

The Virgin Islands Consortium

Virgin Islanders March Onto Bernard Cuffy's Clairmont Property On 171st Emancipation Day Anniversary

VIC News / **Published On July 04, 2019 11:32 AM /**

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ST. CROIX -- Wednesday marked the U.S. Virgin Islands' 171st Emancipation Day anniversary, when the territory's ancestors decided to rise up against oppression that forced then-Danish Governor Peter von Scholten's 1848 proclamation that "all unfree in the Danish West Indies are from today emancipated." The slave rebellion of 1848 was led by John Gottlieb (General Buddhoe) in Frederiksted.

On Wednesday, a solid crowd of Virgin Islanders who marched onto Mr. Cuffy's property said there was no better way to commemorate V.I. Emancipation Day, drawing comparison to the 1848 rebellion because of oppression, and what some say was the oppression exacted on Mr. Cuffy and his wife Athlene who only wanted to clear a path to

their plot in Clairmont, but were met with hostility -- blocking of entrance with boulders, making four police reports against Mr. Cuffy for being on his own property, and threats to tie Mr. Cuffy up in the courts and pile up legal fees, among other maneuvers.

The gathering for the march met at the La Reine Shopping Center's parking lot about 8:30 a.m., and drove up to Clairmont on the Scenic Drive road. Once at the entrance of the right of way (R.O.W.) path, participants watched and cheered as two massive boulders were removed by a Bates Trucking crane. "Move that rock!" they chanted in unison. "Clear the road!" they also screamed. The boulders were so heavy and large that it took over 30 minutes to remove them.

Once the boulders were hauled away, participants rejoiced with the Cuffys and made their way to the property through the R.O.W. Once there, they celebrated some more and spoke of the importance of the occasion, its historic nature and the precedent it has set.

Mrs. Cuffy spoke of the struggle to get help at the beginning, and the overwhelming love that followed once the story and video were published on The Consortium platforms.

"When we started this fight we really thought that we were alone. We reached out to different departments [and] we felt like we were alone; we got no support," she said. "No one was doing anything so that just empowered them more to put more pressure on us to sell our land to them. So we're so grateful for the community; we feel like we have an additional family and we're so grateful, so appreciative."

Mrs. Cuffy thanked her husband, who she said took the lead in fighting for their rights because he wanted to shield his family from what had become a distasteful process. By the same token, Mr. Cuffy, who held hands with his wife as she spoke, said he also had to take the lead because Mrs. Cuffy would not have handled the matter in the manner he did. "The reason that I had to step in the front line is because she is not diplomatic," he stated as the crowd erupted with laughter.

Khnuma Simmonds, well known in the community for her leading role in the fight against domestic violence, was a key figure in the effort to mobilize Virgin Islanders on Wednesday. Ms. Simmonds, along with a group of individuals who are part of a group called Mobilize St. Croix, showed their support during the court battle by attending the trial along with planning for the march.

"I just want to say thank you to you all for having the courage to put your story out," said Ms. Simmonds, who is also the executive director of the VI Domestic Violence & Sexual Assault Council. Ms. Simmonds said when she saw the story, "The outpour told me that this is not the first time... "So I was like, I'm going to take a minute from domestic violence and we're going to jump on this because at the end of the day it all comes down to the same thing: it's power, control, privilege. All of that is associated with evil. So whether the outcome is domestic violence, whether the outcome is rape, whether the outcome is taking your land, whether the outcome is racism -- all of it is the same thing."

Cynthia Graham, a participant of the march, said she was moved by the Cuffys' story and felt it necessary to stand in solidarity with them. "It is a form of oppression what happened to this family, and you can look around, as Virgin Islanders, as people who love this land, we're against it and it's such a wonderful way to spend our Emancipation

Day," she said.

Mrs. Cuffy revealed that all funds raised to help with legal fees will be given to the St. Croix Foundation to create a new fund to help anyone going through similar situations. Additionally, with the Cuffys being small business owners, Mrs. Cuffy said each of their companies will donate \$1,000 to the fund as part of their giveback to the community.

Back at the entrance, as the peaceful and joyous event came to a close, participants started dancing, singing and chanting. "Ain't no slaves here, we're free!" shouted Dr. Chenzira Kahina. "Clear the land!" she went on as her words were echoed by the others dancing down the road.

The event was a remarkable conclusion to a story that captured the attention of Virgin Islanders and people from around the world, with the video garnering over 126,000 views on The Consortium's Facebook platform. The outcome has also cemented how future land disputes relative to R.O.W. will be handled in the Virgin Islands for subdivision property owners.

Mr. Cuffy told The Consortium in the interview in June that neighbors to his Clairmont plot were attempting to block him from using the pathway not because of security, as he said they claimed, but because he is not White. "It's going to be a security issue for them because I am not White. That's the problem," said Mr. Cuffy, who owns Carpet Masters, a firm offering rug and carpet cleaning as well as sales. "They want to control the mountain. You can't control the mountain, it's not yours. It's a subdivision. This is the Virgin Islands."

The plaintiffs, six in total -- Brian and Cynthia Devlin, Patricia H. Babij, Austin McKenzie, Sr., Andrew and Karen Hooker, Charles Adams, and Lynn Cameron Pontius -- took Mr. Cuffy to court claiming that he was trespassing, even as it was revealed in court the defendant only sought to clear the R.O.W. to his property.

Representing the plaintiffs was Attorney Mark Eckard, who tirelessly argued that the right of way was on private property, and therefore Mr. Cuffy should not be allowed to clear a path. His position was refuted time and time again by employees of the Department of Planning and Natural Resources, an expert surveyor and Judge Meade himself.

Defense Attorney Gertrude LeCointe during the final day of trial introduced a star witness to the stand: Wayne D. Callwood, the Virgin Islands territorial public surveyor for ten years. Mr. Callwood's work includes approving maps and deeds, among other roles. He had reviewed maps 5472, 2161 and 1407, to determine the right of way for the subdivision on which Mr. Cuffy's land sits, and established, like the expert testifiers before him, that the right of way indeed remains in place as part of the subdivision.

The pathway for the road leading to Mr. Cuffy's property is 30 feet wide. From the center moving outward 15 feet on either side along the road belongs collectively to the property owners equally, Mr. Callwood made known, and this makes up the R.O.W. Even so, he added that all land in the territory is subject to Virgin Islands law, and contrary to Attorney Eckard's argument that Mr. Cuffy needed permission from the neighbors to clear the path to his property, the only permission Mr. Cuffy needed, Mr. Callwood said, was from the Government of the Virgin Islands through D.P.N.R., which he has already secured.

Mr. Callwood also cited Virgin Islands Code Title 29, Subsection 230, which reads, *“The use of any roadway or street onto, within or through any subdivision of residential development of ten or more dwellings, which roadway or street is open to the use of any other persons as guests, visitors or permittees, other than the actual inhabitants thereof, shall not be denied or restricted directly, indirectly or by subterfuge, to any person, subject only to the conditions and limitations established by law and applicable in like manner to all persons.”*

Furthermore, Mr. Callwood stated, Virgin Islands deeds say owners are subject to easement, right of way and Virgin Islands law.