



THE DISTRICT COURT OF THE VIRGIN ISLANDS OBSERVES THE 100TH ANNIVERSARY OF THE TRANSFER OF THE DANISH WEST INDIES TO THE UNITED STATES

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Over the past one hundred years, the District Court has decided a large number of cases of critical constitutional importance, and has interpreted the Constitution to advance the rights of the people which it guarantees. Two such cases are offered here as part of the District Court's commemoration of the transfer of the Danish West Indies to United States of America.

As March 31, 1917 approached, the people of the Danish West Indies were filled with apprehension and uncertainty. With the transfer of the islands from Danish sovereignty to American, the people were rightfully concerned with how they would fare under the United States, and the courts were equally concerned with the change of philosophy and jurisprudence.

After years of discussion and negotiation, the Convention between the United States and Denmark, 39 Stat. 1706, was proclaimed on January 25, 1917. On March 3, 1917 the United States Congress passed 39 Stat. 1132, an Act to Provide Temporary Government for the West Indian Islands acquired by the United States from Denmark. Congress both appropriated the purchase price for the Virgin Islands, and continued the local laws and tribunals as they existed on January 17, 1917, to the extent they were not incompatible with the change in sovereignty.

In [Clen v. Jorgenson](#), 265 F. 120 (3d Cir. 1920), the United States Court of Appeals for the Third Circuit confirmed its jurisdiction to review on appeal all matters of fact and law in all judgments from the Virgin Islands.

The importance of the United States Court of Appeals for the Third Circuit in the evolution of the jurisprudence of the Virgin Islands cannot be over emphasized.

Shortly after the transfer, the criminal case of [Government of the Virgin Islands v. Soto](#), 1 V.I. 8, was decided by Judge Carl Thiele—a holdover judge from the Danish Courts—under the Danish procedure that existed at the time. Soto had been convicted of murder in a trial without jury before Judge Thiele and four lay judges. On appeal, the Third Circuit held that constitutional guarantees applied to the Virgin Islands, and that the trial had not conformed to the requirements of the Fifth and Sixth Amendments to the United States Constitution. Accordingly,

the judgment was reversed and a new trial ordered. [Soto v. United States](#), 273 F. 628 (3d Cir. 1921).

With that background, the case of [People v. Brodhurst, 148 F.2d 636 \(3d Cir. 1945\)](#), is seminal and instructive. In the District Court, Judge Herman Moore, sitting without a jury, acquitted Harry Beatty, a white man, of the murder of Andrew Thompson, a black man, finding that Beatty acted in self-defense. A public outcry ensued, and Canute Brodhurst, editor of the *St. Croix Avis*, published an unsigned letter harshly critical of the decision as well as of the social conditions of the time on St. Croix. Contempt proceedings were initiated against Mr. Brodhurst and Paul E. Joseph, owner of the *West End News*, in the District Court. Pursuant to the provisions of the St. Croix Code enacted by the Colonial Council in 1920, Messrs. Brodhurst and Joseph were summarily convicted of criminal contempt of court and sentenced to ten days in jail for publishing the letter.

In reversing that conviction, the Third Circuit referred to Section 34 of the Organic Act of 1936, 49 Stat. 1807, which provides that “no law shall be passed abridging the freedom of speech or of the press.” In writing for the Court, Judge Albert Maris noted that Section 34

contains a comprehensive Bill of Rights for the inhabitants of the Virgin Islands. . . . [T]he Organic Act guarantees to the inhabitants of the islands in the very language of the First Amendment to the Constitution of the United States the same freedom of speech and of the press which is safeguarded to the inhabitants of the United States by the First and Fourteenth Amendments.”

[Brodhurst](#), 148 F.2d at 643. The opinion made clear that the inhabitants of the Virgin Islands enjoyed the same constitutional rights of freedom of speech and of the press as inhabitants of the United States.

Another landmark case is [Hosier v. Evans, 314 F. Supp 317 \(D.V.I. 1970\)](#). This case involved the entitlement of children lawfully present in the Virgin Islands, whose parents were not citizens, to attend the public schools. Chief Judge Almeric Christian, an icon in the jurisprudence of the Virgin Islands, wrote that denying those children the right to public education

imposes unreasonable and invidious discrimination on [them] and all members of their class and this offends the equal protection clause of the Fourteenth Amendment of the Constitution of the United States.

[Id.](#) at 322. Judge Christian went on to declare the regulations which denied education to that group of children null and void. The children were then admitted to Virgin Islands public schools.

This brief review of the role of the District Court of the Virgin Islands in the advancement of the constitutional rights of the people of the Territory underscores the importance of the District Court’s jurisprudence in broadening and enforcing such rights, and advancing the cause of freedom and justice.