welfare

- **Crime Victim Rights:** Need stronger enforcement provisions to ensure victim protections.
- **Healthcare System:** Delegates emphasized the need for expanded healthcare accessibility, particularly for marginalized communities.
- **Disaster Mitigation:** The existing Virgin Islands Territorial Emergency Management Agency (VITEMA) must be formally recognized to avoid redundancy.

5. Article XIV: Culture

- **Cultural Heritage Institute:** Delegates supported its creation but recommended clearer powers and funding sources.
- **Protection of Cultural Practitioners:** The government's role in safeguarding traditional knowledge and preventing discrimination requires further development.

6. Article XV: Environmental Protection

- **Public Beach Access:** Broad support for open beach access, but concerns exist regarding private property rights.
- **Land, Air & Water Commission:** Needs a more defined legal framework to prevent redundancy with existing environmental agencies.

7. Article XVI: General Provisions

- **Initiatives, Referendums, and Recalls:** Delegates suggested making these processes more accessible through digital platforms.

8. Article XVII: Political Status Advisory Commission

- **Delegates questioned the need for this commission** given past reports on political status; some suggested its role should be more advisory than legislative.

9. Article XVIII: Amendments

- **General Convention Procedures:** Some concerns were raised about the frequency and cost of constitutional conventions and the clarity of amendment procedures.

10. Additional Comments:

There is a recommendation to introduce a **Women's Rights** section following **Article X: Youth**. This proposed amendment would:

- Define a **woman** as a **female over the age of 18**.
- Establish a **Division of Women's Rights** under the **Department of Human Services**.
- Ensure **reproductive rights**, granting women the autonomy to make medical decisions in consultation with their physician.
- Guarantee **paid maternity leave for 3 to 6 months**, based on employment status and medical recommendations.

This addition seeks to strengthen **gender equality and workplace protections** within the Virgin Islands Constitution.

Recommendations & Next Steps

1. **Legal Review & Revisions:**
 - Address conflicts with U.S. federal law, particularly marriage definitions and capital punishment.
 - Strengthen provisions on digital privacy, environmental rights, and cultural protection.
2. **Structural & Procedural Clarifications:**
 - Provide clearer implementation strategies for education funding and public health policies.
 - Ensure the responsibilities of new commissions do not overlap with existing government agencies.
3. **Public Engagement & Feedback Integration:**
 - Conduct town halls and focus groups to gather further public input before finalizing provisions.

- Consider a phased approach to implementing complex policies (e.g., class size reductions, youth protections).