

DEPARTMENT OF JUSTICE
ODAG EXECUTIVE SECRETARIAT CONTROL DATA SHEET

From: SHATKIN, ALLAN PAUL, SENATOR, LEGIS. OF THE VIRGIN ISLANDS
To: AG.
Date Received: 06-24-86 Date Due: 07-11-86 Control #: 6062409200
Subject & Date

06-17-86 LETTER REQUESTING ASSISTANCE FROM DOJ TO DETERMINE
WHETHER THE PEOPLE OF THE VIRGIN ISLANDS, A FLAG TERRITORY
OF THE U.S., ARE TO BE FORCED TO RESPECT A DANISH COMPANY'S
COLONIAL RIGHTS TO EXPLOIT THE SUBMERGED LAND RESOURCES
WHOSE JURISDICTION WAS TRANSFERRED BY THE FEDERAL GOVT. TO
THE LOCAL TERRITORIAL GOVT.

Referred To:	Date:	Referred To:	Date:	FILE:
(1) OLC:COOPER	06-24-86	(5)		
(2)		(6)		
(3)		(7)		PRTY
(4)		(8)		1
INTERIM BY:		DATE:		OPR:
Sig. For: OLC		Date Released: 07-08-86		HED

Remarks

CC OAG (RICHARDSON).
(1) RETURN THIS FORM W/2 COPIES OF REPLY TO EXEC. SEC.,
ROOM 4400A.
07-08-86. OLC REPLIED DIRECT ON 07-07-86. (LCH)

Other Remarks:

FILE: S



U.S. Department of Justice
Office of Legal Counsel

Office of the
Deputy Assistant Attorney General

Washington, D.C. 20530

July 7, 1986

Honorable Allan Paul Shatkin
Capitol Building
Charlotte Amalie
Post Office Box 477
St. Thomas,
U.S. Virgin Islands 00801

Dear Senator Shatkin:

The Attorney General has asked our office to respond to your letter of June 17, 1986, regarding the dredging activities of the West Indian Company. While we fully understand the importance of the issue and the reasons for your request for advice, I am afraid that we cannot provide the legal advice you seek at the present time.

The Department of Justice has authority to provide legal opinions only to the President and federal departments and agencies. As a matter of consistent policy, we have declined to provide such advice to any other entity or person.

The question that you raise appears to fall within the special expertise of the Department of the Interior. Accordingly, you may wish to bring this matter to the attention of that Department.

Sincerely yours,

Samuel A. Alito, Jr.
Deputy Assistant Attorney General
Office of Legal Counsel

Legislature of the Virgin Islands



Capitol Building, Charlotte Amalie
P. O. Box 477
St. Thomas, U. S. Virgin Islands 00801

(809) 774-5770
(809) 774-0880 Ext. 216, 245

ALLAN PAUL SHATKIN
SENATOR

COMMITTEES :

Chairman :
Public Works and Planning
Vice-Chairman
Education

June 17, 1986

Mr. Edwin Meese III, Attorney General
Department of Justice
Constitution Avenue between 9th & 10th Streets
Washington, D.C. 20530

Dear Mr. Meese:

The West Indian Company (WICO), a Danish firm which has its roots in the colonial experience of the Territory of the Virgin Islands, is presently undertaking a dredging operation in the Charlotte Amalie harbor of St. Thomas which would have a disastrous impact not only upon the development of the harbor but also upon the future relations between the Territory and the federal government.

Although the United States has the right to dredge and fill the submerged lands in the Charlotte Amalie harbor upon a permit obtained in 1913 from the Danish Government, the Company also maintains that the United States Government agreed to respect its rights under this permit and that these rights take precedence over territorial law and the rights of the local government to protect the best interests of the people of the Territory. The company also claims its rights take precedence over the jurisdiction of the Territory to administer the development of the submerged lands transferred to the Virgin Islands government by the federal government.

Several key elected officials in the Virgin Islands government believe the colonial rights granted to WICO by the Danish government seventy three years ago must be respected by the Government of the Virgin Islands. But greater research must be done on this issue, research which the Territory does not have the resources to facilitate. And a legal determination must be made by the highest United States law enforcement officer to determine whether the rights of the people of the Virgin Islands are subordinate to agreements entered into by the Danish Government with a Danish colonial company in the pre-transfer period and whether the federal government intended and intends to protect and respect such rights for an indefinite period after the transfer of the Territory in 1917.

Member :

- Committee on Conservation, Recreation and Cultural Affairs
- Committee on Housing and Home Ownership
- Committee on Rules and Nominations

RECEIVED
OFFICE OF THE
ATTORNEY GENERAL
JUN 24 2 38 PM '86

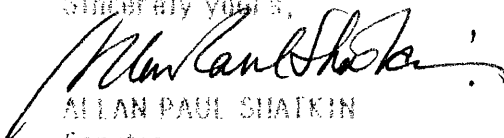
I am therefore requesting the assistance of your office to determine whether the people of the Virgin Islands, a flag territory of the United States, are to be asked to respect a Danish company's colonial rights to exploit the submerged land resources whose jurisdiction was transferred by the federal government to the local territorial government.

I cannot emphasize too strongly how serious this matter is. It is extremely important to determine what the intention of the federal government was in 1917 as well as the obligation of the local government today to respect any agreements made between the governments of the United States and that of Denmark in 1917.

As the topography of our harbor is about to be permanently altered by a foreign firm for its own financial benefit, immediate action on your part is necessary. The willingness of your office in particular and the federal government in general, in whose trust the Territory has been placed, to come to the aid of the people of the Virgin Islands in a matter whose repercussions could be international and rather embarrassing must be demonstrated at this crucial moment.

I look forward to hearing from you with all due speed on this matter and thank you in anticipation for your kind cooperation and attention.

Sincerely yours,


ALLAN PAUL SHATKIN
Senator

cc: Mr. William Ronald Ruggie