

The Virgin Islands Consortium

Bryan On Hansen Pardon: It's Not Over "Until The Fat Lady Sings"

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Documents obtained by VI Consortium reveals that Elections Supervisor Caroline Fawkes wrote a letter to Senator Alicia 'Chucky' Hansen through one of Hansen's staff members noting that "as per Supreme Court Order, dated August 28th, 2014, S. Ct. Civ. No. 2014-0046, your Nomination Paper seeking a Senatorial Seat in the 31st Legislature has been disqualified." It is unclear why the letter wasn't sent directly to Senator Hansen.

The letter also stated that "the Supreme Court reversed the Superior Court's July 30, 2014 order, and direct the Superior Court to grant [Adelbert] Bryan's petition and remove Candidate Alicia 'Chucky' Hansen from the General Election ballot."

The quotes from the Elections Supervisor's letter sent to Hansen indirectly via one of Hansen's employees' email, made clear the Supreme Court's judgement; however, when Governor de Jongh's pardon was announced, all Hansen's previous convictions were forgiven, leaving her with a clean slate as it relates to seeking office.

In a recent interview, Board of Elections Chairman for the St. Croix District, Adelbert Bryan, said until a new Supreme Court order is issued, Senator Hansen cannot be placed on the General Election ballot.

"The court has already ordered the supervisor of elections to remove [Hansen's] name on the election ballot for 2014," Bryan told the VI Consortium.

"The Governor can't put nobody on the ballot," he added. "The attorney general can't put nobody on the ballot. Only the supervisor, under the supervision of the Board of Elections, has the authority. So unless [Hansen] is on the ballot, we don't have anything to be arguing about."

Bryan said only the Court's order matters in this situation and unless Fawkes wished to be held in contempt of court, then Hansen will remain off the General Election ballot.

"The court order is the instruction that must be complied with. Nobody can violate the court order unless they have contempt of order to show cause, so therefore, only if Mrs. Fawkes intend to violate the court order, then she has a problem to go to court to explain to the court why," Bryan said.

Bryan pointed out that while Governor de Jongh is the head of the Territory, he does not have authority over the Board of Elections and the decisions that the joint boards make.

"The Governor is not the authority over the board of election or over the supervisor of election," Bryan said. "The supervisor of elections works for the board of elections, both joint and district, so therefore this is a district board situation."

He again stressed the point that Fawkes does not have the authority to overrule the High Court's ruling.

"I haven't seen anywhere that says Mrs. Fawkes has the authority to place Alicia Hansen's name on the ballot because the Court has already ordered to remove her."

Attorney General Vincent Frazer, in his opinion requested by the Governor concerning the pardoning of Senator 'Chucky' Hansen, said that "Senator Hansen may cure the defect in her nomination paper if resubmitted to the Supervisor within three days of Notice of Defect under Title 18 V.I.C. Sec. 411 (c)."

The Attorney General concluded by stating, "Senator Hansen is eligible to be placed on the ballot once she has been granted a pardon with restoration of her civil rights. Due process and fairness would eviscerate any ready to the contrary."

In response to the Attorney General's opinion, Bryan said, "The situation from Mr. Frazer, he said 'we opine', but [everyone's entitled] to have an opinion. So that doesn't mean a thing to me."

He continued: "All of us have an opinion, the matter is a matter of fact and a matter of law. The matter of fact is that the candidate at the time was ineligible, the matter of law is that the court ordered Mrs. Fawkes to remove [Hansen] from the ballot, that's where I'm standing. I'm not standing on personalities and innuendos."

Asked whether the ordeal with Hansen was over, Bryan said, "Well nothing is over, as they say sometimes, 'until the fat lady sings.' Cowards die a thousand times, it's only the man who dies once, with a personal conviction, never knowing why he died or why he lived that long, and no man would know the pain of death until he is gone."