

The Virgin Islands Consortium

Senators 'Reluctant' To Sign Capehart Petition Calling For Action On "Chucky" Hansen

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Senator Diane Capehart has been circulating a petition that requires the signature of seven of her colleagues, besides her own, in order to take legislative action on the eligibility of Sen. Alicia "Chucky" Hansen to continue to serve as a Virgin Islands' lawmaker. However, the senators have been reluctant to sign the petition.

Capehart is lobbying that the Senate, during its scheduled Sept. 26 gathering, settle into a Committee of the Whole meeting to discuss the eligibility of Hansen, who is currently a sitting senator in the 30th Legislature.

"I have spoken to several senators who have expressed reluctance to sign the petition, explaining that they are waiting for the final ruling of the District Court regarding the petition for a restraining order as well as for the opinion of the legislature's legal counsel on the matter," Capehart, a freshman senator, revealed in a statement.

Sources close to the *VI Consortium* [said earlier this week](#) that District Court of the Virgin Islands Chief Justice Wilma A. Lewis had already dissolved the temporary restraining order she granted Hansen after the Virgin Islands Supreme Court denied a request by the Attorney General's office to rehear Hansen's case. To date, however, Justice Lewis has not released her opinion.

"I am again urging my fellow senators who believe in the rule of law to sign the petition I am circulating that, if signed by at least eight of us, would bring the matter before the Committee of the Whole," Capehart said.

She continued: "In the absence of action by the president of this body to resolve this matter, it is up to the fair-minded individuals in this body to sign the petition. I have signed the petition."

To the senators who cite a pending ruling from Justice Lewis as reason for their apprehension, Capehart clarified the matter, reminding the senators that the Superior Court and the Supreme Court of the Virgin Islands have said the governor's pardon of Sen. Hansen was not retroactive, therefore her terms in the 29th and 30th Legislatures were illegal.

"I remind my colleagues that the matter of Senator Hansen's eligibility to hold and vie for public office has been adjudicated by both the Superior and Supreme Courts of the Virgin Islands. And while an appeal is pending regarding the issue as it relates to placing her name on the ballot for the 2014 election, there is no dispute that the effect of the pardon she was granted by the governor was not retroactive," Capehart said.

She continued: "Thus, when she ran for office in the 29th and 30th Legislatures, her criminal conviction for a crime of moral turpitude existed. The law prohibits a person convicted of a crime of moral turpitude from serving in the senate. No future ruling of the District Court or an opinion of legal counsel can change that fact."

With that, Capehart said the people of the Virgin Islands expect their leaders to "abide by the letter of the law just as we expect them to comply with the laws we enact," adding that "the legality and the integrity of this body" were at stake.

Furthermore, Capehart asked her colleagues to bear in mind that the Legislature left itself open to legal challenges by not taking action against Hansen.

"Having the body conduct any business with a member, whose qualifications are questionable at best, opens the body to legal challenges," she said. "These challenges will have serious legal ramifications, will be costly to taxpayers and will paralyze the ability of the legislature to do the business of the people of the Virgin Islands going forward."

And, Capehart added, with the V.I. government seemingly always searching for ways to collect owed tax money, wasting resources on such litigation would be careless.

"In these fiscally challenging times where the financial arm of the executive branch continues to cry out about the need to collect money owed by taxpayers, we the legislature can ill afford to waste taxpayer dollars on potential litigation that surely will come if we refuse to act on this obvious matter of law, conscience and fundamental fairness," she said.

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