

# ST. THOMAS SOURCE

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## Analysis: Rothschild Francis's Legacy – Part 2

*This is the second of a four-part series on the legacy of Rothschild Francis in the U.S. Virgin Islands. Part 1, which can be seen [by clicking here](#) [1] or using the link below, outlined how Francis became a leader in the movement to obtain rights for the territory's citizens after the 1917 transfer of the territory to the United States. His actions aroused opposition and legal efforts to stop him.*

### Prosecution and Freedom of the Press

The opposition against Rothschild Francis persisted. After a letter writing duel in the New York Times, with Judge Williams criticizing Francis's position and justifying his own, it became clear why Williams would want to persecute and prosecute him. The prosecution started with Francis being denied trial by jury in the light of his articles that cried out for justice.

In that case, a police officer contended that he was identified in the article and the government attorney filed criminal libel charges against Francis. District Court Judge Williams denied Francis a trial by jury on the grounds that the right to a trial by jury guaranteed by the Sixth Amendment did not extend to the unincorporated territories.

Francis was tried, found guilty by Williams, and sentenced to 30 days in jail. This judgment explicitly expressed the doctrine that the court was an agency for the regulation of the press. The judge cited from *The Windows of Westminster* by Joseph Pulitzer, *Utopia* by Sir Thomas More, and *The Warden* by Anthony Trollope, then passed judgment on behalf of his opinion of the press.

An appeal to the Circuit Court of Appeals in Philadelphia reversed the judgment on the grounds that proof of identification was lacking and that it is not the function of a trial judge to exercise control over the press. This was a monumental win for freedom of the press and expression, and a boost in the continued struggle for equal rights in the islands.

The vendetta against Francis did not end there. Before the circuit court had reversed the conviction, Francis had published a stinging article about the case. In response Williams instituted a proceeding for contempt of court. After a hearing, Francis was found guilty and sentenced to 30 days imprisonment and \$100 fine. Francis moved for an appeal, which was denied, then moved to appeal the denial of the appeal which Williams allowed.

Francis appealed and lost. According to Judge Wolly, "the judgment of the district court was law until it was changed by orderly process."

Francis then petitioned the U.S. Supreme Court and was denied a hearing. The contempt case against Francis was upheld. However, Williams was promptly summoned to appear

before the U.S. Senate Committee on Territories and Insular Possessions, which was then holding hearings for a constitution for the islands. Williams was questioned intensely for several days on the Francis proceedings.

Finally, Francis was framed by a conspiracy perpetrated by the Navy and his political rivals. In the incident, Francis was approached to keep \$80 safe for a young lady to whom he gave a receipt. She returned on a holiday and requested her money. Francis responded that it was deposited in the bank for safekeeping and it would be available as soon as the bank reopens, but she could have \$50 that was readily available. She reported the incident to her employer who told the prosecuting attorney Gibson. Gibson urged Judge Williams to charge Francis.

Francis was tried with the \$30 in his pocket and sentenced to one year hard labor in Richmond Penitentiary and \$100 fine.

On October 31, 1926, Francis was arrested to serve a sentence of 30 days and \$200 fine at Fort Christian. He was again incarcerated on Nov. 23, 1927, when he failed to win his appeals. He served 30 days in Richmond Penitentiary on St. Croix. After serving what he thought was his last sentence, he was again picked up in St. Thomas on a warrant to serve his embezzlement sentence in Richmond Penitentiary on St. Croix. In May 1928 he was declared a free man.

## The Post Francis Legacy

After serving the people and serving his prison sentences, Francis left the islands and moved to New York, where he died in 1963. There is no indication that he ever returned to the islands. A statue of Francis in Charlotte Amalie bears the inscriptions, "Persecuted (martyr) Banished Territorial Medal Of Honor."

So far, no evidence has been found indicating that the people he fought for supported him at the time of his prosecution. Similarly, there may have not been any significant effort to continue the fight for democracy and the government reform needed to acquire equality, justice and representation for the working class. However, in his wake a series of events transpired that relate to Francis or his work.

In August 1930, Gov. Waldo Evans summoned Judge Williams to his office. The governor angrily confronted Williams about disrupting his home the night before. Williams' tense defense accused Evans of putting himself above the law. After an obscenity laced discourse about his job to lock up the natives for gambling, Evans replied in kind, then exclaimed "You are fired!" and summoned a guard to escort Judge Williams out of the office. This case is another example of the autocratic power of the governor at work.

After a devastating hurricane in 1928 and a stock market crash in 1929, agitation for a new constitution shifted to the immediate need for economic rehabilitation to prevent starvation. The natives continued to be dissatisfied about the economic welfare of the islands. Herbert D. Brown, chief of the Federal Bureau of Efficiency and a strong-willed, influential Washington bureaucrat, intervened with a proposal. The proposal would have enabled the Congress to fulfill its desire to lead the islands to self-sufficiency and end annual appropriations. In the process of executing the initiative, a conflict arose between Brown and Evans over supervision of the \$141,000 special fund and control of the rehabilitation program. So, rumors spread that the islands had two governors.

As a result of the conflict, on his return to Washington, Brown asked President Herbert Hoover to withdraw the Navy from the islands. As a result, Brown was directed to find a

competent person to be the first civilian governor.

Dr. Paul M. Pearson of Swarthmore Penn., was selected because of his humanitarian, civic and social orientation.

Believing that a civilian government would produce better administration of the islands, Hoover announced a reorganization of the Virgin Islands government on Jan. 31, 1931, and nominated Pearson to be governor. He was approved on Feb. 15 by the Senate and on Feb. 28 Hoover's executive order transferred the administration of the islands to the Department of Interior.

This establishment of a civilian government was a step toward reaching the goals of Rothschild Francis.

## The Organic Acts

Francis is credited with being the father of the Organic Act. This distinction recognizes his foundational work developing and proposing a plan for a civil government in the Virgin Islands. His ideal civil government would have provided representation equivalent to the representation enjoyed by citizens in the United States. Although this has not yet been achieved, the Organic Act replaced the temporary government Act of 1917 and served as a constitution for the Virgin Islands.

The 1936 Organic Act advanced the concept of Francis' ideal to provide a civilian democratic government structure. A key provision in this act is that it extended voting rights to all literate Virgin Islanders. Generally, the government structure in the act was a step toward decentralization of government powers that Francis deemed necessary to establish a legitimate democracy. The act also included municipal representation for people in two districts – St. Thomas/St. John and St. Croix. This means that the governor would not have full control over the municipal operations.

However, the legislative body was formed by assembling the two municipal bodies. Therefore, the same officials filled both positions. According to modern public management standards, the officials in this system served across jurisdictions. This created problems regarding the mingling of legislative power and municipal authority. More specifically, from an accounting standpoint, there were issues regarding commingling of funds. Similarly, there were accountability issues regarding the mingling of the authority to both allocate funds in one capacity and spend in another. This anomaly defeated the purpose of segregating the levels of government. Consequently, there was still unrestrained government power and authority within the hands of the ruling class.

The next step toward fulfilling Francis' ideal could have been fulfilled by enabling the legislative and municipal bodies to function autonomously without double-agent officials.

Less than two decades later, the 1954 Revised Organic Act reorganized the legislature and executive branch of government. In comparison to the Rothschild Francis initiative, that act restrained advancement towards democratic representation and the potential to develop professional municipal management. From an operational perspective, it re-centralized government power under the authority of the ruling class. It counteracted the potential of the 1936 Act by creating a centralized government. In the centralized system as it exists today, there is evidently no meaningful interaction between the people and government officials after they are elected.

The centralized government is an organizational structure that helped the ruling class to maintain control over government operations in the slave and early colonial era societies in the Virgin Islands. In the absence of Rothschild Francis and with the acquiescence of the people, the ruling class reestablished the centralized government that enables colonial authoritarianism. More specifically, the 1954 Act eliminated the municipal representation system and placed the municipal authority under the jurisdiction of the governor. In that new structure, the Legislature garnered control of municipal funding. Both branches absorbed the municipal power and authority which could have been controlled by the people.

Operationally, neither the legislature nor executive branches are designed to manage municipalities. The 1954 Organic Act eliminated the potential for representatives to ensure that the districts affairs are managed professionally in the interest of the people through a system of city and county manager offices. Consequently, almost all the government failures can be directly linked to the absence of a municipal system. The absence of a good municipal system has since negatively impacted the advancement of economic opportunities, equality, and justice that Francis envisioned and espoused.

The revisions in the 1954 Act are contrary to Francis' initiative to limit the autocratic power of the governor. His model sought to establish a true democracy that exemplified the ideals of government by the people directly or through representatives. The alternatives were the mechanistic military rule from 1917 to 1931, or the preceding oligarchic rule by the ruling class that triggered the 1878 Fireburn. The legacy of the 1954 Revised Organic Act is that it created a mechanistic oligarchy rather than a democracy. That system spawned a form of totalitarianism that has been strengthening since the establishment of the first political party in 1952.

## Impact of Colonialism

Over time, a political culture emerged in which people accept and perhaps admire the totalitarian system. A segment of the culture can now be classically conditioned by the colonial principle that government controlled by one group is ideal. That ideology ignores the evidence that totalitarianism and authoritarianism have historically been the antithesis of democracy in the Virgin Islands.

The profound statement Francis made about lying down and playing dead apparently refers to the elimination of the resistance to colonialism and will for democracy. From another point of view, the success of the ruling class in the midst of a free and modern U.S. democracy is a mystifying phenomenon. Perhaps this phenomenon identifies the "ignorance and superstition" that Francis wanted to eradicate through the press.

The colonial power structure has been politically successful for almost a century. However, the economic and social failures are evidently caused by the absence of a democracy. Over the last 50 years, there is substantial evidence that the oligarchy is a primary factor in the decision-making and management failures. Consideration of the mismanagement of the Hess Oil Company refinery agreements since 1966 could provide some examples.

Under the totalitarian system there has been a culture of deferred maintenance, discretionary use of public funds, poor budgeting, and lack of research and development, planning, and data collection. In the absence of these management protocols, the decision-making appears to be driven by the entity with the most political capital at the time. The government operates almost exclusively as a political entity. To the contrary, decision-making in a properly functioning democracy is supported by data collected from the communities and processed by municipal analysts.

The absence of demographic data, proper analysis and need assessments has contributed to bad public policy and systemic corruption. These issues are exemplified in the periodic political policy of transferring financial liability from government operations to the retirement system. Other negative impact policies include deferring payments on service contracts, pension funds, and other deferred-maintenance budgeting practices. These practices that have been common in the Virgin Islands for generations are rooted in the colonial system of governance that Francis fought to reform.

In the recent recession years, those in need of government services seem to be most affected by the austerity cutbacks. While the ruling class remained privileged to receive new contracts or exorbitant salaries, hundreds of necessary government employees were laid off between 2010 and 2013. Such government disparities are characteristic of moral corruption in the colonial system. These sociopolitical idiosyncrasies of the power structure are what Rothschild Francis sought to subdue with government reform and democracy almost 100 years ago.

More specifically, the use of demographic data is a key factor for effective public management. Under the colonial system, the collection and use of data and demographic studies has been lacking in political decision making. Evidently, the politicians have been indoctrinated into functioning according to the colonial mode of operation. Characteristics of the colonial operations include the gentleman's agreement, political clout, and the greasing of palms to insure prompt service. It also included the establishment of marital relationships to keep the bonds secure. These were functional elements in the colonial culture of political decision making. Consequently, throughout the departments, there is a lack of data compiled for decision making. In the absence of adequate data, politicians are able to spin the issues to make bad policies look good. The government tends to only compile data in order to meet federal funding requirements.

Demographic data would reveal economic idiosyncrasies. For example, the high budget for the Legislature is likely due to high senators' salaries, and other inefficiencies and ineffectiveness in staffing and operations. The Legislature can learn to be more efficient by adopting the best practices in legislative operations from other U.S. jurisdictions. Salary comparisons published by news organizations reveal that Virgin Island legislators are third highest paid in the nation. However, Virgin Islands legislators receive 100 times the salary per capita of the highest paid legislators under the U.S. flag. Per capita, Virgin Islands senator salaries are likely the highest in the world.

Also, the U.S. Virgin Islands budget is more than \$1 billion for approximately a one hundred and ten thousand population. This calculates to more than ten thousand dollars for every adult and child, compared to states such as New Jersey with operational cost less than half that of the Virgin Islands. While the operations cost is twice as high, Virgin Islands government operations are substandard and increasingly dysfunctional in light of advances in public policy, management and decision making.

***Coming:*** *Colonial conditioning tempers citizen action.*

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Local news

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