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Barnes, DeGazon Blocked Out of Historic Session in Embarrassing Showdown at Senate

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Senate President Novelle Francis By. VI LEGISLATURE

It was one the most important votes for the tenure of any of the senators who make up the 33rd Legislature: a bill authorizing Governor Albert Bryan to borrow \$60 million through revenue anticipation notes in a bid to keep the government of the Virgin Islands afloat, after being staggered by the virulent coronavirus which brought a number of industries, including tourism, to a damaging halt.

But two of the top vote-getters during the 2018 general election, Senators Alicia Barnes and Allison DeGazon, respectively, were blocked out of the session in a damaging display that was seen on TV, streamed online and heard on radio.

Ms. DeGazon, jolted by the occurrence, took to social media via her Facebook profile to protest the action in a live video. She said she finally understood the dirty nature of politics in the Virgin Islands, and pounded her male counterparts from the St. District of St. Croix for their involvement, saying hers and Ms. Barnes's campaign helped lift their numbers during the 2018 general election. The video, which is no longer available, represented Ms. DeGazon's most raw expression of the state of the Legislature yet, giving residents a view into the discord that exists.

For her part, Ms. Barnes, through a press release issued Friday afternoon titled "Senator Alicia V. Barnes Blocked from Participating in Emergency Session", assailed the leadership of the 33rd Legislature, Novelle Francis being the head, stating that the action on Friday was at most "irresponsible, and, at the least, a total and complete lack of leadership and vision."

So what happened?

A release issued by the Senate Thursday night said accommodations had been made for senators who would be participating remotely, but it did not say that those senators would not be allowed to vote.

Ms. Barnes had [expressed to the Consortium Friday morning](#) that she was uncomfortable going to the Earl B. Ottley Legislature in St. Thomas, as she has an immunodeficiency condition, that the building was moldy, and also because some Legislature employees may have been exposed to the coronavirus. Ms. DeGazon, with three children, had expressed similar concerns. Both of the senators decided that they would participate remotely and Legislature employees had setup an area on St. Croix where they both were ready for the historic session.

But there was a sticking point: Senate President Novelle Francis said he did not believe the senators could participate remotely because the Revised Organic Act calls for sessions to be held in the territory's capital of Charlotte Amalie. Senator Janelle Sarauw, who was part of a heated back and forth with a number of individuals on Attorney Emile Henderson's Facebook page concerning what occurred on Friday, said Mr. Francis had expressed to Ms. Barnes and Ms. DeGazon that remote-voting would not be allowed. Ms. Sarauw said either Ms. Barnes or Ms. DeGazon had agreed to the conditions of participation.

Ms. Barnes had drafted a resolution that Mr. Francis told the Consortium would have been ready by Friday, and would allow senators to vote on whether Ms. Barnes and Ms. DeGazon could participate. The resolution never made it to the floor, and Mr. Francis said he doubted that the resolution would allow the senators to vote remotely.

Additionally, an opinion sought by Ms. Barnes from the Senate's legal counsel on whether the senators could vote remotely would not have been ready for Friday morning, Mr. Francis said, telling the Consortium that the legal counsel division was swamped with preparatory work for the session. Ms. DeGazon later told the Consortium that legal counsel had said — though not in writing — that the Revised Organic Act was silent on whether remote participation was allowed.

The Revised Organic Act calls for all sessions to be held in the capital of the USVI, which is Charlotte Amalie, St. Thomas. That's it. It is not specific on whether senators would have to be present in the building in the capital, or whether they could participate remotely — only that the sessions must be held in the capital.

The showdown

After formalities, and with senators — including Ms. Barnes and Ms. DeGazon — filing in as present during the roll call, Senator Kenneth Gittens, the former Senate president [who was ousted from his position during the early days of the 33rd Legislature](#), called for a Point of Order. It was granted by Mr. Francis.

"Mr. President I challenge the roll call as we are violating the rules of the Legislature. Only those present in Charlotte Amalie in these chambers should be recognized as present for full session," Mr. Gittens said. Eleven members were present, as Senator Myron Jackson, who is self-quarantining, and Senator Steven D. Payne Sr. were also not at the chamber.

Mr. Francis responded: "Very well, Senator Gittens, you are correct in respect to that. Until such time there are other motions that allow for individuals to be able to participate remotely, at this time the eleven individuals that have been deemed present in the chamber will be recognized and at a subsequent time there will be an opportunity for us to entertain a motion in respect to that."

Another roll call was made. And again, Ms. Barnes and Ms. DeGazon filed in as present. "Present as the code is silent," Ms. DeGazon said.

Mr. Francis interrupted and directed the clerk filing the roll call to only recognize senators in the chamber.

Then, a motion made by Senator Marvin Blyden to allow the involvement of senators participating remotely was never seconded and therefore failed.

Ms. Barnes and Ms. DeGazon were effectively blocked from the session from that point, with their microphones being muted and screens blacked out from the viewing public, according to Ms. Barnes.

Ms. Barnes said in her release that Mr. Francis on Thursday issued an order that outlined the protocol for the Friday session, which, among other things, stated, "Upon convening the session, a vote is taken to suspend or repeal Rule 204 (e) of the Rules of the Thirty-Third Legislature to allow St. Croix Senators and the Senator-At-Large to attend and participate at the session, including being included in the quorum count, via visual remote communications technology to avoid traveling by air or ferryboat, respectively." Mr. Francis's order was further reinforced by his public notice of the session, which stated that senators would be able to participate remotely.

"With all of the precautionary measures being taken by governments and organizations all over the world in an attempt to halt the spread of Covid-19, for the elected leaders of this territory to take such a limited and restrictive interpretation of Section 7(b) of the Revised Organic Act, is, at the most, irresponsible, and, at the least, a total and complete lack of leadership and vision," Ms. Barnes said.

She accused Mr. Francis of misleading senators and the people of the Virgin Islands.

"Why issue an order and a press release indicating that those utilizing technology would be able to participate and then not allow them to?" Ms. Barnes asked. She also expressed disappointment with having employees of the body make all the appropriate and necessary arrangements for members to participate via video conferencing technology, and then not allow it to happen.

"It was a complete waste of the employees' time! They came out of their homes during this COVID-19 pandemic to ensure that we could do the people's work and we were prevented from doing so," Ms. Barnes said via release.

Senator Sarauw saw the actions of Ms. Barnes and Ms. DeGazon during the important and historic vote as negligence. In a Facebook post, [she wrote](#), "You can't sign up for the military and decide not to go to war. You can't be an officer and decide not to go on the scene. Everyday healthcare workers get up, kiss their loved ones goodbye and fight the good fight. The cashiers get up and go to work in the grocery stores so we may have groceries. Those at the gas station show up so that we may have gas. School lunch workers are showing up to work and feeding our children. I can go on. My job is no different. If the good men and women of this Territory can do that, so can I. The measure of a man is truly where he stands in times of challenge and controversy. We owe it to the people of this Territory."

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