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Delegates fail to pass controversy-filled draft constitution

By MEGAN POINSKI

Thursday, May 14th 2009



Daily News Photo by SEAN McCOY Constitutional Convention delegates read a projection of the draft document Wednesday afternoon.

ST. THOMAS - A long day of controversial changes, arguments and a document that many delegates saw as unacceptable left the fate of the Fifth Constitutional Convention in doubt late Wednesday night.

Convention delegates met in a one-day session at Marriott's Frenchman's Reef and Morningstar Beach Resort on Wednesday with the intention of making final changes to the document and ratifying a draft constitution.

They spent more than 13 hours making many controversial amendments, several granting sweeping rights for those defined as ancestral native Virgin Islanders - and ending with a draft that delegates realized would never be ratified by 20 of the 30 convention delegates, as required by law.

The final vote on the constitution ended with 14 votes to approve it and six votes against it.

Delegate Mary Moorhead, a vocal proponent of the constitution as amended by delegates on Wednesday, realized that most of the delegates who were missing from the

final vote would be very unlikely to support the constitution that delegates put together on Wednesday.

According to the law that establishes the Constitutional Convention, delegates have until May 31 to finish their draft document.

"Are we understanding that if we leave here tonight, this is it?" Moorhead asked. "We have been in denial about the time issue here."

Delegates left the meeting at almost 11 p.m. Wednesday without a clear indication of what will come next. Joining Moorhead in voting to ratify the document was Convention President Gerard Luz James II and delegates Adelbert Bryan, Gerard Emanuel, Mario Francis, Lois Hassell Habtes, Stedmann Hodge Jr., Myron Jackson, Wilma Marsh Monsanto, Kendall Petersen, Claire Roker, Lawrence Sewer, Elsie Thomas-Trotman and Alecia Wells.

Voting against it were delegates Violet Anne Golden, Francis Jackson, Eugene Petersen, Robert Schuster, Richard Schrader and Charles Turnbull.

Absent for the vote were delegates Craig Barshinger, Douglas Brady, Rena Brodhurst, Douglas Capdeville, Arnold Golden, Clement Magras, Thomas Moore, Michael Thurland, Arturo Watlington Jr. and Lisa Williams.

The document that was finally voted on included controversial ideas. Some of these included only allowing native Virgin Islanders to run for governor and lieutenant governor, defining marriage as the legal union between man and woman, granting property tax exemptions to primary residences and vacant land holdings of ancestral native Virgin Islanders, mandating that no more than 20 students can be in a class, and making all district senators run at-large.

Moorhead made a motion to petition the Senate for an extension to produce a finished document. The motion, which passed without objection, will request that the Senate change the law to give delegates until the end of September to come to consensus on the document - as well as \$500,000 more to finish the convention's work and conduct a public education campaign.

The Senate has a session scheduled for May 28 and 29 - just before the convention deadline - but there is no guarantee that senators will act on the delegates' request. Both of the sitting senators who are also delegates - Barshinger and Thurland - were absent on Wednesday. If senators do approve the request, the extension must also be signed into law by Gov. John deJongh Jr.

Delegates who voted against the constitution that was put together on Wednesday said the draft as amended is much too specific and gives too much to those defined as ancestral native Virgin Islanders, sometimes at the expense of rights that have existed in

the past for other longtime residents.

Turnbull, a veteran of all five of the territory's constitutional conventions, was emphatic in his reasons for voting against the document. Foremost among his reasons was the fact that delegates blatantly ignored legal advice from the two attorneys the convention has hired to advise them. Attorneys Lloyd Jordan and Lisa Moorhead advised against many of the specific rights delegates gave to ancestral native Virgin Islanders on Wednesday, saying that they were against federal law and would not pass the necessary federal review.

"I am uncomfortable with this convention not listening to the legal advice that we have been given," Turnbull said. "I have listened to the legal people. In their hearts, they want to go along with what we want. But they cannot. If something is not going to pass, if it is contrary to the U.S. Constitution, I am not going to support it. I am not going up that tree because it's the wrong tree."

Francis Jackson said he wants to work toward consensus and compromise, but he cannot support two of the changes made in the draft on Wednesday: requiring the governor and lieutenant governor to be native Virgin Islanders and granting property tax exemptions to ancestral native Virgin Islanders with large land holdings.

Schrader said he could not stand by the constitution setting class sizes for the territory's schools. He also felt that people who have chosen the Virgin Islands as their home and contributed to the community should have the right to run for governor and lieutenant governor.

Delegates who supported the constitution were aggravated Wednesday night that the draft was not accepted. Bryan said that he was not getting everything he wanted in the constitutional draft, and those who voted against it should be more willing to compromise. If some of the sections they found objectionable were changed, Bryan said, his yes vote would become a no vote.

"These complaints that we have been hearing are from people who participated already," Bryan said. "They have voted no or abstained already. And they are saying we must somersault backward for them to go along with it?"

Roker said that she was hoping for consensus. The lack of it, she said, seems to show the convention fulfilling the dire prophecies of those who never supported them.

"What is bothering me now at this tail end, we are now giving into the naysayers. We are now giving in to all of the negative public attacks," Roker said.

Personal attacks on some of the delegates who voted against the draft - and some who had left Wednesday's session early or not attended at all - were lobbed about the body. Some delegates made snide comments about things others had said, votes others had made, and actions others had taken to undermine their work. Turnbull, growing angrier

as delegates muttered as he gave his reasons for voting against the document, shouted that the personal attacks do not help.

Delegates also gave impassioned speeches about the controversial portions of the document they believe must be included in the constitution.

"Does it feel good to be a native Virgin Islander, in your own land, and for people you have opened your arms to to say, 'Don't vote for native Virgin Islanders? Don't vote for native rights?' " Habtes asked.

James said he was disgusted by the delegates' failure to pass the constitution on Wednesday and promised to put together a delegate attendance report for the media. The people need to know who has been working for them at the convention, James said.

James also said he is dedicated to trying to change the minds of the delegates who voted against the draft.

"I'm going to work with it, and see if we can flip the coin and take their personality out of it, and be more acquiescent and think of the people who voted on their behalf," James said. "Because the general public is going to be on their back."

If the Senate is receptive to the delegates' plea, according to a motion from Myron Jackson, the delegates will have several public hearings to present the draft as amended by delegates on Wednesday.

- Contact reporter Megan Poiniski at 774-8772 ext. 304 or e-mail mpoiniski@dailynews.vi.