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AFRICAN-CARIBBEAN REPARATIONS AND RESETTLEMENT ALLIANCE

A SUBCOMMITTEE OF THE CARIBBEAN INSTITUTE FOR A NEW HUMANITY, INC.

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Monday, September 28, 2009

His Excellency
John P. de Jongh, Jr.
Office of the Governor / Government House
21-22 Kongens Gade
St. Thomas, U.S. Virgin Islands 00802

By email to: john.dejongh@go.vi.gov and rosemary.hamilton@go.vi.gov
And by U.S. Registered Mail Return Receipt Requested

RE: FORMAL DEMAND

Dear Governor,

It is my prayer that you be found in best of spirit and health.

I write again at this time with the hope of resolving the matter of public monies appropriated by law to the African-Caribbean Reparations and Resettlement Alliance (ACRRA) in Bill No. 27-0077 on October 10, 2007 and in Bill No. 28-0002 on February 6, 2009, and to request the immediate remittance of these funds.

As you are aware, in the fiscal year October 1, 2007 to September 30, 2008 appropriations amounting to \$35,000 were made to ACRRA, and again in fiscal year October 1, 2008 to September 30, 2009 appropriations amounting to \$27,000 were also made to the organization, and the executive budgets both signed by you.

I have made several documented attempts to retrieve these monies and to resolve this matter on behalf of my organization and its Directors, placing many calls to your offices, the Office of Management and Budget (OMB), and to the Department of Planning and Natural Resources (DPNR). In fact, appropriate, formal requests and letters have been transmitted to:

- DPNR Commissioner Robert S. Mathes and CC'd to OMB Director Debra Gottlieb on November 6, 2007;
- Governor John P. de Jongh, Jr. on May 1, 2008;
- Governor John P. de Jongh, Jr. on July 2, 2008;
- Governor John P. de Jongh, Jr. on July 24, 2008; and
- DPNR Commissioner Robert S. Mathes and CC'd to OMB Director Debra Gottlieb on November 7, 2008.

Additionally, on June 26, 2008 I met with you at Government House on St. Croix where you made a verbal commitment to remit public monies appropriated to ACRRA within two (2) weeks following our meeting.

More than a promissary note, failure to make good on these lawful appropriations of public monies violates the fundamental tenets of basic contract law.

While the Virgin Islands Code (VIC) may allow for the governor, through the Director of OMB, to modify or withhold planned expenditures at any time during

The Caribbean Institute for a New Humanity, Inc. is a non-profit, non-governmental organization based in the U.S. Virgin Islands and organized primarily to serve and address the program areas of Poverty Reduction, Decolonization, Human Rights, Conflict Resolution, and Reparations.

the appropriation period, the law does not give the governor the legal authority to be disparate and/or biased in the disbursement of public funds from the treasury of the government of the Virgin Islands, nor to determine which lawfully funded non-profit or community organization will receive appropriated public monies and which will not, nor to grant appropriated public monies with bias and discriminatorily to some organizations above others, nor to withhold with prejudice funding from organizations and groups altogether, nor to expend appropriated public funds for any other purpose but that specified by law.

Furthermore, as a general policy and consistent with the Executive Appropriation Act, Section 28(b), of Title 2, Chapter 2, VIC states:

***“Notwithstanding the provisions of any general or specific law, no part or portion of any item of the Executive Appropriation Act, or in any other appropriation bills for operating expenses of any departments, agency or special fund, shall be expended for any other purpose but that specified, or any transfer between items made, without the expressed consent of the Committee on Finance of the Legislature and until a certificate of approval shall have been issued by the Governor and a copy of such certificate filed with the Co-Chairmen, Committee on Finance of the Legislature. Transfer of amounts between departments shall be effected only by special appropriations.*”**

In any case requiring approval of the Finance Committee such approval shall be granted only by a majority vote of the members of the Committee present and voting. Four members shall constitute a quorum. No action of the Committee shall be lawful unless taken at a formal meeting with prior notice to the members. Minutes of each formal meeting shall be maintained as a public record.”

If this matter is to be pursued in a court of law, ACRRA will file a lawsuit naming the Governor, the Director of OMB, the Commissioner of DPNR, and related officials in your administration in their official capacities as defendants and subpoena the same for testimony before a jury.

We will allege and prove that bias and disparate practices and actions on the part of the governor and his administration caused the discriminatory withholding of appropriated public monies from ACRRA and other non-profit organizations in the territory. We will further allege and prove that these biased and disparate practices on the part of the governor and his administration also caused for disbursements of appropriated public monies to be granted favorably to some organizations. Subsequent discovery may result in a unified Class Action lawsuit on the part of the unfunded groups and organizations. Furthermore, we will subpoena the monthly financial statements of the Department of Finance and OMB detailing obligations and disbursements, relevant correspondences from, by, and between these departments, the Legislature of the Virgin Islands, various departments and agencies of your administration and non-profit organizations and community groups, and we will pursue all financial files and related bank account information. Additionally, ACRRA will subpoena and depose the financial officers, resident agents, directors, and/or heads of each non-profit organization and community group set out in the executive budgets to receive appropriations in fiscal years 2008 and 2009.

On behalf of ACRRA's Directors, and in effort to avoid litigation and the unnecessary expenses of time and tax-payer monies, I hereby demand that you remit payment, at once, in the amount of \$62,000 to the organization on, by, or before October 12, 2009, or no more that two (2) weeks from the date of this letter. Failure to comply with this demand will without further notice result in both legal action and organized community protests.

Very Truly Yours,



Shelley Moorhead
President

CC: Debra Gottlieb, Director OMB
Robert Mathes, Commissioner DPNR