THE

House of Assembly Debates

(OFFICIAL REPORT)

SECOND SESSION 1971 - 76

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FIRST SESSION OF 1971-76

HOUSE OF ASSEMBLY

Tuesday, 27th August, 1974

Pursuant to adjournment, the House of Assembly met at J5 a. m. o'clock.

PRESENT

His Honour G. A. MAXWELL, L. L. B., (Speaker); Hon. S. TALMA, C. B. E., (Deputy Prime Minister and Leader of the House); Rt. Hon. E. W. BA. LOW, B. Sc., (Econ.) LL. D., (Prime Minister); on. G. G. FERGUSSON, (Minister without Portfolio); Mr. R. St. C. WEEKES, J. P.; Minister. LOWE, J. P., (Chairman of Committees):

DaC. EDWARDS; Mr. W. C. B. HINDS; Honour C. A. E. HOPPIN, (Deputy Speaker) Mr. L. S. CRAIG; Mr. J. B. SPRINGER; Mr. M. G. M. ADAMS, M. A., (Leader of the Opposition); Mr. E. D. MOTTLEY; Mr. C. BOLDEN, LL. B.; Mr. F. L. WALCOTT, O. B. I. Hon F. G. SMITH, Q. C., B. A.,

(Minister of Communications and Works); Hon. P. G. MC ; AN, C. B. E., (Minister of Tourism, Informal and Public Relations); Mrs. G. L. EASTMONI Hon. P. M. GREAVES, B. A., (Minister of Housing, Lands, Labour and National Insurance); Mr. H.; B. FORDE, M. A., LL. B.; Dr. Hon. R. B. CANLE, (Minister of Health and Welfare); Hon. MORRISON, (Minister of Agriculture, Science and Technology); Hon. L. E. SANDIFORD, L(Econ.), (Minister of Education, Your Affairs, Community Development and Sport) and Mr. E. E. GREAVES, B. A., 1 ML

Prayers were it

MINUTES

Mr. SPEAKER:

The Minutes of this House for Tuesday, 20th August, are before you for confirmation. If there are no omissions or corrections the Mits will be confirmed.

Mr. ADAMS:

Mr. Speaker, that portion of the Minutes which deals with the introduction of Order No. 3, the Post Office (Amendment) Bill, 1974, in my respectful submission does not represent what took place in the House. The speeches and points of order made by numerous hon. members are omitted.

On page 3 of the Minutes, half way down the page it is stated:

"On the motion of Hon C. E. TALMA, seconded by Hon. G. G. FERGUSSON, consideration of the Bill was postponed"

There were numerous other proceedings consuming twenty minutes to half an hour of the House's time which will be reflected in the Official Gazette in the fullness of time, and I respectfully submit that the Minutes cannot be correct if they ignore the contributions to the debate made by me, by the hon. member for St. Michael South, points of order made by the hon. member for St. Joseph, by the hon. member for St. Michael North West and by sundry other hon. members who either spoke or spoke on points of order.

Mr. SPEAKER:
Any other comments? Confirmation of these Minutes is hereby deferred.

I have the honour to lay on the Table of this Honourable House the Report and Accounts of the Sugar Industry Agricultural Bank as at 30th June, 1974.

DOCUMENTS LAID

Rt. Hon. E. W. BARROW:
Mr. Speaker, I am commanded to lay the following - Statement showing Net Customs and Excise Receipts for four months ended 31st July, 1974.

GOVERNMENT NOTICES

Rt. Hon. E. W. BARROW:
Mr. Speaker, I beg to give notice of the following - A Bill to grant an additional sum of money out of the Consolidated Fund and appropriate the same for the service of the Island for the financial year ended 31st March, 1974.

Hon. C. E. TALMA:
Mr. Speaker, I beg to give notice of the following - A Bill to make provision for matters arising out of the establishment of the Caribbean Community including the Caribbean Common Market.

NOTICES OF QUESTIONS

Mr, ADAMS:

Mr. Speaker, I submitted , certain questions on Friday. Can the Clerk assist Mr. SPEAKER I have not seen them and if you allow me to see them I will undertake to give you permission at a later stage of the sitting to give notice of those Questions.

Mr. ADAMS:

Thank you.

BILLS READ A FIRST TIME

On the motion of Rt. Hon. E. W. BARROW, seconded by Hon. C. E. TALMA, a Bill to grant an additional sum of money out of the Consolidated Fund and appropriate the same for the service of the Island for the financial year ended 31st March, 1974, was read a first time.

On the motion of Hon. C. E. TALMA, seconded by Hon. G. G. FERGUSSON, a Bill to make provision for matters arising out of the establishment of the Caribbean Community including the Caribbean Common Market, was read a first time.

PERSONAL EXPLANATIONS

Mr. CRAIG:

Mr. Speaker, I wish under Standing Order No. 19 to crave the indulgence of the House to make a personal explanation. I regret most sincerely an incident which occurred in this Honourable Chamber on 21st May, 1974, and I sincerely hope that this Chamber will accept this apology in the manner in which it is meant, and I sincerely hope that His Honour the Deputy Speaker of the House who was at that time presiding has not been caused any mental discomfort nor this House any kind of disrespect. I also sent a letter to the

Marshal in which I expressed deep regret, and I hope that it did not cause him any mental or physical

discomfort, because I am sure it was not meant that way. It is only that I was emotionally upset over an incidents which had taken place during the proceedings of the House, and I was seeking some recourse.

I sincerely hope that you, Mr. Speaker, His Honour the Deputy Speaker and the entire House will accept this apology in the way in which it is made.

LEAVE OF ABSENCE

Mr. BOLDEN:
Mr. Speaker, I am seeking six weeks' leave of absence commencing 4th September, 1974.

Mr. SPEAKER:
If there is no objection, leave will be granted. There being no objection, leave is granted the hon. member.

SUSPENSION OF STANDING ORDERS

Hon. C. E. TALMA:
Mr. Speaker, I beg to move that Standing Orders Nos. 6, 16, 18, 20, 42, 43 and 44 be suspended for the remainder of this sitting.

Hon. G. G. FERGUSSON:
I beg to second that.

Mr. HINDS:
Mr. Speaker, I beg to move that the several Standing Orders enumerated by the Hon. Leader of the House be amended by including Standing Order No. 30.

Mr. MOTTLEY:
I beg to second that. 10. 45 a. m.

The question that Standing Orders Nos. 6, 16, 18, 20, 30, 42, 43 and 44 be suspended for the remainder of the day's sitting was put and resolved in the negative, the House dividing as follows:

Notes: Rt. Hon. E. W. BARROW, Hon. C. E. TALMA, Hon. G. G. FERGUSSON, Hon. A. MORRISON, Hon. P. M. GREAVES, Dr. the Hon. R. B. CADDLE, Hon. L. E. SANDIFORD, Hon. F. G. SMITH, Hon. P. G. MORGAN, Mr. LOWE, Mr. WALCOTT, Mr. EDWARDS, Mr. SPRINGER, Mrs. EASTM3ND, Mr. HOPPIN, Mr. E. E. GREAVES and Mr. WEEKES - 17,

AYES:
Mr. ADAMS, Mr. CRAIG, Mr. MOTTLEY, Mr. HINDS, Mr. FORDE and Mr. BOLDEN -6.

The question that Standing Orders Nos. 6, 16, 18, 20, 42, 43 and 44 be suspended for the remainder of the day's sitting was put and resolved in the affirmative, the House dividing as follows:

AYES:
Rt, Hon. E. W. BARROW, Hon. C. E. TALMA, Hon. G. G. FERGUSSON, Hon. A. MORRISON, Hon. P. M. GREAVES, Dr. the Hon. R. B. CADDLE, Hon. L. E. SANDIFORD, Hon. F. G. SMITH, Hon. P. G. MORGAN, Mr. LOWE, Mr. WALCOTT, Mr. EDWARDS, Mr. SPRINGER, Mrs. EASTMOND, Mr. HOPPIN, Mr. E. E. GREAVES and Mr. WEEKES - 17.

NOTES:
Mr. ADAMS, Mr. CRAIG, Mr. MOTTLEY, Mr, HINDS, Mr. FORDE and Mr. BOLDEN-6.

GOVERNMENT BUSINESS

Hon. C. E. TALMA & Mr. Speaker, I beg to move that Government Business be now taken.

Hon. G. G. FERGUSSON:
I beg to second that.

The question was put and resolved in the affirmative without division.

BILL TO AMEND THE CONSTITUTION OF BARBADOS

Hon. C. E. TALNMA:
Mr. Speaker, the first Order of the Day stands in the name of the Hon. Prime Minister, and it is to move the second reading of a Bill to amend the Constitution of Barbados.

Rt. Hon, E. W. BARROW:
Mr. Speaker, I rise to move the second reading of a Bill to amend the Constitution of Barbados -- the sovereign independent State of Barbados. Notice of this Bill was given on the 9th July, 1974, and the Bill was read a first time on that date. I indicated at the time of the introduction of the Bill that a period of not less than four weeks and not more than eight weeks would be allowed for persons to become familiar with the provisions and changes which we, as the ruling majority in Parliament in this country, now propose to make, which we will make and which we intend to pass in August.

You are aware, Mr. Speaker, that I regard Parliament not as a talking shop but as a place to get the people's business done. My speeches on the introduction of Bills are always long enough to resolve any ambiguities or uncertainties which may exist in the printed presentation of these matters, but surely short enough to allow members to get on with the business of the people of this country.

I do not use this Chamber as an instrument of personal vilification of any member. When I am attacked I am better able to defend myself than most of the members, having been in here for a duration of Parliamentary experience surpassed only by the Hon. Leader of the House and the member for St. Michael West - a period now embracing some 22 years.

I therefore am basically a parliamentarian although I myself deplore more than anyone in this country the uses to which Parliament has been put or to which attempts were made to put Parliament particularly immediately before and immediately after the post independence period. Therefore if I spend a little time today, a little longer than usual, in making observations about the matters which we have to dispose of within the next 48 hours to the benefit of the citizens of this country, it is not that I am seeking a political platform. I do not need a political platform

My power base is the majority of the people, over 51% of them who voted for this party at election time. My power base is also secured on the collective responsibility of the Cabinet of this island and the unswerving dedication to the programme of the Party to which all the members on my side are committed not only today but on previous occasions, in times of engineered crises and in times of tranquillity.

There has been no single occasion since I have been Parliamentary Leader and Chairman of the Cabinet -• and that is all I am - that I have not been able to rely on the unqualified support of all of the members of my Party in this House; because it is a cardinal rule of our organisation that dissent on matters is a question of the right of any citizen of this country. But once the Cabinet makes a decision on the measures which they consider best for the good government of the citizens of this sovereign State, then every single member, whether he be a member of Cabinet or not, is committed, to use the jargon of existentialism, committed in every sense of the term to support and vote for them, including the Speaker of the House on such occasions as he is called upon, independently of his Office, to exercise his vote say in Committee stage.

I wish to make that clear so that those on the other side or outside of Parliament who may be hoping that this is a Party which can be disaffected by subversion, can, like the Arabs, without the money that the Arabs have, fold their tents and silently steal away. Such money as they will be able to garner from the commercial and other interests of this country would not be sufficient to support them in the style to which Parliament is accustomed.

I hope that during the course of this debate I will have certain things to say about the performance of members on the other side on parliamentary matters. 1065a. m.

I am not concerned about their personal lives as they seem to be concerned with the personal lives of

other citizens; of the country, some of whom may be the subject of this discussion; but to pretend, in the light of the hostility which they have tried to create, that we can conduct a debate here according to the English Public School concept without drawing the performances and statements of people on the other side to the attention of the general public would be to create an exercise in self-deception which would not be worthy of any member of this Government or any member of the House.

We have all witnessed the tirades - we have all heard and experienced the tirades of the other side on such civil matters as proposals for a budget. On the last presentation of the Budget, in eleven minutes eight individuals in this country were attacked either directly by names, and that in a debate on a Budget speech, or by reference or denotation. This is not my object here today.

In the first place, Mr. Speaker, I would like to say this. We could not run this Government by newspapers. The newspapers are controlled- with the possible exception of the one with the lowest circulation, if it has a circulation at all - by people outside of this country. They are owned and controlled, and this is unfortunate. We have no intention of nationalising any newspapers in this country. We have other things to do; but I remember on the occasion of a famous speech, or infamous speech, made in Paris in 1948, on the presentation of the first of the Reith Lectures, the very famous series with which Your Honour is no doubt acquainted - speaking on the individual and the State, -it was by a most eminent intellectual in the United Kingdom - not intellectual in the Barbadian sense, we only have a bunch of pseudo-intellectuals in this country, but an intellectual in the international sense - he was speaking directly after the speech made by a then member of this House in Paris in 1948, and he said that one of the distressing things about Colonialism and Imperialism, or the most distressing thing was that from amongst the ranks of the subject peoples could always be recruited the greatest defenders of the system.

For edification of the Leader of the Opposition who always wants to know my authority, the series of lectures called the Individual and i the State was delivered either late in 1948 or early in 1949. I am relying purely on my memory but my quotation is reasonably accurate. "From amongst the ranks of the subject peoples could always be found the greatest defenders of the system. "

If we examine our system here in Barbados, with brief interruptions and these interruptions are not due to any revolutionary situation but to the dissolution of Parliament - with those interruptions which are legal interruptions we have had a Parliament in Barbados continuously from 1639; and therefore Parliament is to be considered one of our most enduring institutions. But what is more important about Parliament and I regret that I have to give you above all people, you who have been a university lecturer yourself, a little dissertation on Constitutional Law. I regret it, but there has been so much distortion of our position, that the position of Parliament has got to be clearly established, and therefore I crave your indulgence - the thing about Parliament is not the array of stained glass windows with which we are

surrounded or the quality of the lunches which most members enjoy from week to week, the quality of it or lack of it. The thing about Parliament is not the length of the speeches or the amount of vituperation or the removal of Maces or bad behaviour. Those are incidents that occur in even the best regulated societies, that we cannot really control but which we try to contain. The thing about Parliament is that in this place and not in the public domain after election time, sit the elected representatives of the people of Barbados. This is the most important thing about Parliament. And the reason why the Lower House is more important in the schema of things in every Parliamentary democracy is that invariably in the Lower House, invariably, the elected representatives of the people of Barbados sit, who have been elected on a political basis and not on an ecclesiastical or ecumenical or secret service or masonic basis. They have been elected by a process of free elections to represent the people and to implement the programme which has been put forward should they secure a majority - programmes which have been presented to the people for their approval.

I wish to establish right here and now, Barbados is not a canton or division of any other State in the Caribbean or outside of it. We are not an extention of the Government of the

United Kingdom or an extension of the foreign policies of the United States of America, and I have made that clear on many occasions. Therefore, when the representatives of the people come into this Chamber, Mr. Speaker - if I do not use words like "honourable" all the time in either referring to members or to the Chamber, Mr. Speaker, it is no sign of disrespect; I do not want to embellish what I want to say by introducing emotive terms into my discussion - when the people come into this Chamber they come to implement programmes for the people.

Now I want to get my definition of 'people' straight. "People" mean all the people in the country, basically, all the people. Those who voted for us and those who voted against us. Those who believe in heaven and those who believe in hell, and those who do not believe in anything at all. But basically when there is a conflict of interest or a professed conflict of interest, then the people that we have to be representing here are the majority; not the silent majority but the majority who have expressed by their vote their confidence in the programmes and policies of this Government, and where there is any division of opinion then our consultation has got to be, not to the Pope in Rome or to the Lord Chancellor in Great Britain, not to the President of the United States, whoever he is from time to time or whatever he is, or to Lord Thomson of Fleet, a gentleman who surrendered the nationality of the country of his birth so that he could buy a peerage in the United Kingdom Parliament.

We did not come into Parliament by. buying peerages; we came in here by the votes of the people, and the people who sent us here were in the majority, workingclass people; not because we have a bias for the working class against the middle class, whoever they are. 11. 05 a. m.

Mr. Jack Dear once asked me to form a middle-class party with him. I asked him what kind of party was that. I do not know who are the middle class, or the ruling class, or the plantocracy, but because they happen to have the kind of economic organisation found in countries which have just emerged from colonialism to be run by the majority of the people, the masses of the people are the majority. The masses of the people are the majority, and that is the meaning of democracy.

The point which I want to make clear right here and now, and I want to get it indelibly clear not only on your mind where it resides firmly and surely, but on the mind of all the people in this country, is that we represent the people because they are in the majority. If we have to have any kind of referendum, which is a term which does not appear anywhere in the Constitution of Barbados, our decision would have to be ad referendum the party and the people who voted for us in this country. That is the only kind of referendum that we know. This referendum if it was intentionally or unintentionally expressed, was expressed day before yesterday in the Annual Conference of the Democratic Labour Party giving overwhelming support, with one exception of a stalwart in the party who felt that it did not' look good to have a unanimous vote on this matter, who put up his hand against the Resolution, one out of 323. That is the only kind of referendum that we respond to.

I want to make that abundantly clear, so when the uninformed ecclesiastes or ecclesiastics speak of our having a referendum; we recall that referendum became a bad word in 1961 when the people of Jamaica voted against and broke up the West Indian Federation because the Prime Minister of that country should never have acceded to the clamours of the Opposition for any referendum. The meaning of Parliamentary democracy is that the people themselves, because of their pre-occupations with such vital matters as earning a living, who lack the time to devote to proper studies to this and other matters, delegate to their representatives the exclusive right and duty to pass laws in Parliament for the good governance of this country and for the betterment and improvement of the society.

I never thought that at my age and after 23 years in Parliament, off and on - once a radical in 1956 when they said I was a Conservative, and then they said I was a Communist - that they would now say I am a Dictator. I have been through all the segments, so I am now qualified to speak on all aspects of Parliamentary government because, according to the Opposition, in 1956 I was a Conservative, and when we got the Government, the late Sir Grantley Adams said at London Airport that we were a bunch of wild boys and Communists. In 1966 they said I was seeking to impose a dictatorship in Barbados where we would never have any elections again and Parliament would be dissolved. Look at some of them over there getting fatter and fatter from year to year!

The only person who did not vote hypocritically, some may say - I have never voted on any matter

relating to salaries in this Parliament - was your humble servant. Whenever it comes to financial matters relating to the improvement of the lot of Parliamentarians, we have remarkable unanimity among the members of the Opposition and the members of this Government - the kind of unanimity that is only found in Westbury Cemetery. Never a word in anger, except from the members of the Opposition Party who berated their Leader for selling them out and not getting enough money for them on the last salaries revision. But these are parenthetical matters. (Asides.)

Mr. SPEAKER:
Order!

Mr. FORDE:
On a point of • order, Mr. Speaker, the records of the House would show that this House was divided on the increase of salaries and that I, personally, voted against the increase. There was no berating of the Leader of Opposition.

Rt. Hon. E. W. BARROW:
I do not know whether that was a point of order, but, certainly, what I had to say was not really relevant, and maybe I provoked the hon. member to show that he was holier than anybody else in Barbados and anybody else in this House. The point I was making is that there are times when the Opposition agrees with the Government, and there are times when the Opposition does not agree with the Government, but I wonder if the members of the Opposition would agree with me on one thing? If the Government of Barbados, at any time, decides to take into the public domain matters which are for the decision of Parliament, would they consider this a discourtesy or not? It is a rhetorical question. I know the views that they have expressed from time to time that they have read in newspapers that so and so is going to take place and that the Government did not have the decency to come to them first. I agree with them. For such occasions on which this has happened I owe them my profound apologies, but I should like to assure them that on all of these occasions, and there are very few, it was done without my knowledge, consent or approval. (Asides.)

I would like hon. members to itemise the matters that I have come in here to get legislative approval for that I have taken into the public domain, except at election time. What we are saying is that the proper place to discuss legislation is in the Legislature and by legislators. The proper place for matters dealing with the laws, or the Constitution of Barbados, is not the public domain except that, as in Trinidad, and Tobago they go through some kind of "pappy-show" as they call it down there, from time to time. Without in any way being critical of the Prime Minister, who is a good friend of mine, whenever they want to create a little diversion, as they did in this constitutional matter, they set up a lot of Committees and spend a lot of money which they now have and nothing is ever done in Parliament. This is the remarkable thing about it, because it is to quieten criticism that nothing is being done to review the

situation in the country that these elaborate tribunals are usually set up. But if you want to examine the parliamentary record of the Government of Trinidad and Tobago, I can only proffer this excuse for them. Money is taken out of the Treasury of Trinidad and Tobago, millions and millions of dollars, without the approval of Parliament. I say that categorically. Money is withheld from the Treasury of Trinidad and Tobago without the approval of Parliament. I know what I am speaking about. This is not a discussion of the relative merits of the Trinidadian version of democracy as compared with the Barbadian version, but I am merely illustrating that when we have the sort of pretence of a democratic exercise going on, there are other things happening in countries which would not be tolerated in this and many other countries, and that is why, perhaps they have a kind of eruption from time to time, despite the mineral and other resources and wealth of the country.

I am not attempting to tell the Government of Trinidad and Tobago, or the Prime Minister, how to run his country. He has never really tried to tell me how to run mine. All he tells me, from time to time, is that I do not seem to have any problems. We do not have the kind of problems that he has, because we do not have any guerrillas in the mountains - we do not have the mountains and, maybe, that is why we do not have any guerrillas. There are a lot of guerrillas supported by people who should know better in this country, but we do not have them openly organising to assassinate other citizens of the country, or to take over the Government. Other tactics are used. 11. 15 a. m.

Parliamentary elections under the democratic process are the only kind that we know, and we respond to the wishes of the people expressed through the ballot box, and at the time of elections. Now there is a complete misconception of what a Government is in this country by a lot of people who have been to Universities, who are in exalted positions and to whom Barbadians ascribe a kind of infallibility merely by virtue of the offices which they occupy. This is one of our failings and one of our little snobbish characteristics here in this country, that we have that politicians are always denigrated particularly if they are in Government, if they are something in the Landship. Let me say this - I do not want to be specific but I may have to get a little more specific - that you could be a complete moron and be elected to an office like President of the West Indies Chambers of Commerce, and because you occupy that office it means you know more about Constitutions than the Attorney General of Barbados, the 26 lawyers that we employ in his department, all the members of the Cabinet who are themselves lawyers and who have sat in Parliament for 15 and 20 years because they occupy that kind of office. But because you are a politician, politicians by the very act of entering these precincts after having been voted for to enter these precincts by a democratic process, become corrupt and evil and people who are out to impose tyranny and dictatorship upon the proletariat, and, to use the expression of the hon. member for Christ Church West, and one of the former representatives of that parish now residing in the Other Place, upon the respectable people, whoever they are, not the masses. You are out to impose all these iniquitous forms of Government upon the respectable people, and they usually mean the people in the Chamber of Commerce, particularly if they support you financially or if they give you work, big or small. Who are these respectable people? It means that the man who works for his living who is a member of the Barbados Workers' Union is not a respectable person, and therefore you have to protect these so-called respectable people, because as soon as you walk in here, particularly if you walk in as a member of the Government, particularly since 1961, you immediately become tainted with all the original sins of

mankind. But if you are the most illiterate editor of a newspaper, the fact that you control some of the public media, the most untutored, illiterate person, or if you are a member of an Opposition Party, no matter whether you defraud the National Insurance or not, no matter whether you commit crimes for which you are indicted and convicted or not, you then become the defender of the faith because it has been removed from our badge by the Independence Order, so that the Sovereign of Great Britain is no longer the defender of our faith, but the members of the Opposition, no matter how they are. or what they are, or what their performance has been, and the editors of newspapers, not by virtue of their learning and intelligence or anything, these are now the new defenders of the faith. And so the popular superstition is that democracy has to be safe-guarded by a motley collection of indiscriminate persons, a motley and indiscriminate collection of persons. The member for the City need take no offence. That term is used in its adjectival sense and not as a description which would be against the Rules of the House, but you never know about the sensitivities of people in this place.

The right, therefore, to criticise is one which is exclusively vested in them by some process, metaphysical or otherwise with which we on this side are unacquainted, and it is also assumed that because you are now in Government and you have Cabinet Ministers, that by virtue of becoming a Cabinet Minister you are seeking power and you lose your right automatically to be critical or analytical in matters of great moment which may come before you as a Cabinet Minister or as a member of the Government from day to day. I am only postulating what superstitions are not only resident with them but are engendered by the kind of propaganda you read in the newspapers from day to day. And so all kinds of people become experts. The people who have been entrusted with the Government are the least qualified to speak on matters of civil rights, on matters of justice and the administration of it, on matters of constitutional reform. But I wish to disclose one or two things here today. The only person within our Cabinet who has expressed some qualifications on these amendments is your humble servant. That is the first disclosure I want to make. But these qualifications are not in relation to anything of substance. I think that these qualifications are qualifications which would be clarified by the subsequent legislation which will be made, and it has nothing to do with the appointment of judges, it has nothing to do with appointment of technical and administrative Heads of Departments, and it has nothing to do with any of the other objections which anybody has made in this country during the whole period of the debate which has been allowed.

The second thing I want to make clear is this: that neither I nor any other Minister at any time decided that we wanted the Constitution changed because we wanted to establish some kind of control over the judiciary or the members of the Civil Service. I want to make that clear. The way in which we went about these constitutional changes two years ago was that we appointed a Committee of which I was not even a member to look at the Constitution and to come back to the Cabinet and the Executive of the Party with proposals for any changes which in the light of our six years' experience in running the country that Committee might feel desirable or reasonable to introduce, and having brought forward these amendments there has been no crisis or no issue as some people like to describe it. It has been before the Cabinet three times and we made suggestions, we deleted things which came from the Committee, we went to the Executive of the Party and to the General Council of the Partv, and at no time until this week have I expressed or drawn to attention that I may subsequently have some

reservations about the need or the precise form of one of the amendments which deals with the Teaching Service Commission, because my view is that it may be possible - and I am supporting the establishment of the Teaching Services Commission because I do not want to fetter the discussions which are going on between the Ministry of Education and the various teachers' representatives, whoever they are, or however many of them there are, because every morning I read in the newspaper that they have a new body representing them, therefore the Ministry of Education has to try to keep up with all these splinter organisations which they have -, I am not concealing it, I have said that I do not at this particular juncture see that we need to establish the Commission unless we are going to democratise the whole system of education and . bring everybody under the Commission. 11. 25 a. m.

The point is that we are leaving it open so that if there is a general consensus that they are now willing to democratise the whole process of education by having Secondary School teachers, Primary School teachers and teachers of the Comprehensive Schools with the flexibility of moving them to assist in one school or another under one Commission, I will have to disclose on this floor today that this is my only reservation.

But, Sir, we must keep it in the constitutional amendments so that if they agree with it they will move forward in the way I would like them to move forward; but since we introduced these amendments to the Cabinet some of them have taken a tack to starboard and two of them have gone up the wind. Two of the associations are now splintering all over the place.

We do not know where we stand, what will be the final proposal in the Education Bill which has already been drafted. We have had to hold up the Education Bill for that purpose. So, first, I am the one dissenting; but I am bound by the collective responsibility of Cabinet and therefore I am voting in the same way as my colleagues will be voting on this measure today or tomorrow.

So, do not let anybody on the outside take comfort from my dissent; but within our Party I have the right to dissent in the same way as any other member in this Party has the right to dissent; but when the right to dissent becomes fundamental on basic policy matters or issues we do not curse anyone. Anyone who wants to resign can only do so by withdrawing himself from our association by saying well, we do not share the same objectives as we formerly shared, and therefore you resign, whether you are a Cabinet Minister or Parliamentary member. And if you can find enough comfort and consolation on the other side you are free to go over there without any recriminations.

After all, in 1955, I think it was, when I could not get the support for the programme of the Party to which I then belonged, which was the then Government Party, I announced on the floor of this Place that

I could no longer support the lack of action with which I was encompassed. No recriminations. I simply withdrew my support. There was no other side to cross to as such, so I moved physically from here to over there. It is not that I had any prearrangement with anybody from the other side.

So there is room for dissent. There is room for withdrawing your support, and no one is kept supporting this Government either by fear or for economic or commercial or other reasons. Every single person on this side of the House has some kind of profession or job. There are no professional politicians on this side of the House. The Lord giveth and the Lord taketh away. And I always say this: the people gave us the right and the people can take it away. It cannot be taken away at Holy Communion, neither can we be deprived of our right to govern by resolutions of the Chamber of Commerce or by the National Organisation of Women or by - I will not dignify any other organisations by mentioning them. There are some which are mentionable and some which are unmentionable. The ones that are unmentionable have the right of audience of the Leader of the Opposition and he can dignify them by calling them in this debate, but I am not going to call them. They have had the right of audience, the ones which are unmentionable.

Parliament, therefore, Mr. Speaker, is the only appropriate forum for the introduction, discussion and determination of matters affecting the sovereign rights of the people of Barbados, and those who do not support this point of view are not true parliamentarians. They do not understand the nature of their functions inside this Chamber or the Other Place.

Parliament makes laws. We do not support the idea of a referendum as part of the law making process. It is not entertained in the Constitution of Barbados and as long as I have anything to do with the Government of Barbados I do not intend to surrender the supremacy of Parliament to the public domain or to the domain of the newspaper. Matters for the public domain are discussed at election times and out of election times, but not serious legislation.

In many Parliaments, even the representatives of the people themselves sometimes have to take a long time to understand the implications of the technical matters which we have before us. There was a Parliament before there was an Anglican Bishop of Barbados. There was a Parliament before there was a Roman Catholic Bishop of Barbados. There was a Parliament before there was a Chamber of Commerce, before there was a Bar Association or a Bar Council or before there was an Employers' Confederation and there was a Parliament long before the President of the Barbados Bar Association, with several conspicuous failures, tried to be a member thereof.

The present proposals for the amendment of the Constitution of Barbados, Mr. Speaker, have been laid

first in Parliament with the same degree of courtesy and respect to this institution as marked the introduction of the Independence Resolution, as marked the White Paper on Independence and a Federation and as marked the draft Independence Constitution in 1966; and each and every one of these cases was an important land mark in the history, constitutional and otherwise, of this Island.

The disclosure was first made to Parliament and a reasonable time given for study by Parliamentarians and the general public and for public comment. In the case of the first draft Independence Constitution members of the Opposition Parties - there were more than one opposition Parties then - but there were more than two groups of people as far as I remember who said they represented the Opposition. But the Opposition now finds universal representation through the six members on the other side - unanimity on all matters opposed to the Government; but in the case of the draft Independence Constitution, a draft of something substantial compared with the one we are amending today, members of the Opposition Party absented themselves. They were so concerned about the future of Barbados that they absented themselves from both Houses of Parliament with the honourable exception of the former member for St. Michael, Mr. Dick Sealy, who took his business seriously.

When you have been in politics for as long as I have, you will realise, Mr. Speaker, that the plural of conscience is frequently conspiracy. I said that I would unfortunately have to be personal in the course of my introduction of the second reading and I gave reasons for it; because when people set themselves up as leaders of the Community, as voices which must be listened to, to the dereliction of the elected representatives of the people of Barbados, then you have to examine the premises from which they are speaking and the experience and the intelligence which they bring to the debate. 11. 35 a. m.

I want to deal with the case of the two Bishops, both I would say, 'good friends of mine. Friends in inverted commas; not political friends but people with whom I get along well.

I had the distinction of being on the King's aerodrome in 1940-41 with the brother of the present Roman Catholic Bishop who unfortunately was killed in an aeroplane accident. I have known the family and relatives of the Anglican Bishop long before he came to Barbados. I have always enjoyed cordial relations with both of them. But their chief criticisms - and I am dealing with their criticisms, not with anything they may have said in the pulpit about the Government or other issues because we do not have time to monitor that kind of discussion - one of their criticisms was about the appointment of the Judges. The Roman Catholic Bishop went so far as to say that the Chief Justice himself now should be appointed by the Judicial and Legal Service Commission. But how was Bishop Dickson appointed? He was appointed by the Bishop of Rome who is not an agent of the Roman Catholic congregation in Barbados or anybody in Barbados. He was appointed according to the Constitution of the Roman Church, a language which I do not think he himself even speaks. So that if the provisions of his constitution, however undemocratically arranged, give the Pope the authority to designate a Bishop for Barbados, for

the Roman Catholic congregation in Barbados, if somebody in Rome does that, how much more can the Constitution of Barbados, approved by Parliament, prescribe from time to time the appointment of anyone who draws money out of the public Treasury in this Island? Anyone at all.

Then they spoke about intolerance, and it is very interesting to recall Mr. Speaker, that the only intolerance suffered by Bishop Dickson was not occasioned by this Government or any department of Government or any politician in Barbados, but by his Christian brethren in the Anglican church who denied him the use of the St. Michael's Cathedral for his consecration, and the Archbishop who consecrated him was given the use of my house which is a house provided by the people of Barbados, during the time he was here for the consecration, and I had to evacuate the premises. Now where is the intolerance but the intolerance of St. Michael's Cathedral. I will now remind Bishop Drexel Gomez - and the Leader of the Opposition can support me, and I apologise to the Leader of the Opposition for having to mention this - of the intolerance of the St. Michael's Cathedral. The presiding officer of St. Michael's Cathedral did not want the late Prime Minister of the West Indies Federation buried in St. Michael's Cathedral, and I telephoned the Leader of the Opposition and told the Leader of the Opposition that if that man gave him any trouble, just call me on the telephone and I will read the riot act. The Leader of the Opposition can tell you if that is true or not.

Now we talk about intolerance, for here it exists even when you are passed to the Great Beyond, in the Anglican Church in Barbados into which I was born, unfortunately, - I do not mean that my birth was unfortunate. My birth in the Anglican Church was unfortunate (laughter).

Mr. SPEAKER:
Order! Order!

Rt. Hon. E. W. BARROW:
Mr. Speaker, let us talk about intolerance now and see who can discuss intolerance with authority. Intolerance can be discussed by the Anglican Church; the latest expression of intolerance we have read - I do not know how true it is; it has not been denied - is that democracy is for outside of the Cathedral and not inside of the Cathedral, and that is an expression from the Dean of the Cathedral, and he also gives vent to these fullsome expressions attacking the Government about its intolerance. If they want to be ecclesiastical they can stay in their ecclesiastical domains and they will be unhindered by me in the exercise of their ecclesiastical functions but if they want to be politicians I will deal with them politically.

So once they throw the glove into the ring I will deal with them. I will now invite the Bishop of

Barbados whom I saw at the Bahamas Independence celebrations. He did not miss a single function. Even where there was wining, dining and dancing he attended. He attended every function. My friend, Mr. Pindling, the Prime Minister issued a Green Paper at least one year before independence, and not one member of the Anglican Church remonstrated in the Bahamas over the appointment of the judges of the Court of Appeal by the Governor-General on the recommendation of the Prime Minister, or, secondly, on the total elimination of the office of Director of Public Prosecutions, and all criminal and other offences being vested in the Attorney

General - and although the Bishop of Barbados was present at that, his conscience was not stirred sufficiently to protest against this violation of people's fundamental rights, as they would now call it, in his own country, but that protest was only for export, it was not for domestic consumption.

I challenge Drexel Barbados to say whether he was not there with me, and whether at any time he protested against the very things he is now protesting against, or whether any other member of the Anglican Church protested, because if he felt that he was outside of the jurisdiction, certainly he could have given his views, not as a Bishop, but as a person who would have an interest in the preservation of those sacred rights which he now so vigorously opposes only when he is 1734 miles from the seat of the offence which has been committed. And if the Bishop of Barbados is so concerned about intolerance, why does he not examine the intolerance in the Anglican Church which exists today? I am not going to talk about pew rents and certain people sitting to the front, and all that kind of thing, because that is not really his fault, nor of closing up the upstairs of the residence that the Government maintains, and living only in two or three rooms downstairs because certain members of his Church feel that a black man does not have any right to reside in that place, and so he has had to nail up the whole of the upstairs - I went and saw for myself; he invited me - and refusing him the privilege of having a motor car to go to Boscobelle in St. Peter, and St. Swithins in St. Lucy and to St. Philip the Less which is the same as Boscobelle, because he is a black Bishop, and they have not hesitated to tell him so to his face. That is the intolerance that I would be concerned about. Let me make my position clear. 11. 45 a. m.

I do not care who appoints the Judges. As a matter of fact, I have it on record that I said at a meeting of the Incorporated Chambers of Commerce of the Caribbean that our Judges should not be employed by the Governments. They should be a kind of unified judicial system for the whole of the Caribbean. That is what I would like to see. I want to make my position clear. I do not ring up any Judge and ask him what cases he has trying today, or if he knows who is the D. L. P. member coming up for trial, or who may have a bit of contentious litigation in the Civil Courts. Only people who do not understand Government would entertain ideas like that, and this goes for the ignorance of the Bishops as well as for the complete innocence of the laity of matters of constitutional importance. I do not have to labour the point that, because you hold a certain office, it invests you with any automatic wisdom.

As a matter of fact, Mr. Speaker, the problem in this country is that we have too many people with too little wisdom occupying high places in the country. What we need here is wisdom and Christian understanding. If this debate today serves one purpose and one purpose alone, and it will be to bring all of them, Ecclesiastes, Ecclesiastics, laymen and laity to a feeling of Christian understanding of Government; if it serves no other purpose, then my mission will have been accomplished here today. Reduce all of them to a state of Christian understanding. That is what they need. Only the Lord can give them wisdom, and they need the grace of God very badly. But what I find remarkable about the performance of people who should know better is this - let me take the case of the Anglican Bishop of Barbados. I am not attacking him for the administration of the Church, because we decided we did not want to have anything to do with that a long time ago, and we have disestablished the Church. He did not have to come and ask us to do so. The resistance against the disestablishment of the Church came from within the Church and not from the Government. We like Galleo will have nothing to do with these things; so whom he makes Dean, or whether the Dean chases all the minority groups out of the Church or not, is a matter for the Bishop. He will have to decide whether Christian redemption is for black people alone, according to one gentleman, worshipping a white God, or for white people worshipping a black Bishop. He will have to decide that, and I am not going to interfere. He has real problems in the Church, and he had better try to resolve some of those problems before he tells me how to run the Government.

What I find remarkable in all of this is that in case of need, when the Church needed something, whether it was planning permission to go into the real property business, or whether it was a personal problem, or whether they wanted to organise and run a fair in my residence, the Bishop has never hesitated to drive down the hill from the centre of Mount Olympus to see me in the wee hours of the morning, sometimes half-past six, and have a discussion about it, and then he retires again to the Olympian atmosphere from which he had descended.

We have had a very cordial relationship. We have given every possible co-operation. When there was an area in which the Government could assist any Church, we have done so individually. I even believe I got an envelope for the $1 million fund, of the $3 million fund, or whatever it was.

There has been no difficulty of approach, but when the Bishop wanted to pontificate, not as a pontiff now but as a politician, on constitutional matters, he first addressed a letter to the newspaper and then sent me a copy. He did not come to me for any disclosure of the motives of the Government, or if the Government needed to have motives, or any matter of that kind.

As a matter of fact, I think in his letter that worthy gentleman stated that the Government of Barbados is in the best position - I have a copy of it here and I would not like to misquote him. He claimed that the Government of Barbados was in the best position to know what the problem was. Firstly, he said in

paragraph 4 of his letter:

"The Government has tacitly admitted the present Instrument is deficient as the basis of good Government in Barbados. "

One important fact which is not stated too clearly in the present debate is that the Government is in the best position to comment on the effectiveness or ineffectiveness of the present Instrument, because it is the only Government which has had the privilege of working with the present Instrument. It is, therefore, in the unique position to speak with the authority of almost eight years of daily experience of its merits and demerits. It is also the right of the Government to attempt to introduce a process of change if it is of the honest opinion that such a process would benefit the nation as a whole.

Having expressed in unequivocal terms that this is the only Government that had operated an Independent Constitution in Barbados, which is patent for everyone to see and know, and since it is, therefore, the Government and the Government alone which is in the best position to know whether this is an effective Instrument in the light of modern requirements, he goes on then, virtually, to accuse the Government of two things: silence is not saying, and dishonesty in presentation. This is the Lord Bishop of Barbados. I am a very sad person, because if the leaders of the Church are guilty of such inconsistency - I am using a very neutral term - I hate to think of the old ladies with corns putting on their shoes on Sundays, who have laboured all week and go to get the only consolation that this life offers them. If you go into the Anglican Churches in Barbados - this is no indictment; I was born in the Anglican Church -. all you will see is old ladies in white dresses. They have not been able to attract the young people of this country, or the politicians, they have not been able to persuade the University graduates, or the young people working in Broad Street and the children of the members of the Mothers' Union, that they have something to tell them which is constructive and would lead them to a better enjoyment and understanding of their position both in this world and in the world hereafter over which they have exclusive admission and control.

Neither in this world nor in the world hereafter have they been able to evolve a programme in the Anglican Church which can demand the respect and the interest of the young people of this Island who so sadly need spiritual guidance. I do not arrogate to the members of the Government or the members of Parliament, the ability to direct people on spiritual matters. I lay no such claim for myself, and I am sure that my colleagues on this side of the House do not entertain any such aspirations. There is need for spiritual guidance. To be guided you have to be somewhere where the guidance is being given, and the young people are not in the Churches not due to any original sin on their part, or to any defect in their moral upbringing, but due to the fact that the platitudes and things which are directly offensive to reason and common sense emanating from the pulpit far from attracting the people who we would like them to give some more guidance drives them away and keeps them outside the Church.

Now, that is the domain in which I will invite the Anglican Bishop of Barbados and the Roman Catholic Bishop to exercise their talents. In this debate we are not giving them any time, but after we pass these amendments I intend to invite the moderator of the Methodist Church, the Anglican Bishop and the Roman Catholic Bishop to a discussion on Television and Radio with me and let me raise some of my issues with them and let them explain, if they are not listening to this debate, some of my issues. They can raise their issues with me, and I can give them a chance to refute everything I have said in here today, whether it is Drexel Barbados' failure to draw to the attention of Mr. Linden Pindling that in not having a Director of Public Prosecutions at all he has vested the sole right of prosecution in all criminal matters, whether relating to offences against the State or not, in the political Attorney General, Mr. Paul Alby. He will be having an opportunity to explain all of that. 11. 55 a. m.

So I am issuing an open invitation and I will be addressing them personally because I have not had the time or the patience in view of the way in which I was treated by people who should know better to reply to the communications which they directed to me, and that goes for Mr. Philip Saunders as well. Mr. Speaker, I will not deal with the Ecclesiastes and the Ecclesiastics any longer. I have issued my invitation. I have said what I thought about their approach to these matters, and about their qualifications. I can only say in conclusion that I recommend them as spirtual leaders of the community to go and read the Psalms. It is a matter of public and general knowledge that my acquaintance with the Good Book comes from singing for five or six years as a male mamber of the St. Michael's Cathedral Choir, exclusively male choir. The part of the Psalms which I would like them to go and read is one which goes as follows: -

"Lord, I am not high-minded, I have no proud looks; I do exercise myself in great matters which are too high for me. "

I am sure I have quoted that passage verbatim. That is my motto. I do not exercise myself in great matters which are too high for me. I know absolutely nothing about ecclesiastical and theological matters; I know nothing about theology and I do not exercise myself on that plain. I know nothing about atomic science because I am not an atomic scientist, and you will never hear me pontificate on matters relating to atomic physics. It is my motto and I cannot forget it.

I do not exercise myself in great matters which are too high for me.

I have been in here twenty-four years and I am a parliamentarian. I am also self-considered perhaps a constitutional lawyer. I know something about the constitution of Barbados because I drafted it with the assistance of three or four other persons. I brought it in this Chamber and the other side did not come in to represent themselves or the people who put them here when the Draft Constitution was brought into this Chamber, and again, I must give him credit, the notable exception being Mr. Dick Sealy, then a member for St. Michael. One member from the Opposition came in because he was an honest representative. Therefore when I speak on constitutional matters the Bishop of the Anglican Church would not know the number of nights until 2 o'clock, 3 o'clock and 4 o' clock in the morning that I and my colleagues spent in the Bay Street Headquarters of the Government of Barbados seeking by examination of all the existing independence constitutions from the time that the British Government was forced to give independence to India in the late forties right through to the Guyana Constitution whose independence took place in April, 1966, about six months before our own, right through from the very first to the very last; and then the constitutional provisions, Orders in Council and all the other instruments which had been laid down and ordained for the good government of Barbados from the beginning of its parliamentary history in 1639, and we spent weeks and weeks going through all this to try to produce the best thing for Barbados. Even when we went up to the United Kingdom the Opposition parties exploded in protest not having discussed the matter on the floor of this House.

I have the report of the Constitutional Conference here and it has a remarkable passage in it. This is Command Paper 3058, issued by Her Majesty's Stationery Offices presented to Parliament by the Secretary of State for the Colonies by command of Her Majesty in July, 1966, presented to the British Parliament: the Points of Disagreement are on page four. This is a report of the Conference. Mr. Speaker, I cannot remember if you were in the United Kingdom or not, but you certainly will remember this particular part.

"The Opposition Parties considered that the Senate should be so composed that the Government would be unable to secure an amendment of an entrenched provision of the constitution without the support of at least part of the Opposition. "

I am reading. I am going to go on to read and give them in small doses. I do not want them to suffer from intellectual indigestion in this exercise. (Laughter.)

Mr. SPEAKER:

Order! Strangers in the Gallery are here very much on sufferance. You are not here to cheer anybody.

Rt. Hon. E. W. BARROW:

You cannot draw attention to strangers.

Mr. SPEAKER:

I beg your pardon, I can. They are here on sufferance and must behave as such. I am sorry, carry on, Sir.

Rt. Hon. E. W. BARROW:

I understand there are new Standing Orders. I have been in here too long, but my friend from St. Michael West and I have been in here so long that we are steeped in the old Standing Orders; so I apologise for saying you do not have the right to draw attention to strangers. We have new law and new lawyers.

Mr. Speaker, do you realise what this is? These upholders of democracy, what they are saying is this: you can have an entrenched provision of the Constitution which will require a two-thirds majority of the members of the House whether they are present or not in the final stages of the Bill, but they were asking the British Government to write in a constitution that with only two representatives in the Senate, two or more but then only two were being allowed, although you may even have had a unanimous vote of this House, that is 100 per cent vote, when you get up to the Senate the Government could not pass any amendment to the Constitution unless some members of the Opposition who did not face the polls agreed to it. Do you understand clearly or is it so ridiculous that you do not believe what I have just read out? That is what they were there doing.

Now the member for Christ Church West was not a member of the delegation, but he was an adviser as far as I remember. The member for St. Thomas was not a member of the delegation because the Leader of his Party was Mr. Freddie Miller, but Mr. Freddie Miller was like necessity who knew no law; so Mr. Necessity had to reply on the advice of those two stalwarts and Mr. Jack Dear. So this was not Mr. Freddie Miller's proposal; that would have to be a proposal submitted by them, that you could not pass an amendment to this Constitution. How democratic is that? Where does the man in the street stand? The man in the street has elected two-thirds of the people of the Chamber by popular choice. As a matter of fact, there may be only one member of the Opposition as there probably will be, after the next elections, but that member has the right to nominate people to the Senate and he could sit in here and say nothing or even vote against or vote for all the constitutional amendments, but they were proposing that it would be impossible for the Government to get it passed in the Other Place unless they had the support of members of the Opposition who are not elected by the people of Barbados.

Throughout this exercise you will notice one thread. It is not a simple thread or cotton thread; it may

be a steel thread or nylon thread, a complete disregard and contempt for the whole electoral process and the masses of the people. 12. 05p. m.

No matter what demonstrations they may engineer outside, those people cannot vote in here; but let me tell you something. The demonstrations that they tried to organise - and they will know who I mean by "they", and which they will pay for, are not demonstrations of the mass of the people. The demonstration of the mass of the people was given in St. George Comprehensive School on Sunday.

These are the matters that we are concerned about. What I find remarkable is that if I had summoned the Chamber of Commerce, the Employers' Confederation, the Synod of the Anglican Church, the Council or whatever they call it of the Methodist Church, the Anglican Young People's Association and all of them together to discuss a political matter which had something to do with the right of Trade Unions, they would have said that is a political matter and we are nothing to do with that.

But, Sir, an unsuccessful contestant for a seat in St. Michael or for nomination can use the AYPA - I refer to a gentleman called Mr. Broome who wrote some very scurrilous letters about an existing Senator and the lady who sits at the back there in order to present his nomination as being the most fit one for the Party support.

I am referring to Mr. Clyde Broome. The Bishop of Barbados allows himself to be summoned to a meeting by Mr. Clyde Broome and another gentleman who, according to his written profession, must have joined the Democratic Labour Party at the age of 6Vi years because he said that he was a foundation member and he is only 26 years old now, and our Constitution does not allow you to join until you are 16.

But, the Bishop allows himself to be dragooned into that. It is true that in the New Testament they say that He came to call not the righteous but sinners to repentance; but that does not mean that every day you have to eat and drink with Pharisees and sinners, and if you only respond when the Pharisees and the sinners call you what room do you leave for the righteous as against the self-righteous? On the same page of the report of the 1966 Independence Conference Command Paper which 1 have given as No. 3058, chapter and verse, on page 4 it says: 'The Secretary of State went on to say that the Opposition also propose that a Senator nominated by the Governor-General to represent a special interest should be obliged to vacate his seat if he accepted the writ of a political Party. The view of the Government of Barbados was that to accept the Opposition proposal for the composition of the Senate might mean that the Opposition Senators would exert influence on important issues out of proportion to the representation of the Opposition in the House of Assembly and this was not acceptable to the

Government. In the absence of this agreement the Chairman ruled that since the provisions of the draft Constitution reflected the position under the existing Constitution they should remain. "

This is what the Chairman pointed out. What I would like you to underscore - you have been listening attentively - is what I am now about to say.

Mr. SPEAKER:

The House have been listening. That is the most important.

Rt. Hon. E. W. BARROW:

I address my remarks to the Speaker, and I am not concerned about interruptions from the other side. The Secretary of State pointed out - this is the interesting part - that it was open to any Government after Independence to amend the relevant provisions if they so wished. That is what the Secretary of State said. He did not say that you should have a referendum on a matter which you did not agree with. He said that if you did not like it and you got a two-thirds majority or a simple majority you could amend it and this is what we are doing today.

The Secretary of State so informed us and we decided to go by his information. He could ' not instruct us, but this has got to be fundamental to the whole process of ordinary Parliamentary democracy. There we were, making a Constitution, and they asked for their strenuous objections to be recorded to certain things that were proposed. In some cases the Secretary of State tended to lean towards them. In others where he could not do so without losing his position as a Cabinet Minister - because I would have gone straight to Mr. Wilson in those cases - he said well, it is only a Constitution, if you do not like it amend it.

This is on page four. He was not telling us that, Mr. Speaker, he was telling the Opposition. Let us put the shoe on the other foot. Suppose we were so misguided as to come into this Chamber and oppose something which the Opposition had the power to amend either by a simple majority or by a two-thirds majority. Do you think that we could be so completely devoid of our understanding of all that was Constitutional and proper to tell them that they must have a referendum to the public or invite the opinion of the Bishop of Barbados on a political matter before they brought it in here?

No matter who their leader might be, if they ever had one, they would be entitled to take up this document that I have in my hand and inform us that those were not the instructions given to you. They

are the instructions given to us when we were in the Opposition and when we were at the Conference, those instructions were to the effect that it is open to any Government after Independence to amend the provisions, if they so wish, of the Constitution.

Do I have to get Mr. Fred Lee who was the then Secretary of State to inform me about that? Do they need Fred Lee to point that out to them?

Was the Bishop of Barbados or the President of the Chamber of Commerce or the Employers' Confederation aware that this was included in the report on the Constitutional Conference? They must feel very foolish today that they are being left high and dry without even a vote inside here, the proper place where voting on legislation should take place, for having committed themselves to things which the cynical lawyers on the other side have only been using as, an exercise in political strategy to remind people that they still exist in Barbados.

Some of them, if they do not write letters to the Press, you would not know that they are lawyers by that name; and they have to sign all their initials and the letters behind them. One of them, the most prominent one, has been heard to say that this is the way for him to get a little publicity.

They are completely cynical, and there is no room in a parliamentary democracy today, with all the problems which parliamentary democracy all over the world today happens to be confronted with, for cynicism in the representatives of the people. Leave that for the Lord of the Flies, but not for the elected representatives of the people. 12. 15 p. m.

This is bad. This is bad to democracy. I am very concerned about this country. I am concerned about the cynicism of people who profess than they are representing the masses of this country. I am very concerned about it. I am concerned about the vilification that goes on in politics. I am concerned that decent people, to use an expression, who have self-respect - this is my definition of it - would not come and make a contribution because of what goes on. That is what I am concerned about. I am not worried about who appoints Judges. I will deal with the Judges in a moment, and with the appointment of the Judges, and tell you who wants to do what; who really wants to interfere with the judiciary, and at least one member on the other side will have honourable mention in this respect about what they want to do with the judiciary, but I am coming to that.

All things will be made plain and disclosed; and, again, I must apologise, but as far as I am concerned

issues cannot be created for this Government. You cannot create an issue for me by propaganda in a newspaper. I know what real issues are and this is no issue with the masses of the people in this country. It is an issue with people who cannot get their names in the newspapers and feel that they are dead politically and otherwise unless their names appear in the newspapers once a week - in Lord Thomson's paper.

What kind of self-respect do Barbadians have when their only title to recognition as citizens is getting their names in the Press, or their children's names, that they celebrated their second birthday. This country is not a serious country. On the 21st January there was a front page picture of two infants drooling and puking in their nurse's arms, to quote Shakespeare - I am not being disrespectful, Sir. You would know the reference - on the floor of somebody's drawing room; that little Angelena Hickup and Bruce Bet tie celebrated their birthday - and it was my birthday. But as Leader of the Government I do not want any recognition.

So that was the front page news in the Advocate. The two little children had not even come to understanding yet. What sense of proportion do we have in a country like this that can publish pictures of people being barbecued by the Americans in the jungles of Indo China and leave out important debates in the House of Assembly - something that the Leader of the Opposition himself has complained about - and these are now the arbiters of good taste in this society. The gentlemen in the newsroom of CBC and the employees of the Advocate-News newspaper, these are now the arbiters on Constitutional matters.

The whole problem with us here in Barbados has been really the problem of a society not taking notice of its people, and it is becoming now like a disease because these people get neurotic. We should be more concerned about what is happening to our neighbour and we would not have all this newspaper neurosis that we are suffering from in this country. We continue to treat the man who lives next door like the apartment dweller in Harlem or Brooklyn or wherever he may live, Lennox Avenue or anywhere else, where people can die in the room next door to you and you do not know until three weeks later when you get some nauseous smells emanating from under his door.

We used to be our brother's keeper but we are now unconcerned about the man next door, and so people develop, particularly if they are political aspirants or they are barristers with not two flourishing practices - they develop a neurosis, and if you take it now to the profession to which I belong, they too. Members on both sides of this House have heard me say this before. The thing we should do with the lawyers right now - all of us in our role as lawyers, not as members of the Government or of the Cabinet - I will exonerate the Leader of the Opposition because his position is enshrined in the Constitution; but you know what they should do with us including you, Sir - you are already half-way there because you are crowned - they should crown all of us with laurels and usher us out of the State. That is what Plato

said should be done with us. You already have the adornment, Sir, but I hope they are not ushering you out of the State or out of the Chair. You can remain in that Chair as long as there is a Parliament. But that is what needs to be done, because they perform no useful function in this society at all. They are a burden on this society, a lot of economic time is wasted by uniformed people who go and pay lawyers money, cases are adjourned for months and months and years. I am going to tell you about cases when I get down to judges; I will tell you about decisions that I have had to await for seven years; not me, personally, my clients - and still not had them given for seven years until the departure of a politically appointed Judge running against me in St. John who took seven years to give a decision. I will come to all of that, but that is something else.

I am saying that the trouble is that you get people who think that this is going to be some admission to the Elysian Fields just by qualifying as a lawyer; that it is going to lift them up from one social status and put them up on another, that they are going to become imbued with all of this wisdom overnight merely by being lawyers, and all they do is to act as a kind of parasite and incubus on the society, and unless they are prepared to make some other kind of economic contribution, I am saying like Plato that they should crown all of us with laurels and usher us out of the State; put us on a boat and wave goodbye, goodbye, goodbye

Mr. SPEAKER:

Amendments to the Constitution. Please come back to that.

Rt. Hon. E. W. BARROW:

This is important; and I am saying that the protest organised by the newspapers, is carried on by people who are suffering from this neurosis of not being noticed by their neighbours or even by their prospective clients.

This is a terrible malaise in this country of ours. We have got to become more concerned.

Amongst the legal profession, half of them do not speak to the others. One half does not speak to the other half, and even within the same political party you will find two lawyers and there are cases where one is not invited to the other one's house. What kind of healthy society are we bringing up when the people who arrogate to themselves the right to speak on matters which have some faint connection with law do not conduct themselves in their social behaviour to show that they want to bring about a cohesiveness in this society which this society so badly needs?

We have been through this exercise before. We went through this exercise in'1966 and then all the people who wanted to inspire fear in the rest of the community were accusing us of wanting to introduce dictatorship and abolish Parliament because we wanted Independence for Barbados. To us it has a familiar ring. And then the Bishop of Barbados is concerned, because he said, the Government has been silent. The Government was not silent. The Government was most vocal because, not only did the Government introduce the constitutional amendments but the Government got them printed, caused them to be printed and distributed, and we allowed a period for debate. So what must we do? Start off a controversy on our own and take matters which are for the proper jurisdiction of a Legislature into the public domain and discuss it in Fairchild Street and in Chalky Mount? What respect would we have for Parliament?

If you want to express your opinion we are not against you expressing your opinion, but we have been through all the democratic processes, through Cabinet, Executive, General Council, and the support of the annual conference of our Party who are the masses who constitute the power base of this Government. If our annual conference therefore, representing 51% of the people who turned out to vote in 1971 and gave us the two-thirds majority which we now enjoy and which the people on the Opposition benches will have to put up with whether they like it or not, if they, the 51%, tell us that we have their approval, their consent and their support, we do not need anything more; and all these new Constitutional theories that we are now hearing can be relegated to the dustbin where they properly belong.

If that is undemocratic, well I am undemocratic. That is my understanding of Parliamentary democracy. I am not going to take matters which are for legislative decision into the public domain before I bring it here, except insofar as it constitutes policies and programmes of the Party; and if I do so, it would be for a furtherance and not a negation of the democratic process. 12, 25 p. m.

It would have to be in that light, and in preservation of Parliamentary democracy rather than for its destruction.

I would like to examine the credentials of the people who accuse us of dictatorship. Let us start now with 1955. When we speak about the preservation of rights, are you aware, Mr. Speaker, that in 1955 the Transport Board was set up by an Act of Parliament? What has that got to do with the Constitution of Barbados, you would say? I will tell you. I think the Act was an Act of 1955. Shortly thereafter and within a week of that Act being placed on the Statute Book of this Island, the Government of the Barbados Labour Party prepared Regulations under the Transport Board Act enabling any authorised person not necessarily a Police Officer, to enter into any premises in this Island by day or by night without a warrant and conduct a search for documents in those people's premises.

Now, this goes back to the Magna Carta from which our constitution in 1639 must in some way be sprung and to the Bill of Rights in 1688 or whenever it was - something which has been enshrined in the constitution of every democratic country in the world - insinuating into Transport Board Regulations something giving the right to any authorised person to enter into any house in this Island and search day or night without a warrant. Those Regulations were not passed. Do you know why they were not passed? I did not call any public meetings about it. I went to the Leaders of the Government and said: Try to introduce it and all hell will break loose.

We come now to the Prisons Act of 1961. I have the 1961 laws here. The Prisons Act of 1961 is on the Statute Book. It was on the Statute Book before we came into office making it possible to turn every house in this Island into a prison just by a simple Order. You may go to sleep one night and wake up the next morning to hear that your house has been designated as a prison. You have heard us on this before in 1961, and not too long before the elections. Has this Government ever introduced any Regulation or law giving anybody the power to search for any kind of document without a warrant, or turning anybody's house into a prison?

Let us examine the credentials. I address myself now to the member for the City of Bridgetown. I do not know if he was here in 1959, but I will tell him what happened in 1959 with the constitution. When the results of the first Local Government Elections were declared, the Conservative Progressive Party, led by his father, won 9 out of 12 seats. Is that a two-thirds majority, or is it more? It is a 75% majority. Now, by all the conventions of the constitution, the Governor should have called upon the Leader of the Party which had won 9 out of the 12 seats. This is nothing I am inventing. There are people in here who were involved in those proceedings at the time. The Governor was told by the Government that they could not call on the Leader of the Party to nominate the Alderman or three-quarters of the Alderman, but they instructed the Governor at the time that he would have to nominate the Alderman from the defeated party - they only had two members on the Council.

Let us go further with this issue. I do not think the Leader of the Opposition was back home yet. I cannot remember; he may or may not have been back home, so I am instructing him now on the democratic process and how they exercised it. His father said that this was such an important issue that he left the Federal Government in Trinidad and Tobago and he came to Bridgetown and held a public meeting in a place that we used to describe as the Lower Green, outside of Cumberland Street, by St. Mary's Church. I was present. This is what the Federal Prime Minister said. He said that there were a lot of people criticising the recommendations that they had made to the Government. I am now precising. He wanted to make it clear that when Mr. Cox criticised the Governor's actions that he fully supported Mr. Cox in this respect, but he went on further and said that a British warship could be easily summoned to quell any disturbance arising out of the crisis. I quote him direct on that. He went on to say that he

was prepared to do his duty to the Colonial Office, since the Police were not firm in maintaining law and order. Does that have a familiar ring?

Now, I am sorry that I had to involve that goodly gentleman on two occasions when he was very much alive on how the whole business of democracy and constitutional process can be abused. When he was dead, those who accused us of tyranny did not even want him to have a decent burial - something to which all christians are entitled. I do not know if the Dean felt that he was not a christian. I would not know what went on in the Dean's mind, but the point is that his actions were to refuse a decent burial to the ex-Federal Prime Minister.

Mr. Speaker, I want to make it clear that there are 34 clauses in this Bill. The Bill deals substantially with about 12 substantive amendments of the Constitution contained in 33 of the 34 Clauses, and I do not intend to go through them seriatim for the simple reason that public attention has been focussed on three main provisions of which the Government has been accused of distatorship and action in an undemocratic fashion and so on. I, therefore, take it that the other amendments are amendments which are matters of indifference to the people on the other side, because neither they nor the people whom they have orchestrated, including the Bishop of Barbados and other groups - none of these orchestrated persons or groups have expressed any concern over any of the other 9 substantive amendments to the Constitution. 12. 35 p. m.

The amendments in the other 20 Clauses are consequential rather than substantive, and so in order to shorten the discussion I intend to restrict my remarks to the things which have been brought to the attention of the public by force and duress and not to those matters to which they prefer to keep the general public in a state of ignorance.

We have circulated copies of the proposed amendments. I have dealt with the objectors and I wish to deal with the rest of their objections. Let me take first the question of the appointment of judges. I have explained to you how these amendments come before this Place. I have not written to anyone and said I would like to appoint judges. As a matter of fact I have made it clear I would like all judges appointed on a global basis from the Caribbean because we are only going to get an efficient administration of justice if we have the widest possible constituency to recruit judges from. There is too much inbreeding in these small countries to allow us to get the best possible talents, neither do we pay the kind of salaries which can attract people, except people who are being charitable, away from lucrative professions to sit on the Bench. I do not know of any member of my party who wants to be a Puisne Judge, and the simple reason may be that they are all doing better at the Bar than Puisne Judges.

I will go further. Looking around the legal array on the other side, I do not know any of them over there who wants to be a Puisne Judge. I wish to say there are four of them over there and four of us over here, and by the law of average, if these charges were correct, you would expect that even if you say a Minister's salary was better than a Puisne Judge's salary, giving them what is their due on the other side, you would be able to find at least one person that you could identify and if I can so identify, I invite them to stand up now and be counted. In this Parliament I do not know of a single person who wants to be a Puisne Judge. (A VOICE: Chief Justice.) There is no problem with Chief Justice. There is not a single person and I do not know any member of the profession in my party who has ever expressed the view to me or to anyone else that he wants to be a Puisne Judge.

Now to be a Puisne Judge you must be an attorney-at-law. We have recently embraced the members of the solicitor's profession, so I cannot speak for them, but I doubt very much that any former solicitor would ever be appointed as a High Court Judge in Barbados because of the kind of training which they received as solicitors, and judges administer the criminal and civil law and do not concern themselves only with paper work and chamber work, as do solicitors with conveyancing and so on. So I cannot speak for solicitors in Barbados; but I certainly can say what my knowledge of the Bar of Barbados is.

There may be some of the people who are writing to the Press now who see their only hope of salvation and redemption in appointment to the Bench, and therefore are alarmed that their economic future may be in jeopardy. I am not calling any names, but I do not see their names figuring in any cases, and you know the Advocate Newspaper allows barristers to self-advertise and send them their cases. The Leader of the Opposition can tell you that this is a frequent practice. The barristers send their cases down, so if you are not appearing in the Advocate, the rebuttable presumption is that you are not getting any cases. So when you create a constitutional crisis, you say that this is an opportunity now to make sure that your bread and butter prospects are not eliminated by any constitutional change, and therefore in this sense I would have to say that I am in deep sympathy with the members of the legal profession who have objected to these changes, because if it is a question of bread and butter being in jeopardy, I can see they would have some real concern. But do not fool the rest of the public that this is an interference with fundamental rights as the Bishop of Barbados wanted to tell me, because his position as Bishop is not in jeopardy, and the mass of people are not concerned about who sits on the Bench; they want justice from the people who sit on the Bench and they want their cases tried with despatch which is not being done now. But I will not rely on this; I will rely on the Bar Association, and therefore, Mr. Speaker, one must look very closely at what this really involves. I have made my position clear. It is a matter of supreme indifference to me how a person is appointed to the Bench. I am very much concerned about how justice is administered. My advice to the people of Barbados is that if you want justice, stay out of the Law Courts altogether. The Law Courts are not the right places for people who have any self-respect, neither should they place themselves in the hands of the legal profession, because their vested interest is to keep them in the Law Courts, and furthermore, if you have any economic business in this country, it is a waste of everybody's time and you can get perfect justice in Barbados by not going to the Law Courts. That is what I say. This has been my experience, and I spent more of my time when I was a practising barrister advising people to keep out of the Law Courts than representing them in court or taking their cases. As a matter of fact there are some people who did not understand.

They used to say "Mr. Barrow, we did not come for you to tell us not to go to court; we came to pay you to go to court, so you leave that out. " Some of them used to tell me that all the time, particularly in matrimonial matters, I used to tell them to go home and think about the matter and come back.

The Law Courts are no place for self-respecting people. Barristers have to go there because that is how they work for their living and the judges are appointed to sit and adjudicate. The people in Barbados are concerned about the administration of justice. When a man is appointed to the Bench, first to begin with he must be a barrister of ten years' sitting, and I do not care how depraved any Opposition Leader may be, when he may eventually find himself in the position of Prime Minister that he continues his depravity in this high office, he is not going to go and pick up no Opposition Leader - this is not a thing for the Opposition Leader by name or the Prime Minister each of us now existing by name; this is a position for the Prime Minister of an independent country, and no matter how depraved the Opposition Leader may be in his private life or in his ideas about politics

Mr. ADAMS:

On a point of order, what started out as a harmless analogy has become a reference to the depravity of the Leader of the Opposition, and I would ask that it be withdrawn especially the last reference where there is now depravity in private life. It is an insulting remark contrary to the Standing Orders of this House and offensive.

Mr. SPEAKER:

I did not so interpret it to refer to you, but I would ask the Prime Minister not to be so inflammatory in his remarks in, a general way.

Rt. Hon. E. W. BARROW:

I would like to assure the hon. member I was looking at him all the time and maybe that is the mistake I made, because I was trying to make it clear that I was not making any reference to him, and I said that the provisions are not for him by name. The Standing Orders prevent me from exculpating him by name, but I made it clear it is not for him by name or me by name, and no matter how depraved or how twisted a member might be when he is Leader of the Opposition, when he assumes this office and he has to make a Recommendation suppose the boot was on the other foot and I was over there!. Apparently when I said "personal depravity" he took it as a personal insult, he did not take it as public depravity, but I withdraw if there is any such connotation, and I am sure you did not take it that way. I do not know anything about any depravity of his in private life; so I want to make that abundantly clear. Si quid in east. 12. 45 p. m.

The hon. member is very incensed since I mentioned - I am sorry but I did not refer to the hon. member - but since they are accusing us of depravity in the exercise of our office, I am trying to exculpate him from any possible chance of behaving in the way which they say we are now making possible, or the way we ourselves would behave.

When you have to make a recommendation, a man who goes to the Bench has first got to have 10 years' standing. He cannot be what is described as a yard fowl or some follower or supporter of the party. Secondly, in examining the possible list of candidates, he has got to be interested in taking the job.

That is fundamental, and I am submitting that the Judicial Service Commission is in no position, has no machinery, by which it can find out. At least, in this amendment, it can ask the Leader of the Opposition if he knows of anyone. The Judicial and Legal Service Commission would be wrong in going around privately examining people for a job of this kind.

Thirdly, he must be a person who is able to command the respect of his fellow practitioners. That is fundamental because if you make an appointment purely on political grounds and he does not command the respect of his fellow practitioners, he cannot maintain order in his Court; and therefore the question of this being a political recommendation can only arise if there are two or more persons qualified and interested and it is a question of a delicate balance of which one should be recommended to the Governor-General.

Now, after a person is appointed, no matter what method of appointment is employed, the basic thing about the exercise of a Judge's function is the security of tenure which he has and the method by which he can be removed, because, in all the books on Constitutional Law, you will find that the independence of the Judges is ensured by their salaries coming out of the Consolidated Fund and not being a matter of being withheld, but only increased; and secondly the method or procedure by which they can be removed from office.

So, even if you had a political appointment, once he gets on that Bench, he cannot be removed no matter how perverse he may be in his judgements except by a special process; so that this tends to make the man more independent of any question of political pressure than if he had to be looking over his shoulder day after day to see if anybody was going to recommend his removal from office to the Governor-General.

The hon. member knows this. The Hon. Leader of the Opposition knows this. The Bar Association is doing a great disservice to the members of the Profession and to themselves and to their own integrity in the light of the provisions of the Constitution when they try to delude the general public into the belief that there is something iniquitous in the proposal which we are making to put the Puisne Judges on the same level as the Chief Justice of the Island.

Only one person, that is, I believe, the Roman Catholic Bishop, has suggested inferentially that now that he had a chance to look at it, maybe it is wrong to have the Chief Justice appointed in that way. You should lower him and bring him down and put him under the Judicial and Legal Service Commission, forgetting that the Chief Justice and the Puisne Judges are members of the Judicial Service Commission - a question of tweedle-dee and tweedle-dum.

You have a Judicial and Legal Service Commission comprising the Chief Justice as Chairman and one or two members out of three Puisne Judges are members, and you say that they must appoint themselves and their successors. But that thinking went out with the monarchical form of Government where you could appoint your own successors in office; and it would be a most iniquitous thing; if you want to know the reason now, it would be most iniquitous.

But the same people, most of whom were trained in the United Kingdom, did not inform the populace that all of the Judges of the High Court are appointed by the Lord Chancellor who has to go out of office when the Government changes, and who is a politician, and that the Lord Chancellor has the power to make judicial and other legal appointments in the Legal Service in the U. K. That he is a politician appointed by the Prime Minister, and that the Lord Chancellor, who is the pinnacle of the legal system in the U. K. is appointed by the Prime Minister advising Her Majesty.

In so far as I remember - I do not like to say things that I do not have right at my finger tips - the Judges of the High Court, as in Barbados, can only be removed by a most elaborate procedure, a procedure which the Bar Association itself prior to this so-called issue seems to be blissfully unaware of.

I regret that I have to quote this, but it certainly will go to challenge the credentials of the Bar Association and the Bar Council and to warn Judges that if some of them get in any position where they can change the Constitution, what they have in store for them. That is coming very shortly.

I was postulating, Mr. Speaker, a very simple thesis which is this. The independence of the Judiciary

in Barbados depends, not on their method of appointment - and I have already explained how no Parliamentarian, or anyone who understands the Constitutional process would make recommendations that would not have due respect to the standing which a person has, his achievements and the respect which he can command from his brethen at the Bar.

But the independence of the Judges depends on the fact that they cannot sit on the Bench before they take a special oath, and if they have any respect for the oath, since they have to administer oaths in the Law Courts, they have to give due respect to that oath which requires them to discharge their functions without fear or favour.

Consequently, the fact is that they can only be removed by a most cumbersome procedure which I will now proceed to read out, with which Your Honour is already familiar. The procedure is very similar in many respects to the procedure which is followed in the U. K. in order to ensure the independence of the Judges, and it is found in Article 84(3) of the Constitution on page 49.

It says: "A Judge may be removed from office only for inability to discharge the functions of his office, whether arising from infirmity of body or mind or other cause or for his behaviour and shall not be so relieved except in accordance with the provisions of subsection Just as in the U. K. this means quamdiuse bene gmserint - as long as they behave themselves, as long as they are of good behaviour; and this does not mean not drinking too much at the Athenaeum Club. 12. 55 p. m.

But our Constitution goes further. Subsection 4 says this: "A Judge shall be removed from office by the Governor General, by -instrument under the Public Seal if the question of the removal of that Judge from office has, at the request of the Governor General, made in accordance with the provisions of subsection 12 been referred by Her Majesty to the Judicial Committee of Her Majesty's Privy Council and the Judicial Committee has advised Her Majesty that the Judge ought to be removed from office for inability as aforesaid or for misbehaviour.

"If the Prime Minister, in the case of the Chief Justice, or the Chief Justice after consultation with the Prime Minister in the case of any other Judge, advises the Governor General that the question of removing a Judge from office for inability as aforesaid or for misbehaviour ought to be investigated, the Governor-General shall appoint a tribunal which shall consist of a Chairman and not less than two other members selected by the Governor-General in accordance with the advice of the Prime Minister in the case of the Chief Justice, or the Chief Justice in the case of any other Judge from among persons who hold or have held office as a Judge of a court having unlimited jurisdiction in civil and criminal matters, in some part of the Commonwealth, or a court having jurisdiction in appeals from any such court.

"(1) the Tribun shall inquire into the matter and report on the facts thereof to the Governor-General and advise the Governor-General whether he should request that the question of the removal of that Judge should be referred by Her Majesty to the Judicial Committee; and (C) if the Tribunal so advises, the Governor-General shall request that the question shall be referred accordingly.

"The provisions of the second Schedule shall apply in relation to tribunals under subsection 12.

"(7) If the question of removing a Judge from office has been referred to a tribunal appointed under subsection 12, the Governor-General acting in accordance with the Prime Minister in the case of the Chief Justice, or the Chief Justice after the Chief Justice has consulted with the Prime Minister in the case of any other Judge, may suspend the Judge from performing the functions of his office. Any such suspension may at any time be revoked by the Governor-General acting accordingly, and in any case shall cease to have effect if the tribunal advises the Governor-General that he should not request that the question of the removal of the Judge should be referred by Her Majesty to the Judicial Committee, or (b) the Judicial Committee advises Her Majesty that the Judge ought not to be removed from office, " when it shall cease to have effect.

That procedure is even more cumbersome and elaborate than the procedure for removing high court judges in the United kingdom. As a matter of fact, in the United Kingdom again speaking subject to correction, it is even subject to an address by either or both Houses of Parliament. Is that correct? (ASIDE: Yes) It is an address moved in Parliament which is a political place, but here, no address in Parliament but apparently there are people in the Bar Association who think it should be done otherwise, and I apologise that I have been provoked in making all these things here clear today, because the Bishop accuses us of being silent, and sometimes we are being silent because we do not want to destroy people, but if you want Objects and Reasons you can have all the Objects and Reasons, and this is the place where they should be disclosed, and I regret I have to do what I have to do now but I have to disclose.

I would like to make one thing clear. During all the time over twelve years now - twelve and a half - that I have been presiding over the Cabinet, no matters concerning the administration of justice in this Island, except on submission by a Judge himself, have ever been discussed by the Cabinet. The only thing that I have discussed with my Ministers is the salaries of the Judges, and the Chief Justice did not even want to discuss that with me. He wanted to discuss it with the Governor-General and I told the Governor-General "You all go along and have your little discussion up there and you arrange whatever salaries you like, but Parliament has got to vote the salaries, so if the two of you want to get in a little

corner up there and decide what salaries should be paid to the judges without any reference to the Minister of Finance, go right ahead, I am all right. "

Well, they got the message you know, because on one of the few and rare occasions the Chief Justice appeared in my office next morning.

Mr. SPEAKER:

The hon. member has just " infringed the Standing Order. He should not mention the name of the Governor-General in the debate.

Rt. Hon. E. W. BARROW:

I did not mention his name. I have described the office. If I did mention his name, I apologise. I cannot remember mentioning his name. And I apologise in advance that I have to say what I have to say now, but it deals with the question of controlling the judges, and you will see who wants to control the judges.

I do not know any members of my party who bought property next door to a judge so that they could be close, or opposite. I do not know any member of my party who visits any of the judges or the Chief Justice on social occasions except when invited as a generality of members of the Bar, including myself. I was a student at the same college in the University of London as the Chief Justice. I can say that he used to be in my house nearly every day with a lot of other students, some of them, like Mr. Fraser who is head of the Law Association. Since he has been appointed Chief Justice I have not been to his house four times, and at least on two of the occasions that I have been there, there were other members of the Bar there and on one of the other occasions it was a question -of going on a Saturday afternoon when we had Bills to introduce here on the judges salaries and I wanted his final look-see over the recommendations that I was taking to the Cabinet on the Monday.

So in twelve years I have had no conversation with the Chief Justice except on matters which he has invited me to discuss with him. I do not go to his house. We were students at the same university, but there was such an atmosphere of intimidation in this country - what they call the adversary politics - that in order to show that you are pure, you cannot even associate with people in Government even although they may have been very familiar with you before you may have eaten and drunk - not got drunk, but drunk - in an atmosphere of convivality in their houses when they are members of the Bar; but immediately as a man becomes Chief Justice he can only consort with the Opposition.

I used to see the Member for Christ Church West at 6 o'clock in the morning jogging with the Chief Justice. If any member of my Party had been seen at any time with the Chief Justice in that kind of condition, you would have heard that he was trying to influence the Chief Justice in decisions. Is that true or not?

Mr. FORDE:
On a point of order, Mr.

Speaker. If the hon member is insinuating that

Rt. Hon. E. W. BARROW:
I am not insinuating..

Mr. FORDE:
Mr. Speaker, I want the hon. member to make his position clear. If he is insinuating - he said that he was going to hear who was influencing the judges. - that I am influencing the judges, I challenge the hon. member to come outside of this House and repeat any such imputation and he would be sued for libel or slander

Mr. SPEAKER:
No point of order.

Mr. FORDE:
If he does not have the guts to Mr. SPEAKER That is unparliamentary language also.

Rt. Hon. E. W. BARROW:
I am making a simple, bald statement, that nearly every morning on my way to the beach I used to see the hon. member, before the elections in 1971, with the Chief Justice. I am merely stating that although the Chief Justice and I were students long before he knew the hon. member, by the simple fact that I became Prime Minister, the Chief Justice has virtually stopped speaking to me so that he would not be accused by the other side of being influenced by the man who recommended him for the job. I am

making a straight statement. 1. 05 p. m.

Is the member denying that I used to see him jogging with the Chief Justice, or that he bought a house opposite the Chief Justice? I am saying what would happen if any member of our party had done that - and I would not allow them to do it to be seen with any Judge.

I have never been to die home of any of the Judges. I have invited them to mine on Government occasions. I am coming down the line now. No single member of the judiciary has ever invited me to his home consciously or unconsciously. I do not even know where Mr. Justice Hanschell lives. I have never been to the home of Mr. Justice Williams. Mr. Justice Ward, who is a member of the Barbados Labour Party, as I said a few weeks ago, had not submitted his resignation to the Barbados Labour Party. He is the only political person I know sitting on the bench today. He ran against me in the Federal elections; he was President of a Trade Union, and, furthermore, since he has been a Judge, sitting on a judicial matter when I had a procedural point before the Appellate Division of the High Court, and one of the Barristers on the other side made a submission, Mr. Justice Deighton Ward could not contain himself.

Now let us go down the line.

Mr. FORDE:
On a point of order, Mr. Speaker. Standing Order 28, Rule 9 states

"The conduct of Her Majesty the Queen, Members of the Royal Family, His Excellency the Governor-General, Members of either House of Parliament, Judges, or the performance of judicial functions by any person may not be referred to except upon a substantive motion. "

Rt. Hon. E. W. BARROW:
If I commented on the Mr. FORDE To comment in this House on the conduct of a Judge in his capacity as a Judge is, I submit, contrary to Standing Orders.

Mr. SPEAKER:
The hon. member has made a very valid point. The last sentence by the Hon. Prime Minister must be struck from the record, because it directly refers to one of Her Majesty's Judges in the performance of

his judicial functions.

Rt. Hon. E. W. BARROW:

That is all right with me, Sir. Before Mr. Ward was appointed as a Judge he had the same misconcept of a Judge's function, because on a political platform he said something which caused my Solicitor to write him a letter.

Mr. MOTTLEY:

Mr. Speaker, may I refer you to Standing Order 28, Rule 10.

"(a) No reference may be made in debate to the character or conduct of any person except in his official or public capacity.

(b) Any Member who desires to refer in debate to the character or conduct of any person in his official capacity must deliver to the . Speaker written prior notice of the proposed reference; the notice must set out the facts on which such reference will be based and must be signed by the Member giving it. "

I submit that the hon. member is in breach of Rule 28.

Mr. SPEAKER:

Not in the latter part in which he began to speak and said "before the gentleman was a Judge". I think that is quite proper; he is dealing with activities before he was a Judge, and was in the political arena. That is not contravening the Standing Orders.

Rt. Hon. E. W. BARROW:

I was saying, Sir, let us leave aside the fact that it could not be established three or four weeks ago that he had resigned from the Barbados Labour Party. The challenge issued to me by the Leader of the Opposition was that I had not resigned from the Barbados Labour Party. That is a big joke, because I said on the floor of this House, and it is in the records of the debate, that I have resigned from the Barbados Labour Party. With regard to the person to whom we are referring, I merely said that there is no evidence. If any evidence is produced now, that evidence would have had to be concocted within the past four weeks. I warn anybody, who is out to bring any such evidence now, that I will take steps, in

accordance with the provisions of the constitution, if I think they are operating in the way in which Mr. Nixon is operating. (Asides.)

Mr. SPEAKER:
Order!

Rt. Hon. E. W. BARROW If the members on the other side are in any doubt, when they get the adjournment, let them ring up the Chief Justice and ask him how many times I have been to his house, and how many times he has been to mine. Whenever he has been to my house it has been at some kind of public occasion because his office demanded that he should be invited to my place along with other members of Parliament and other people.

This idea that some Government Minister has time to ring up Judges and say: "What cases are you trying today? Let me hear the names of those people" That is pure unadulterated nonsense, and it is not doing justice to the profession itself and to the method in which Judges can be removed from office. I am merely pointing out that no member of my Party has ever been appointed a Judge. Now, Mr. Justice Ward has a letter from my Solicitors protesting over a statement which he made on a political platform in Fairchild Street and not in the Lower Green, which shows his complete lack of appreciation at that time, as a private citizen and a private barrister, for an understanding of the role of Judges. The statement which my Solicitors repeated in the letter to him was to the effect that he had stated on a political platform that I had a lot of good cases but that I threw them away in attacking the bench, or being too aggressive in my presentation of the cases, and, as a result of my being aggressive in the presentation of my cases, the Judged gave decisions against me.

Now, you analyse that statement from a man who, at that time, was a political aspirant. He was accusing the Judges of Barbados of deciding cases not on the merits or demerits or the submissions made by Counsel, but on the personality of Counsel and whether they were submissive or subservient or not. I believe my case rests there with him. Let me show you how the members of the Bar Association.....

Mr. ADAMS:
On a point of order, Mr. Speaker. Standing Order 28 (10). I am going to deal very fully with this attack on the character of the Judge when I make my speech. Standing Order 28(10) reads

"No reference may be made in debate to the character or conduct of any person except in his official or public capacity. "

I submit that the Prime Minister, for the last 121.1 minutes, has spoken exclusively about the character of Mr. Deighton Harcourt Lisle Ward before he was a Judge and not in a public or official capacity, and that he has spoken of him in his capacity of a speaker in Fairchild Street Market, a barrister, and so on. This is in breach of the Standing Order especially if he has not given you the requisite notice, Sir.

Rt. Hon. E. W. BARROW:
Any public statement by a politician is public. May I continue, Sir?

Mr. SPEAKER:
Yes.

Rt. Hon. E. W. BARROW:
Thank you. Now. let us see who is attacking Judges. The Bar Association held a meeting m July last year, and it appears that the brother of Senator St. John had been spoken at hardly and he protested. Now, that is a single incident of a single person. The Bar Association said

"Mr. H. B. St. John, Q. C., at this meeting... "

I have the date of the meeting here, Sir. I will provide it if you want it, but I do not want to delay the proceedings -

".... said that there was a growing state of disquiet among the junior Bar concerning the behaviour of the Chief Justice and moved Resolutions, inspired by Mr. H. B. St. John about the behaviour of the Chief Justice, at the Bar Association. "

This is the same Bar Association that is now accusing us. Now, that was highly improper and highly unconstitutional because, in the first place, it was not a properly summoned meeting of the Bar

Association. (ASIDES: it was a properly summoned meeting.) The meeting which they recently had was properly summoned in which they published these Resolutions, and when the member for Christ Church West tried to pour some oil on troubled waters, he said at that meeting of the Bar Association in July, 1973, that he would talk of the Chief Justice personally, and yet he tells me that he does not talk to the Chief Justice personally on matters reflecting

Mr. FORDE:

On a point of order. The member is as usual not speaking the truth about this matter and, if necessary, I will bring to him the Minutes of that meeting. I was not present at that meeting. The member is not telling the truth. 1. 15 p. m.

Rt. Hon. E. W. BARROW:

I am not calling him as a member now. The Minutes of the meeting disclosed - he said he was not present at the meeting - that present at the meeting were Mr. J. S. B. Dear, Q. C., President, First Vice-President J. C. Armstrong, Second Vice-President H. deB. Forde, Secretary-Treasurer C. A. Blackman, Miss B. Miller Assistant Secretary-Treasurer, Council Member F. Gollop, Council Member H. B. St. John, Council Member M. A. Reid, Council Member D. A. Simmons, and Council Member C. A. Phillips. This was a meeting of the Council at which the hon. member was present.

Mr. FORDE:

Again I tell the hon. member, on a point of order, that he must not misrepresent me. I never made any such statement and I challenge him to repeat it outside again.

Rt. Hon. E. W. BARROW:

I understand the hon. member said he was not at the meeting; now he says he did not make the statement.

Mr. FORDE:

On a point of order, the hon. member said the Bar Association passed a Resolution inspired by H. B. St. John, Q. C. That again is an untruth. He then said he is speaking about a Council meeting in which matters were referred to a Council in which I made a particular statement. That again is untrue.

Rt. Hon. E. W. BARROW:

This was a meeting of the Council at which the member attended and he is down in the Minutes as

having attended, and I was trying to do him a little credit because I was merely stating that, as usual, having the unction and so on, he wanted to pour oil on troubled waters and he said that he would speak to the Chief Justice. It is here in the Minutes. Do you want me to read out all the Minutes then? He also recommended that other members as well as himself should approach the Chief Justice privately.

Mr. SPEAKER:
The hon. member has made that denial.

Rt. Hon. E. W. BARROW:
But he did do it.

It was finally decided there should be a general meeting in September, 1973, to discuss the situation of justice. They were to have this meeting and Mr. H. B. St. John, Q. C., was asked to prepare a Resolution for the Council.

Now it appears to me that in their secret conclaves it is all right for them to attack the administration of justice and the conduct of the Chief Justice which they -did in fact do. I could not embarrass them and the holder of that high office by reading out what they said. I have some sense of responsibility to the community but I may tell you the general tenor of the Resolution and the member saying "let us speak to him privately". How can justice be administered when some members of the Bar have access to speak to the Chief Justice on matters which they consider of such grave and sufficient moment that they want to pass Resolutions? Subsequent to that, I had submitted in writing to me representations from members of the Bar Association, and I told them I would have nothing to do with it, that it was not constitutional, but at the same meeting Mr. St. John suggested that a general Resolution of the Council can be passed calling en the authorities to investigate. They will deny that that took place. I have had the experience giving evidence in a court and the same Mr. St. John coming up and spitting in my face when he should have been behind the Bar Table, and when I protested to the Bench, I was laughed at. That is why I say everybody should stay out of the Law Courts in Barbados. Here it is a Council of the Bar Association was moving Resolutions about the behaviour of a judge quite contrary to the provisions of the Constitution of this Island. I regret that I have to disclose these things, but the Bishop said I was quiet. I knew why I was quiet, and that I have a right to talk, but I do not think there is everything you should put in the public domain. They put it in the public domain; I did not put it in the public domain. I would have preferred to have got up here and said that members have had time to study the Constitutional amendments, that they are well represented by legal talents on the outside, and then move that these amendments be now read a second time as I am doing now. I would have preferred to be simple, and you know there are many Bills which are passed through here which I have given the other side credit for understanding and not labouring the provisions of the Bill just to get my speech on the record, because Parliament has to carry out the people's business, and this is the people's business, but we are

their elected representatives and we are enjoying a representative form of democracy in this country, and this is the point I want to make clear.

There are other matters, Sir, which are too grievous for me to expose them on, especially since you have made your ruling, and I would prefer to let those bide, but I have given sufficient indication. Now I just want to take up a challenge. It has been told to me and it has been published in the Press that we have not given by reasons why Puisne Judges should be appointed on the recommendation of the Prime Minister after consultation with the Leader of the Opposition. I think I have indicated indirectly that this is a procedural point, but at the same time it is an important point because of the implications of the present method of appointment. I have demonstrated that the Chief Justice himself is a member of the Judicial Service Commission. I have indicated that Puisne Judges have frequently been appointed by the same Judicial Service Commission which so many of them think is a competent authority for appointing judges in this Island, but I did not indicate something which was drawn to my attention, not by any member of my Cabinet, but by the Police Association, and it was dealing with the appointment of officers in the Police Force. What the members of the Association came to me about in an official open representation which was concealed from no one, was that they were not satisfied with the method of appointment of officers in the Police Force. I asked why and they said it was because you had a Commissioner of Police who has favourites - and they are always accusing them of having favourites; the only person I have not heard that charge spoken about is the one who has just resigned, but traditionally in the Police Force they say that officers have favourites. You have heard that; the hon. member for St. Thomas has heard that. As a matter of fact, he has attacked the Deputy Commissioner of Police, after giving notice, on the floor of this House, quite unjustifiably in my opinion, but that is his democratic right to nail him and attack him on the grounds maybe that he has favourites. I cannot remember all the submissions he made, but he followed the constitutional procedure. He filed notice that he was going to attack the Deputy Commissioner of Police who is now acting Commissioner of Police, and he attacked him body and soul. There was hardly a feather left on his back when he was finished. He has a right to do that because he followed the right procedures. But listen to the Police Association of Barbados who brought home to me the importance of what we are doing. This is what they said. They said the Commissioner gets his people appointed and the Association has no say, other officers may have views and they do not get their views listened to. I said that is a joke that we now have a Police Service Commission and I have given you the right to nominate a person on the Commission as an Association, and they did nominate and have people there. They said "Mr. Barrow, you have not read the Constitution. " I asked what do you mean, and I said if you look at it you will see that you have too different methods of 1 appointment. In order to get into the Officer rank at all, the Commissioner appoints you an Inspector, so when the Police Service Commission comes to appoint an Assistant Superintendent, they do not look at any Station Sergeants and Sergeants, they only look at the Inspectors, but it is at that level that the Commissioner has screened all of his favourites. When I looked at the provision, it was so. I do not know if you get the analogy I am drawing. I am a legally trained person. I was exposed and I passed examinations myself, nobody passed them for me. 1. 25 p. m.

I have passed legal examinations myself, but that does not make us wiser, and I am the first to admit that even if you are wiser I still think that we ought to be ushered out of the state of lawyers and not as

Ministers of Government or as Leader of the Opposition. Three will have to go and one can stay. Only the people of St. Thomas can remove him.

Mr. Speaker, do you understand what I am saying now? It was the members of the Police Force who drew it to my attention that you can have the power of appointing as an officer a person you have already screened out of people from whom you should be able to appoint these officers, and the Association claimed that they were being kept down, and this was the whole point.

Here you have a Chief Justice who is the highest judicial officer in the land. Now, nobody has challenged the procedure for his appointment - as a matter of fact the Opposition Parties in 1966 supported the idea - you know why? Because it was a good colonial kind of legislation that the Chief Justice should be appointed on the recommendation of the Prime Minister after consultation with the Leader of the Opposition, and tara tara tara and so on. Good colonial practice.

But, Sir, let us say now that the Chief Justice retired or went on to some other job. Think of the position of the Prime Minister. If the provision makes any sense at all it means that the Prime Minister has an absolute discretion in whom he appoints after he consults with the Leader of the Opposition.

But think of the morale in the country amongst members of the Bench. If you go outside of the people who have not been appointed on your recommendation, and recommend to the Governor-General the appointment of a Chief Justice from amongst members of the party, or even if he was the Leader of the Opposition, you would pitchfork that man over the heads of the Puisne Judges in whose appointment you have had no direction or control. This would mean to use an expression, which I used earlier, that all hell would break loose from the same Bar Association, that, although the Prime Minister is exercising his prerogative in this particular respect and doing it in the best interest of the country, you will be catapulting people over the heads of the Puisne Judges.

This has happened in Trinidad, but they were fortunate first in having a good Bench, a sound Bar and a large number of practitioners and because the particular nomination was a person of Barbadian descent, the late Sir Hugh Wooding - and I hope at some subsequent stage, not in this debate, that we will be able to pay our respects to a great Barbadian who commanded the respect not only of the members of the Bar in Trinidad, but of the Judges who all acclaimed his appointment over their heads; and there were about 18 or 20 Judges who unanimously recommended that Sir Hugh Wooding, who had never been a member of the Public Service or served on the Bench, should be appointed over the heads of everybody. There are very isolated occasions on which you can find people who will get that kind of public support and acclaim.

The same Association which now knows the limitations under which we suffer, generally speaking, no matter how eminent a Barbadian you brought in over the heads of Puisne Judges who are self appointing, because the composition of the Judicial and Legal Service Commission is there for all to see, as you know, Sir, they will be the first persons protesting an appointment.

But it comes to the stage when you have to appoint somebody because, according to the Bar Council, the whole administration of Justice needs some administration; and the next person who will have that office will have to be looked at from his status not so much as his knowledge of the law and that kind of thing, but his ability as an administrator.

I only say these things. I have no firm views; but this is the kind of information which has been trickling back to me from all sections of the Bar and not on a political basis at all. So if you are referring to such an august organisation as the Police Association and say that out of the mouth of babes and sucklings etc. etc., they are neither babes nor sucklings. They are men who help to administer the law.

But, it is rather peculiar that in this rather strange way out of the discussion - I thought that the objections were not really valid at all - it was brought home that even our pre-independence Constitution was defective in the question of the appointment of the Puisne Judges because immediately you are limiting your choice of the man who is to occupy the highest position by a panel, as it were, of candidates who have been pre-selected by the Judicial Commission process.

Do I need say any more? If there was no other reason, that would be a good and sufficient reason. But I would say this: I am the only person in Barbados who is unconcerned about how they are appointed. It does not matter to me how the next Chief Justice or the next Puisne Judge is appointed.

I am concerned about the character, integrity and ability of the person and his administration of his oath with the impartiality which it demands. That is all I ask, because I do not have any time to be ringing up Judges or to be going to their homes or to be trotting with them on mornings to find out what cases they have.

Again, I am not suggesting that the hon. member would trot to find out what cases were being tried,

because he would know from the Law Lists. He would not have to trot and go and get bunions just to find out who is being tried that day. Do not let him get up and object. I would be the last person to accuse him of that.

The point is that I have to drive. I did not have the time to trot like the hon. member. I would have liked to jog with him if I was invited, but I was never invited because I am a member of the Government and I cannot be seen in such august and elevated company.

I want to make the position of legal practitioners on this side clear. We do not want to curry favour with anybody. We want them to administer justice, and that is what the people are paying them to do. Now, I just want to say one more thing in defence of the Judges. The reason why a lot of people with ability do not want to be appointed is because the kind of salaries that we pay to the Judges are invariably inferior to the earnings of even mediocre practitioners. I hope that nobody on the other side takes offence. They all earn more than the Judges. Whether they pay taxes on that level is a matter for the Commissioner of Inland Revenue and them, and not my concern; because if the Commissioner of Inland Revenue looks at them and thinks that they are poverty stricken and he does not tax them sufficiently that is his business because the law of Barbados says that he has the sole right to investigate.

But I have already issued a challenge. I do not think that one of them would want to be a Puisne Judge in Barbados. So the popular conception is being beaten up and beaten up almost into a forest fire that we have some people padded up and sitting in the wings waiting to occupy the next vacancy on the Bench.

That is a big joke as far as my experience of the Bar is concerned. I said Puisne Judges, Sir. There is no problem otherwise. I went to see a film the other day, and it had a song which said "What is the fuss; tell me what is happening. " What is the fuss? Do you think that anybody is not going to sleep tonight whether we pass this or not, not knowing whether they are going to get justice administered tomorrow morning?

I have even heard it mooted that they are not so worried about me because they know that I understand the Constitution and how it should be worked. I am not flattered because what they are suggesting is that their own leader is the man they do not trust. That is the Leader of the Opposition who happens to be a barrister, and who has said on the floor of this House that his ambition is to be Prime Minister. I say that that is a good ambition to have. It is only regrettable that it cannot be realised in the lifetime of some of us. 1. 35 p.m.

All I am saying is this, Sir. First, the lack of self-confidence amongst members of the profession. Secondly, in trying to pay me a left-handed compliment and saying they are not concerned about what I will do but what people who come after me will do, shows a lack of confidence not only in themselves as members of the profession but a lack of confidence in their leadership. But that is their problem, and so if they want to do justice to the society as a whole, they should change their leadership; that is, elevate the member for Christ Church West or somebody else, if that is really their problem, but I do not think that is their problem

Mr. SPEAKER:

Deal with the Constitution.

Rt. Hon. E. W. BARROW:

That is the Constitution. So I am merely pointing out, Sir, the hypocrisy of the argument, the kind of left-handed compliments which you read in the Press that "Oh, the Prime Minister is all right. He has been there for twelve years and you cannot really pinpoint anything that he has done to indicate that he would appoint the wrong kind of person" - unless you are saying that the present Chief Justice was wrongly appointed, because he is the only one that I have appointed. The only one. If you say that that was a wrong appointment, well then don't use the sort of close confines of the Bar Council. Come out in public or go to him and tell him you do not like what he is doing, but because the relative of one member of Parliament does not like the way that he is spoken to for not turning up, or something, in court, then you want to move heaven and earth to destroy public confidence in the administration of justice. That is wrong.

It is they who are trying to destroy the Constitution; not this party, and I produce evidence of the way they have tried to undermine and subvert the Constitution of Barbados. The person who produced the Constitution could not be the person who would want to subvert it. You have heard of the famous Solomon's decision when the two women had the argument over the Mothership, I would like to call it, of the child, and Solomon said, 'well, since you cannot agree on the maternity of this infant, let us cut the child in half. And who was the mother? The one who agreed to cut it in half? The mother said, 'let the other woman have it. '

Who made the Constitution? What did the Secretary of State say to them? It was open to any Government, after independence, to amend the relevant provisions if they so wished; anything they disagreed with. It was open to any Government - although he was addressing his remarks to them to give them the assurance that the Constitution was so devised that they would have the right to amend it, not by referendum but by votes on the floor of the House either by simple majority or by a two-thirds majority; his remarks were equally applicable to the people who were responsible for the birth of the

independent nation to people who not only were the putative fathers but the acknowledged fathers of the nation on record, despite the strenuous opposition that we met during 1966, of which this particular exercise is a mere bush fire, compared with the conflagrations which they had lit in 1966.

So what is the fuss, Mr. Speaker? Tell me what is happening. An issue in Barbados is not an issue because the war in Vietnam is over and the American Information Service is no longer giving handouts to the Advocate-News so that they can have their columns replate with people being burnt to death in Vietnam and therefore they have to be promoting pressure groups on the one side or creating ferment in the Constitution issue. Issues do not arise in that way. Issues arise when something is happening. So you must tell me what is happening. I do not know what is happening. All I know is that I have spoken longer today than I have done for a very long time, because I have been accused of being silent. I could say a lot more but what I would have to say would only destroy a lot of people, and I am already assured of the support of my colleagues and I am assuring them of my support in their endeavours in the passage of this Bill.

So I do not think it is necessary for me to go too much further. I could supply a lot of information to the Leader of the Opposition if he wants it. He is not going to like what he sees. I only want to say this and I am not afraid I have to say it. I was told by at least one member of the Judicial Commission that it would not be in the best interests to have a certain appointment made. There was no provision for me to be consulted but I felt that he was giving me a message to give to the Governor General. I regret I have to disclose this; and I went and I told the Governor General "do not mind what they send up to you, I have been told reliably that that is not what they really want. " This is the kind of characters you have to deal with.

I was doing it purely as a messenger, which may be my mistake, because I felt that they were trying to get the message over without causing any embarrassment, so I took the massage over. Low and behold! When the Governor General exercised his prerogative, the direct opposite was said (ASIDE) I do not think it is in the interest of the country for me to say any more here but I will take you to the Governor General and Jet you verify it and let you come back to the House and say ftl have just verified what he said; " and I ask hon. members not to press me on this. (ASIDE) You mean just to satisfy the idle curiosity of members on the other side? There are times in the history of a country - I have given independent authority access to my information; that is, His Honour the Speaker; but there are times when it is not politic to say all that you know.

We do not even have to give objects or reasons. When the newspaper attacks the Government for not giving object and reasons - we do not draft die objects and reasons. If you look at the Object and Reasons of one of the greatest constitutional instruments that was ever introduced, which is, the Local Government Act, you will probably find that it occupied only a few lines. The Objects and Reasons do

not attempt to give cases or to supply all the possible information, and the purpose of an introduction is to give sufficient information, that you will not be holding back vital matters from members of Parliament who entitled to know a certain amount.

I only want to say this, though parenthetically, that democracy does not function on the basis of all the people knowing everything that is going on all of the time. It must function on the basis of information, that there is a knowledge of what is going on, and therefore the public must keep itself informed. They cannot be informed by the Thomson Press or the Nation or the Beacon or any of the other effusions that we have in this country at the moment. Therefore by asking questions honestly of people who are in a position to know, they can get information not if they do as the Anglican Bishop of Barbados and attack the Government. When he was complaining about how his own clergymen were treating him he did not go to the Press; he came to me and I told him; "Well, I sympathise with you. " But I know one or two of them whom I have since spoken to, and I said: "You all are not treating the Bishop in the right way; the dignity of his office deserves better treatment than this. " and I can bring those members to you and they can tell you and corroborate what I have said.

So all I can do - I do not keep it locked up in any press - I can make information available to an impartial person such as Your Honour in the discharge of your functions as Chairman and presiding officer of this august Assembly. 1. 45 p. m.

I am not going to put everything into the public domain, even although I am being provoked. I was under great provocation during the past few weeks to conic out and tell the people everything that was going on in this country, but my better judgment prevailed and I do not regret it. To accuse the Government of some sinister plot of wanting to introduce dictatorship in this country because we have changed a procedural part of the Constitution on the appointment of Judges, for which there is ample justification and a procedure which prevails in many countries in the Commonwealth of which we are members, is not good enough. I mentioned the Commonwealth of the Bahamas in an earlier part of my address.

I do not need, Mr. Speaker, any witness of precedents for what we are doing here today, but, if I mention some of the places, it is because they are countries in the Commonwealth, who have similar provisions to the one which we "•- are introducing today - these countries were brought to the attention of the media in Barbados and they refused to publish the information. In Ceylon, Nigeria, Malta, Ghana, Malaysia, in the Bahamas for the President of the Court of Appeal and Justices of the Court of Appeal, and in the United Kingdom all of these things are done on the advice either of the Prime Minister to the President or other Head of State or directly by the President as Head of State, or will be Lord Chancellor who is a political officer.

Now, all of these people who have such great fears for the Constitution of Barbados and the rights of citizens, why do they not tell Mr. Harold Wilson, or Mr. Heath, depending on their political persuasions, that the Constitution of' Great Britian is defective? Is it due to some kind of inferiority complex that we are ex-colonial and it was all right for the Secretary of State, a political appointment, to appoint all the Judges in Barbados? It is true that there was only one at first. There was one Judge, who was President of about thirteen different divisions of the Supreme Court, but to appoint the Chief Justice of Barbados under a colonial regime as in the Associated States with semi-Colonial status, or to appoint the inferior Judges of the Supreme Court, or the Puisne Judges of the Supreme Court as they are called will raise doubts. It is all ; right for somebody in England to make appointments for us, but when we get Independence we have so little self-confidence and respect for the development of our own institutions that we indulge in cheap politics and say that no politician is to have anything to do with the appointment of Judges.

When the question of salaries comes up, they send their, recommendations to me; they do not send them to the Lord Chancellor in England, or to the Judicial Service Commission. No Judge can say that I have penalised him becaitjg , did not appoint him and he was appointed by the Judicial Service Commission. On the question of salaries that they obtain their salaries have to be related to the general level of salaries in the Community. Their salaries are secured by law; they cannot be removed from office contrary to the wishes of the Bar Council and Mr. St. John, and that is the greatest safeguard of the independence of the Judiciary in this Island.

It is absolutely ridiculous in any situation which I can envisage, unless you are going to throw the whole Constitution out of the window, to contemplate the situation in which any politician would be so crazy as to go and discuss even his own legal matters with any Judge in this Island. The greatest insurance that you have, Mr. Speaker, as far as this Government is concerned, is that the Judges and my Cabinet Ministers are like the Jews and the Samaritans: the Jews, of course, being in the Cabinet and not on the Bench. Like the Jews and the Samaritans, we have no dealings with one? another, whereas I do not think that can be said on the other side. We have no social contact, because in the same way that the civil servants were intimidated, when we were in the Opposition, when they were seen talking with people with whom they went to school, today the Judiciary feel that it; is not good, or politic, for them to pass even the civil word to the members of my Government in public. I want to say that without any fear of contradiction. I invite any of them to write a letter to the press or to you, Sir, and deny that that is so. We do not talk to one another, we do not visit each other, and we would like to continue that way, even with these amendments.

I go further and say that these amendments do not go far enough for me, because we should, by this time, have established a Caribbean Supreme Court which, in my opinion, is the only way we are going to resolved some of the problems that we have. It is not merely a political problem, but the problem of

frustration of the citizens of this area by the lack of a sufficiently large constituency from which we can recruit persons to these high Judicial offices.

Mr. Speaker, as far as the Attorney-General is concerned, again, not one member of the Opposition expressed dissatisfaction with the system which prevails in the United Kingdom today. Let us go back now to a situation which I know existed in Barbados during my life time. Both the Attorney-General and the Solicitor General of Barbados were, prior to about 1956, members elected in general elections to the House of Assembly in Barbados. They were politicians.

Now, the first Attorney-General that I can remember would have to be Mr. Walter W. Reece. Mr. Frank Holder was a Solicitor General, and they were all members of this Place. The one who had the longest tenure of office was Mr. Edward Keith Walcott. He was Attorney-General and the member for St. James. He had complete control over all prosecutions in this Island. At that time the late Federal Prime Minister was a member of this House, and he had applied for the job as Solicitor General. He was also a politician.

No one in those days protested over the Attorney-General being a member of the House and being exclusively in control of all legal matters and all criminal prosecutions from the Magistrates' Court right up to Grand Sessions and trials for treason and felony. He was also head of the Civil Service; he was also Prime Minister, because of the Executive Committee Act he was in the Executive Council and the Executive Committee and no Governor of Barbados could refuse to accept his advice. He was also the Leader of Government Business in this House. You could not get on the Legislative Council of Barbados unless he appointed you.

Barbados boasted then that their Constitution was the most advanced in the West Indies, because we had the Executive Committee, and we had politicians sitting in the House as legal officers, one of whom was the Attorney-General and the other the Solicitor General of Barbados. There was no question of any Director of Public Prosecutions. There is no question in the Commwealth of the Bahamas that there should be such an office. 1. 55 p.m.

As a matter of fact, I was personally asked, whatever my name is - I am not supposed to call it in here - not as Prime Minister of Barbados, to recruit a person who would conduct the prosecutions in the Bahamas and I came down and I had written to all the legal officers to find if they were interested. We could not get any to accept because they were not given the title of Director of Public Prosecutions, but the Bahamas Government at their independence conference made it abundantly clear that they were given a mandate by the people and that all prosecutions must be under the Attorney General who was

and is today a political appointee, and that constitution is only one year old. I think on 14th July the Constutution of the Bahamas was only one year old and that was the most recent Constitution which was granted by the Commonwealth and Foreign Relations office of the United Kingdom, the only one within the past 12 months as far as I can remember. I always have to speak subject to correction, since you cannot remember everything when you are on your feet. In that constitution the Bishop of Barbados, Drexel Barbados, was content to sit down there with a benign smile on his face and never once go up to Mr. Pindling or Mr. Paul Alby and say you all have a corrupt or iniquitous constitution here.

Let us go the United Kindgom. All prosecutions are subject to the control of the Attorney General of the United Kingdom who is appointed a Cabinet Minister by the Prime Minister and is a member of Parliament, and in the recent case when the I. R. A. put on uniforms and paraded with side arms and everything at a funeral of one of their colleagues who had died on a hunger strike in prison - the Irish Republic Army itself today shooting British soldiers - both sides of the House asked the Attorney General of Britain if he had drawn to the attention of the Director of Public Prosecutions that criminal offences had been committed by the wearing of those uniforms. Members of both sides of the House did not direct their remarks to the Director of Public Prosecutions; they directed their remarks to the Attorney General accusing him of failing in his duty in not directing that prosecutions should be instituted. That was a political consideration because they felt that if they had prosecuted the I. R. A. for parading in London in uniform, they would have had a little more trouble in Ireland. A fortiori, all that the more - the translation is not for your benefit, Sir, - in a situation where we have to go to international organisations and conduct treaties with foreign powers, the treaty-making power not even being the prerogative of Parliament but in the sole discretion of the Government of the country, and we do not bring treaties in here for approval. What we do is lay them for information.

It is absolutely essential that in matters affecting crimes against the State the Attorney

General should have the right to direct that prosecutions should be brought or should not be brought, because there is a particular sensitive area of information which is not vouchsafed to a Civil Servant - and when I say Civil Servant I am using it in its widest sense such as the Director of Public Prosecutions - he is not in a position to be seised of all the facts which are included in this particularly sensitive area, and it is only the Attorney General after consultation with the Minister responsible for Defence and Security who may have these particular facts available which may be embarrassing to a foreign Government. It may be better sometimes to put a man quietly on a ship or aeroplane and ask him to leave the country than to prosecute him within the realm for offences which may have been committed within the realm or within the jurisdiction of the Courts of Barbados, and if you do not reserve your right over these sensitive areas, then you are admitting to the world at large that you are not really fit for independence, because you do not have that amount of self-confidence and that degree of self respect which would assure the citizens of your country that you can act in a way which would in no way constitute an erosion of their basic rights, but you would be acting in the interest of the State altogether.

What often bothers me, Mr. Speaker, is this: as I frequently tell people outside, we go or used to go to the same educational institutions. In order not to be offensive, let me take medicine for an example. We spend a lot of money on public account training our young people to be doctors. They go to the same institutions to which doctors in hospitals abroad go. As a matter of fact, most of the United Kingdom hospitals are staffed by people from outside the United Kingdom. They sometimes practise and teach in Universities; some of them return to their native countries particularly to Barbados to practise their profession. You have a certain element of people in this country who if they get a toothache want the exchange control branch of the Central Bank to give them $1, 500 plus expenses to go and spend IUS100 a day in the Presbyterian Medical Centre for a young doctor probably having less experience than our doctors at the hospital or private practitioners to tell them they have a toothache. This is what happens. This is a lack of self-confidence. Our doctors are trained in the same institutions but we are colonials and we are practising in Barbados. Immediately they go into the Presbyterian Medical Centre, although we have similar facilities here, all of a sudden they feel more reassured because they are in somebody else's country being treated by people whom they have never seen before in their lives and whose qualifications they never put in question or had the opportunity to examine. I am going to stop all that. That may be an infringement of the liberty of the subject. Only in cases where a person cannot get the facilities within the Caribbean should we be giving people this indulgence in conspicuous consumption and spending.

If we apply this to our institutions you will find the same defect of, reasoning pervading the whole society here in Barbados. They will say it is all right for the Attorney General of Great Britain, and some of my best friends are Attorneys General. I have known at least three or four of them. I have known Lord Chancellors, Lord Chief Justices and all that, but I do not regard them as any greater than Sir Hugh Wooding or Mr. Karl Hudson-Phillips, the Attorney General of Trinidad and Tobago who has control over criminal prosecutions in Trinidad and Tobago, because I have more confidence in Mr. Hudson-Phillips who is a Trinidadian of Grenada extraction than I have over people I do not know, because I know that he is bright and that he has been exposed to the same kind of training that English Attorneys General have been exposed to, and if I could reside in the United Kingdom on and off for ten years and not stage any meeting in Trafalgar Square on the British Constitution, I could not come back to Barbados and protest over provisions which I was content to live with up there, because even although I was not a citizen in the fullest sense of the term and I thought it was tyrannical to have an Attorney General presiding over prosecutions of any kind, I would not have stayed in the United Kingdom because I would be a hypocrite, and the whole of this exercise has been fraught with a lot of hypocrisy, and that is the secret of the whole matter.

In Australia and Canada, New Zealand and Nigeria, Trinidad and Tobago, Cyprus, Malawi and Zambia all countries in the -Commonwealth, the Attorney General has some responsibility for criminal proceedings. So we should not really visit these places such as Canada. Our people are flocking up there and applying to Post Office Box 125 in Port of Spain for visas to go to Canada every week. Hundreds of them are going up there, and the Attorney General of Canada whom they do not know has full control

over those proceedings. The Attorney General of Barbados had that right. It was not taken away from him because he exercised it tyrannically or anything like that; it was taken away because the Colonial Office was introducing certain changes and they decided to have an Attorney General who was a public officer. 2. 05 p. m.

But I am not happy. The Attorney General that I met when I came into office - he is not around now, so I can talk about it. He is a private citizen. He was supposed to advise the Government on legal matters and have control at that time, because we had no Director of Public Prosecutions. He used to go to Court.

He was a public officer, but on one occasion when the Cabinet asked him to advise on a matter he said that he was not giving any advice. I called him and asked him how he could say that he was not giving any advice. He said, well you sent the file to somebody else before you sent it to me and therefore that is an insult and I am not giving you any advice. Therefore, I went to Government House and asked the gentleman there how much it would take to relieve him and we paid him and abolished the office. Well, it was not really an abolition. It was in 1964 I think that there was a change in the Constitution and we allowed him to claim that his terms of reference had been changed.

It was Mr. Burton. You don't have to ask me. Ask the right person, Mr. Burton. But the point was that we had a political Attorney General in the persons of Mr. Edward Keith Walcott and Mr. Reece and other people before him - a long line of Attorneys General who were members of Parliament. The present Attorney General is a Senator. They had full control over prosecution in the Law Courts, and it was because of this system that we had the combination of the Executive Committee and the Attorney General and the Solicitor General sitting in this Chamber so that our predecessors claimed that we had the most advanced Constitution in the Caribbean, if not in the Commonwealth.

That was the situation. So, Mr. Speaker, I do not have to make any apologies for putting us at least in line with the Bahamas and referring to our pre-eminence in the constitutional sphere; because the citizens of Barbados did not protest over any views of the politicians of those days in the exercise of their office; and if any of the members on the opposite side can bring me a single illustration to prove that a political Attorney General does not act in the highest traditions of the profession, I would be glad to examine them. It is not going to change my approach to this Bill because I have done my homework and my examinations before; and I hope that other members have done their homework as well.

I do not intend, Mr. Speaker, to go any more into the provisions. All I wish to say in conclusion is that as far as the amendments are concerned we have also made some amendments in the citizenship clauses

and made it possible for persons to apply for registration as citizens of Barbados upon attaining the age of 18 years. We have also proposed that only citizens of Barbados should be qualified to run as candidates or to be elected to the House of Assembly or to be nominated as Senators in the Other Place.

Some objection has been taken to the fact that we have also proposed that a person should not be qualified to be elected a member of This Place or the Other Place if, within 10 years he is so appointed or elected, he has been convicted of a felony or other offence involving dishonesty. I really cannot deal with the people who object to that. We have not eliminated any sitting members from being members of This Place, because if there were any, they would have been elected by the people on a democratic franchise. So, you cannot disqualify people after they have been elected.

But, Sir, the very persons who are calling for honesty and probity in public offices are the same people who are saying that we are discriminating against the poor man, as if only poor people commit crimes, or the commission of criminal offences is the exclusive prerogative of people who do not have large incomes. I will not worry to go into that because I do not think that we should take that objection seriously.

Now, the Bishop of Barbados has objected parenthetically to Ministers of religion running for office. Well, he can make a rule that none of his Ministers should run. From what I see of them I do not think that many of them will be able to get a seat; but if he wants to disbar them from running that is a matter for him; but I cannot see any justification in these days when we have disestablished the Anglican Church, and in which we say that all people who have religious beliefs are free to enjoy those beliefs without any encouragement or discouragement by the Government in any way that we need to give any priorities or preferences to any particular denomination.

The Roman Catholic Bishop is the Right Honourable or the Honourable Mr. Anthony Dickson and is a member of the Privy Council of Barbados. Before that the Rev. Derek Lyder was a member of the Privy Council. This is the highest office in the land next to that of Governor-General because the Privy Council hears appeals from the dismissal of a Civil Servant and has the power of life and death over prisoners who have been convicted of homicide and so on.

It is a very influential body in the administration of justice and other matters of that kind in Barbados. How can you justify excluding a person because he is a minister of Religion from presenting himself as a candidate? I thought from their own views which they have recently published that they all want to run for office now. They are entitled to have my job. This is a job that I would really like to put on them. Then they will have really serious problems about administration and about the rights of the people of

this country because the eventual watch dogs of the people's rights are not newspaper reporters, but the members in the House of Assembly because the people have put them there.

It is a great pity that these ecclesiastics do not read the Bible, because there is a particular author in the Bible who is not read at all, who is Timothy. He says: "The Lord giveth and the Lord taketh away. " The people put us here and the people can remove us; but no amount of clamouring and ill-considered dissent can in any way dissuade the elected representatives of the people from performing the functions which we were put here to perform.

And we have also gone further and further to remove any doubt, Mr. Speaker, so that we have enshrined in the Constitution a provision which was unanimously passed by this House in pur Standing Orders that a person should cease to be a member of the House if he is expelled from the House in accordance with an enactment relating to the House and the Standing Orders of the House. We are putting that in the Constitution. 2. 15 p. m.

We are putting that in the Constitution. Where are the detractors of the Government or the would-be holders of political office? Whether they are qualified to hold it or not, they have the right to aspire. It is their democratic right. Are they saying that all of these amendments that were put in here were devised to shroud and becloud and confuse the public, that our real object is to control the law courts? Do you seriously believe that, Mr. Speaker? Could anyone who has any kind of commonsense, looking at 34 amendments - twelve amendments and 34 clauses one of which is the short title - 34 Clauses - think that a Government is so perverse as to sit down and look for a lot of what hon. members are fond of calling cold pone amendments, in order to disguise their real intention which is to control the law courts? I do not have any desire as I said before, Mr. Speaker, to control the law courts. My advice to the citizens of Barbados is to stay away from them •and from the lawyers in Barbados. I cannot repeat this advice too often.

Then there is no problem because the judges can go home at 9. 30 every morning; they would not have any cases to try. If people follow my advice and follow economic pursuits and try to build up this country instead of tearing it down, then we have no fear. Keep out of the law courts.

So there is no need for me to try to influence anyone in the law courts. We are like the Jews and Samaritans. We have no dealings with one another neither do I seek to run with them or to hunt with them, or to dine with them or to wine with them.

So, Mr. Speaker, having probably exhausted most of the objections which we have heard, which we have recorded during the six or seven weeks which have lapsed since this Bill was first read - or was introduced and read a first time, - it gives me very great pleasure now in moving that this Bill to amend the Constitution of Barbados be now read a second time.

Dr. the Hon. R. B. CADDLE:
Mr. Speaker, I beg to second the motion, and I would like to reserve my right to speak on this matter.

Hon. C. E. TALMA:
At this stage, Mr. Speaker, probably it would be the oppropriate time to adjourn for lunch.

I beg to move that this Sitting be now suspended until 3. 30 p. m.

Hon. G. G. FERGUSSON:
I beg to second that.

The question was put and resolved in the affirmative without division.

On re-assembling:

Mr. SPEAKER:
This Sitting is now resumed.

When this Sitting was suspended we were on the second reading of the Bill to amend the Constitution of Barbados, and to that the House now reverts.

Mr. ADAMS:

Mr. Speaker, the public of Barbados approached this fateful date of August, 27, 1974, I think, with some hopes of a great and statesmanlike speech from the Prime Minister in which he would explain and set out to an anxious population the reason why at this time of economic distress and other ills that afflict our society it was thought necessary to amend the constitution rather than to take some steps to remedy the more obvious ills in Barbados. And at the very outset of my speech I want to read a photostat which I am prepared to make a document of the House, from last Wednesday's New York Times, the most influential newspaper in America and one of the three or four most influential in the world.

This would give you some idea of how Barbados is regarded in 1974 by outsiders - some idea of the climate of public opinion being projected in a great newspaper. This newspaper last Wednesday commented that "A Scotish psychiatrist who had served as a consultant and practitioner at the Barbados Mental Hospital has observed that the high rate of insanity in Barbados is directly attributable to the frustrations of trying to become middle class in a hopelessly stagnant economy. "

He goes on: "There is a strange kind of government in Barbados, of powerful and black politicians, which adeptly keeps the local black people down and the foreign whites off balance. " It goes on further. 'The Government" - it names the Prime Minister - "walks a narrow line between rage and reaction and colonialism and subservience. " And yet another extract Mr. Speaker. It speaks of something with which we are all familiar. "The young men of Barbados, unemployed and bored, stare blankly at the passing traffic. They stand around or sit for hours doing nothing because there is nothing to do. This practice is known in local gargon as liming. Even in Paradise the lime is a bitter fruit. "

The article is headed up "Barbados no blasted Paradise now, " and, in his comment on the future the author who was a former teacher of Constitutional Law at the University of the West Indies says: -

"The future of Barbados is very much in doubt. Independence from Britain in 1966 has brought disillusionment and even dispair. " It is the disillusionment and despair that I want to talk about today because who, after hearing the Prime Minister's speech, can be other than in a mood of disillusionment and despair? In the very outset of his speech I seem to recall that he stated that this was not an exercise in vilification, that he was not going to attack individuals. In the course of the long and repetitive, tedious, lack of justification speech for the issues now before the House, I made this list going from A to K, of individuals attacked in greater or lesser degrees. The Lord Bishop of Barbados, the Rt.

Reverend Drexel Gomez; Mr. Clyde Brome; the Roman Catholic Bishop of Barbados, the Hon. Anthony Dickson; a Mr. Hunte by innuendo; two innocent children whose only crime is to be born on

his birthday and had their pictures in the paper instead of his; the lawyers of Barbados, described as parasites and an incubus in the community; the hon. member for Christ Church West, first identified as a member of the Opposition who interferes with the administration of justice, later on more precisely characterised as one who had bought property near the Chief Justice and who visits him on a social occasion, Mr. Justice Deighton Harcourt Lisle Ward; the Chief Justice whom he attacked individually and then further by innuendo by saying he would not embarrass him by reading out the Minutes of the Bar Council; Senator H. B. St. John upon whom two untruths were told - first he said that Senator St. John spat in his face in court and the judge laughed at him when he complained, and secondly, he said that Senator St. John raised the issue of his brother at a particular Bar Council meeting the Minutes of which he read out.

This is the speech which was not going to attack individuals. This is the speech which would deal with the constitutional needs of Barbados in 1974. 3. 35 p. m.

Mr. Speaker, I am going to go through this piece by piece before I have my say. I take the opening passages of the Prime Minister's speech to the effect that all of his party members will vote with the Cabinet Government and so on to be a whip. He is the chief party whip on this occasion. He is indicating what is expected, and he is indicating that if you do not so vote that the door will be the solution, as far as the Democratic Labour Party is concerned. There is no room for dissension in the Democratic Labour Party from a Cabinet decision. The conscience of individual members plays no part in deciding whether you can obey a majority, which after all may only be a 7 to 6 majority. I, for one, am extremely glad that in the Barbados Labour Party no such consideration applies, and that the conscience of members is given free flow in deciding how they should cast their independent votes as representatives of the people in this Assembly in the year 1974.

The Prime Minister spoke of not bringing certain matters to the public, and he says he is going to bring them to the House of Assembly first. This is not the first occasion upon which we have heard him speaking with a forked tongue. Hon. members will well recall how he said that he would bring the matter of the O. A. S. to a whore house first before he brought it into the

House of Assembly, but today now we hear that the forum of public opinion is to be less than a whore house because he is going to bring things into the House of Assembly and not pay any attention to the demands of public opinion upon this particular occasion. This is what I mean by speaking with a forked tongue.

The Prime Minister says that he is not attempting to tell the Prime Minister of Trinidad and Tobago

how to run his country, but we have heard one of the most irrelevant, unnecessary, improper attacks upon another Government - that millions of dollars are taken out of the Treasury of Trinidad and Tobago without the approval of Parliament. Sometimes things are said so plausibly that you have to believe them. That is something I might have been prepared to believe, although I would not qualify my judgement on its impropriety, were it not for some of the errors of fact which I can demonstrate liberally littered the speech of the Prime Minister in here today. I might have to talk about the speech because it is for the Prime Minister to justify and for us to criticise, if possible, if we can.

Now, a phrase was made with which I quite heartily agree. The newspaper editors and the Opposition were spoken of as being the defenders of the faith - the defenders of democracy in this country. A comment was made that the right to criticise was vested in the Opposition. Does not the Prime Minister know that is what Oppositions are about, and it is notorious that Oppositions are more interested in democracy than Governments? It is notorious that those who are in opposition speak loudest in favour of democracy and most against tyranny and tend to lose their interest in the democratic process when once they have entered office.

The Prime Minister is in a position to know whether a man who practises the utmost depravity, whether public or private, upon becoming Prime Minister and occupying that chair then loses and ceases to practise depravity. I am not in such a position, but as far as the criticism of the Opposition is concerned, I have absolutely no apology for saying that I welcome the assistance of the Press in defending democracy in this country. I resent the gibe about self-appointed defenders of the faith, and I glory if the Prime Minister is going to regard me as a defender of democracy. I glory in that description and appellation.

I have heard in the Cabinet that the Prime Minister is the only one critical of the amendments. I would have to have some doubt about that, bearing in mind the recent newspaper interview with the Hon. Minister of Health, the member for St. Michael North Central, were I not thoroughly accustomed to the fact that that hon. member was also one who letteth not his right hand know what his left hand doeth. I have seen the hon. member in action on more than one occasion, and I have no doubt that the criticism which he voiced to the Nation was an indication that he would tear down the Constitution, in whose interest goodness knows was not voiced in the Cabnet. At least, I believe that he said something to his Cabinet Colleagues, but he was too afraid of the censure or, perhaps, of the Prime Minister's brutality in argument, to utter those criticisms there, Nonetheless, I hope that having seconded this motion and reserved the right to speak, he would give us some explanation as to why he should say that the Constitution needs tearing down from top to bottom in public but, apparently, was unable to say it in Cabinet where such a statement would really have mattered and would have carried some weight.

Now, we heard in the course of all that was being said that the Prime Minister would not mention

certain things. Certain people were unmentionable and certain things were unmentionable. At that stage he had only spoken about the Chamber of Commerce, so we were to take it that the Anglican Church, the Catholic Church, the Methodist Church, the Barbados Youth Council, various Barbadian manufacturing and employers organisations, the Anglican Young People's Association and the Jaycees were all unmentionable. Would that that had been so, Mr. Speaker. I think that Parliament and Barbados would have been a cleaner and better place, if some of the things that had been said today had not been said.

At an early stage, Mr. Speaker, I just want to get these documents out of die way. I have received a large number of documents and Resolutions all of which I wish to lay upon the Table of the House. They are related to the issue. Some have been referred to, and some have, perhaps, not yet been referred to. The Barbados Chamber of Commerce writes the Leader of the Opposition on Constitutional changes and forwards a Resolution reading:

"Be It Resolved that

This meeting express its grave disquiet at the Constitutional Proposals insofar as they refer to

1. the appointment of Puisne Judges

2. the directives from the Attorney-General to which the Director of Public Prosecutions shall be subject and

3. the manner of appointment of senior civil servants and members of the foreign service and urges the Government to reconsider the aforesaid proposals and that a Commission of Enquiry representing all political parties and a cross section of all organisations and the people of Barbados be set up to enquire into all aspects of the existing Constitution and make recommendations. "

A precisely similar Resolution was sent to me by the Barbados Employers Confederation. I should mention that copies have been prepared of all of these Resolutions and have been handed to the Clerk for circulation to hon. members. There is also another Resolution in exactly similar terms from the Barbados Manufacturers Association signed by Mr. Walter B. Forbes, President, in terms, as I have said,

which correspond with those of the Employers Confederation and the Chamber of Commerce. There is also a Resolution from the Bar Association which reads:

"Whereas the Barbados Bar Association acknowledges and re-affirms its belief in and commitment to the principle of judicial independence enshrined in the Constitution of Barbados:

And Whereas the said Association is of the opinion that civil servants should be free from political bias and/or influence in the exercise of their duties:

And Whereas the Association believes the office of Director of Public Prosecutions is one of the main bulwarks for the preservation of civil liberties and should always be independent of partisan political influence as is now provided in the Constitution of Barbados:

And Whereas the Association is not aware of any evidence which suggest that the Services Commissions now functioning under the Constitution have failed to perform efficiently and/or impartially:

And Whereas the Association is satisfied that the proposed Constitutional Amendments would inevitably result in the introduction of political influence into areas of the Constitution which ought to remain neutral and free from political influence expressed or implied.

And Whereas the Government of Barbados has not given or attempted to give reasons for the proposed Constitutional Amendments:

It Was Resolved that the Association utterly deplores and condemns the proposed changes in so far as the same are set out above and the manner in which it is sought to change the Constitution of Barbados and hereby calls upon Government to establish a broadly based Commission of Inquiry to take evidence and review the working of the Constitution and to examine the need for change, if any, and pending the report of such Commission the proposed

Constitutional changes be suspended by Government.

And It Was Further Resolved that in the absence of the establishment of such Commission of Inquiry the Association shall take such action as it deems appropriate. " 3.40 p. m.

The Jaycees of Barbados have sent the following statement to me. I believe they sent a copy to you.

At a Meeting of General Assembly of the Jaycees of Barbados held on Sunday, 25th August 1974 the question of the proposed Constitutional Changes by the Government of Barbados was discussed. General Assembly was unanimous in its view that in a democratic society any substantive amendments to the Constitution should only be made after due consideration and discussion by a wide cross section of the community.

Therefore, General Assembly of the Jaycees of Barbados supports the many calls for a broad based Commission to review not only the proposed amendments but also the relevance of the existing Constitution and to made recommendations for a new Constitution which will fulfil the aspirations of our peoples.

I am not in possession of any documents from the Anglican Church. I understand the Prime Minister has a letter which deals with them, but he has not thought it fit to put it before the House in full. But the Anglican Young People's Association have written to me: -

"Dear Sir,

The members of the Anglican Young People's Association are gravely concerned about some of the proposed amendments to the Barbados Constitution namely (a) the method of appointment of judges (b) the interference with the.. independence of the Director of Public Prosecutions in the execution of his duties.

We see these two proposed changes undermining the independence of the Judiciary and concentrating

too much power in the hands of the Prime Minister, (whoever he may be).

We fear that these amendments will upset the balance of the total Political System and I could lead to the abuse of power and the undue harassment of political opponents.

We also fear that with the passage of these proposed amendments the way could be paved for eventual dictatorship.

Since no reasons have been advanced for the proposed changes, we are left to wonder what are the justifications for such changes. For example, are we to assume that tile present method of appointing judges has led to inefficiency? Could it be that the Director of Public Prosecutions is not performing his duties competently?

It has been the practice for Political parties to include any major plans in their election manifestos, however, no mention was made in the last manifesto of the present party in power of any plans to effect changes in the Constitution. Therefore we feel that the people gave the present government a two - thirds majority unaware of any intention on the part of the government to: implement such radical changes 5in the Constitution. Hence we are convinced that the people ought to determine whether such proposed amendments be carried through..

We urge you and your Parliamentary colleagues to do everything possible to prevent the passage of the proposed amendments and to (persuade Government to set up a competent commission to look into the whole question of constitutional reform in Barbados and that such a commission hear views and recommendations from the widest possible cross-section of the community. "

The Methodist Church sent a somewhat longer? documents and especially since a prominent. lay reader of that Church is a member of this House I ought to deal with this in full. The letter reads: -

"Leader of the Opposition, Parliament Bldgs., Bridgetown.

Dear Sir,

I am enclosing a document which has been submitted to the Prime Minister for your perusal and information. This document expresses the mind of the People called Methodists on the proposed amendments to the Constitution.

Yours faithfully.

Philip E. M. Saunders, Chiairman-Elect. "

And the document reads:

"The Ministers and some lay people of the Methodist Church heard recently with attention the explanation offered by members of the Government concerning proposed changes in the constitution of Barbados.

They have re-assured us that no fundamental changes have been made in the method of amending the constitution. Undoubtedly the amendments will be put to the vote in the terms of the existing constitution. This, we understand, is by a two-thirds majority of the House of Assembly amounting to 16 votes out of 24, the Government party having 18 seats.

The constitution does not call for a referendum by the electorate, as in the case of the Associated States of the Eastern Caribbean. There is no way in which the people of Barbados, as distinct from the Government formed by the party in power, can express their will on a matter which determines their future and the future of their nation unless the Government gives them the opportunity by making the proposed changes a plank in their election platform.

This has not been therefore the democratic decision-making process now being called in question. In the last election the ruling party received over 51% of the votes cast or about 37% of the total electoral votes. Had voters known, at the time of the election, of the details of the proposed changes the question

does arise, would the ruling party have received this proportion of the votes and the 18 seats they did obtain? In the interests of all the people in this Independent nation of Barbados, among whom the people called Methodists number a substantial section, we are in duty bound to raise this question and request the Government to act to meet the increasing public concern.

We further draw attention to what appear to be important issues which are exercising the minds of all thoughtful citizens and which emerged in our own meeting and in so many private conversations and comments among a cross-section of the population.

In the appointment of Judges, the change from nomination by the Judicial Services Commission to nomination by the Prime Minister does not appear to be in the public interest.

Senator George Moe and Hon. Philip Greaves explained to us that Government regarded the imposition of the Judicial Services Commission in the Constitution as an act by white Britain against the black section of the Commonwealth during the granting of post-World War II Independence. The constitutions of the white section of the Commonwealth, granted in the period before that time, left the appointment of Judges as political acts in the hands of respective Prime Ministers.

We consider it not in the public interest to re-fashion the Constitution solely as a reaction against white colonialism. A responsible and far-seeing Government surely has the duty to chart a new and satisfying course in the interest of the whole nation and not merely to copy and to revert blindly to the Westminster model when it suits on the grounds that there were sinister or demeaning motives on the part of the metropolitan country.

One of our members pointed out that the real problem in apeing the Westminster model was due to the smallness of many new Commonwealth countries. The putting of pressure on Judges, on Civil Servants, and on the population to fall in with the wishes, plans and designs of any ruling party was easier in small populations of a million or less than in large population of 10 million or more. The larger the country the more choices of occupation were available to any public servant who was being pressured to subvert the institutions of a State only for the narrow political interest of a ruling party and not, as believed by the citizens, to administer them in the general interests of all.

The temptation to keep quiet and acquiesce in wrong doing so as to protect one's livelihood, future, and welfare of one's family and their future appears less in larger countries. It was in the national interest

therefore to maintain a buffer, such as offered by a judicial Services Commission, between public servants and any possible inordinate pressures from the party or personal interests of the elected trustees of a majority of the people - the politicians.

We noted that the Government stressed that the tenure of Judges would not be affected by the proposed changes. We were not aware that this was being called in question at this juncture. Is this one of the hidden issues of which the public is not aware? We would rather point out that the proposed changes would allow a Government more easily to select only those legal practitioners who are loyal to party interests and in this way to control the administration of justice. At present even a Chief Justice, appointed on the advice of the Prime Minister after consultation with the Opposition Leader, cannot over-rule his fellow-judges. Thus some check on political control of the administration of justice is maintained.

We were concerned that the Government representatives felt that insistence on any safeguards was an insult to the integrity of politicians. We know of many upright and honest men in both the parties of Barbados. But we would indeed be foolish and culpable to close our eyes to the fact that there would be others who would be motivated by self-interest, power and the lure of wealth at the expense of the people. Indeed past actions and events both here, in other parts of the Commonwealth Caribbean, in other Commonwealth countries and also in Britain indicate that corruption is to be found, and therefore whatever safeguards that may exist should be maintained in the national interest. 3. 55 p. m.

The same considerations need to be raised in regard to the proposed changes in the appointment of Heads of Department and in the work of the Director of Public Prosecutions. The need for a decision to prosecute in international or seditious matters by a political legal person rather than by a career civil servants can indeed by properly maintained. But we understand that public concern to be that the Constitution does not stipulate that an Attorney General shall be of equal standing with a Director of Public Prosecutions in terms of experience in the practice of law. The fear is that in future a person of lesser legal experience could override the maturity and expertise of a Director of Public Prosecutions who is the equivalent of a High Court Judge.

We would urge the Government to reconsider and amend their proposed changes in the light of the - above considerations. It is becoming clear that they should consider that neither they nor the present Opposition may be in touch with all the electorate. There appears to be a, growing section of the electorate disenchanted with the existing structures of society as adequate for the needs, of the submerged section of the population. Frustrated young people are becoming eligible as voters. Little attention is being paid to involving and incorporating most of them into the national scene. The ingredients of an appeal to accept institutional structures alien to our so-called democratic way of life lie waiting to be stirred up. In our view any attempt to force on an unwilling public changes that are capable

of future devastating use in what many regard to be the wrong hands could rebound in the foreseeable future to the disadvantage and even oppression of both existing parties and of the public. Instead of Governments opening a Pandora's box of potential manipulation or dictatorship for future politicians, we are convinced that statesmanship and not political carftiness, patriotism and not party partisanship, involvement of the community and not manipulative control of it is demanded in these times from Caribbean politicians and, not least, from Barbados political leaders. In the name of our people we address this appeal to our present Government to reconsider its proposals judiciously before it is too late. "

That is a moving document signed by Philip Saunders, Chairman-elect of the Methodists, a moving document, Mr. Speaker. If a part of the misunderstanding, if there is any, on the part of the Methodists on hearing the explanations of Ministers of Government, is due to the imcompetence of those two Ministers who so presented them, I am not responsible for that. I could quite understand that they might make comments adversely to the competence of the Attorney General if, having heard them, they have found him wanting. I cannot help that and I should not, I would respectfully suggest, Mr. Speaker, be heckled on that aspect of it.

If hon. members have a quarrel with the Methodists, Jet them quarrel. The Methodists have no doubt an able representative on the front Bench of Parliament. I told the hon. member for St. Michael South Central that he must forgive me if I say today that the speech in support of the constitutional amendments would have been better made by him, the Minister of Communications, than by the Prime Minister, and I do not mean that as a compliment. He would have done a better job because I believe that however illogically he would have addressed his mind to the issues in question, he would not have been so abusive or made so many mistakes of fact.

Now, let us deal with some of these private attacks. He said that the Bishop wrote him a letter and so on and so on. We have not seen the letter. I am told that the letter contains internal evidence that would show that far from the Bishop treating the Government with discourtesy that the Government treated the Bishop with discourtesy. I am informed that the Bishop sought an appointment with the Prime Minister for some time in vain, so that he could make known to him the Anglican Church's views, and they are much the same as those of the other Churches, but that he was unable to obtain this appointment; and eventually, since there was some pressure upon him - you may remember that the Anglican Bishop came out at quite a late stage to make his views known - he wrote this letter setting them out so as not to do the Prime Minister the discourtesy of reading his views for the first time in the Press.

I am told that the letter will support this. I challenge the Prime Minister to produce the letter and put it before the House and show that my instructions were wrong. I have not seen it. I can only tell you what I am informed by inquiries made in the proper circles.

If the young people are not in the Churches that is a matter obviously for all of us; but I fail to see how it is related to the Constitution. The Prime Minister spoke for half of an hour, from shortly after 12 to half past twelve today, about the Bishop. Not about the Judges and the Director of Public Prosecutions, the Civil Service and the felons, not about them. His virulence and his vehemence against the Bishop of Barbado? was matched only by his vehemence against Mr. Justice Deighton Ward.

Half an hour on the Bishop, and we are in here crying out for arguments. We called for bread and he gives the Bishop stones. That is all he can do, and quoting the Bible. I have forgotten where it is said that the Devil can quote scriptures for his own purpose.

The Dean has been attacked. I left out the Dean. He will be Item No. L, citizen No. L among the citizens of Barbados attacked by the Prime Minister. I only went from A to K. I forgot that Dean Crichlow was also mentioned. The Dean was attacked. The Bishop was attacked for the fact that when he returned to his native country for its Independence celebrations he did not miss a single function. As far as I know, the functions held in Independence time in any country spread over a wide spectrum, Evidently, the Prime Minister did riot miss a single function either. He did not miss the wining or the dining either; and it ill behoves him to be saying that the Bishop did not miss a single function. He was evidently on hand to enjoy the finenesses - if that is what he is attacking poor Bishop Gomez for - to enjoy the freenesses to the fullest extent.

Now, I will deal with the attacks. I see another point here. Mr. Clyde Brome was in the bosom of the Democratic Labour Party for So long, that the Prime Minister has to know him in and out and I am not to quarrel when friends fell out. Who am I to quarrel? When Mr. Clyde Brome, a prominent member of the DLP, was attacking the Barbados Labour Party, the Prime Minister did not have anything bad to say about him. When he came into the St. Joseph bye-election to make bitter personal attacks upon^ hon. members on this side there was nothing: wrong with him then; but he felt that he should have run for a seat which he has been cultivating for some years, and the Prime Minister finds everything wrong with the political ambitions of a young man."

The attacks on the Bishop seemed to me to be summed up in the fact that because young people do not go to Church in Barbados the Bishop is not qualified to speak on the Constitution. I have never heard such nonsense - improper, offensive, indecent nonsense in my life. The Bishop of Barbados is a young, decent, wise man doing his best for the Church to which the Prime Minister and I both belong. I believe that he may belong in a greater measure than I because I have never sung in the choir at any stage, and I have not read a lesson in Church for I cannot tell you how long.

I have nothing bad or good to say against him, I really know nothing about him. He has never been and is not in our Party; but I do not see that he has done anything that merits him a specialised attack accusing him of being a character assassin and slanderer here in the House of Assembly.

Bishop Anthony Dickson and the Roman Catholic Church are attacked. It is true that the Pope appoints Bishops in the Roman Catholic Church. I believe, however, _that according to their Faith, the Pope's hand is guided by God in making his appointments, and I do not believe that we can constitutionally amend the will of God as far as the Roman Catholic Church is concerned; but that is a separate matter altogether, That is a matter of theology pure and simple, and I do not see that it has any application to Bishop Dickson's comments on the Constitution as he sees it. 4. 05p. m.

That is a matter of theology pure and simple, and I do not see it has any application to Bishop Dickson's fitness to comment on the Constitution as he sees it, and I am not sure that he does not have a good point when he says that far from changing the puisne judges to Prime Ministerial appointment, that there is a case to changing them all to presidential or to Governor-General appointment. I will return to that point later. Many countries do that, many countries in which democracy is seen to be practised more openly than in Barbados.

I say that one Mr. Hunte was attacked by innuendo; two poor little children - they were born on the Prime Minister's birthday - he makes fun of their names. I wonder how those children's parents feel knowing that the Prime Minister has ridiculed their pictures appearing in the Advocate? I wonder how they feel to hear that it was ridiculous, their pictures should not be in the Advocate and that is considered news. Making fun at the fathers and mothers of Barbados, probably proud to see two little children on the front page of this paper. Now the whole of Barbados has to hear on the radio and see on television that two children who should not be there, had their pictures in the paper when the Prime Minister's picture should be there because it was his birthday.

In the United States of America, George Washington's birthday was made a public holiday long after George Washington was dead. Abraham Lincoln's birthday was made a public holiday long after Abraham Lincoln was dead. The message is obvious to the Prime Minister. He has already said that we on this side will not; occupy the Government in his lifetime. If he knows so much about how soon the deaths of honourable members are going to occur, perhaps those who come after will remember that during his lifetime he spoke about the significance of his birthday. I have never heard the cult of the personality so exalted by a man in this House until now - that his birthday should have been recognised and the birthday of little children should not be. I have never heard it until today.

Mr. SPEAKER:

For the second time today and the last time, strangers in the Gallery must behave in a fit and proper manner.

Mr. ADAMS:

He said the lawyers are parasites and incubuses; the lawyers. We all have a habit of attacking ourselves. Shakespeare was not a lawyer but he very well could have been because his best known statement about lawyers - He put in the mouth of one of his characters who was about to start a riot and said "let us kill all the lawyers. " So perhaps, I do not have to go too heavily upon that, but I myself do not share the view that if you want justice in Barbados, that you would not find it in a court of law. I believe that that view would be less eagerly put forward by the Prime Minister were it not for certain libel cases, not just one; certain libel cases and libel actions which have been before the Court in recent years.

Mr. Speaker, I believe that those libel actions have had a very important bearing upon the matters that we are discussing here today; a very important and significant bearing.

Now the hon. member for Christ Church West. I have to defend the hon. member at some length. Defence from outside, as I am sure the hon. member would agree, sometimes comes better than self-defence. Now first of all he is accused of having associated with the Chief Justice at a social level in order to influence the administration of justice. At the stage where the accusation was made in here the only expression used was "a member of the Opposition, " but later on he was identified. On an earlier occasion when I do not think the hon. member was even a member of the House - I think it was during the last Parliament - and while the decision in the case of Barrow against the Daily News, Caribbean Publishing Limited was pending, the Prime Minister made an accusation about the hon. member -v he was not an honourable member then - running and attempting to influence judgments which were pending in certain cases. That will be found in the records of the last Parliament, I am fairly sure. Now we have heard it repeated in here. I do not have to repeat what the hon. member said. Such an accusation repeated on a public platform would in my opinion attract more than the $25, 000 damages which was given to Senator Ash by for what was said about him,

I challenge the Prime Minister to get in the market square and say that. If he is a man, do it; if he is a coward, stay silent. Let him put his money where his accusations are, if he believes he can say that outside the House. If he talks about vilification and abusing people, if he thinks that, by repetition of the allegation that the Opposition vilifies people and, not he, I challenge him to repeat that statement

relating to the hon. member for Christ Church West and the Chief Justice in Independence Square in the market square or even in the court yard of the Public Buildings.

He accuses the hon. member of buying a house near by the Chief Justice. Now I happen to know the history of the sale of that house. It was sold by Mr. Renold Hutchinson. I offered to buy the house. Indeed I was considering buying the house. The present Chief Justice was not the Chief Justice. The hon. member bought the house. Sir Kenneth Stoby was the Chief Justice. I am not aware that Sir Kenneth Stoby and the hon. member had any particular social associations. I am not aware they even trotted together. The Prime Minister has not said anything about the present Attorney General buying a house nearby. No word about that; but he picks out the fact that the hon. member for Christ Church West bought a house in Pine Hill.

Believe me, Mr. Speaker, if I wished to jog with the Chief Justice or indeed with the Prime Minister, I would not have to go and live near. I would find myself a jogging point and jog. I think that it is undignified to say the least, to believe that a man of the integrity, intelligence, ability and public respect of the hon. member for Christ Church West is so silly and transparent that he would buy a house close to the Chief Justice's in order to influence the course of justice. I do not even want to be vehement about it. It is stupid. That is what it is. Stupid. What is that to do with the Constitution of Barbados?

Now the same honourable member and Senator St. John were also accused of certain activities relating to the Chief Justice. This was an occasion when an innuendo was mounted against all three. Of the Chief Justice the innuendo was that the Bar Association minutes would embarrass him if they were read out. The innuendo on Senator St. john was that he raised an issue in the Bar Association because his brother had been involved in an incident with the Chief Justice. I have obtained a copy of the relevant minutes to which the Prime Minister refers. The first point is this. It had nothing to do with - these are the minutes of the Bar Council of 23rd July. There are two things, We will deal with the ones at which the hon. member for Christ Church West was present. This was a meeting which took place on July 23, 1973.

The incident with the Chief Justice and Mr. Eric St. john took place in October of the same year, therefore of necessity the Prime Minister is not telling the truth when he says that Senator St. john raised it at that meeting. Of necessity, unless he has a time machine in which July comes after October. Of necessity, it is untrue, wickedly untrue, in my suggestion. At that meeting had been written - Senator Phillips who I believe and I understand a Bar Council investigation is on the way as to who took up the Minute book and showed it to the Prime Minister who I believe is the source of some of this, apparently raised the question of a report - he said a Resolution should be dealt with; Senator St. john apparently supported this. We were told in the House that the hon. member for Christ Church West had said that he would speak privately personally to the Chief Justice.

Mr. Speaker, all these years of knowing the Prime Minister, do you know that I did not apply to it the instant belief that I should have, to that statement? Do you know that, after all these years of hearing from my father whose name was taken in vain so often here today, from persons who have known the Prime Minister for many years, that when he said that, I really believed he was reading it out of the Minutes? Do you know that? And do you know that the Minutes do not say that at all? Do you know that the Minutes say Mr. H. deB. Forde ventured that senior members of the Council should approach the Chief Justice privately, and, that he in the ordinary way would not necessarily be a senior member because he is not a Q. C. ? And that the Prime Minister purported to read out a document that said that that hon. member (the hon. member for Christ Church West) was going to go to the Chief Justice?...

Mr. SPEAKER:
Touch upon the Constitutional amendments occasionally, if you will.

Mr. ADAMS:
You had to reprove the Prime Minister too, Sir, so I should not object.

Mr. SPEAKER:
His comments were interspered with dealing with the Constitutional amendments; the only thing is that you are dealing with all the Prime Minister's remarks and not the Constitutional amendments.

Mr. ADAMS:
Thank you, Sir. Well, I am just straightening up a matter. I am told that there was another meeting of the Bar Council - much later. 4. 15 p. m.

I am told that there was another meeting of the Bar Association, and not the Council, much later at which the question of Mr. Eric St. John was raised and that the Minutes reveal that the hon. member was not present. That is the truth of the matter. I think the matter should be set straight, Sir. I think you will agree with that. We are talking about professional men in their professional capacity, and we are facing one of the widest audiences which it is possible for anybody in Barbados to have with the blanket coverage and all the broadcasting organs of information.

As regards the talk about Mr. St. John spitting in the Prime Minister's face and of the Judge laughing

when he objected, I just do not believe that. I do not think I would tire hon. members with denying that. When we think seriously about it, if an 11-year old came home from school and told you that, I am sure you will have some doubt about it. If he told you that a child spat in his face and the master did nothing about it, you would have certain doubts about that. I myself would have serious doubts if my children came home from school and told me that sort of thing. That is what we have before us when we are trying to hear something about the Constitution. Attacks were made on individuals when we were in here trying to hear the arguments for or against the Constitution.

Now, a little history of the Constitution is given to us, and it has to be dealt with in strict and clear order, because there are serious errors of omission and some of facts. It is a fact that the Draft Constitution was not discussed on the floor of the House by the representatives of the Barbados Labour Party in the 1961-66 Parliament. I myself attended the House as Secretary of the Party in April 1966 or whenever it was, and I handed a letter to Mr. Speaker personally saying that the Barbados Labour Party Representatives would not be attending. This letter was signed by Mr. Miller, as I recall it, and the reason, which the Prime Minister well knows but which he has several times omitted to give, was that the Government had refused to include any member of the Barbados Labour Party in its prospective delegation to the Independence Conference in London. The Government excluded us - the Party that got a majority of the votes in the 1961 elections - and subsequent to that the Colonial Office indicated that they would accept a delegation consisting of a certain number of persons. A public subscription was raised and a number of persons over and above those were...

Rt. Hon. E. W. BARROW:

I rise to a point of order, Mr. Speaker. The hon. member was not a member of the House. What the Government said then was that the Government would pay for two representatives of the official Opposition. There were two Opposition Parties. The Barbados Labour Party was not the official Opposition in the House of Assembly during that Session in 1961-66. It was not like the occasion when they had a State Banquet, when the official Leader of the Opposition was excluded by his father on the grounds that there were only 48 chairs at Government House.

Mr. SPEAKER:

No point of order!

Rt. Hon. E. W. BARROW:

The specific point which I would make...

Mr. SPEAKER:

You have made your point.

Rt. Hon. E. W. BARROW:
Are you suggesting that no part of my submission was a point of order, Sir ?

Mr. SPEAKER:
You have the right of reply. No point of order!

Rt. Hon. E. W. BARROW:
They were not the official Opposition.

Mr. SPEAKER:
Two hon. members cannot be on their feet at the same time.

Mr. ADAMS:
Sir, the Prime Minister has been startled into honesty. He has repeated the remark.

Mr. SPEAKER:
Will the hon. member refrain from inflammatory remarks!

Mr. ADAMS:
I am sorry, Sir. The excuse used was that we were not the official Opposition. We had four seats because Mr. Husbands had rejoined us, the Mottley Party had four seats, the Government in those days was talking about our needing more Nkrumahism here. We needed blood and fire. That was the talk. The Oppositon was to be cowed. It was to be trodden down. Despite the fact that the Barbados Labour Party had obtained more votes than the Democratic Labour Party in the election of 1961, it was the intention of the Government to shelter behind the shabby and primitive excuse that we were not the official Opposition into refusing to hear us in London. The public responded with a subscription.

Rt. Hon. E. W. BARROW:

Mr. Speaker, I have been listening very carefully because that is one of the hazards to which we expose ourselves when we are elected representatives in this House.

We expose ourselves to all sorts of things. The point which we made then was that we were recognizing the position of the official Opposition, and we were prepared to pay for the official Opposition. We were not prepared to pay for unofficial Oppositon Parties, but they were free to attend the Conference, subject to the rulings of the Secretary of State, and to pay their own passages. Mr. Dick Leacock paid by signing a Cheque for $7, 000 to allow the members of the other Opposition to go to London. (Asides.) I will ring Mr. Dick Leacock right now and ask him if it is not true. The hon. member was not even a member of the House, and he attended the Conference with our consent and so did the hon. member for Christ Church West. We were not prepared to use the expression of his worthy father "for every Tom, Dick, and Harry. " As I told his father, Tom was in England, already, and we wanted Dick and Harry as well. We were not prepared to pay for every Torn, Dick and Harry to go to the Conference, but only for the official and recognised Opposition. What nonsense is he now talking? He attended and we agreed to the hon. member for Christ Church West attending, but we were not prepared to foot their bill. This is his real objection.

Mr. SPEAKER:

I am not going to hear the hon. member again on a point of order like this. A point of order is something which infringes or tends to infringe a Standing Order. The hon. member has a right to reply, if there are any statements of fact which the hon. member is making and with which you disagree, you have a right to reply at great length. Do not make a point of order like this again!

Mr. ADAMS:

Mr. Speaker, once, I believe, on oath in the Courts of Trinidad and Tobago, the Prime Minister delivered himself of the statement that Barbados Shipping and Trading had given the Barbados Labour Party a sum of 163, 000. He repeated this on a subsequent occasion in Barbados not on oath. It was proved then that he was not telling the truth. I cannot say committing perjury, because perjury is a felony. (Asides.) Do not mind Jack Dear and the Judge said it. You can say it in here, because perjury is a felony, and you would not be in here if justice had been done.

Mr. SPEAKER:

I should like the hon. member to stick to the point. (Asides.)

Mr. ADAMS:

I heard the hon. member for St. Michael West say "If you lie, you lie. " Well, he has said it so much

better than I can say it upon this occasion. Now, the $63, 000 from Barbados Shipping and Trading has come down to $7, 200 from its chairman, Mr. Dick Leacock. It is totally untrue, No member of the Barbados Labour Party got one cent from Mr, Leacock, or the Barbados Shipping and Trading, to go to London. Over one hundred persons subscribed. There are numerous hon. members, there are records which were authenticated, and an account was given, because Sir Grantley Adams said that if any money was left over it should be returned to the people in the proportion in which it was paid. An account was given of every cent that was collected. (Asides.) The accounts can be brought.

Now the reason why we did not discuss the Constitution on the floor of the House was precisely because of what has been skid. We were thought to be excluded from our rights as representing the people upon that occasion, so we said that we would reserve our comments for London and we did so. There is a letter to the Speakerman record saying exactly that. 4. 25p. m.

There is a letter to the Speaker on record saying just and exactly that. I do not believe that at any time either the people of Barbados or the Barbados Labour Party's supporters have even taken any stand but praise for the BLP in that particular issue. What we had to say about independence was said by Mr. Lloyd Smith when he was a member of the Party, and notwithstanding his subsequent statement that he told lies for 25 years, I believe he was truthful and sincere at that particular time; and that is how it came about.

Now the report on the Constitutional Conference in London has been dwelled on by the Prime Minister. He commented upon the question of the position of the Senate. The Prime Minister seems to think that there is something odd about a Government having to get the consent of the Opposition for changing the Constitution, The Prime Minister, apparently has not read despite his efforts staying up till 1 o'clock, 2 o'clock or 3 o'clock in the morning, did not read the constitutions which were placed before him, because it is a fact more usual rather than less usual. In Jamaica, for example, the model we were seeking to follow in London, the Government cannot amend the Constitution without the consent of the Opposition, and Jamaica is a place which I think we can all in the Caribbean look to as a model of democracy. The Government changes regularly despite all efforts, and there are two parties each with able and qualified men who stand for, roughly speaking, a conservative and a radical side and who alternate in administering the Government of that country. But Section 35 of the Constitution of Jamaica says that the Senate shall consist of 21 persons; thirteen are to be appointed by the Governor General in accordance with the advice of the Prime Minister, and eight by the Governor General in accordance with the advice of the Leader of the Opposition, and therefore to get a two-thirds majority you have to get the Opposition. It seems we are being brainwashed in Barbados into thinking this is something odd. Constitutional amendment is deliberately made by the constitution of all countries to be a difficult process, and in my view best achieved only after. general consensus. Is anybody aware of how difficult it is, for example, to amend the Constitution of the United States, the fact that three-quarters of all the States have to ratify the amendments before it becomes law, plus majorities in the Federal House? Is anybody aware of how difficult it is to amend the Constitution of Australia, that not only must a special

majority carry the amendment in the Federal House, but the Parliament of each state must also carry it, and in a referendum to be held in each State two-thirds of the people of two-thirds of the States must vote for it? Is anybody aware that only in Barbados can a Prime Minister get up and say that he has an absolute right to amend the Constitution without consultation with the Opposition or the people - Barbados and a few other places who have had as rushed and unenlightened conferences as we had in London at the time, and the issue of the Senate was put by the Secretary of States for the Colonies. This is the Senate you have now so you have not shown me a good reason for changing it. I am surprised that the Prime Minister does not clearly remember the circumstances in which that conversation about the Senate came up, because the evening when Mr. Lee was in the Chair he delivered himself of the statement... let me see which paragraph it is: In the absence of agreement, the Chairman ruled, since the provisions of the Draft Constitution reflected the position under the existing constitution, it shall remain, and pointed out it was open to any Government after independence. That is not what Lee said the evening. Late the evening just as we adjourned Mr. Lee said it was open to any Government after an election. Hon. members who were present will remember that, and we went home exultant believing....

Rt. Hon. E. W. BARROW:

Mr. Speaker, on a point of explanation, is the hon. member stating that what is printed in the report of the Constitutional Conference is incorrect?

Mr. SPEAKER:

The hon. member is not prepared to give way.

Rt, Hon. E. W. BARROW:

Is it incorrect?

Mr. SPEAKER:

Let the hon. member take his seat.

Mr. ADAMS:

On the evening Mr. Lee said it was open to any Government after election. We in the Opposition delegations had good cause to remember that because we took that to mean that Mr. Lee was saying there would be an election before independence which in fact he was saying, but next morning when the Minutes came out, I do not know if the Prime Minister was there, Sir Hilary Poynton was in the Chair and when he read out the agreement of the day before, he read out these words that are here and pointed out it was open to any Government after independence, and Senator St. John said that was not what the Secretary of State had said, and Mr. Lee said that the Conference Secretariat had produced that. We all

know what happened. We know about the attempted visit of Sir Lionel Luckhoo to Downing Street that night. We know he telephoned Mr. Gerald Kaufman the Press Secretary, and we know how this phrase "after independence" came to be put into the Minutes when the Secretary of State said "after an election". That is something so indelibly printed on my mind as an example of how the Colonial Office does its work that I will never forget that as long as I live. It may be the first time the Prime Minister is hearing it; it is not the first time that hon. members on this side have discussed it. Any evening you come to Oistin when Senator St. John has something to say about independence, and independently of anything I will say today, if you ask him about the Independence Conference he will tell you about Lee and Poynton and changing the Minutes on this point. It is not a point that bears tremendously on the present amendments; it is a point that bears on one of the justifications the Prime Minister has offered, namely, that the Opposition should have no share in amending the Constitution. But there is something about the Constitution that makes it different from a law providing for bicycle licences or a law providing for health services. It is the concern of all the people, not just a party in power. It is the concern of Government, Opposition and the people alike and in most countries it is recognised as such.

The United States Constitution, the oldest written Constitution in the world, has I believe, got 28 amendments in total in all of its history, and out of those 28 the first ten were added in 1787 and constitute the United States Bill of Rights. They are part of the Constitution itself; they are hardly even to be considered as amendments, All the rest of the amendments have had to go through the process of two-thirds of both Houses. Both Houses propose the amendments, the legislatures of two-thirds of all the United States petition Congress, three-fourths of the Legislatures of all the United States or Conventions of three-fourths of the legislatures have to pass a constitutional amendment.

Now we suffer a lot in this country from our colonial past and not least is that, in the example of Great Britain and of its administration of the colonies, there is to be found a precedent for every action Government wishes to pursue, good or bad. 4. 35 p. m.

The British Government has always been one of the most authoritarian Governments with the powers available to the State which exist because the absolute monarchical principles of the medieval monarchy of England were carried forward into democratic times. The principle that the King could do no wrong has been brought down right into modern times except that it is now that the Prime Minister and the Cabinet can do no wrong. So anything that is authoritarian, you are going to find in a British Constitution.

Britain has been a model to democratic countries in the world because of the administration of its institutions and not because of its structure and form. The British Constitution is not written. Parliament is sovereign in a way that our Parliament is not. Our Constitution is sovereign and Parliament can change the basic laws and structure of Government in Britain in exactly the same way as it can impose

bicycle licences, to use the example that I mentioned earlier.

However, there are conventions. In 1909 when the House of Lords rejected the British budget and the greatest constitutional change in modern times came about, the conventions were such that there had to be two elections in 1910 before the King would agree to a Government that had been elected three times running - Liberals - before the King would agree to promise to take such steps. He did not take them or had to take them. He promised to take such steps as would procure a majority for a fundamental alteration in the British Constitution.

In theory the Conservatives could have altered the Constitution of Britain at any time.

They had always a majority in the Upper House. It has never been anything for 700 years than a Conservative Government and at any time they could have altered the constitutional provisions; but they had not always chosen to do so because there are conventions and there are pressures upon the British Government which prevent it largely from using, except in times of war or perhaps in dealing with its Colonies, the authoritarian powers to the full.

The countries that have derived from Britain have fallen into two categories. There have been countries which have parted from Britain on unfriendly terms. Principal amongst these is the U. S. A. Many years ago when I was asked to write examinations I was asked to write an essay on Dickinson's aphorism "Experience must be our guide; reason may mislead us". So British was I, that I did not understand what the goodly gentleman was talking about. He was talking about precisely those authoritarian aspects of the British Constitution which then existed in the Governments of the American Colonies, and which are now being pleaded in aid by the Prime Minister, with the appointment of Judges by the Executive, the directing of Prosecutions by a political officer and so on.

These highly authoritarian measures are more suitable in structure to Hitler's Germany than to a democracy. This was what this particular thinker at the time of the American Revolution was directing his mind to; and the U. S. A. made a conscious decision to ameliorate the authoritarian nature of colonial government.

The Governors were left without many of their powers, and at the same time they were separated from the legislators so that they had to come to terms with the elected Legislature. At the same time the Judiciary was also made independent. Junior Judges were elected and senior Judges were appointed

subject to the confirmation of the Legislature.

That is what is meant by checks and balances, and, broadly speaking, in the middle of many national strains the Constitution of the U. S. A. has stood, not only the test of time, but of democracy; and I am still in agreement with those who say that while a Watergate may have driven a British Prime Minister out of office, it could never have been exposed in Great Britain because the spirit of British institutions is such that it does not permit free expression of opinion, the free interplay of ideas, and the basic freedom of people not to be oppressed.

That is the important thing. The basic freedom of the Opposition and of minority parties not to be oppressed - and they have to be seen not to be oppressed - is enshrined in the American Constitution. Now, all that stands between political extinction and destruction in Britain of the minority party is the temper of the British people and the spirit of British politics. That is all that stands between it.

But, Sir, we have a right in a small place like Barbados, a more cohesive society, to greater things than that. Now, Britain happened to be the centre of a great world power and decisions had to be taken by Englishmen in positions of authority which did not permit at the time of a libertarian solution which paid more than lip service to liberty. You cannot govern a colony upon the principles of the American Constitution. Once you accept that you have to have an Empire, the Empire has to be governed in an authoritarian way.

The Prime Minister has misunderstood the quotation from the leaflet or whatever broadcast it was that he heard. It is not only the apologists who are being referred to, but those who grasp at the authoritarian possibilities contained in the British political systems and who are as much neo-colonialist as those who apologise for the systems themselves.

Now if I was going to be asked which is right between a Commission appointing Judges and a politician appointing them, I would not say a politician. I would not plead Britain in aid. I would prefer to think that the British would find some way of avoiding the possibilities inherent of political bias and otherwise of appointment by a Lord Chancellor.

That argument to me is meaningless. A bad precedent is not a precedent. If it is done badly in another country, but its bad effects are tempered by the democratic spirit of the people, it is still a bad system.

Please do not ask me to say that Hitler was a suitable and adequate ruler of Germany because he obtained a majority in an election and then by intimidation and the use of storm troopers persuaded Parliament to say that the law-giving body in future should be Hitler. Do not ask me to say that because Parliament voted to say that only Hitler could make laws that that meant that we should regard in any real sense Hitler as a proper and adequate ruler of Germany, and that since Parliament has done it and the people put Parliament there and it was done that that made it good.

It was a bad precedent and a bad system. If Hitler had been the wisest man on earth - which he was not - it would still have been bad. This is the basic fault in the Prime Minister's justification in so far as he has attempted his justification. He has not gone so far into it but that is the basic fault here in this constitutional situation.

I see nothing incongruous in the circumstance where if you wish to amend a Constitution the Opposition has to take a part. You should have made up your mind when you started the Constitution to get the Constitution that you wanted and to get it so secure that if things went wrong the Opposition itself would be able to see what was wrong.

There are numerous areas, even some of those emphasised in the purported press interview of the hon. member for St. Michael South Central, which do not necessarily arise out of party political controversy. There are numerous areas that I could give in a Constitution that could not be party matters, which need not be party matters, but the fundamental principles of the Constitution in so far as they appear the democratic rights of the people, must be party matters, and if they are party matters they should not be changeable in the same way as the ordinary laws of the country.

To me this is evident. I cannot understand how people approbate and reprobate in the same speech. Britain was a bad precedent yet the very devices which Britain used to fasten the colonial fetter on the necks of her subject peoples, to go back a generation in nomenclature in the use of language, the very fetters are eagerly sought by the countries that suffered under them.

The Prime Minister was reading out a list of shame when he read out Malta and Cyprus and the others. He was not reading out a list of congratulations. He should be reading out India where the President is not appointed by the Prime Minister but is elected by the Electoral College that contains many political parties and need not contain a majority of the ruling party of India itself. 4. 45 p. m.

The President appoints the Judges of India. (ASIDE) See Articles 124 and 130 of the Indian constitution. Go and read them all ye would-be Constitutional lawyers.

Now I am going to deal with what the Prime Minister said about various Acts of Parliament which were passed under the old regime and which are examples of tyranny. I myself, if I was going to draw a lesson from them, the lesson I would draw would be that all Governments can do authoritarian and tyrannical things, but because one does it does not mean that it is good. The Prime Minister complained that the Transport Board regulations were instituted, which would give somebody authorized by the Transport Board power to search for documents at any time. I sat in Parliament when an Act was passed in here authorising the General manager of the Caribbean Broadcasting Corporation to send anybody - as long as he gave them a written authority - into any house in Barbados at any time to search for an unlicensed television set. Honourable members would remember that I said if I ever came into power I am going to try to persuade the general manager of CBC to authorise a gentleman called Slims to enter the house of every hon. member who voted for that Act, at 2. 30 in the morning to search for an unlicenced T. V. set. Honourable members would recall that on that occasion Mr.. Garfield Sargeant of late and revered memory was in the Chair and called one or two. of us aside and said "Do you really mean to say that the Police " cannot go into a house to search for a gun-after dark but the Caribbean Broadcasting Corporation can send any yard fowl into your house any hour of the night to disturb you, looking for a television set?"

Now the difference between the two Governments is this; the Barbados Labour Party Government did: not pass the Transport Board regulations. The Democratic Labour Party Government passed this CBC regulation. The Prime Minister says this is tyranny. Our Government retreated from tyranny. His Government jumped into it with both feet.

The Prisons Act. I know the Prisons Act had some sort of neurotic appeal to certain former members of the Democratic Labour Party but I did not know it had any sort of particular appeal to the Prime Minister. He seems to be very concerned with prisons. The Prisons Act was passed in 1961; it was brought into force in 1964 unamended by the Democratic Labour Party. After three years of debate in which they said it was wrong to have any house in Barbados made a prison, that same Government brought it into force; so that for some years any house in Barbados could have been declared a prison under the Democratic Labour Party. Our Government passed the Act but did not bring it into force after the storm in the House Assembly. Without a word, in 1964 the Act was brought into force by the Democratic

Labour Party Government and was amended comparatively recently, Check these facts. I do not like to

think that any hon, member is taking what I say at its face value.

The Local Government issue. I have my views about the Local Government issue. The Local Government Act provided that the Cabinet appoint the first Aldermen. The, again, deceased hon. member for the City felt he won nine seats and therefore the law should not be obeyed. It was quite simple. The law was that the Cabinet should appoint the Aldermen. There was a threat to riot, to march to Government House. I was in London and heard all the reverberations at the Colonial Office. The Colonial Office was always prepared to lend a hand to conservative political parties in the colonies because there were very few of them, and it supported Mr. Mottley upon that occasion and the Governor appointed a sufficient number of Aldermen.

The mistake which the Cabinet made': - I said it in London at the time - it should have appointed the Aldermen before the elections and the Conservatives would not have got nine seats because the electorate would have seen that they would have been wasting their time. That would have been an astute political move. None the less that is an old issue - an issue the effect of which has long ago been spent - because whatever wickedness was done upon that occasion has long been confounded and magnified by the wickedness of a Government to destroy the system of Local Government altogether. So I do not have to deal too long with that.

My views is that the difference between the two labour parties is this; the Barbados Labour Party lacked the necessary ruthlessness in getting its will enforced on that occasion. A good thing, because it would have been an act of ruthlessness. It could have been done under the law but it would have been an Act of ruthlessness. The Democratic Labour Party on the other hand, when it was faced with Local Government elections that it could not win, abolished Local Government altogether. That is the difference between the two.

Now the Prime Minister travelled from Local Government back to the Judges. None of his party or the Opposition wish to be Puisne Judges. I have held my silence during a long political compaign in which these subjects have been canvassed but I cannot any longer allow certain things to go unsaid. I keep hearing that there is no member of the Democratic Labour Party who will be appointed Puisne Judge. That is perfectly true, but it is also true that there is an acting Puisne Judge who is a well known member of the

Democratic Labour Party who up to the last elections drove people up to the poles, and in the St. Joseph by-election, took a part in the election. He is a person for whom I have a great regard. I believe he would adorn the judicial Bench well at some future time in a permanent capacity. I think he adorns it

well now, and I have none but the greatest pleasure in appearing before him, win, lose, or draw; and I say this to certain critics of this selfsame judge, who have instanced what they thought was disagreement in court between him and me, as something to criticise him for. Those critics are wrong as far as I am concerned. The man is of a judicial mien, perhaps not as experienced as some potential candidates for appointment to the Bench, but he has a judicial nature, as far as I am concerned, but among his many qualities I Cannot include political independence. I do not mean - and I do not think for one moment that this particular man in any way has ever shown bias in the administration of his duties, but we must not go on and on and on saying that there is no member of the Democratic Labour Party interested in being a judge. We cannot go on saying this.

Realities must be faced; and having said that, I have nothing but good to say of the man; but I am not going any further. I just wish to put the facts in order. If he is not a member of the Democratic Labour Party, well I will be most surprised, because I do not believe he goes in for forging passports.

On die other hand we have to talk now about poor Mr. Justice Ward. The Prime Minister challenged me on an earlier occasion - he obviously has a thing about Mr. Justice Ward. He clearly does not like him. He wishes him harm, he speaks ill of him. He says things about him he dare not say outside, and so on. He has challenged me to say when Mr. Justice Ward wrote and resigned from the Barbados Labour Party. Now I am looking down the list. The prime Minister says he resigned from the Barbados Labour Party on the floor of the House. The records have been searched; no trace of a letter can be found from the hon. Member for Christ Church East

Mr. SPEAKER:

All this has nothing to do with the second reading of the Constitution Bill.

Mr. ADAMS:

I will just deal with the judge, Sir. I very readily accept you ruling. Many hon. members - many people have been members of the Democratic Labour Party. Some of them are not now members, and very few have written letters. The writing of a letter is not the only way of separating yourself from a political party. 4. 55 p. m.

Shortly after Mr, Justice Ward's appointment to the bench, when I was Secretary of the Barbados Labour Party, Mrs. Ward rang me to say that they were still receiving circulars and she wished me to take Deighton's name and hers off the list as he was now a Judge and she did not consider it proper that they should any longer be associated with a political party. She said that there would be no question of subscriptions or gifts, and she could no longer officiate as President of our Women's League. Now, I call

that resignation. I also believe that, when a man's wife tells you that in those circumstances you should remove their names from the list. It was a resignation. I was the Secretary, and I crossed out his name. (Asides.)

Mr. SPEAKER:
Order!

Mr. ADAMS:
I am sick to death with these innuendoes relating to the activity of Mr. Justice Ward. They have been going on for a long time, and they have an important bearing on this issue. When I believe there was a case of Phillips against the Governor of Barbados, Mr. Hilton Vaughn got in Court and said that Mr. Ward was politically motivated and could not try the case. The Bar Association prepared a Resolution of censure on Mr. Hilton Vaughn who was then Attorney-General. The Resolution went through but, perhaps, not in the form as was suggested. (Asides.)

Mr. SPEAKER:
Members who are seated must obey the Standing Orders.

Mr. ADAMS:
Now, we have heard that the Prime Minister was a very good friend of the Chief Justice who used to come in and have a drink with social friends; they lived close together, but in 12 years he has had no conversation with him. I do not know if the Prime Minister is complaining; I do not know if he is congratulating himself; I do not know if he is congratulating the Chief Justice; if he is indicating that the Chief Justice should ask him there or what. He says that he has been to his house four times. If it matters to him, then it is four times more than I have been there, if it is of any importance in a constitutional debate. I do not see the relevance. It just seems to me to be something exceptionally petty and unpleasant that the hon. member for Christ Church West is his friend and I am not his friend.

Now, there is a little song the children sing, "I do not want to play in your yard, if you would not be to good to me and so on. " That kind of remark is on that level, and that kind of argument is on that level. I cannot signify it by any more than that. I know that remarks are made about a particular libel case in which a verdict went against The Democrat newspaper, and I know it is widely felt in Barbados that the Judges have not been in much favour with the Government since that time. I remember the Prime Minister coming in here one day, the most unpleasant I have ever seen him in his life and that is saying a lot. That was the day after an interim order was made as a result of which an affidavit was ordered saying that he had distributed copies of the offending newspaper from an aircraft. Apparently, there was

an objection to the Judge making the order for that affidavit. I know that these things have been the subject of complaint, and things will have to come out in the open.

I am glad the Prime Minister has not sought to keep down his dislike of Mr. Justice Ward. I am glad that this can be discussed so that the public can see what the alteration of the appointment of Judges is all about. Now, Mr. Justice Ward is 65 years old. Maybe by now he is 66. In the ordinary way he would have had to resign at the age of 65, but the Judicial and Legal Services Commission is empowered to re-appoint a Judge to sit for two years after the retiring age. Earlier this year Mr. Justice Ward was so re-appointed to act. At that time the Prime Minister came in here and said - he did not, as far as I recall, mention him by name - that a Judge had been appointed or re-oppointed, or some expression like that, and nobody asked him anything about it. Do you want, Mr. Speaker, any more motive for changing the method of the appointment of Judges, except that the man, who, above all on the judicial bench, is an object of distaste to the Prime Minister was re-oppointed to that bench this year without the Prime Minister being consulted? God giveth and God taketh away, but the Prime Minister is now deciding that he will be giving and he will be taking away.

Now, do not think, Mr. Speaker, that it is possible to say that the man who appoints has no influence because the person who is appointed has security of tenure. The views against this go back many hundreds of years. I want to read to the House a passage from Clarendon's History of the Great Rebellion. I am speaking about Oliver Cromwell and the Cony and Maynard case. I am going back to 1658. (Asides.) I am going back because this Government is going back to 1658. What England has abondoned in 1658 this Government is seeking to put on the backs of the people. One of Cromwell's friends objected to the tax and held political meetings, I suppose, and told his friends not to pay. A lawyer called

Maynard defended him and Cromwell locked him up, A lawyer called Maynard defended him and got a writ of habeas corpus to get him out of jail, whereupon Cromwell locked up the lawyer and he sent for the Judges. Poor Maynard, who was the Counsel for the prisoner, demanded his liberty with great confidence both upon the illegality of the commitment and upon the illegality of the imposition. Cromwell's lawyer asked for an adjournment and during the adjournment Maynard was locked up. Now, before the adjourned day, Maynard was committed to the tower for presuming to question or make doubt of Cromwell's authority, and the Judges were severely reprimanded for suffering that licence. When, they in all humility, mentioned the law and the rnagna carta, just as the Prime Minister has mentioned, Cromwell told them in terms of contempt and derision, that their magna carta could not govern his actions, which he knew were for the safety of the Commonwealth. He asked them who made them Judges, and whether they had any authority to sit there but what he gave them. If his authority were at an end, they knew well enough what would become of themselves, and, therefore, advised them to be more careful of that which could only preserve them. He dismissed them with caution that they should not suffer the lawyers to pray what it would not become them, the Judges, to hear. Thus Cromwell subdued a spirit that had often been troublesome to the most sovereign power and made

Westminster Hall as obedient and subservient to his command as any of the rest of his Colleagues. Mr. Speaker, that to my mind, is the classic exposition of the danger of a single person appointing Judges. You do not have to go any further than that.

Now, the next point I should like to deal with, Mr. Speaker, relates to this question, a very closely reasoned analogy, so closely reasoned that its logic was apparent to all and its lack of application to the fact even more so. It is an analogy between the Inspector of the Royal Barbados Police Force and the senior ranks. 5. 05 p. m.

Now the Prime Minister indicated that although there is a power in the Prime Minister to advise on the appointment of a Chief Justice, yet if you select a Chief Justice from outside the ranks of the Puisne Judges there will be jealousy among the Puisne Judges and there,: will be difficulties in the administration of justice, and that therefore the Prime Minister's discretion is in practice fettered by the necessity of chosing from people who have already been chosen by the Judicial and Legal Service Commission. I take this to be his argument, If I am wrong I have no doubt he will rise on a point of explanation and I will give way on this occasion if I am wrong, and in the absence of any remarks by him I take that to be his argument, This is what I mean by a closely reasoned argument and a logical argument which is so logical you can say it is foolishness, because the Chief Justice has never in my knowledge been chosen from the Puisne Judges in Barbados. That is the whole point, that the Judicial and Legal Service Commission choose one set of people and the Prime Minister chooses another. That argument is put forward as if it is a good argument, but it is belied by the facts.

Sir William Douglas was not a Puisne Judge in Barbados; Sir Kenneth Stoby was not a Puisne Judge in Barbados; Sir Stanley Gomes was not a Puisne Judge in Barbados. These are men who have been chosen from outside the ranks of the existing judges; so the Prime Minister's argument that he is obliged to choose one is foolishness, and I would not like to think that it is an honest argument, because it would be token, a diminution in our captain's brain, to quote from Shakespeare. I do not know if he knew the word "skipper" which I would riot really like to believe in at the present time. Things are bad enough. I would not like to believe that something that has never happened is put forward as an argument for a different course of action. The Prime Minister did not choose Sir William Douglas from the Puisne Judges. Whoever appointed Stoby did not choose Stoby from the Puisne Judges. They were not Puisne Judges.

Hon. Members should perhaps try to understand the argument. The Prime Minister is saying that you have to choose a Puisne Judge and these are people who have already been chosen by somebody else, but it is not true. You do not have to choose a Puisne Judge. That could be a departure from precedent. That would be the going outside what has been done so far. So that argument really has no foundation. And then you had another of those vile innuendoes. I do not want any private information supplied by

persons placed in a confidential position. The Minutes of the Bar Council can be read out, but the Prime Minister does not want private information supplied by persons placed in a confidential position

I believe I am aware of the incident he referred to with die Governor-General. I did not know it was the Prime Minister who did that, and anybody other than a member of. this House I would have to call an act of cheap busy-bodying, cheap macoing, running behind people's backs to try to stop them getting a job on meretricious and specious grounds, I do not know that was what occasioned the Governor-General to take certain steps, but I understand it better now. My opinion of the Governor-General goes up. At least he did not listen to casual gossip, He probably thinks his duty is to handle gossip from the Prime Minister as if it is different from gossip from somebody else. That is all I would say about that. Hearing it repeated reminded me of Mark Antony's statement "I am not going to tell you, but I can say!" I am not going to let you know, but I can tell you. That is the worst innuendo of all. You have nothing to say whatsoever that reflects in any way on somebody. I do not believe that illness is the fault of any man on this earth. You have nothing to say that is bad, but you keep on saying you are not going to say it because it would cause embarrassment. I really cannot deal with all that.

Now I have dealt to some extent, Mr. Speaker, with precedents. I am not worrying about the Jews and the Samaritans in the Cabinet. I have dealt with precedents, and I will have to return to them at this stage on the appointment of judges. I am dwelling for a long time on judges just as the Prime Minister did. I am not aware that the Judicial and Legal Service Commission was considered a colonial imposition at the Independence Conference in London. I did not hear any voice raised against it. I did not hear it suggested by anyone nor did it appear from an examination of the relevant documents, nor does it, appear from an examination of the conference report that anyone adverted to it as an example of colonialism.

The Prime Minister has claimed credit for the Draft Constitution which went to London, therefore the Prime Minister is claiming credit for putting the Judicial and Legal Service Commission into the Constitution that went to London. None of us objected at the time and therefore I cannot see where this question of colonialism comes in. I look at it this way. The authoritarian nature of political appointment of judges has long been recognised in Great Britain, and for a long time always more tender, I must agree with it, for the liberties of people who worry about the appointment of judges than about other liberties. The Colonial Office sought to evolve a means by which judges would not be appointed by the Colonial Governor; that is the important thing. It was a great advance that we had a Judicial and Legal Service Commission in Barbados back in the days of the Barbados Labour Party, a means by which they are not appointed by the Colonial Governor, but no room is given for their appointment by a politician in the authoritarian way familiar in

Great Britain. The Judicial and Legal Service Commission does not take these appointments to be

indirect appointments by the Prime Minister, I have already had to point out in other places that there are qualifications for membership to that Commission. The Prime Minister cannot appoint today just anybody whom he wants to appoint, and the Commission by reason of the qualifications is of necessity independent, because certain members of it are ex-officio and they cannot be removed from their ex-officio commission except by going through the different procedures already outlined in the House. It therefore has a certain independence which the other commissions perhaps do not have. So I do not take the present appointments to be indirect appointments by the Prime Minister. I do not believe the Prime Minister would indirectly or directly have appointed Mr. Justice Ward to the Bench. That a men can be there and be so severely attacked is surely an argument in favour of the independence of the Judicial and Legal Service Commission, therefore the Commission stands in a certain position, neither foursquare on the English authoritarian plank nor carried to the extent of some countries where judges are elected. I do not only like to draw my examples from the Commonwealth. The Commonwealth is all much of a muchness. All Commonwealth countries were once ruled by Great Britain and therefore if you find thirty Commonwealth countries that say the same thing, it may only be thirty small voices speaking with the past voice of the master, and the fact that many Commonwealth countries have one system and many have another is not so relevant; but there are a few that stand out. I have already mentioned India.

I will quote now the system proposed for Trinidad, and I would like to quote paragraph 340 of the famous Wooding Report of the Constitutional Commission in Trinidad and Tobago, and I am going to quote it and then I will tell hon. members how the Commission came about. Sections 340 and 341 comprise the paragraph "Appointment of Judges".

"We have already recommended in paragraph 160 that the Chief Justice should be appointed by the President acting in his own discretion after consultation with the Prime Minister, the Leader of the Opposition and such other persons as he may think fit. This would replace the present system whereby the Chief Justice is appointed by the Governor-General acting in accordance with the advice of the Prime Minister. It is hoped that this method of appointment we recommend will remove the office from what appears to be a direct patronage of a purely political office holder. "

That is what they say about Chief Justice. Now paragraph 341:

"As regards the other -judges both of the Court of Appeal and of the High Court we recommend that the Judicial and Legal Service Commission should continue as the appointing authority, but we think there should be some alteration in its composition. The Chief Justice should remain as its Chairman, but we see no sufficient reason why the Chairman of the Public Service Commission should be a member ex-officio or why another Judge of the Supreme Court of Judicature should be as a matter of course. " 5. 15 p. m.

So there are mechanics by which a genuine consultation can take place. Now, how was this arrived at in Trinidad? Dr. Williams does not have a two-thirds majority in Parliament. Dr. Williams has all the seats. I believe that two people have resigned from the Party and they have scratched at the salary of the Leader of the Opposition and prerogatives, whatever it is; but suppose that he has 34 seats out of 36 seats. At the time that this Commission was going about he had 36 seats and he could do what he wanted. He could say I have to consult with the Leader of the Opposition, but there is no Opposition unless he cared to be a hypocrite, something of which I would never accuse Dr. Williams.

Now, he appointed a Commission. It went all over Trinidad and Tobago over a period of two years. It was headed by one of the most respected citizens of the West Indies, a man to whom tribute has been paid here already in the speech of the Prime Minister. It took evidence. It listened to every range of opinion. It made recommendations, and this document, a fat document, is as to what constitutional amendments were appropriate for the sovereign state of Trinidad and Tobago.

I think that it is a good document. I do not agree with every suggestion in it. I would not agree with every suggestion in it for Barbados. But is is a good document because it has been arrived at by the basic system of democracy. What does democracy mean? Government of the people. What did it mean in ancient Greece where the words came from? It meant that all the people gathered together in the market place to discuss what government they should have; and this was the nearest approximation that could be attained in Trinidad and Tobago to complete participating democracy in which everyone would have a word.

And, Sir, this is what we are recommending for constitutional amendment in Barbados. It has come up with a wiser solution for the judges than what we now have, far less for what we are attempting to put in its place.

This is, broadly speaking, the Indian solution. Look at some of the countries outside the Commonwealth. In Germany the judges are Civil Servants. They are promoted in the ordinary way as Civil Servants. They enter the Service as Prosecutors and they become Judges. They are not appointed from outside. They rise as any other Civil Servant rises. You choose to be a barrister or you choose to be a judge.

The whole system of Civil Service appointments which exists in Germany applies equally to judges as to everybody else. Hitler changed the system. Hitler had a peoples' court in which he appointed the

judges, and they tried certain crimes, some of the most infamous courts of modern times; and while I am never glad to hear of people being destroyed at any time, it was widely agreed that one of the best things that the Royal Air Force ever did was to drop a bomb through the peoples' court in 1945 while it was sitting; and it landed right in the head of the Chief Judge, one of the worst oppressors of people that ever existed in Europe, and blew up the court and its judges and the lot who were sitting at the time.

But Hitler changed the system. He could not take the Civil Service judges. Hon. members who are familiar with modern political history may recall the Reichstag fire and the prosecution of Dmitrov for setting it on fire; and the German judges had the nerve to acquit Dmitrov. They could not find him guilty under Hitler's regime.

And immediately, Hitler, like Nkrumah in years to come, instituted his own system of courts to deal with offences against the people like burning down the Reichstag. That is what the peoples' courts were appointed for, because the Civil Service judges would not carry out his bidding. Nkrumah did the same thing when a Chief Justice acquitted somebody of trying to murder him. He removed the Chief Justice.

Now Germany has a constitutional court, and indeed it is a court with very wide powers; because it has powers to decide whether political parties in their actions and basic programmes are behaving in a manner compatible with the basic law of the Constitution; and the German Constitutional Court, which is the Supreme Court, can in fact disqualify a political party from submitting candidates if it feels that it is putting forward views to subvert the present German Constitution - in West Germany. It is West Germany that I am talking of.

In the Constitutional Court half of the judges are elected by Parliament and half are elected by a different body called the Bundesrat which represents provincial parliaments and the component Lander of the German Federal . Republic; and since many of those parliaments customarily have a majority of different complexions from the Bundestag, the central parliament. You do get a political mix among the judges, and you do have a court which is notoriously impartial as far as German politicians are concerned. It means that it has the right to throw them all down when the occasion arise.

In France, dating from Napoleonic times, the Minister of Justice had power to nominate judges at every level, right down from the magistrates right up to the Supreme Court of France; and when the Third Republic gave way to the Fourth Republic in a step which was seen at the time by French politicians as a step or motive to make the Judiciary less dependent on politics, a type of Judicial and Legal Service Commission was created, Conseils Superieurs de la Magistrature, consisting of the President of the Republic, two of his nominees, the Minister of Justice and six politicians; but they were

elected from all parties, for a period longer than Parliament's life, so even if they lost a seat in Parliament they still continue on the Commission, and four people elected by the existing judges.

It is a big body, but it is felt to be a little more independent than merely the Minister of Justice. And that was done in France for the purpose of making the Judiciary less dependent on politics.

In Russia - because you can even go to Russia - as I have said on political platforms, Mr. Khruschev, Stalin, never appointed judges to the Supreme Court of the Soviet Union. Indirectly, since it is one party, one may very well contend that nobody could be a judge if Stalin did not care for him; but that is because of the abuse of the system. As in the U. S. A., minor judges are elected; and in the Supreme Courts of the different constituent republics and indeed the regions of Russia, their judges are elected from panels by the legislatures of the region to which they refer, and the Supreme Court of the

U. S. S. R. is elected by the Supreme Soviet. It is one of the functions left to it. It meets once or twice a year and it does two things: approves the Budget and appoints certain officials amongst whom are the judges and any vacancy in the judges.

So in Russia, in Communist Russia, the executive does not have a hand in appointing the judiciary. It is a parliament. It is not even a party. The party has its own existence in Russia. The Supreme Soviet is not a party organ. Those who are interested in politics can go into greater depths on it. I dare say that there are one or two members on the other side who do not require any instruction from me on Russian institutions.

In the U. S. A. junior Judges are elected. Federal Judges are appointed by the President, and we have heard this over and over in the newspapers that if the American President can do it, why should not the Prime Minister of Barbados today?

Now, I paid the Prime Minister a great compliment recently. I was addressing the Press Club. I said that I thought that he had more sense than President Nixon - ex-President Nixon - and I said that I did not wish anybody telling me that we in Barbados look slightingly on our politicians. That I did not think that President Nixon had the ability of the Prime Minister. After all, the Prime Minister is still the Prime Minister and President Nixon is ex-President of the U. S. A.

But the President of the U. S. A. has power to appoint judges to the Federal Bench with the advice and

consent of the Senate; and the Senate of the U. S. A. is one of the most remarkable doctrines of political life throughout this globe. This is the pattern in many Latin American countries too. I am indebted to certain people who have researched for me and pointed out that in Brazil and Argentina and countries of that sort the American model is followed. 5. 25 p. m.

The advice and consent of the Senate has never been an empty phrase. Ex judge Carswell and ex judge Hainsworth who do not even have federal appointments now are living testimony to the fact that the United States President may propose but the Senate will turn down if they think it is proper to do so. This is all part of the checks and balances of the American constitution to which I referred earlier. The American founding fathers set up three branches of Government; the Executive, headed by the President; the Judiciary consisting of the Supreme

Court, and the Legislature consisting of the Congress. The three are equal. No one is to have more power than the other and no one is to be able to control the other, if the president could appoint the judges the Executive would control the judiciary. That is implicit in the American Constitution. That is implicit, that if the President could appoint the judges without any let or hindrance, you would only have two or two and a half branches of Government.

Now, what is meant by advice and consent? The President sends a name to the Senate; the Senate has one hundred people in it. The Senate examines the man, they cross-examine him, they appoint lawyers to go into his past life, they ask him his political opinions, they deal with him at length to find out if he is a suitable man for appointment to the Supreme Court; and recently the President has been taking note and seeking the approval of the American Bar Association before he makes his appointment, but he need not as a matter of law.

The Senate has to vote on the appointment of whom Nixon or Ford propose as judges. I believe you will see one or two vacancies now, and hon. members will be able to read the procedure and see exactly how it follows, because there were a certain number of Supreme Court Justices, it is reported, who are so hostile to Nixon and all he stood for that although they are in their seventies and eighties they refused to resign because they would give Nixon a chance to put forward somebody else. They probably will feel free to resign now, and you will have a chance of seeing the Senate advising and consenting.

Now that is a system which provides for the protection of the people from at least one branch of Government. There was an attempt to alter it in 1937 when President Roosevelt was getting a lot of very adverse decisions on his new-deal legislation; President Roosevelt very probably thought he would have good grounds for attacking the Supreme Court, in my opinion. He very probably thought they were

giving wrong decisions and hindering the forward march of the American people, but so important was the principle that you should not tamper with the judges, that even in the face of reactionary legislation that would have put America back into a depression and destroy all that the finest Government that country has ever had stood for, despite that, the Congress, many Liberals even, refused to allow Roosevelt to tamper with the Supreme Court. They protected Roosevelt against himself.

It is the sadness of Barbados that there is nobody in the Democratic Labour Party who can protect the Island from the Prime Minister or even protect the Prime Minister from himself in the way that the members of Roosevelt's own party protected the United States from the greatest Leader their party had even known - and I do not put our present Prime Minister in that category.

In 1937 President Roosevelt failed in his attempt to alter the composition of the Supreme Court, but indeed his efforts paid off in the long run because the Supreme Court realised that it was going on the wrong track and began to alter its decisions and come a little more into conformity with modern life.

In those days you were dealing with a Court which twenty years before had found that Income tax was unconstitutional. It was as reactionary as that and the Americans did not destroy it. They waited their time, and they got a Court. And in recent times we have seen how a court, protected from the authoritarianism of the executive has itself proved the greatest bulwark of liberty in the whole United States. I have had the privilege of meeting Chief Justice Earl Warren. As far as I am concerned he is one of the greatest men of America of this century. I put him up there close to President Roosevelt because he made up his mind that America was to be an America of all the people, and he struck down the laws that had allowed black people to be discriminated against in the United States legally with full protection of the law for fifty or sixty years.

That system produced an Earl Warren. Do you believe this system will produce an Earl Warren in Barbados? Do you believe that with our narrow and small society, that in our society where the judges are drawn from such a small constituency, do you believe that in such a society we are going to get the independence of spirit of an Earl Warren?

There is a balance in our system at the present time. A very necessary balance, which does nobody harm. I do not believe that the Prime Minister is done harm by the existence of a political opponent he dislikes on the Bench. I would really ask him, what harm has Deighton Ward done him. He beat him in the Federal elections; beat him in a humiliating way; but that is many years ago. The Prime Minister has triumphed over all manner of persons who have defeated him in elections since then. If he was a big man he would forget all those petty defeats and forget the remarks made in the Market Square by Judge Ward.

I repeat, Mr. Speaker, in here can there be anybody who doubts that these amendments are the Ward amendments, after hearing the speech of the Prime Minister? What has he told you but something about what he considers to be the iniquities of a man appointed by the judicial and Legal Service Commission? And what is his remedy? To cease appointments by the Judicial and Legal Service Commission. Get it into our heads, Mr. Speaker. That is what this is all about. It is not Mr. Justice Ward who gave the decision against the. Democrat. It is not Mr. Justice Ward who has refused numerous stays of execution and who has thrown out of court spurious appeals to the Privy Council in the case. They are decisions given by independent, judges. But it is absolutely sure that. all those in the junior ranks of the legal civil service see independence with the same rosy spectacle; see it as a virtue in the same way as men of the stature of Randolph Douglas, Denys Williams, John Hanschell and Deighton Ward.

Are we sure that we want to commit an act such as this which is going to encourage those of weak mind and tempestuous spirit, those whose characters may well be illustrated by the way they have acted on the magisterial Bench? - Are we sure it is wise... to give them an incentive to seek political favour?

The Prime Minister may not even know that they are seeking political favour. According to him, he. does not know these things. I do not want to go into all the decisions that have been given; I do not want to have an attack on any official at present in the Legal Service, but sufficient to say that you can look at the post-election period and see that a particular magistrate was moved from the bench, not on promotion, after a case in which very great complaints were made about his convicting somebody for saying -week before the election there was a political argument in a bus and the man said 'Prime Minister' - some word which I would not worry with, Sir; it was not a very bad word but it had four letters and it began with R as far as I can remember, - and this man from the Bench told him: "He is the Prime Minister of our country and you have no right to speak of him like that". But what would he do with the people in the yard who booed the Prime Minister, not once, but every time he appeared in the yard? And I understand one of them even assaulted him and pushed an afro comb, in his face. 5. 35 p. m.

What would he do with those people? I deplore such conduct, Sir. (Asides.)

Mr. SPEAKER:
Order! Let the hon. member continue.

Mr. ADAMS:
I am asked to say that the comb did not come within a danger distance of the Prime Minister's face. Probably he was only trying to comb the Prime Minister's hair. Let us be charitable and look at it that way. I am, indeed, sorry it happened,, but it has to be understood as symptomatic of the fact that the people of this Island are fed up with this Government. (Rt. Hon. E. W. BARROW "Let us have an election then. "),

Mr. SPEAKER:
Order! One member is on his feet, and he has the floor. Let him speak.

Mr. ADAMS:
Sir, I have heard the Prime Minister say in a sotto voce Aside "Let us have an election. " Please, tomorrow dissolve the House. If you want to be challenged on that, let us have an election. You have said so in the House. If you believe that you have public support, let us have an election. Every man in here has heard you. (Interruption)

Mr. SPEAKER:
Order! we will have no more strangers clapping in the Gallery.

Mr. ADAMS:
I have seldom had to accuse the Prime Minister of hypocrisy, and the rules of Parliament will prevent me from doing it now. If he is serious in all of the statements he has made in here that we have challenged him to repeat outside, that is my favourite. Let him go outside and tell the Governor-General., "Let us have an election. " On this issue, or on any issue, I will try to promise not to mention the cost of living, unemployment, the crematorium, the harbour at Oistin, inflation and all of those things, but let us have an election if that is in the Prime Minister's mind really and truly.

Now, Mr. Speaker, I have been diverted by words which are music to the Opposition. The Prime Minister was not a choir boy for nothing; he knows how to sing sweetly.

Mr. SPEAKER:
Let us get on to the amendments to the Constitution,

Mr. ADAMS:
Yes, Sir. Now the British system is being held forward. It is being said that because the British do it, therefore, we can do it. I have to deal with the British system. Many law students must have read the British Constitution by Professor Jennings, always a populariser on constitutional topics and constitutional issues, and always an apologist for the excellence of British Parliamentary, political, social and other institutions. I do not recall that Jennings has ever found anything wrong with the British

Government. He has been one of those persons a part of whose duty has always been to popularise.

Now, at page 210, this is what Jennings said of the Judges appointed by a politician.

"Though they cannot rid themselves of political bias, and though sometimes they have been appointed, more often in the remoter part of the past generation, because of their political sucess, they do their best to be impartial. "

Now, this is Professor Jennings who believes in the British Constitution, and he says that the British Judges cannot rid themselves of political bias. Now, this has always been a firm belief of mine. In most of the cases which come before the courts a British Judge does not have the occasion to show political bias, but many studies have demonstrated an instinctive bias against persons of an entirely different class who come before the Judges of England. It is an obvious bias which has been accepted by the British Government. There have been serious political biases.

Mr. Speaker, I have never yet heard anybody say of Lord Hewart who as Sir Gordon Hewart, the Attorney-General and was appointed Lord Chief Justice of England, at a time when there was, perhaps, great moral corruption as well as financial corruption in English life - there was, after all, an occasion when the Prime Minister and Lord Chancellor had been involved in a tricky share deal in the Marconi Company and still survived; one for the Viceroy of India and Lord Chancellor, and the other for the Prime Minister - but nobody never said of Lord Hewart that he did other than pursue the cause of his political party while upon the bench. He was known as a biased and bad Judge. He was ill-spoken of at all times then as he is now, and he was a direct political appointment by the Prime Minister from the ranks of politicians. The Attorney-General had been made a Chief Justice as, in those days, had become a convention. Do not tell me that that is an impossible convention in Barbados.

I cannot believe that the Prime Minister is disqualifying the present Attorney-General, or any Attorney-General, from the position of Chief Justice. He may disqualify the hon. member for St. Michael South. Central, the Minister of Communications and Works, but that is on other grounds, according to what he has said in here, from becoming a Chief Justice. I cannot believe that the position of Attorney-General can always be regarded as a bar and in England it was the stepping stone. I have seen other things happening other than what had been done by He wart, even in my time.

Sir, going back before my time, there was a great scandal in the Liberal Irish Party. The Liberal Party depended upon the votes of certain people to maintain Gladstone's third Government in office. Parnell had, for years, been conducting a friendship with a lady, whatever her name was. At the same time they

had another scandal like that because Sir Charles Dilke, who was regarded as a future Prime Minister, was carrying on an affair with a Mrs. Crawford, and on some occasion was found in bed with Mrs. Crawford and her sister. Captain Crawford, naturally, thought that this was a very improper situation. He was a lawyer as well as being an Army Captain. Attempts were made by that great and upright man, William H. Gladstone, Prime Minister of Great Britain, to keep the scandal quiet, and he sent to find out what Crawford wanted to keep things quiet. Crawford said that he wanted to be a Judge. When the matter was reported to Gladstone, it is regarded by all of his biographers as one of the stains in his administration uprightness and moral probity. He said, "As far as I am concerned, Crawford would make a Judge". The Liberal Party would have collapsed in the middle of all the Profumo-type scandals and so on. In fact, it did collapse because the other Judges did not take Crawford. Is that a convention, the opinion of the other Judges, which would always necessarily be respected in Barbados?

Mr. Speaker, I have said that to demonstrate that the people we so admire, the people whose conventions must be followed in our appointments, have had their difficult moments at times. In my own experience, and there are hon. members who were living in England at the time, I have seen an appointment to the position of Lord Chief Justice in England which, I believe, holds a very great deal of political gratitude. I am talking about England and not Barbados, I am talking about big England where nothing goes wrong, and everything is carried on decently in public life.

Mr. Harold Wilson was Leader of the Opposition. He got a telephone call from a Miss Chattaway saying that she had heard a telephone call going out of the Conservative Party Central Office at a certain time. The Chairman of the Conservative Party made over SI million overnight in a stockbroking firm by betting successfully that the Bank rate would be raised the next day. The Bank rate was raised. Miss

Chattaway indicated that the conversation she heard was from the Conservative Central Office to the stockbroking firm. This would have been a disgraceful matter. It would have been the use of private political, information to make a large profit. It was over £300, 000. A Bank Rate Tribunal was set up. 5. 45. p. m.

A Bank rate tribunal was set up. Miss Chattaway, I do not know if because of the fact that her brother was an aspiring Minister and she did not wish to do anything to harm his career - I know her quite well - her evidence did not quite stand up upon the hearing of the tribunal. It was presided over by a judge called Parker, a man who was a judge dealing with banking. He was in the Commercial Court. He was a mathematics wrangler at Cambridge and he was also a lawyer and he became a judge dealing with commercial affairs. Buckets of white-wash were poured upon the Conservative Central Office. The whole thing was white-washed and Mr. Harold Wilson ended up by being censured for drawing attention to what you and all of us in here know was a straightforward bobol of a sort more vigorous than any we have had to canvass in here over the last five years. (A Voice:) Worse than the Housing

Authority.

Now what happened to Mr. Justice Parker. Upon the next occasion that the Lord Chief Justiceship of England fell vacant, not Devlin a much admired man who had just given a hostile report of the Conservatives in respect of conditions in Nyasaland as it then was, not any of the criminal judges who knew the criminal law, but Parker, a bank lawyer who had presided over the white-wash tribunal, a man who probably had hardly presided over a criminal trial before in his life, was appointed, and the Lord Chief Justice of England is head of the criminal jurisdiction. Now this is big England which has perfect institutions and whose methods are to be admired by the Prime Minister of Barbados and emulated by giving him the same power as the Prime Minister of England has.

Do you understand, Mr. Speaker and hon. members, why it is impossible for us on this side to accept the assurances of good faith now and in the future in respect of this matter when the Prime Minister says that nobody, no matter how depraved, who comes to sit in that Chair ever does another depraved act. We do not have to take that on, Mr. Speaker. If he said that all of us are mixed and there is a little good and a little bad in all of us, as a statement of humble philosophy I may accept it, but you might also try to deal with the bad and not come to a situation where the bad ever has a chance to find itself untrammelled and free. Does any of us in here believe the Prime Minister would have reappointed Mr. Justice Ward to the Bench this year? Can any of us believe that? And he is doing a good job where he is on the Bench.

Now that is England. I would go a little further. Some hon. member was showing that he was a reader of the works of Mr. Harold Laski. Mr. Harold Laski points out that of 139 appointments to the High Court Bench which he studied, 63 for a certain period were members of the ruling political party in Parliament at the time in Britain. So please do not call Britain to me as an example which we must follow in this matter of the appointment of judges and judicial appointments generally.

In a letter to the paper Mr. Ezra Alleyne, an able young Attorney-at-Law, has repeated what all the authorities in England have repeated. There is at present a very capable and qualified man, Sir John Donaldson, who has given a lot of judgements against the Trade Unions. Sir John Donaldson had obviously been passed over for appointment to the British Court of Appeal by the Government which is supported by the funds of the Trade Unions. All these things must be taken into consideration by politicians, and if the politicians have the appointments they are going to be subject to the pressures and perhaps themselves give out a little pressure in respect of this matter. Do not let us think that the D. L. P. is any stranger to the giving out of pressure. In the midst of widespread public disquiet, of the Churches of Barbados, the youth of Barbados, the political parties of Barbados, the people of Barbados, the answer to that is that these forces must be removed and depressurised.

Mr. Speaker, I have heard many bad things said about the Minister of Education, the hon. member for St. Michael South, and I have discounted them. He is too gentle and quiet in here. I cannot go to Shakespeare, I have to go back to Chaucer. He is a "verray parfit gentil knight" in his behaviour in the House of Assembly, but put him in the midst of his friends and his true colours emerge. We must remove and depressurise those who oppose the forces of progress. When you begin to associate your own views with progress, you are on the road to ruin. When you threaten to destroy people whether by liquidation, removal or depressurisation, you are further down the road to ruin. I used to make a joke and say that I wanted the hon. member for St. Andrew - I considered him the most suitable person - to be President of the D. L. P.; it is not a joke any longer. (A Voice: You cannot speak for us.) It is not a joke anymore. How can anybody have confidence in a party whose vice-Chairman is reverting to the days of blood and fire, Nkrumahism, acid and bullets by threatening to remove and depressurise? No wonder the Prisons Act was brought into force by these self-same people who practise one thing while they preach another.... no wonder in all those circumstances.

Now, Mr. Speaker, it is hard to appeal in certain circumstances to hon. members who have committed themselves on to a collision course with reality, a collision course with decency, a collision course with propriety and a collision course with commonsense. Where people have stuck their necks too far out it is very difficult (Interruptions)

Mr. SPEAKER:

Let the hon. member. for St. Michael West stop interrupting. You have a right to speak. As you are sitting, please keep quiet.

Mr. WALCOTT:

Mr. Speaker, the hon. member cannot talk about propriety. It is improper.

Mr. SPEAKER:

Let the hon. member take his seat.

Mr. WALCOTT:

The hon. member cannot use the words "propriety" and "duchy". I object to the words. I object to the hon. member saying that hon. members are on a collision course with propriety. "

Mr. SPEAKER:

This is a general remark. No point of order. Let the hon. member sit down.

Mr. WALCOTT:
Propriety is a specific remark to hon. members.

Mr. SPEAKER rose and the hon. member sat.

Mr. ADAMS:
To all hon. members who seem to be worried by the words, I just repeat what I heard. If the cap fits, you wear it. If it does not fit, ignore it. Any hon. member who feels he is not on a collision course with commonsense, continue. The Barbados Workers' Union has been singularly absent among those lending their voices to this issue. The Barbados Workers' Union can find time to pontificate upon most subjects under the sun; it cannot deal with the issue that is most concerning all Barbadians at the present time, if the hon. member for St. Michael West has something to say, I expect he will get up in the debate and say it, and he will contradict the rumours that the Union has been promised certain concessions in respect of restrictive legislation in order to obtain their support for constitutional amendments. He will contradict those rumours.

Rt. Hon. E. W. BARROW:
On a point of order, I should like to express that that is a deliberate lie told by the hon. member.

Mr. SPEAKER:
That is unparliamentary. Please withdraw.

Rt. Hon. E. W. BARROW:
Withdraw what? The "deliberate" or the "lie"?

Mr. SPEAKER:
Please withdraw.

Rt. Hon. E. W. BARROW:
Which part of it?

Mr. SPEAKER:
The whole statement.

Rt. Hon. E. W. BARROW:
I will withdraw and say it is an untruth.

Mr. SPEAKER:
No point of order.

Mr. ADAMS:
Thank you, Mr. Speaker. A member of Parliament is standing up making a speech, he invites people to make a speech and contradict rumours, and then he is accused of lying. What kind of conduct in Parliament are we being offered by our leaders? 5. 55 p. m.

Mr. Speaker, I would ask Your Honour to take note of the rule which says that hon. members sitting down should be quiet. It looks as though the Prime Minister, having been made to withdraw an improper remark, still wishes to repeat it or to voice it.

Mr. SPEAKER:
The rights of all hon. members will be upheld in this Chamber.

Mr. ADAMS:
I am obliged to Your Honour. Now, in the face of this public disquiet which we have seen expressed in every possible way - we have seen it expressed in public dissent, we have seen it expressed in demonstrations, we have seen it expressed in the organs of information, even in CBC we have seen this issue dealt with in a journalistic way that must be admired. If the Minister of Information is in any way responsible for it I would like to congratulate him for allowing such a free rein to expressions of anti-government - expressions which might be considered as anti-government - that have recently appeared on the television screen. If he is not responsible for it, I hope that he will not criticise any News Editor or any Reporter who may have put these statements and comments on to the screen perhaps without his knowledge.

In the face of all this we have had silence from the Barbados Workers' Union. Complete silence. We have had a threatening military statement from the First Vice-Chairman of the Democratic Labour Party at the DLP's annual convention, the Minister of Education. We have had a long speech, 31.2 hours, in the House of Assembly, a half hour of which dealt with the Bishop of Barbados, and another half hour dealt with Mr. Justice Ward. One hour attacking two men, not speaking of all the others who were assaulted; and that is what is being given as an answer to public feeling about the matter.

Now, Mr. Speaker, it is not only the Judges that concern hon. members on this side. I would like to advert to a booklet published, called "Another Focus - Constitutional Changes, 1974. " I once heard the Prime Minister attack the former Government for publishing a certain document which set out the achievements of the Barbados Labour Party during the five years of 1956-61.

Mr. Speaker, this document had in a lot of facts. It told how the Barbados Labour Party built the Deep Water Harbour, how it built the Airport, how it built the housing areas. It told you what the Barbados Labour Party had done for Health. It told what the Barbados Labour Party had done over the whole range of its responsibilities. It told you how Mr. Ronald Mapp at the same time was building a harbour, the airport and the housing areas - something that it takes perhaps five Ministers of Government to do at the present time.

And I heard that attacked as a waste of the taxpayers' money involved in this publication. Now I see a document here, apparently a freeness. It has no price on it - Another Focus - Constitutional Changes, 1974.

Well, Mr. Speaker, I can only say that I am very glad that the Attorney General was advised - glad for his sake because he is an old friend of mine and I do not like to see him embarrassed or humiliated - I am very glad that he was advised not to go to CBC to debate and defend and answer the criticisms that were made of this booklet, because I think that he has been already sufficiently exposed to humiliation by this Government and by himself.

Senator Moe cannot escape responsibility for seeking to exercise a greater authority than he has the ability to exercise in that position or the experience. He cannot be excused for that. We look from this, the Judges of the Supreme Court - the booklet is mistaken on the Bahamas.

What else is it mistaken on? It speaks of the Lord Chancellor. Even down at the very end it is mistaken

on when the Judicial and Legal Service Commission was established. Down at the very end it says: "In this connection it ought to be emphasised that the provisions in Independence Constitutions for certain appointments to be made after consultation with Opposition Leaders is totally unknown to British Law, even in the administration of Colonies. "

Everybody is fond of saying this is a lie, that is a lie. This is a deliberate lie because it is in the Colonies

Rt. Hon. E. W. BARROW:

Mr. Speaker, there is a Standing Order. I am on a point of order. There is a Standing Order which refers to calling members of the Other Place by name and making attacks on them; but you asked me to withdraw a remark to the effect that a Statement made by the Leader of the Opposition was a deliberate lie. Therefore, if the Leader of the Opposition refers to a member of the Other Place and says that something which he has stated in a document is a deliberate lie, I submit, Mr. Speaker, that that is equally offensive and should be withdrawn.

Mr. ADAMS:

Point taken, Sir; but I was not aware that Senator Moe was the author of this. I have not said that he was the author. If hon. members cannot hear and understand, and if anything that I have said implied that Senator Moe is a deliberate liar, I withdraw it. When the record is examined, the Prime Minister and the hon. member for St. Michael West will be found to be wrong as they so often are wrong in here.

I have attacked Senator Moe and I have attacked the booklet; but I have not said that Senator Moe is the author. If he is the author it is news to me. The Prime Minister may know that I am glad to hear who the author is.

Mr. SPEAKER:

The hon. member may continue. There is no reference to the author of the booklet. The author of the booklet was not adverted to.

Mr. ADAMS:

I am speaking of a statement in the booklet. I do not believe that Senator Moe tells deliberate lies. If he says something that is not true it will be because he does not know. It would be ignorance rather than deliberate.

The booklet says: "It has a certain limited convenience and does not affect the will and judgement of a Head of Government in the exercise of his specific constitutional responsibilities. But because "consultation" is wrongly understood to imply some agreement between parties, whereas it is merely a sensible constitutional device to give Leaders of Opposition prior awareness of important appointments, much confusion results. "

Does the Prime Minister want to defend that Statement? Is the Prime Minister saying that there is not a component of agreement with the Leader of the Opposition as the booklet says? Is the Prime Minister going to say that the Governor-General does not write to the Leader of the Opposition before any appointment is made and ask the Leader of the Opposition if he agrees with it? Does he want to see my file to see that the Governor-General has been carrying out his constitutional duties with due propriety? Is anybody going to get up

Rt. Hon. E. W. BARROW:

The hon. member is calling me by name, so I think that I am entitled to get up on a point of explanation. My recollection is that my Permanent Secretary writes to the Leader of the Opposition, and I do not know of any case in which we have disagreed. So the booklet is perfectly right. It does not mean that we cannot disagree. That the Leader of the Opposition has always agreed on every single suggestion I have made, that I take suggestions from him - and I would prefer not to mention it on a personal basis because people might get the impression that he elects people to certain offices - but that we have agreed does not vitiate anything that is said in the pamphlet.

Mr. ADAMS:

I have absolutely no idea why the Prime Minister chooses to break what I have always been informed is the Official Secrets Act in discussing this matter. I have not said one word about who has agreed or who has disagreed. I am reading what is written here. My word to the Prime Minister which, perhaps at the end of a long day, he is too tired to understand was about saying that there was no component of agreement in the consultation process.

I am not saying that there has been agreement or disagreement. They are the very words that I used. Is anybody going to maintain that consultation is a matter which is entirely to be divorced from agreement? The first thing that the Governor-General does by the Constitution is to write the Leader of the Opposition and ask him if he agrees with the Prime Minister. That is the first thing that he does. 6. 05 p. m.

It is the first thing he does. The Constitution says he must do it and he does it; but the booklet says "because consultation is wrongly understood to imply some agreement, "

Mr. Speaker

Rt. Hon. E. W. BARROW:

On a point of order, Mr. Speaker. I would just like to make clear the provisions of the Constitution. On my recollection the Constitution says - let us deal with the point about the Chief Justice because again the hon. member has said that the Governor-General consults him. That is not so. The Constitution says that the Chief Justice - section 81(1) - shall be appointed by the Governor-General by instrument on the recommendation of the Prime Minister after consultation with the leader of the Opposition. That consultation is not between the Governor General and the Leader of the Opposition but between the Leader of the Opposition and me; and the Governor General has never written him; it is my Permanent Secretary. He can bring the records, and I absolve him from any responsibility of breaking the Official Secrets Act.

It is my Permanent Secretary who has written to him. I will not write to him because I want a witness and I get my Permanent Secretary to do it.

Mr. SPEAKER:

I would rather that these points you are making be kept for your reply.

Rt. Hon. E. W. BARROW:

I prefer that it be made now at this juncture

Mr. SPEAKER:

That is my ruling. That can be more conveniently kept for your reply.

Mr. ADAMS:

Now, Mr. Speaker, I am a sad and disillusioned man because I have made the mistake of thinking that

the Prime Minister understood the Constitution of Barbados. He said he wrote it, he said he took it to London, he said he is very familiar with it, he said he is a Constitutional lawyer and yet he says the Governor General never writes me.

Mr. Speaker, do you realize what an admission we have had in here? What an appalling devastating, terrifying admission of ignorance? Is the Prime Minister aware of section 32(6) of the constitution which says that after he had made a recommendation to the Governor General - listen to it - the Governor General shall then inform the Leader of the Opposition of that recommendation and if the Leader of the Opposition concurs therein, the Governor General shall act in accordance with the recommendation?

Rt. Hon. E. W. BARROW:

Mr. Speaker, I must rise on a point of order at this juncture, because if the hon. member reads the whole of 32(6), it says this "Where the Governor General is directed to exercise any function on the recommendation of the Prime Minister after consultation with the Leader of the Opposition the following steps shall be taken" - now he read step one but step two is this 'The Prime Minister shall first consult the Leader of the Opposition on the question of consultation" - not notification. The consultation is between the Prime Minister and the Leader of the Opposition, and on every occasion my Permanent Secretary has written.

I have the records - "in accordance with the provisions of Section 32(6a) consult with the Leader of the Opposition and tender his recommendation to the Governor General. " Are we going to go on and debate that I do not have to consult with the Leader of the Opposition?

Mr. SPEAKER:

No point of order.

Mr. ADAMS:

The fact is, the Prime Minister has been caught out. He did not know, or he forgot, or he cannot understand it, or he did not write the Constitution. Nobody says that these appointments have to be agreed, but the question I posed in relation to the booklet is, is the Prime Minister going to deny that there is a component of agreement in the consultation process? The Prime Minister has sought to go around the bush in the course of which he has revealed that he does not know that the Governor General asks the Leader of the Opposition if he concurs or agrees - maybe he does not realize that 'concurs' means the same as 'agrees' - in the Prime Minister's recommendation.

I cannot believe that I am standing up in the face of a Prime Minister who has been Prime Minister for

thirteen years and does not know a part of his basic Constitution and the functions relating to these important appointments. (ASIDE) I am not going to use the expression "deliberate lie", it is inflammatory and it is unnecessary, but the booklet is wrong. Whoever wrote the booklet is mistaken. That is a part that concerns me and therefore I am going to deal with it. Other people have pointed out all the errors of fact in the booklet.

Now, Mr. Speaker, the Bill before the House does not only contain provisions relating to judges. It contains a number of other provisions. Let me say for myself that everybody seems to think that it is only the provisions which relate to judges, to the Director of Public Prosecutions and to civil servants, to which there is general disquiet. Speaking for Tom Adams, I do not like the aspect - speaking for the Opposition in fact. It is not only me, but speaking for myself specially because this is something very close and dear to my heart.

I do not like that aspect of the amendment which says that the wives of citizens of Barbados, which in any way limits the right of the wives of citizens of Barbados to be registered as citizens themselves. Far from that, I am a believer in women's rights. I was the person who introduced, wrote with my own hand and introduced an Act into this Parliament to give the husbands of Barbadian women the right to reside here; and it was turned down by the Government. I am far, very far indeed, from in any way agreeing with any limitation on the rights of the wives of Barbadian men to be registered as citizens.

I know that the hon. member for St. Michael North West may be able to cast some light on this. But I consider it a fortunate accident when I realise that the original provision has come out of the hands of the drafters in London in a form a little different from that in which we left it; and this is something upon which I can agree with hon. members on the other side. But I welcomed it because I thought it was in advance. In this day and age is there any right that women should be discriminated against in any way? In the Constitution of Grenada where Uncle reigns supreme and is thought to be a monster of tyranny - I can still say that statement now because the Bill has not been passed - the husbands of Grenadian women have a right to citizenship. In Britain, the very repressive Immigration Regulations which for five years prevented the husbands of British women from residing in that country as of right have now been altered. In the United States a wife can petition to get her husband there with her and he can become a citizen in the fullness of time. In Jamaica this is the case; but the Government of Barbados in the face of all modern thought, of United Nations resolution, is prepared to enshrine discrimination against women in our legislation - and supported by the hon. member for St. Michael North East - and even now to make it more difficult for the same women, the wives of Barbadians, to become citizens.

They already have to undergo some burden - with filling out of a lot of long forms, getting police records from the age of four, and all kinds of nonsense, if you are married to a man, the Constitution says you should have citizenship, that should be the end of the matter; but people seem to want work for

themselves.

In Trinidad and Tobago the Constitutional Commission has recommended that this discrimination against women be ended, and I believe this is the voice of the future. Let there be no doubt, Mr. Speaker, that a Barbados Labour Party Government will put at the absolute priority of its legislation the ending of discrimination against the women of this Island in every possible form and manner, instead of adding to it as presaged by this Government's Bill - this Bill to amend the Constitution.

Now Mr. Speaker, I am also against section 9 of the Bill relating to convictions for felony. 6. 15 p. m.

The original provision in the Constitution is, and has always been, an unwise one. I have always said it. I have said it in London, and I say it now. Technically, an African sentenced to death in Rhodesia for fighting against Smith's regime is subject to all kinds of disqualifications in Barbados. Rhodesia is still in the Commonwealth and, no doubt, the Courts still have some kind of jurisdiction. Under the old provisions of the Constitution, not an African but a Barbadian who decided to go and become a freedom fighter in Rhodesia and fell foul of the authorities would be liable to disqualification from membership in this House. That is not good. That is the sort of matter that a Constitutional Commission should be sitting on to find a better arrangement to deal with that type of conduct. The provision we have that a conviction for felony within the last 10 years shall disqualify a man goes against a principle. A man must serve his sentence, and at the end of that sentence, as far as I am concerned, he comes out washed clean. You should not impose two punishments on him, one by the Judge, and one by Parliament or the Constitution. I do not believe in it.

Sir, I read in the Parliamentarian of a recent case in South Australia which has caused great distress because a Parliamentarian there had a conviction for some petty stealing just a year past juvenility, at the age of 16. He stole a pair of shoes on the docks or something like that for which no penalty was imposed, and he lost his seat as a big man at the age of 50 with a lifetime of public service behind him. He lost his seat as a result of this pettiness and, as a result of that, all over the Commonwealth people are moving away from that. In Barbados we are moving back from that.

Mr. Speaker, one of the most effective speeches, as far as I am concerned, that I have ever heard from the hon. member for St.

Michael South West, the Minister without Portfolio - he has always been very effective at election

time - was a speech when he begged the electorate not to put the clock back. He cannot tell them that now. The clock's hands are going counter clockwise with the speed of light under the present Government. They are advancing backwards. (Asides.)

Mr. SPEAKER:

Let the hon. member for St. Michael West stop interrupting!

Mr. ADAMS:

I thank you, Sir. Going through the Bill, I suppose there is some good reason for not permitting Commonwealth citizens to run for the House of Assembly. I would think better of the Government's bona fides if this Bill had been introduced when the hon. member for Christ Church North Central was still a Commonwealth citizen and was not a citizen of Barbados. There is one hon. member who is in the House now who could not have been in the House if this were in the Constitution. I just point that out to hon. members. I am not one who lent my voice to the voices of those who said that because he was an Englishman he should not be in here. (Asides.) I could not because it would have been in many ways against what I feel. If you make your life in a country, I believe you are entitled to take part in the political life of that country. The fact is that that the Government has brought this in when it already has the hon. member as the Minster of Information in the House and when he is already a citizen of Barbados. It was not fair to introduce it at the Constitutional Conference when he was not a citizen of Barbados. Mr. Speaker, I am hearing the hecklers, and I am waiting for the contradiction. The hon. member himself, it is noteworthy, has lent himself neither to the sotto voce remark that he was a citizen nor anything else.

With regard to the section which deals with the Attorney-General and the Director of Public Prosecutions, I really have to say that the Prime Minister has dealt with this a lot of times. My views on this are not only the conventional ones. They will be dealt with by hon. members who will speak on this side. The thin end of not one but two wedges - it is the thin end of the wedge because when you provide a list of offences which have not been prosecuted for during our political lifetime and you say that the Attorney-General is going to have responsibility for prosecuting them, then you are not remedying any existing defects in the law.

There has been no prosecution for piracy in Barbados of which I have heard since some date in the 1740's. There has been no prosecution for trading, or otherwise dealing in slaves, I am told, since 1814. There has never been a prosecution for foreign enlistment. There has never been a prosecution for issuing publications calculated to interfere with the peaceful relations of Barbados and foreign states. There has never been a prosecution for treason felony in Barbados. There has never been a prosecution for treachery. Prosecutions for treason and misprision of treason are so far in remoteness that none of my researchers has been able to find them. I daresay there have been some, but not at any time that anybody can tell. Even the prosecutions for sedition are veiled in mystery, because apart from the 1937 disturbances, to the best of my knowledge, none of the prosecutions reached the stage of indictment. I can be corrected on that, because it is what I have been told. I cannot remember or find authority, but apart from that the whole question of prosecution for sedition is also veiled in mystery. There have never

been any prosecutions in Barbados for breaches of the Official Secrets Act. Apparently, there have been prosecutions for incitement to mutiny, but they date back also to the 18th Century. There is no evidence that any prosecutions have ever been made for the taking of unlawful oaths. I am reading from a list, Mr. Speaker, as set out in the Bill. These are the offences which the Attorney-General is being given authority over. So far I do not believe there is any particular offence under the enactment relating to any right or obligation of Barbados under international law.

Now, I believe the Government has been the victim of a gigantic practical joke by a Legal Draftsman. I believe that the Government wants to make the Director of Public Prosecutions subservient to the Attorney-General in every respect. I have heard the hon. member for St. Michael South Central say that the Constitution should have been amended in the part where it says, "The Director of Public Prosecutions should not take instructions from anyone" that the words should have been added "the Attorney-General". This is a point of view. It is a view canvassed to some extent, but it is not, however, what we have here today. I believe the Government intends to introduce it and, therefore, it is bringing in this as a preliminary measure to soften up the public for its eventual intention. The draftsman has made a joke. He has not looked at the modern, political crime. What about the crime of hijacking made an offence last year in this House? Hijacking is the only political crime of any relevance that could have been included in this list. An official of the Ministry of External Affairs here has already been hijacked. I do not think it is so remote from Barbadians as all of that. That is the sort of thing which is an offence.

Mr. Speaker, I would like to challenge the lawyers on the other side to tell me what is the crime of unlawful oaths. I would like the Prime Minister, or the member for Christ Church West to tell me what is the difference between treason felony and treason. (Asides.) I do not know. I know why the Treason Felony Act was passed. It was passed in to deal with the disturbances in 1848 in Ireland. I could not tell you what the difference is. What is the point of wasting the time of the House of Assembly with this foolishness? You have a lot of things that are the most imaginary, unlikely, crimes. The only possible point can be that it is intended to make the office of Director of Public Prosecutions permanently subservient in every respect, at some stage, to that of the Attorney-Genaral. 6. 25 p. m.

Trading or otherwise dealing in slaves: has the Government got plans? What nonsense, Mr. Speaker! Now the other wedge of which this is the thin end is publications calculated to interfere with the peaceful relations of Barbados and foreign states. Mr. Speaker, if the Government was not so transparent we really would have to say that it was high-handed and tyrannical.

A gentleman called Chief Jonathan came here earlier this year. He is the Prime Minister of Lesotho. His chief contribution to the political happenings of the Commonwealth in the last twenty years has been that when the Opposition was winning an election he stopped the count after the Opposition had won a few seats, and then suspended the Constitution, locked up the King, his cousin, and now rules by decree,

and he came to Barbados and said if he had a chance to talk to the Leader of the Opposition, he is sure he would have made him see the light. See what light? I know Chief Jonathan's history from before Basutoland was a sovereign state. Chief Jonathan was one of the Regents of the old Queen Mother when the Government of the country had to be destroyed because of the number of murders in the Royal Family, and the Royal Family, when Jonathan's own cousins were murdered came out on top and they had to spirit away the young King to London when it was proved by a Commission that sat out there that the whole Royal Family of Basutoland of which Jonathan is one used to kill people and pound them up. They used to make a paste called direclo and put it in a horn to make medicine, and Jonathan is said on a political platform to have shaken the horn with the direclo in it to intimidate the voters. He talked about the Opposition intimidating the voters. I have never yet heard in my life of a Government not knowing that the Opposition had intimidated the voters until it saw the votes begin to come in.

Now Jonathan was brought here. In my opinion and as far as I can see, the only reason for bringing him here could be to encourage the Government in a programme of electoral reform. He was brought here, the first leader of an independent African country to come here on an official visit, and look who they brought, the most disreputable barring one as Bobbie Clarke said to me when he was explaining that he still had to invite him to African Liberation Day, the most disreputable leader of Africans in the African continent, a man who is personna non grata with such people as President Kaunda, - a person known both to the Prime Minister and me, and I believe equally admired by him as he is by me - and President Nyerere. Jonathan cannot go to those countries. They can only shelter his political opponents and hope that his medicine some day will lose its power in the hills of Basutoland.

Now the Opposition has had a few things to say about Jonathan, and I am obliged to believe that the Prime Minister has in this thing about publications calculated to interfere with the peaceful relations of Barbados and foreign states because he intends to bring in something which will restrict the freedom of expression of Barbadians about politicians and persons in other countries. When a law is brought in to deal with this, if you say that Mr. Gairy should not do what he did, you are interrupting the peaceful relations of Barbados with Grenada. I dare say that the Prime Minister is only free to say that Dr. Eric Williams and the Government of Trinidad and Tobago spent millions of dollars without the sanction of Parliament because it is not yet the law that these statements must not be made, but I have no doubt that when the law is brought in to give this provision some teeth that he will be challenging anybody who says that to say it outside and see if the Attorney General is going to bring a prosecution. This is the other wedge whose thin edge I discern and detect in this particular section.

Now, Mr. Speaker, the next few sections deal with the judges again. I have dealt with them at length.

The Teaching Service Commission. I am not entirely qualified - I never deal with educational matters in the House - to say a great deal about this. This was the policy of the Barbados Labour Party at one

stage, but I according to my information and instructions have been given to believe that the principal difficulty is in getting the appointments made and processed by the Public Service Commission where appropriate to the teaching service. I am also instructed that since originally many people thought a Teaching Service Commission was the best answer to these problems that some type of advisory appointment section has been set up at the Ministry of Education which does a lot of the processing work that makes the job of the Public Service Commission easier, and that since this has been done such delays as exist in making teaching appointments are due to delays at the Ministry of Education and not to delays at the Public Service Commission, and that if the work could be speeded up at the Ministry of Education's end there would not be the difficulties and the abuses of which complaints have been made.

There are other persons in the House better qualified than I to deal with this point, and I throw that out. This is one of the points on Constitutional amendment which I have said earlier is eminently suitable for a commission. It is not an area of party controversy. It is an area where members of the House on both sides and many other persons outside will be qualified to say something about teaching appointments and the necessity of a Teaching Service Commission. Both political parties have been in favour of it at one time or another. I understand from the Prime Minister that this Bill has been in preparation for two years; in other words, from not long after the majority was obtained, and during this time events may have overtaken the necessity, and this is what I understand from the speech of the Prime Minister in dealing with this section. The argument of the Opposition as enshrined in the Resolution which I have on the Order Paper of the House and enshrined in many public statements and the arguments of all those persons who wish to see a commission, is eminently supported by this question of the necessity of a Teaching Service Commission.

Now the Civil Service. Sir, the Prime Minister already has the right to be consulted before certain appointments are made to various Civil Service positions and he has the right, I believe, to decide on certain transfers of persons who already hold these appointments. In a small place like Barbados it cannot possibly be denied that people who feel that a man with whom they are in daily contact, who has a right to decide on their future conditions of service will demand more than usual subservience, not servility, to his political views, and to his political prospects, if they are to be promoted to the positions to which they aspire. I do not have to labour this point. I have used round-about language in dealing with it, but it is perfectly simple. If you work in the Government and you are rising towards the top of a Department and the Public Service Commission has to ask the Prime Minister his views before you can be promoted, you are going to see to it that you do not let the Prime Minister know even if you have political views contrary to his. 6. 35 p. m.

With the most decent Prime Minister in the world, with a man who has never made threats against the Opposition, with a man who has never given the appearance that he wants to be a dictator, with a man who has never spoken of Nkrumahism, you would still be careful. You would still not want in any way to give political offence to the Prime Minister.

Now in these circumstances - and I concede to the full the view that a Minister needs to have people he can work with closely, that you cannot work with a man whom you feel is going out into the bush and canvass against you by night; but those are arguments for independence and not for political attachments to the Government in power.

Conceding that view to the full, are we going to get the best from Civil Servants in these circumstances? Now, Civil Servants I take it, are the persons who execute policy; but they are also persons who advise on policy. There is no doubt about it. They advise on the practicality of policy. They advise on the wisdom of making statements relating to policy. They help Ministers with speeches at given times, and I would really wish that they could go over what they write for the Ministers sometimes to make absolutely sure that they are expressing themselves in the way the Minister would express himself or is able to express himself.

There is a danger in these circumstances that a Civil Servant will not be able to give independent advice. He will give that advice which he thinks that Minister wants to hear. I am going to give you a small example, not dealing with the Civil Service. We got some information that the Prime Minister went to CBC on Sunday, that is the day before yesterday, and asked to see the tapes. We got some information.

Rt. Hon. E. W. BARROW:

Mr. Speaker, I went nowhere close to CBC on Sunday. I landed at the airport at 3 o'clock. I went straight to St. George and left there at a quarter to eight and then went about my business rejoicing. How can the hon. member come in here with rumours like that? This is quite improper.

Mr. ADAMS:

There is no need for a contention on this. He has denied it. I am not alleging that it would be improper to go to CBC. I am not alleging that a visit to CBC is a visit to the place the Prime Minister said that he would not bring the OAS to, as I mentioned earlier in my speech. There is nothing improper in that. The point of the story had nothing to do with the Prime Minister's good or bad behaviour. I was using it as an illustration. I had no idea that it was anything that was worth denying.

Now, what I have been told is this: if it is false it is false, that the Prime Minister could not rely on the advice that he was being given about the scale of the Barbados Labour Party's demonstration because he has become aware that you do not always get the best advice from people. They tell you things that you

want to hear, and he wanted to see for himself. It is as simple as that. There is nothing discreditable to CBC, the Minister of Information or the Prime Minister.

If it is not true, it is not true; but it is an illustration of a point which is of some significance.

Mr. SPEAKER:
Hon. members who are sitting are to remain silent.

Rt. Hon. E. W. BARROW:
I just want to give the hon. member one indication, Sir.

Mr. SPEAKER:
No, no, no.

Rt. Hon. E. W. BARROW:
If the hon. member.....

Mr. SPEAKER:
Let the hon. member sit.

Rt. Hon. E. W. BARROW:
I want to give the House a personal assurance.

Mr. SPEAKER:
Not necessary. Let the hon. member sit down, please. Two hon. members cannot be on thier feet at the same time.

Mr. ADAMS:

Mr. Speaker, I am too reasonable. What is it again that Mark Anthony said - "Pardon me, thou naked, bleeding piece of earth that I am thus mild with thy butchers. " Here am I trying to deal in a commonsense way with a matter that need not be a matter of Party controversy and we are hearing that it has to be made a House of Assembly point.

Do you think that I care who goes to CBC or if the Prime Minister took advice instead of looking to the best sources? I am sorry for him.

Commonsense would carry him to CBC. If he did not go that is his dead. I am nothing do with that. I do not care whether it is true or false. I do not care and he should not care either. He should only care, perhaps, that he may get bad advice; and I am obviously under the misapprehension that the Prime Minister is as good an administrator as he constantly says that he is, and his advisers constantly say that he is. I am acting under the impression that he is doing the things that other men would do in his place if they were prudent and wise, in the position to which he is called. I am making a serious mistake.

The grave danger in these circumstances is to get advice, especially if you have been Prime Minister for a long time. You here things that people think you want to hear. That is a grave and serious danger. Who dares say that the reason why the dock at Oistins which is supposed to carry the Coast Guard fleet, but is now full of sand, and when my children are here in a few weeks time I can go and play in the sand with them and they can say that they are in a landship - who can say that the reason for that is not bad advice ?

Who would be prepared in an area of subservience to tell the Minister not to build it if they know that the Minister is keen on it? If he knows that the Minister has his heart on a crematorium and that Government policy is for a crematorium? who is going to say: I beg you do not build it? it is a mistake and it is going to fail?

You do now want to hear that, and you have brought somebody from Nigeria. It is your policy and you will do it. And you go ahead and you waste the taxpayers' money to the tune of $300, 000 because the people around you are afraid to tell you the truth. They are afraid to tell you because the truth hurts and they think that their prospects of advancement in the Civil Service are injured thereby.

"The Lord giveth and the Lord taketh away". When you hear a man repeat that over and over you look to see what he has in his hand - the Assistant Secretary, the Deputy Permanent Secretary, the Chief Technical Officer, the Chief Agricultural Officer. Are you going to tell that man something to annoy him? That man too? Are you going to tell him when your career rests on that?

Think of what would happen to a Civil Servant if he could become convinced that the Government

was going to change. They would all have to take leave or go down and have a little treatment for the schizophrenia which would attack them at the thought of a change of Prime Minister.

These are acts which do not only entrench a party in a position of authority, but tend to entrench a bad Government, and are acts which should not be the subject of party controversy. We have heard nothing at all advanced for altering the system of appointing Civil Servants. We have been told in the pamphlet that certain Civil Servants are already appointed under these conditions.

Now, the Permanent Secretaries and Heads of Departments; they are persons who very nearly stand in quasi-political positions because they have to carry into effect political decisions. In France, in the U. S. A., persons who stand in the position of Permanent Secretaries come in and go out with the Government; but the Permanent Secretaries of Barbados want it both ways. They want permanent status, but they also want to be amenable and politically hand in glove with the Governments; because I have heard nothing from the National Union of Public Workers about this aspect of it.

The Solicitor General, the legal officer, has to prosecute in the courts - an officer only a step behind the Director of Public Prosecutions, an officer prominently in the public eye, and the permanent Head of the Legal Department - is already in that position. Now for the Director of Finance and Planning - well I am a reasonable man - the Prime Minister has to have somebody to help him with the Budget. It is a matter of commonsense that he is not going to have somebody chosen with whom he cannot get on.

These are already existing provisions with which the Barbados Labour Party found no fault, and the Secretary to the Cabinet, the Commissioner of Police. I personally believe that the Commissioner of Police can be one of the consultation areas. I think so, but I think that this was a matter of controversy in London and I would not seek to reopen that now. The Chief Establishments Officer, the Chief Personnel Officer - now this is the interesting thing - because it may be necessary in the interest of good government in Barbados to have close political control over their appointments, it does not mean that other persons are going necessarily to be in the same situation. 6. 45 p. m.

As soon as you politicize the civil service, as soon as you go to the point where everybody - where there is an extension of these matters where not only the Heads but the Deputy Heads of the Departments have so to be dealt with - as soon as you extend the area of political patronage you are doing. Barbados a grave disservice. Again I can refer to the Constitutional Commission report for Trinidad and Tobago. I say no more than the overwhelming majority of views as expressed to the Wooding Commission which suggested a substantial reduction of the area of patronage at the disposal of the Prime Minister. This is the Commission which Eric Williams set up which reported and whose

report so far as we know, he has largely accepted.

If I can quote from Professor DeSmith's recent book on the New Commonwealth and its Constitutions, for hon. members will be aware that the fact the New Commonwealth has been unable in many cases to maintain democratic institutions is a matter which has occasioned much academic interest, quoting from Professor DeSmith on page 149, the Chapter, speaking of the establishment 6f politically neutral zones, this is what it says: 'Government that refuses to contemplate the possibility of being turned out of office by constitutional means will almost certainly insist on establishing political control over the public service. Fearful of encountering obstruction and so on, resentful of the need for persuading plain-spoken officials that their objections to proposed courses of action must be overborne, and suspicious of any non-political permanent fixture, it will have the constitution changed so as to shear the Public Service Commission of executive powers. "

It is not my opinion. That is the opinion of an academic who studied the matters. This is the case which Government has to answer, and the Prime Minister has in no way tried to answer it.

Now, Mr. Speaker, I have had to deal with a lot of personalities today but I hope that I dealt mainly with the Prime Minister's personality and not with the personalities of unfortunate citizens who do not have a forum in here, who, in the case of Mr. Justice Ward are prevented by considerations of propriety from replying to political attack; who, in the case of the Bishop may be too decent and may not wish to get down in the gutter to answer certain things that have been said. But I have had to deal with personalities and I have had to be a little destructive because we want to destroy the very idea of coming before the House with these amendments.

I have a Resolution, as I have already said, Sir, on the Order Paper. I do not want to repeat myself too much. The Prime Minister is a High Priest for repitition. Just in parenthesis, Sir, he four times talked about a Caribbean Supreme Court, three times said he did not talk to the judges, twice talked of people being burnt alive in Vietnam, three times talked about crowning the lawyers with laurels, three times said he did not get into matters that were too high for him, and twice that he had been in the House a long time.

I hope now that I am at the end of my speech, that I have not repeated myself to that extent, but I have to repeat myself because I come to the proposals which we, in our humble way as an Opposition, feel the Government can usefully accept even at this stage, although they have stuck their necks out a far distance, in assisting the public to get over its difficulties and its fears of what is involved.

Now your fears can be outlined. All of these proposals lead in the direction of more authoritarian Government. Authoritarian means dictatorial, it means Government by one man, Government by authority, restricting the right of participation of people other than a ruling party. That is what is meant by authoritarian; a different way of saying 'dictatorial'. All of these proposals are in these direction. That cannot be denied. All of these proposals aim to concentrate more power in the hands of the Prime Minister. We have not seen recently that power which already exists is being used to try to help Barbadians out of the difficulties in which we find ourselves at the present time. We find that the Island needs Government; not repression. We find that the Island needs a new economic understanding, it needs radical economic planning. It does not need to give the Prime Minister power to pursue some kind of vendetta, or the opportunity to pursue a vendetta against an individual judge.

Well, what can we dp? The House cannot as such, at this stage, in this debate as I understand it, refer anything to a commission outside the House, but we can refer this matter at the end of this debate to a Select Committee. A Select Committee of the House consisting of a number of members - and I would hope that the Government would be properly represented. A Joint Committee of both. Houses indeed, Sir, not just a Select Committee of this House, a Joint Committee of both Houses would be appropriate. It can take evidence, as I understand it, it can itself appoint Commissioners to take evidence and make a report. All this can be done.

I believe the two Houses of Parliament can give leave for a Joint Committee deliberations to be made public if they care. It is not usual. It is usual that such Committees sit behind closed doors. It might be thought desirable for such a committee to sit in private sometimes and in public at other times.

I am urging the Government - urging - as individuals, as Barbadians, as citizens, in view of the public disquiet, hearken to those people down there; do not be angry with them. When they shout at you and so on, do not be angry with them. We have to put up with all that. You all will have to put up with that and some more because you don't stand good, believe me. Do not be angry with them. Listen to them and understand what has brought them to the House of Assembly to boo the Prime Minister and others. Understand what has the Public Buildings yard full of angry people on this issue. Understand it.

The Prime Minister at the start of his speech appealed to all hon. members to subdue their consciences and vote according to the Cabinet's decision - subdue their dissent, if any, and vote according to the Cabinet's decision. I do not want to say contentious things. His words could be understood in no other sense. The party has decided and the party must prevail.

I want every hon. member to understand something. If he could be the man to abstain or vote against

this Bill he would receive public congratulations the like of which will surprise him no matter what his majority was on the last election.

Now, we are going to urge at the end of the debate, that there be a select Committee. We feel there may well be areas where evidence could be taken. It has always been our policy that Barbados should have free elections enshrined in its Constitution. We have always believe there should be a Boundaries Commission, independent of the Government and not under control of the Government.

I would never like to have to face another election in which a woman who had seconded the nomination of my opponent, signed his election papers, and then turned up as a presiding officer in one of the polling stations; and I have to rely on her, when an old woman who is blind, says in her ear, "put the vote for Adams, " and she goes and marks X Boxhill, and I have to rely on her. I would never like to see that again. 6. 55 p. m.

Yes, an old woman told me that, and I reported it to the Chief Electoral Officer. I am not like the Prime Minister. (Asides and Laughter)

Mr, SPEAKER:
Let there be order!

Mr. ADAMS:
Mr. Speaker, small things amuse small minds. Tom Adams has never been accused of being a fool, and, when I see somebody that I do not trust, I will find ways and means to test him out. Hearken to me. That is all I have to say. The entire incident at Redman's Village Polling Station was well known at the time. I have not come here to call people's names, Sir, but the hon. members by their levity do not understand that there was widespread mistrust of many of the electoral arrangements during the last election. Now, the Returning Officer in the constituency of the Minister of Home Affairs was soon after appointed a Senator for the Demoratic Labour Party. In any country in the world that would have been one of the greatest jokes out. He is the Minister of Home Affairs, and the Returning Officer is a member of his party. Hon. members must not think that they can subdue public distrust by casual laughter. At the next election if there be one, I believe that my constituency branch in St. Thomas will tell people to ask the Returning Officer to mark a ballot for them and see if he marks it wrong. The Chief Returning Officer himself told me that the only way to stop this sort of thing is to get one of them locked up. Do not make any style about this, Mr. Speaker.

Mr. SPEAKER:
Come back to the point.

Mr. ADAMS:

We believe that is a whole area that could be discussed. I refer to an Electoral Commission and a Boundaries Commission. We believe that morality in Government is something which should be in the Constitution. We had that in our Manifesto. (Asides.) We have the support of the hon. member for St. Michael South Central. God bless him. We have his support as saying there should be a declaration of assets and integrity legislation in Barbados. (Asides.)

Mr. SPEAKER:

Order!

Mr. ADAMS:

And the hon. member for St. Michael North Central as well, I am informed. We are glad that we are making converts, and that our Manifesto from page 1 to page 24 has persuaded some people that the Barbados Labour Party had a few of the best ideas during the last election. All of those are matters which can be canvassed by an outside body in this particular context. I am urging hon. members to hear the voice of the people in this matter. I have never, since I have been in the House - the Independence Debate came before I was in the House - seen any issue that has united Barbadians as has this issue.

This little, wretched booklet says that the same people who opposed Independence are opposing constitutional reforms at this stage.

Nobody opposed Independence. We argued in favour of Independence in the Eastern Caribbean. We argued for a different type of Independence, and the public of Barbados upon our arguments did somethings which the entire history of the British Commonwealth affords no precedent for, but they did not quite do it. They very nearly turned out of power a Government that won independence for them. That is all I say. Two majorities of 73 and one majority of 20 was all that stood between the Democratic Labour Party and its being an Opposition after the 1966 Election. That should have a meaning for those with eyes to see.

Nobody opposed Independence, but our argument was so cogent that i know now that, if we had taken ourselves a little more seriously, we would not have been here debating this today. We would have been in power, if we had taken ourselves a little more seriously in 1966, if we had the experience that we have now. I am seeing a more united Barbados in opposition to what is going on now than I saw then. I am urging hon. members to be responsive to the public will on this occasion. There are some hon. members who care about the Church. I want to know how they will face the Bishop. At each end of the extreme of the back row you will find the hon. member for St. Philip South, the hon. member for St. George South. I want to know how the hon. member for St. Michael South Central is going to face Mr. Hughes. These are the things that I want hon. members to put into their minds. Let them ask themselves how is it that

everybody is out of line but they. You own 18 votes, if you like, and the votes are full of constituents. Barbados is full of interest and Pressure Groups and not only the Pressure Group, but also the Church of Rome, the Church of England, the Church of John Wesley, and all of those are pressure groups, too. When you talk about depressurising, you must depressurise the Jaycees and the A. Y. P. A. You must depressurise the Chamber of Commerce. You can do that anyhow, as far as I am concerned. When you talk of depressurising, you are not depressurising the Opposition, you are not depressurising the "Lord of the Flies" as he has been called. It is a complete misunderstanding of what the Lord of the Flies is all about but I suppose that in the country of the blind the one-eyed man is King. You are not just depressurising him, but you are depressurising the people of Barbados.

Mr. Speaker, we on this side are utterly and inalienably opposed to this Bill. We are going to vote against every aspect of it, so prepare for a long day's journey into night when I sit down. I do not know who is going to speak for the half an hours, but the divisions alone are going to occupy a good few hon. members' speaking time. We are telling you all of this, because we are suggesting that there is a solution in having a Joint Select Committee. Tell us that, and you will get our co-operation. (Asides.)

Mr. SPEAKER:
Order!

Mr. ADAMS:
To the Bill in its present form, we are inalienably opposed. (Asides.) How do you explain the difference? The Bill should never have come before the House in the way it does, anyhow. That is the cement which brings the two positions together. Mr. Speaker, I have spoken for a long time. How long is too long, if it is good? I hear somebody say "too long. "

Mr. SPEAKER:
Order!

Mr. ADAMS:
I have spoken for a long time, but I do not believe that history will find that I spoke to no avail. When the history of this particular Parliament comes to be written, it will be found that in fields of every great victory there is a great defeat. But those whom the Gods intend to destroy, they first make mad, and that is the only comment which I want to make to the final answer to the speech of the hon. member for St. John who has just sat down. 7. 05 p. m.

Dr. the Hon. R. B. CADDLE:
Mr. Speaker, I have sat for a very long time listening to the arguments and counter-arguments on this Bill before us, but when this is stripped of its emotive appeals and the character destruction of various people, I wonder what the people who have listened to it would be able to get from it. The Greeks have been associated with the concept of democracy, but usually what many people forget is that the Greek thinkers of that day considered democracy as the worst form of Government, and this is expressed by Plato in his Republic in which he stated that one of the faults of democracy would be that the rabble

would elect leaders who would pay no attention to the rights of the aristocracy. Today and in the past weeks I have got the impression once again that we have people in this country who accept that democracy is the worst form of Government. When one looks at the structure of Barbados and, maybe, of other countries, there is a view among people who consider themselves to be the aristocracy, who consider themselves as the right people to determine what should be done by Government or how Government should be performed, that their right should take precedence over the so-called rabble. These people expect that the people at the bottom do not think and have no rights; but I would like to say that if you accept what democracy is stated to mean, and to my way of thinking it implies no other meaning than ruling by the majority, we have to accept that the people at the bottom by electing their representatives have every right to determine what should be done in this country.

One cannot move off on a first principle, if you accept democracy, that the people who are elected to represent the broad masses of a country do not have integrity and therefore 'somewhere along the line you have to put other people who have this so-called quality which defies definition and evaluation in the day to day affairs to survey the actions of the elected representatives of the people. One either accepts democracy or one does not accept it. I go a step further and say that if you find that the people whom you have elected do not have this integrity, then it is for you to remove them one way or the other. If one accepts this argument that you must put people who have this supposed quality of integrity to survey and overlord the actions of the representatives, indirectly you are accepting the contention that the electorate themselves do not know what integrity is, cannot define it, cannot evaluate it, and I wonder if this is the type of impression you want to convey to the people outside.

I do not share that view. One of the fundamentals I would like to know would have been established here, especially by the Leader of the Opposition, is what is a Constitution, what is it all about. Nowhere in the discussion has this been defined and I believe that that would have been a worthy first principle to establish. I am told - I am no lawyer and I am giving a non-legal approach to this matter - that a Constitution is a form of Government delineated by people in which certain first principles of fundamental law are established. Now what are these first principles? The first one is that natural law and natural rights should limit Governmental power. Now if one turns to the present Constitution you will see in Chapter HI "Protection of Fundamental Rights and Freedoms of the Individual". I would like to ask anyone who has read these proposed amendments if these amendments touch on the fundamental rights and freedoms of the individual. The fundamental rights of the individual, or, to put it another way, the. natural law and the natural rights are accepted all over the world as taking precedence over Governmental power or Government rights or the rights of the State, and this comes out of a belief that the natural law and the natural rights of an individual are God given and should not be interfered with by anyone. There is no indication whatsoever in these proposed amendments before us that Government has done anything to undermine the fundamental rights and freedoms of the individual. As opposed to the natural law and the natural rights of the individual, Government must have power. Now it is a question of how one sees this power, and in any free society one must always find that there are people who will not agree with you.

The other important fundamental in a Constitution is the theory that Government is opposed to the deposit of unlimited power anywhere. Can anyone who has examined these proposed amendments state that these amendments seek now to give unlimited power to anybody, either the Prime Minister, the Judiciary, the Governor-General or any person? In other words, are we upsetting the balance already established by the preceding or now existing Constitution?

Now another point of principle which is usually accepted in a Constitution is that the people who make the laws do not interpret the laws and therefore you have a judiciary which interprets the laws. Again, when one looks at the proposed amendments, one cannot say that the Government is bringing before this Chamber amendments which will give the people, that is Parliament or the Cabinet who initiate the legislation, power to interpret the legislation. None of these fundamental principles which I understand are the features of a Constitution are being interfered with or tampered with by Government.

What we have heard here this evening are emotive appeals directed towards the public of Barbados and, if one understands this society quite clearly, one realises quite rightly that many people in Barbados evaluate the topics or the statements not by the content of the statement or topic, but by the character or the features of the individual that is making those statements, and this is a serious weakness within the Barbadian society - that people do not attempt to evaluate things on the basis of their intrinsic value. It is a question of who says it and sometimes things can become so ridiculous in Barbados that people accept things as being true because they heard them on the radio or read them in the newspaper.

Now I have no quarrel with the proposed amendments. I have said so and I want to repeat that for the benefit of the Leader of the Opposition. I have stated on more than one occasion among my colleagues that I believe that the opportunity should be taken now in view of the fact that you have the right number of people to make other meaningful amendments to the Constitution, and I have no fear of repeating that any time and even now here. I feel that one should take a look at the Other Place. I feel that one should take a look at the. planner in which the Speaker of the House is being nominated. I feel that one should take a look at the Public Service Commission in its entirety, and there are many other things. One should take a look at the House of Assembly to see whether you want to increase its numbers when you abolish the Other Place. These are things which are to my individual taste, but I do not want anyone to take the view that, because this is my individual taste, I would like to see in the amendments that they can invite me to disagree or to come out and oppose the amendments in the full discussion of which I have taken part and arrived at this conclusion.

Now I would like to state quite clearly that a lot has been said about the manner in which judges are appointed. I do not intend to repeat that, but I would like to draw to the attention of hon. members that judges are human beings. They have their persuasions; they may be social, political, religious, economic or even as ridiculous as being a member of a lodge, and one of the things which disturb me very much in Barbados is that for a very long time the ordinary man has been asked to believe and accept that

whenever judgement is meted out to him it is done without any prejudice and he is getting a fair trial. 7. 15 p. m.

Therefore when the man at the bottom is hauled before some Judge or some Magistrate for having committed an offence and is berated and sent to prison, he has to accept that this was done with integrity and that he had justice; but when somebody else of a higher status in die community commits a similar offence and goes before a similar Judge and gets off with a conviction, reprimand and discharge, the man at the bottom is also being asked to believe that that individual has the benefit of justice and the integrity of independent Judges.

I repeat that the Judges are human beings. I would also like to stress that the validity or authority of any Constitution depends on the people who are responsible for upholding it. And if in Barbados none of the things which we now pretend are likely to happen have happened so far it is to the credit of the present Government that they have not happened. We. are upholding the tenets of the Constitution, and I would like to pose this question; that if the present Judges,, whom many people now consider as having this integrity, of having this sense of justice, were to resign tomorrow, and then on the next day be reappointed by the Prime Minister, would it mean that because the Prime Minister had appointed them on the following day that they are going to lose their integrity and their concept of fairplay and justice? Are you trying to suggest to me that the mere act of the Prime Minister appointing someone as a Judge is going to corrupt them?

I pose the question again. If the present Judges who are supposed to be people of integrity, fairplay and honesty resigned tomorrow and were reappointed next day by the Prime Minister, are they overnight and suddenly going to lose all of this fairplay, integrity and honesty?

The type of admonitions, the type of warnings which are being put forward are only intended to scare the people and bring them into a position against the present Government. The people of this country have every right to remove their elected representatives if they are not satisfied with them? and they will have the right in 1976.

What we should not be doing at this stage is to use this opportunity so to inflame the people of this country that they go and commit acts for which they may be later on sorrowful.

When one looks more carefully at the position of the Director of Public Prosecutions one has to look seriously at the principle behind that. As it now stands, that man has limitless power as regards prosecutions. Now, I am prepared to state that if certain prosecutions in this country have not taken place, it is because particular individuals would not commit or have not committed offences. It is because the offences have not been committed; and I would like to say quite clearly that if certain people

in this country did go out and start to put forward certain views or put forward certain actions it would be only a matter of time before the Director of Public Prosecutions would take action; and if he has not taken action, or if we are to believe at the present moment that the Director of Public Prosecutions is everything except a human being like all of us who have our faults, then I would have to deduce from that that the reason why the Opposition is so keen on letting the present state of affairs remain is that they have "their man in Havana" and they are certain that so long as they have "their man in Havana" certain things are not going to happen to them.

If any one can assume that, with all this power residing now in the Director of Public Prosecutions, there is reason for anyone in the, country to have any fear that by transferring some of this to an Attorney General, one must automatically start having fear, then I would ask the people to re-examine the principle because they would have to be wrong.

If you do not want the ultimate power concentrated in the hands of one person, then you should say so, and let us come out now and say that it should be concentrated in the hands of the Director of Public Prosecutions because within his judgement he can take action against any person, and the only reason whey we may get up and say that we feel secure at the moment that all of this power resides in the hands of the Director of Public Prosecutions is because we are convinced that he is our man or your man in Havana.

Now, I know from my experience as a Minister, that I have been facing serious problems in my Ministry; and one of the things which I have repeatedly questioned is whether or not the people in the Public Service Commission are attuned to the needs and the problems existing in this society nowadays.

One of the serious handicaps which a Minister has to function under, or cope with in his Ministry is that very often when you have people in your Ministry who have been sent out and trained and brought back to do certain jobs, immediately they are removed and taken to do jobs for which they have not been trained. Very often after you have been asked your views or to make your recommendations on an appointment, you find that your recommendations are ignored and someone else is appointed. In fact, I have come to learn that if you want a particular person appointed in your Ministry you do not recommend him.

I am saying all of this because I want to draw it forcibly to people's attention that much of the machinery which we now have in Barbados and which some are so keen in wanting to maintain is a relic of the colonial days, and I am convinced very much that one of the serious handicaps which the man at the bottom faces, be it social, economic or otherwise, is due to the fact that the machinery is still

colonial, and something should be done about it.

I personally would like to see the whole structure of the Public Service Commission changed, but one has to face realities in Barbados. If the present amendment is to bring about so much opposition and so much talk about dictatorship, what is going to happhen if the Government takes Smother course and goes to the extent of reorganising the Public Service Commission completely?

One has to realise that it is high time that we got the type of Civil Servant in the Government who is attuned to the needs and aspirations of the people at the bottom. That has not been so for the longest time. People in the Service, especially those at the top, are more attuned t6 people at the top. They do not respond readily and eagerly to the man at the bottom and this may be reflected in as simple a thing as people queuing up and waiting for service when somebody of a different complexion or a different status in the country can walk to the head of the queue and get attention while the man who has been there for a long time is being ironed.

We have a belief in Barbados that the Civil Service should function in a colonial concept, where they are to control people, where they are there to keep people ignorant, where they are there not to dish out information to the people who have elected their representatives to discharge duties on their behalf.

I say that there is nothing wrong in any Government, whether this Government or some other Government, taking a serious look at the type of people who have to discharge what a Minister or the Prime Minister needs to be done. I know from my own experience that very often you give orders and Civil Servants, because they are not in favour of them, do not carry out the decision. You find that you are frustrated. But then you have to answer the electorate. The electorate come every day and complain that they cannot get this thing done and you are left in a position of frustration.

I do not want to give particular cases. I have had to make a complaint to the Public Service Commission about the behaviour of a particular officer and I am left no way in which I can get any redress If they think otherwise. It hampers me, so I am going a step further than the people who are thinking in terms that because you want to appoint other officers in addition to the present ones there is going to be a breakdown in the Civil Service administration; because the main point is that if these people who now hold these posts resign tomorrow and are reappointed by the Prime Minister, are you going to tell me that suddenly they are going to lose their honesty and their dignity? If that is so there is something seriously wrong with this society, and we should examine the society rather than coming in here and criticising the amendments.

I am one of those people who feel that the society is not all right because we have people in this country who are still concerned about maintaining advantages for themselves and not doing anything that will redound to the man at the bottom. And whenever a Government sets out to redress this inbalance so that the man at the bottom gets something out of all the efforts of the Government, there are always people with vested interests, to get up and say do not do this or do hot do that.

I want to examine this - when you look around and see the various people who are complaining, the various people who have been sending in their memoranda or their resolutions, who are doing this? Are they really interested in the man at the bottom? When you take the Church for example, and look at the type of resolutions or memoranda which they have now submitted, and you look back at the history of the Church in Barbados right up to the present day and you go on to listen day after day to the type of jargon which is dished out Sunday after Sunday to the people of this country, can we seriously accept that these people are concerned about the man at the bottom?

The Church, outside of the Barbados Workers' Union, is one of the most powerful mass movements in this counttry. What are they doing to uplift the social and economic status of the people for whom they claim they are responsible? Let us be honest. What are they doing to uplift the social and economic status of the people they claim they are shepherding?

After many, many years you find that many of the people who go to Church still have their problems and they have to resort back to people like yourself and myself to solve their problems. It is strange that suddenly now, because the Government is in a position to make certain changes, they have this courage to come out and say that the Government should not make them. What we should like to see them do is to make a serious attempt to help many of the poor people of this country who are also communicants or members of these various Church organisations. Sunday after Sunday they get up and they preach down to these people. They tell them about hell fire and the type of things that are to come. They try to control the minds of these people rather than releasing them and allowing the people to be free and creative and to come to the highest limit of their capabilities. 7. 25 p. m.

Is this now the type of people one should be listening to? Tell me. If they are seriously concerned about the fate of the people of Barbados there are many ways in which they can make a worthwhile contribution to the country and help influence the thinking of the people and the decision making of the people, apart from passing Resolutions and condemning the Government which has been duly elected by the people.

When one looks at the Chamber of Commerce, the history of Barbados in the economic area will tell you what they stand for. Can they be taken seriously? Can they now be the people by whom we should be guided in coming to conclusions about what should be done on behalf of the people of this country? Are we serious? Can people in one area oppress the masses of this country so rigidly and without concern, to exploit as much money from them as possible with high mark ups, inferior goods - and I can

say this, because right in Barbados now there are firms who take their minced meat and when the colour has gone from it, they buy blood and soak the minced meat back in it, and put it back on the shelves.

There are firms who take the tripe, and when the tripe starts to smell, they wash it out and put it in fresh brine; and now we are being told that these are the people who have suddenly become concerned with the masses of the people. (Asides) Don't get there and say 'hush, ' because this is a fact, and we in the Ministry of health have now to be checking out and going into these people's stores and putting an end to this type of thing, and calling on them to destroy stocks of food which they are still trying to sell when it is unfit for human consumption. And yet we are going to be told, 'take a note of how the people in the Chamber of Commerce feel, take a note of how the Manufacturers Association feel, ' when from their day-to-day activities these people show nothing but sheer contempt for the masses of Barbadian people and are only concerned with amassing as much wealth as possible.

Let us be concerned about many of the employers in this country who today are not concerned with their workers. They are not concerned about the quality of food these people get, they are not concerned about the conditions under which these people work, they are not concerned with their housing or the conditions under which these people are living. Yet now-a-days, suddenly, we are being told, "Oh! they are concerned" and we must take note of the fact that they are making recommendations or they are passing memorandum on the proposed amendments. Can these people be serious? If they are serious they have to be involved in improving the lot of the man at the bottom. They cannot wait for an opportunity like this to try and see if they can use this opportunity as a manoeuvre to unseat a Government which has been duly elected.

One sees in this country too often that people seem to think that when you go at election time, you elect an Opposition. You do not elect an Opposition; you become an Opposition by default. But somewhere along the line we are being told over and over and over, "you must pay attention to what the Opposition says. " I do not mean people inside the House only, I mean the others outside too; you are told that 'You must pay attention to these people because these people should be given a hearing. '

Now we go at election time and you elect a Government, and when you elect a Government you give that Government the responsibility and the power to discharge and carry out things on your behalf. You do not go and elect an Opposition and tell them 'we have elected you, so therefore you go in and do things on our behalf. ' It is not done so. You all know that. If you all are that fortunate to become the Government of this country you all will dispense the Government of this country as you see fit. We would not then be in a position if we were in the Opposition to come and tell you 'well, you should do so and so and you should listen to us, ' and it is ridiculous now for anyone in this country to come and tell us that the Opposition should tell us or decide what we should do.

We are a responsible Government elected by the people of Barbados and we are concerned with the truism of this, but if we do not satisfy the people of this country, come 1976 they can give the Government to somebody else; we have no quarrel with that. That is their privilege; but what we are concerned about is the type of manoeuvres which are being made at this particular stage to see if one can unseat a Government or if one can get the people of this country uprising against the Government which has been duly elected, because, one of the fundamentals of a good Government is that it rests upon the consent of the people, and this party has been elected with the consent of the people.

We have not put ourselves here in power. We have been elected by the people, and that is one of the fundamentals of Government.

Now we have heard a lot today about people's behaviour. We have heard a lot about what goes on in other countries. It is nice to know what goes on in Canada, what goes on in the United States and what goes on in other countries, but let us look at Constitutions. Constitutions are either presidential - the type that you get in the United States, or parliamentary - the type that you get in the Commonwealth; and there is a strange and strong difference between the two.

Are we trying now, as we hear from the Leader of the Opposition, to introduce measures in a presidential constitution into a parliamentary type of constitution? We hear a lot of arguments being made about what goes on in the United States, but let us face facts. That is a presidential type of constitution. Ours is a parliamentary type of constitution. They are entirely different.

I am not saying that we should not have a presidential type of constitution but the fact is that we do not have one. We have a parliamentary type of constitution, and if we are going to take examples we have to take examples from countries which have a parliamentary type of constitution. We are failing to note this.

If, on the other hand, the people of Barbados decide they want a presidential type of constitution, or they want a Republic, that is a matter for them, but I do not think it is fair at this moment to get up and make these types of remarks which will allow people to believe that we are dealing with the same set of conditions and circumstances, so we can import overnight from the United States what is going on there, into Barbados which has an entirely different type of constitution.

Now if one goes a step further and one comes down to many of the other proposed amendments, one

finds that in many areas the Barbadian public is very silent on these matters. Now all we are hearing is that the concern of the people is about the Director of Public Prosecutions, the Attorney General, the changes in the definition of "public officer", the proposed appointment of certain officers by the Prime Minister and the appointment of judges by the Prime Minister. Now if you look at this seriously and we take what is going on in Barbados, as the hon. member for St. Thomas has stated, many things have not occurred in Barbados. If you look seriously at what occurred in Barbados before we became independent you will find that many of the things which went on in this country under the colonial regime, people accepted, and they accepted without grumbling because they accepted that an Attorney General had absolute power, and they accepted many things. 7. 35 p. m.

One other thing that comes out from this, to my mind, is that we, as black people, have absolutely no respect for another black man. We still feel under mental slavery. We have not freed ourselves mentally; we may have freed ourselves physically, and we still seem to feel that we are better off when we have white people doing certain things than when we have coloured people doing them. This comes out not only in matters like this, but right down to the level of employment where you may have one coloured man in authority over other coloured people, and they will give him hell. If you reverse the position and bring a white man and put him into position, you will find everything working smoothly.

Here, again, you will find that this comes out of the fact that we are still colonially minded. Here we find that one of the things we are trying to do is to pass it on as something worthwhile to be proud about that we can look down on our people, who look like ourselves, and feel more confident about people of a different complexion protecting our interests. We can feel more confident about people of a different complexion having all of this integrity and then we imbibe their standards and mimic their behaviour, rather than looking at our own people and trying to encourage them to have the type of behaviour and the type of dignity about which all of us could be proud.

Mr. Speaker, one of the biggest problems facing us is that many of the people who go out and become educated come back and be apologists for the same type of situation we want to eradicate. I am saying quite strongly that, when one looks at what has been going on in Barbados, from the point of view of actual Government, there is nothing that has taken place in Barbados to justify the type of fear, or the type of clamour, which we have witnessed here today.

In 1965 and in 1966 we heard so much about dicatorship; we heard so much about people's rights being suppressed, but what has happened since 1966 right up to 1974? Has any one been put in prison? Have any one's rights been suppressed?

Mr. SPEAKER:

Time.

Dr. the Hon. R. B. CADDLE:

I am saying that the events of this country from 1966 right up to the present underlines one thing that the Government which give? the authority and the validity to anything written in the Constitution - you can write anything in the Constitution, but if the people responsible for upholding the Constitution do not want to uphold it they will not do so. Putting something on paper in a Constitution does not make that valid and give it the authority as we seem to think it does.

Mr. SPEAKER:

The hon. member has come to the end of his time.

Dr. the Hon. R. B. CADDLE:

What gives it the authority and the validity that we are all talking about is the behaviour, the dignity, the confidence and the just conception of justice by the people who are responsible for operating the Constitution.

SUSPENSION OF SITTING

Hon. C. E. TALMA:

Mr. Speaker, I think this is a convenient time to take the recess. I beg to move that this sitting be suspended until 8. 30 p. m.

Hon. G. G. FERGUSSON:

I beg to second that.

The question was put and resolved in the affirmative without division, and Mr, SPEAKER suspended the sitting accordingly.

On resumption

Mr. SPEAKER:

The sitting is now resumed. When the House was suspended the Second Reading of the Bill to amend the Constitution was being debated, and to that we now revert.

Mr. FORDE:

Mr. Speaker, today I came into Parliament, probably, with great expectations and with the expectation that, perhaps, for the first time in the history of this Parliament, we would have heard a speech of great statemanship from the Mover of this Motion and that we would have heard cogent and reassuring reasons why it is necessary at this time to introduce some of the changes which this Bill seeks to introduce.

I am deeply saddened that at the end of a speech characterised by personal attacks, a speech characterised by a lack of clarity, a speech characterised by a lack of clarity of thought, and a speech characterised by blusterings, political expediencies, the Prime Minister has sat down and condemned himself in history's book as a man lacking in greatness.

I want to make it quite clear, before I set out on discussing the substantive provisions of these constitutional changes, that, In my short 41 years, I have never carried personal grudges, and I never seek to attack people, unless I am attacked, in their personal capacity. Mr. Speaker, I do not think that I need to justify with most people and, indeed, with members of this House that I would not seek by purchasing a property near to a Judge or indeed, by being associated as a friend of a Judge, any more than I would seek by being a friend of yours, or a friend of many of the hon. members on the other side, to exercise any influence over any person's independent discretion. Were it not for the fact that the Prime Minister had the benefit of radio, I would have treated his remarks with the contempt which they deserve. Suffice it to say that I believe that his personal vindictiveness towards me sometimes over-rides his normal reason, and I would say no more of that.

I want to talk tonight, however, about why I think I would have hoped that on the side of the Government there would still have been some member left with a degree of independent judgment and a degree of objectivity to look at the nature of dissent in this country, and to recognise the right of people to dissent and to dissent with some degree of bona fides, if there is one thing which this debate has satisfied tonight, it is the conclusion that good men in this community, and in that category I include good women, must need be cynical after hearing die speech of the Prime Minister. His whole argument amounts to just this, that anybody who has had a contrary view in this matter, no matter how sincerely held, no matter how genuinely argued, by merely having that contrary view, is a nonentity lacking in any

sense and should be discounted. It is a great tragedy that this little country of ours has not yet learnt to appreciate that not only one segment of our community, one political party, is interested in the progress of the country as a whole, but there are several others who feel equally strongly about the direction that we should take.

Now, I could cite to you, Mr. Speaker, many learned theses on the nature of constitutional changes and amendments. Anyone who is speaking on this Bill must recognise that die Constitution provides the method of changing the Constitution, but a close analysis of the changes taken in the Constitutions of other countries will show that there have always been certain primary forces which have influenced change. In this particular Bill, after I have considered the speeches made so far on the

Government side both in and out of this Parliament, I can see that there are only two forces at work. The first force is what the top will describe as the increasing power of the executive, and the necessity of the executive to arrogate to itself wide areas of discretion in the day-to-day running of the lives of people. 8. 35p. m.

I think the Government would have come cleaner if it had made a true breast of this and said that that is what it is after, more power to the Prime Minister.

The second force which seemed to motivate or influence the amendments in this instance is the influence of the party. Mr. Speaker, nowhere in our Constitution have we institutionalised the concept of party except perhaps in so far as we provide for a Prime Minister and a Leader of the Opposition. But it is an undoubted fact that with the increase of executive authority in the new commonwealth countries in particular, the party and the wishes of the party have become synonymous with the wishes of the people, and I regret to say I have heard that argument very strongly advanced first by the Prime Minister by saying that if there is dissent then he represents the 51% who voted for him at the time, and by my friend, the Hon. Minister of Health, who says that the Party has spoken and if you are an elected representative of the people, then you know what is right for the people. Undoubted authorites such as we hear on Constitutions, analysing this concept of the people, have always had to recognise that the concept of the people varies according to who is in power and what they mean by the people, and that the real people are very seldom consulted. When one comes down to the nitty gritty of it, it depends on what, in the final analysis, in this case, the Prime Minister and his Cabinet, want. Therefore if we can take this argument to its logical conclusion, if the Government considers it right to amend the Constitution in future to abolish the Opposition, then for the next five years that is what the people want, because the people have eighteen votes over there. If the Government considers it right to abolish a fundamental system, then the Government has eighteen seats, so the Government may continue to do this.

Mr. Speaker, I have never bought that argument. I believe that Governments of men can be as tyrannical as the Government of one, and that it is neccessary for us to look instead at all of the conflicting forces in our society to see whether we can evolve a pattern of Government which is more suited to our circumstances. There are reasons, therefore, why some of these provisions are objectionable in the context of

Barbados. Barbados in this respect is similar to Trinidad and Tobago and I commend very strongly to this House the comments made by the Wooding Commission when dealing with the difference between a democracy such as ours and a democracy such as as England with the Westminster model, and, with your leave, I crave your indulgence to read from paragraphs 31 and 32 of that Report. This is what Wooding said: -

'Despite the formal correctness of these observations, -that is about the British system - there are extremely important constraints which limit the power of the Prime Minister. The British Prime Minister always has to be sensitive to the fact that there exists in Britain a vigorous press, powerful interests, groups and an alert public opinion. Freedom to criticise is an institutionalised part of the political process. There are things which the Prime Minister knows he cannot get away with and failure to recognise these limits has often led to disaster. The British Prime Minister is also continually influenced by what his Cabinet colleagues think as well as by the sentiments of backbenchers of his own team which he is always careful to monitor through party Whips. While there is a great deal of deference to the Prime Minister and to authority in general, the British public has a high degree of competence in its capacity to influence policy and does "so continually either by the actions of individuals or more often through organised groups. There is also a large and vigorous academic community with a long tradition of political participation as contributors to Government policy and as critics to Government. This participation is not" held to be inconsistent with their professional status. Their stance is never "regarded as either subservient or subversive. The same cannot be said about Trinidad and Tobago, a society which has just emerged from the fetters of colonialist !; Here democracy is still a very tender plant Heeding a very great deal of care and nurture. If anything, the political culture can be characterised as being highly bureaucratic. There is no deeply entrenched tradition of political comment and commitment and involvement on the part of better off people in the society. That which existed during the colonial era at the national and local level has long since disappeared. Few people have bothered to seek information about or attempt to influence the outcome of public policy in a systematic and organised way. The public still very largely believe that policy making is a matter for them, the Government, and not for us the people. "

He goes on to say that the few who make efforts to contribute to policy making often found that their efforts were not seriously entertained. That conclusion of this learned commission is as valid of Barbados as it is in my submission valid about Trinidad and Tobago, and therefore in that context, when we are looking at our Constitution we must consider that there are various defects, there are various hiatuses in our set-up which make it incumbent on us to consider very carefully the balance of power and the balance of forces in the community. Can anyone doubt in this House after hearing the Prime Minister that he is a man who does not appreciate the right of anybody to dissent from him? That he is a

man who cannot understand decency in public life when you have your own private opinion that does not agree with his? That is the person that we are talking about and the increased powers we are going to give to him. That is what we are talking about, and it is for these reasons that people have had very strong doubts about the motives and the reasons for the changes being recommended 4by the Government.

I am going to deal principally with the reasons for judicial changes. I have listened very carefully to the Prime Minister, and nowhere has he said that the Judicial and Legal Service Commission since its inception in 1956, first, as an advisory body and then, in 1961, as an Executive body has failed to perform its duties properly. If there is one concrete instance, he would have been in duty bound in this debate to reveal it to this House, and to the country at large. Not one instance has he given. Let us go further. If the Judicial and Legal Service Commission has failed the country, why is it competent to appoint the magistrates who dispense more justice in this country than the High Court Judges, and incompetent to appoint the four judges who constitute the Supreme Court of Judicature of this Island? Let us take this argument seriously because the argument here is that there is more efficiency in the new method being suggested than in the existing method.

One of the reasons is that the commission, although he touched upon this lightly, has not got the facilities for consulting and finding out whether people are interested in appointments. That is a joke. Every commission has that facility, and that is a mere administrative detail which lends itself to easy accomplishment. So that argument does not hold water at all. 8. 45 p. m.

Let us deal with the question of the Prime Minister who said that there is one member of the Commission who told him that he objected to the re-appointment of Mr. Justice Ward. Is that a serious reason of substance on fundamental matters on which to make a change of this nature in the Constitution of Barbados? One member of a Commission constituted of five. If the Prime Minister respected majority judgment he would not have run like peeping torn carrying the message of one member rather than respecting the views of the majority of the Commission.

I want to make this absolutely dear, that today he has discharged himself to the Caribbean on a subject without giving any reason to justify the necessity for a change. One question that we must ask ourselves therefore is that if there are any reasons for changing the present method, will the proposed changes lead to any greater efficiency?

The Prime Minister tells us that it does not matter how they are appointed. The Hon. Minister of Trade says that it is not of great importance. If it is not of great importance, why is it of such great significance within the Party that there must be total commitment to this change?

I want to move off and deal with the question of the Director of Public Prosecutions. Let it be understood that the office of the Director of Public Prosecutions was first introduced into the historical process of Barbados in 1964. It was not a measure introduced by the Barbados Labour Party. It was a matter introduced by the Democratic Labour Party.

Am I to understand that that measure was a wrong measure in 1964? I go further. Am I to understand that the framers of the draft Constitution made an error in 1966 when they wrote in the provisions which now exist?

Mr. Speaker, that Constitution when it was first introduced in Parliament and offered to the public at large was characterised by the Prime Minister himself as a Constitution not coming from colonial masters, but as a Constitution framed here in Barbados, and framed by his party and his people. It was no colonial Constitution.

That was in 1966. The proposals which he now seeks to change are proposals which in 1966 were implemented by him -and not by the Barbados Labour Party or the Barbados National Party which was then the Official Opposition. They were not proposals that the Colonial Office asked him to introduce. They were proposals written in in that first draft. If members will study the first draft they will see that the Government themselves brought these proposals and had them in.

Now, Mr. Speaker, if the Government seeks to alter these proposals which received the unanimous acceptance of the political party and of all the other political parties at the time, one would expect them to give more cogent reasons than those given in this debate or at any time.

But I am told that politics is not about what is ideal. Politics is about what is possible. The hon. member for St. Michael West likes to say that in here is no Sunday School, as though going to Sunday School is a bad thing. But it is about time that some of us got back to Sunday School when it comes to these fundamental issues; because when you look at the whole gamut and nature of the changes that are of substance, they are concerned with increasing the power of political persons and taking away power right down the line from other persons.

The same goes for the political Civil Service. The Foreign Service, we are told, has to perform functions of the Government overseas, and the Government is very concerned with the image which it cuts overseas, as though the Government should not be concerned about what image it cuts in its own country. A country like Barbados must of necessity have only limited foreign affairs. The accent must be on what happens in Barbados more so than what happens with our external affairs. I do not buy that

argument either. It is extremely unsound and it is not genuine.

The necessity to control the Foreign Service will invariably mean that the Prime Minister will have more political leverage in his hands. What is wrong, I am asked, with that. What is wrong with that is simply this, that every time I see political patronage in Barbados I become very bothered, I become very bothered when I see that the party card becomes a passport to jobs in Barbados. The Leader of the Workers' Union should know that.

I have advised many members who supported me to go and join the Democratic Labour Party to get jobs in the School Meals Service and what not. I do not care who criticises. I tell them to go and join and get jobs down at the Barbados Marketing Corporation. There was a man who was fired from the Barbados Marketing Corporation because he expressed views sympathetic to the Barbados Labour Party.

People are merely hiding their heads in the sand like ostriches if they sit over there and believe that today in Barbados the party card is not a stepping stone to success. There are many Civil Servants that you know have jumped on the party's band wagon because they think that it puts them on the road to promotion.

I have heard the hon. member for St. Michael South Central say in this House that if he had to make an appointment of any two persons for any job, and one had his party card, he would plump for his card bearing member first.

And, Sir, one must recognise that political patronage is becoming the order of the day. It is all very well to say: What would you do? Let me state that I am informed of the saying that no government can be a government of perfect people. Perhaps some of us are idealistic. Perhaps some of us want to see the best for our country regardless of whether we are in the Opposition or on the Government side, and perhaps would project our ideas on the thought of Barbados in the 20th Century becoming a model of democracy. Perhaps those of us who do this are ahead of our times and it will take many years before we reach that stage; but it would be a great tragedy if at this time some of us do not advert - no matter what the numerical strength against us - to the necessity to re-establish these principles in the constitutional life of this country.

I Would have thought that the Constitution, if it is to be amended, would have given a comprehensive

look, a look at the whole Constitution in an objective fashion to see how it could be improved to the betterment of all the people and not only to the betterment of the party in power, and improved for all times.

I would have thought that the Government, instead of denigrating the church, instead of denigrating the Barbados Manufacturers' Association, instead of denigrating the Employers' Confederation, instead of denigrating the Opposition, instead of denigrating individuals, would have found time to listen to their views and to consider them objectively to see whether they were not leading to an improved Government.

I can never agree with a Constitution which contains massive discrimination against women. Here is a Government interested in progress and equality, and we get constitutional proposals which themselves discriminate against women. Here is a Government which should be serious about giving equality of treatment to women, and it brings down a constitutional amendment quite opposed in regard to that. Here is a Government which says that it is seriously interested about youth, and I wish that the Minister of Education and Youth Affairs would take note, committed to youth in this country, and it maintains in the constitution a provision which would prevent an 18 year-old, which is the legal age, from sitting in this House as a member of Parliament or as a member of the Senate.

Here is a Government which is serious about maintaining the efficiency of the political process, but it maintains a position where the Opposition has only two members in the Senate, and it has so subverted the whole process and the intent and spirit of the Constitution that the independent Senators are no more. They are no more. 8. 55 p. m.

This is to be perpetuated regardless of whether we want a second Chamber or not. I for one do not believe in a second Chamber in these small Commonwealth countries because we encourage the evangelical types who will listen only to what is given them over the telephone, and who do not exercise independent judgment, who two weeks ago would not know what the Constitutional changes meant but who overnight would become authorities on constitutional changes. We encourage those types who would join parties simply in order to court, not because of their fundamental beliefs but simply to court and curry favour.

I want to say this. The Government will pass this Bill on its numbers. It will pass it willy-nilly because the Democratic Labour Party has come to the stage where it is so fixed on the will of one man that you have almost 18 faceless men lacking in conscience in this country. (Aside). I am not minding the one lady tonight.

It will pass this Bill because the Democratic Labour Party believes that by abuse and vilification and the subversion of people by pressures, by giving them jobs, that that is the way to maintain power. But let it be understood, regardless of what happens, there are still some of us, and that is why I take the insults, because there are still some of us who believe that respect for law and order, respect for fundamental rights, respect for the views of others outside, and the right to dissent are more important than currying favour. Mr. Prime Minister, there are some of us that you could live around all your life, but you could never buy. I happen to be one of those.

Finally, I will read for you, Mr. Speaker, with your permission, one passage from Cicero that is very timely, a very timely reminder to members of this House. He was talking about a similar situation in his country where they were subverting the lawyers by appointments, and this is what he says: "Power and the law are not synonymous. In truth they are frequently in opposition and irreconcilable. There is God's law from which all equitable laws man emerge and by which men must live if they are not to die in oppression, chaos and despair.

"Divorced from God's eternal and immutable law, established before the founding of the suns, man's power is evil no matter the noble words with which it is employed or the motives urged when enforcing it. Men of good will, mindful therefore of the law-laid down by God, will oppose Governments whose rule is by men, and if they wish to survive as a nation they will destroy that Government which attempts to adjudicate by the whim or power of venal judges. "

That was Cicero who subsequently died. Let us not give up. There are still a few of us who will eventually save Barbados from the stagnating death of the Democratic Labour Party.

Mr. SPEAKER:
Why all that noise in the Gallery? You are here on sufferance. Order!

Mr. WALCOTT:
Mr. Speaker, the Hon.

Leader of the Opposition was permitted today to say that the Barbados Workers' Union was afraid to - the Barbados Workers' Union had agreed to keep its silence as a trade for the Government not passing some Bill that the hon. member has spoken about

Mr. ADAMS:

Mr. Speaker, on a point of order. The hon. member is misrepresenting what I said and by the misrepresentation he is obviously ascribing bad motives to me. I called on him to deny the rumours that this was the reason why the Union has said nothing. I never gave them weight myself and he is putting words into my mouth which would put me in breach of the Rules.

Mr. WALCOTT:

He was allowed to get in this House and say that the Barbados Workers7 Union - I know he was going to get up - he talked about silence because we are trading something to get something passed. The hon. member could come in here with resolutions from the Chamber of Commerce, the Barbados Employers' Confederation and the Barbados Manufacturers' Association - this unholy alliance you can find with a political party that professes to be representing the people, organizations that have been keeping the people down. AM the prices have been going up all day long and now he is coming in here as being a standard bearer. For whom? The Chamber of Commerce? People who have never entered political life before? For whom? The Barbados Employers1 Confederation? But when they were giving grist to the mill, when they said the Prime Minister said that - yes; the Prime Minister must bring down a Bill to keep the Barbados Workers' Union - when they said the Prime Minister decided he was going to bring down the Bill and it was expected that they would agree to that Bill, where was the hon. member for St. Thomas? He had no word to say.

The Prime Minister is free to bring whatever Bill he likes, and the Barbados Union will stand here. The hon. member's party tried at the Union for the last twenty years and they have failed; that is why they are in here with six members.

Let me tell you what they said at the last election (Aside)

Mr. SPEAKER:

Order! Order!

Mr. WALCOTT:

They put me out of the House, in St. Peter, and I am back in here with you and all of you; I am back in here with a party and you are in the Opposition. I am still in the Union. You tried to get me out of the Union too by the vicious methods which you chose.

In 1966 you were a party to the under-forties. Now you are a party to all of these groups and all of the amorphous organisations that you cannot identify when you get pass the President and the Secretary. Let us consider the National Organisation of Women. After you pass the name who do you meet? When you pass all these organizations like the Mothers League, the Church Army, the Church Lads Brigade, you look and say all these organizations are representing the people, but we here who have come back with 18 seats, we do not represent the people but you with six, with amorphous groups trailing along behind you, are representing more people than we do.

The people of Barbados in that election, our first since independence, faced a critical decision. Throughout the Caribbean there is a wave of unrest and dissatisfaction. These are becoming your stock words. Barbados is no exception. We have always prided ourselves and boasted about our honest Government, our superior system of education, our great sense of social justice. 9. 05 p. m.

"Ten years of D. L. P. rule has, however, introduced into Barbados new standards of dishonesty in Government, new standards of gross wastage of taxpayers' money, hew standards of inefficient educational policy, new standards in the form of an elite consisting of a small group of manipulators and go-between men whose only aim in life is to utilise personal association with Ministers to further and advance their economic interests.

The country is fed up with the distortions of our standards, the broken promises, the sloppy planning, and the inability to face the challenges of the young in society. "

They go on to say:

"We appeal to the electorate in this election to endorse our policy by giving us a substantial majority of Parliamentary members so that we can get on with the business of restoring good and decent government in Barbados. "

Now, you went to the people asking them to give you a substantial majority after telling them that we are villains, rouges, vagabonds, and so on. You are now asking us to turn over things to you. You did that three years ago and failed. You did that eight years ago and failed. What must we do now? Must we abdicate from pur position now and turn it over to you? What do we find? You can align yourself with the enemies of progress in this country. You can align yourself with all of the people who have kept us down. We would have been in slavery. The father of the hon. member for the City was the standard bearer of the Conservatives, and he has inherited wealth as a result of his father's position. They have given nothing to the people. There was no social justice. (Asides.)

Now, I cannot be sorry for my friend. If he can find solace in a party that was going to be destroyed - if his father had the power 20 years ago there would have been no Labour Party in Barbados. He was

one of the bitterest enemies of the Barbados Labour Party, but I say that politics can make strange bed parties. 1 do not want to argue with you, because your father said that if he saw you over there he disinherit you. That is not your fault. He is dead, and I do not want to say anything more about him. (Asides.)

My. Speaker, I do not have four hours like the hon. member. The hon. member for St. Thomas spent three hours talking, but he only spent half an hour on the Constitution, because the Constitution does not need the Judges. 1 will deal with the Judges now. The hon. member spoke about the Constitution. The only people who have been talking on the Constitution, apart from the amorphous group - a newspaper like the Advocate-News - Read what the Advocate-News said on the 27th July, 1937, if you want to know whether it is a newspaper that says anything about the people. I am referring to the occasion when the people had to rise up in this country. When they talk about freedom, this is the freedom of that newspaper. A letter was written to them by the Union setting out what happened to Mr. Nixon. The letter stated:

"The Union reiterates its stand (now that Mr. Nixon has resigned) that it does not take any pleasure in rejoicing at the downfall of an important national figure; at the same time the Union takes the view that national figures must set examples and inspire public confidence. National figures are not only politicians.

The Union disagrees with the statement made by the Advocate-News implying that if such a situation had taken place in Barbados among the politicians it would have passed unnoticed. "

The hon. member for St. Thomas today made passing reference about these things that we have to deal with. What we were saying was that we did not agree with Mr. Nixon, but we made it clear to them that there are people in Barbados who have committed crimes and they would not say anything about them. We went on:

"The Advocate-News, as the only national daily newspaper, should not be the one to say this because as a powerful news medium it is in a position to influence public opinion. The statement by the Advocate-News stems from the attitude taken by the public press. The press has been easy on powerful people based on the interest they represent. "

They never came out against the Chambers of Commerce. The letter goes on:

"The Union is satisfied that a powerful banker or an industrialist who misbehaves himself in Barbados would escape unnoticed and unscathed from the scrutiny of the public press. An unknown citizen living in some remote village in Barbados, however, would receive publicity for the simplest infraction of any law no matter how trivial. " Now, they never published that, but it is a fact. I can say something, Mr. Speaker, that will shock you. You are a member of the legal profession, and some of you, at times, cover up for some of your clients. Do you know the number of people in this country who got into trouble by killing people on the road and were never even taken before the Court? Some of them represent some of the biggest people in this country. A man was driving one night intoxicated with another lawyer at his side, but what happened with the man who was killed? Go and ask the press. That case would never see

the light of the day. If it were a little man from down in Dark Hole they would have been hounding the man down. They talk about corruption, but I do not want to say anything at the moment. 1 am only waiting on some of them. I do not want to say anything about the hon. member, but I am in a position to know - (Asides.)

Mr. Speaker, L would say something here this evening. The hon. member has not done me anything, and I am going to withold it. As the Prime Minister has said, better judgment is going to make me with old it, because I do not think it would be fair to say it. When I hear the other side talking about people over here being corrupt, I want to know what they are talking about. The Prime Minister dealt with Judges today. Do you think the hon. member for St. Thomas and the others over there can tell anybody about corruption? The members over there were glad enough when the Government was paying out more money. Some of them over there asked me to go to the Prime Minister to see if I could get $200 more added on to their salaries, and I went to him. I was negotiating for them and I went to the Prime Minister. When it comes to the question of money, money seems to unite us. (Asides,) What are you saying about a different statement from the last time?

Mr. SPEAKER:
Order! The hon. member will have a chance to speak.

Mr. WALCOTT:
He ought to be the last person to talk. They said that they should get 50% of what the Ministers got, and I went to the Prime Minister about the matter. They know that I negotiate for money for people, so they sent me as a good negotiator. ' This talk about corruption is merely what the Trinidadians call "mammaguying". Do you think they would have the effrontery to look the electorate in the face? They come in here with a whole bunch of Resolutions from the Chamber of Commerce, the Barbados Employers Confederation, the Manufacturers Association, and so on. It shows where you are. If you are on that side, you must stay there. Tell them that we say we are going to vote for this. Go and tell them that the Union say we are going to vote for this, and I am speaking on behalf of the members I represent. We are going to have another meeting on Saturday at our Union where there will be 300 members. You can come to that meeting and tell the people to get rid of us. 9. 15 p. m.

We are not here on sufferance. We are here because we have been elected to be here, and we are not here because we were not challenged by you. Let us deal with the judges. The hon. member is a constitutional lawyer, but I do not believe he has read Laski in "A Grammar of Politics". If you ever read a document like this - I do not think you went to the London School of Economics where he was one of the lecturers - you will see that he made it very clear in this book about the appointment of judges that there are different systems. He condemned the American system that the hon. member spoke about today. He said that of the two systems there is a system in the United Kingdom, there is one in Europe, one in Switzerland where there are appointed, but all the countries in the world carry Supreme Court Judges through a Legislature of some form. The political element is there. In the United States the President appoints and then it is confirmed by the Senate, a political body. The American system breaks down even at the District Judges because you are elected like some of us in here to be a District Judge.

Laski said this is not a good system because you are dependent not on the favours of one man, but you have to line up looking for votes, go canvassing and send out your canvassers looking for votes, and he says it reduces the judicial mind at some level to the spirit of canvassing.

Under the English system, it is the Lord Chancellor. The hon. member for Christ Church West knows this. I heard the hon. member for St. Thomas, a man trained in England, say that he likes the American system; but he likes the American system today because this is a British system. Tomorrow he would like the British system when we introduce an American system. What the hon. member for Christ Church West says has an element of truth in it, that with any party that is in power there is a certain amount of political patronage that goes with it. The Barbados Labour Party was in power for some years and political patronage went along. It is inevitable. The people who vote for you are going to expect you to do something in turn. What the devil would you vote for a man for if in turn he cannot do something when the occasion comes. This looks like nonsense and this is no pretence. Let us take the hon. member logically. He said that a lady came to him and said she wanted a job, and because she is one of his supporters he advised her the best way to get a job. He did not turn her away. So if he had the power, instead of sending her he would place her. (Asides.) He said "no"; he will change the system. He wants to be a second Christ. Christ got crucified 1900 years ago, and he will be crucified now for giving a woman a job. Do you believe that deserves crucifixion? That is nothing for you to be crucified for. Any of us in politics would have to help those who voted for us, if not we should not run in an election, because this is one of the inevitabilities of politics. It is like somebody coming to borrow a piece of change from you. You can duck them some of the time, but you cannot go on ducking, because somebody will corner you one morning and you have to come out of your shell.

What is the point of the hon. member saying what he did about the Attorney General? The hon. member knows that - and I am sorry the hon. member for St. Thomas is not in here - when we moved from the sort of Bushe Experiment into ministerial government, we gave the people the vote. The people you brought here today could not vote and their fore-fathers could not vote. We have given them the privilege to do what you got them to do. Twenty years ago you could not have brought them because they could not vote. An unemployed man could not vote before, but we have made it possible for the unemployed man to have a say in his country; so he is not a voteless animal anymore. Twenty years ago when we were having to fight for this sort of thing, he was the man that the same people you are joining with,, the Chamber of Commerce, said were too ignorant, too illiterate. You had to have a reading and writing test, and everybody did not get a vote until 1951. We moved from the Bushe Experiment until we went into ministerial government. Do you realise that Trinidad and Tobago, Jamaica and Guyana had ministerial government before Barbados, but in each country they had a Chief Minister? I went up to the Colonial Office with the then Primier and Leader of the Government of Barbados because we said we did not like the idea of a Chief Minister. Barbados was the first country in this area that had a Premier because our constitutional position was different; so do not ask us to go through the same dressing with our Constitution. We had a Premier although Jamica, Trinidad and Guyana had ministerial government before us. Did anybody cry about that? The same Advocate was saying you should have an election before, but Adams was a good constitutional lawyer. He said that the people had elected him already and he was having no election, and in

1951 there was an election but ministerial government was brought in in 1954. We have a situation where the whole constitutional position of Barbados had been escalating on our own steam with nobody prodding us. The hon. member's father would turn in his grave to find what he would be bringing in here now. Go back and read his speeches and see if you would find him coming in here with Resolutions from the Chamber of Commerce. These are the citizens with power that have been keeping this country down. I heard the hon. member for Bridgetown say we should deal with some of the prices and things like this. I agree with him; the constitutional issue is not the biggest issue that is confronting this country. The economic issue is more important than the constitutional matter, because the judges are not a big thing. Whoever you appoint as a judge, or whoever appoints the judges, those who come before the law will go up and spend a night. People will get up early on mornings and bathe their skins; so Glendairy Prison will be the same place. If there was anybody to be afraid of any of these things, it should be me. I represent a Trade Union.

I have a book here and I would. 'invite the hon. member to read it. This is "Law, Class and Society" by D. N. Pritt. I do not believe you would read Pritt; he is too left for you all. You would read the right wing men. Pritt is a socialist. His whole concept about law as it should apply to the human being is different from the idea of law. He is the man that defended Jomo Kenyatta when all the other lawyers were afraid. He charged so much money that you could not begin to ask him, something like £20, 000 or £30, 000. I should be more afraid because in this you can pass laws, and in some of these things the Trade Union is always going to be in conflict with some law and the Attorney General, and when you get that you will tell the Government to do something against the Trade Union.

The hon. member for Christ Church West is the lawyer for the big six. He used to be our lawyer, and I have some of his opinions over there, but we could not compete with the Chamber of Commerce nor the Barbados Employers' Confederation, but here it is now we find that the same lawyers that went up to London with the Constitution are the same lawyers that are advising the Barbados Employers Confederation and the Barbados Chamber of Commerce. What we find is this: the lawyers feel that if they can work up a little thing in the community - and this is where I agree with the Minister of Health - to make it believe that they are giving this man too much power, this is a good thing. They have the idea that the Prime

Minister is some super-headed monster who has eighteen ears, and that is why the hon. member on the other side said that we are like marionettes. It is not that, that is an inverted complex. You all are afraid of him and you cannot match him unless you curse him and say he is a dictator. If I do not agree with him, I tell him so, but what you were looking for was for the Union to disagree on this, because the happiest moment in Barbados would be to hear that the Prime Minister and I are at it, the pot cover is broken. That is what the whole world is looking for. Some of you must have some dreams at night that

myself and the Prime Minster were really fighting. 9. 25 p. m.

This is more the problem. Unfortunately it was the problem in the Labour Party. There were some members in the Labour Party who had the idea that as long as I was in the Labour Party I would prevent them from becoming Premier. When the time came that I moved out I said I wondered if they would feel happy. I do not have any ambitions to undermine people. I have never been in for undermining yet. I am not constituted that way. I had to start from too low down to be an underminer. I had to work too hard.

Now that the hon. member has come back - he made that scurrilous remark about the Union that we expect something from this. It was like what the hon. member was saying to the Prime Minister in another remark; but the Prime Minister did not hold him down in the same way I would hold him down about the Union.

I said I was not going to say anything, and no temptation will make me say it. When the hon. member made the remark about the Union I had to get up and challenge it because it imputes that the Union is a salt fish organisation - that if you give me salt fish I will give you biscuits.

The Union is a collective organisation. When we have a confrontation we do not have to beg the Church Army, the Church Lad's Brigade, the Anglican Young People's Association and the Civil Service Association. We do not beg anybody to help us. We come right out and say what is the position against any person no matter who the person is,

If the Government passes legislation or introduces it - it will not frighten us and we told the employers so when we had a dock strike, and they thought they could do something to frighten everybody; but they cannot frighten me.

You are afraid of the Prime Minister. I do, not have to be afraid of him. I am a member of the Party and if I do not agree with the Prime Minister I have a forum from which to tell him so; but you all do not think that I have the political sagacity to know when and how to act.

You all believe that I am one of those street pedlars who says to whomsoever pays him that he is willing to sell green limes. I am not selling limes. I am a politician of some years' experience. You say now on an issue like this that what you all say is fundamental when really no judge is going to be affected - judges have security of tenure. The Director of Public Prosecutions has security of tenure. And

they have added under the Constitution, other people.

But you know what it is? As the Hon. Dr. Caddie said, because you are offending middle class people you get them coming together. What are you going to say rebounds on anybody in this Constitution? Do you think that this is a new French Revolution? Do you want to turn this into a middle class revolution? Wait until the man down at the bottom is offended and see how many will come out on his behalf.

Mr. CRAIG:

Mr. Speaker, I have listened attentively from 10. 30 this morning when Father Springer with prayers opened the meeting until 9. 30 this evening. Sir, I heard first the Chairman of the Cabinet and the Leader of the Government Party; and I, as a citizen of Barbados, listened with rapt attention.

What I discovered, Sir, was that his speech was like Rambling Rose. Only for a half of an hour of that time did I hear anything that would be an explanation to Parliament and to the country. The Leader of the Opposition dealt with it in a manner that I believe all Barbadians would be absolutely proud of. Then I heard the Minister of Health, and he reminded me of his famous speech in the Lower Green in 1966 - riding a horse with both legs out and not knowing where to go.

But I am paying the Prime Minister the compliment of being a fine tactician. We went on to hear and to witness a display on a matter as serious as this that would not even have done justice to "Gear Box". I could only conclude at the end of the speech of the member for St. Michael West that he brough "Gear Box" activities into Parliament. We saw him jumping from side to side, shouting and amusing his colleagues, and having no where to go or absolutely nothing to say.

That was the contribution of a man from whom, I may say, I would have expected a very high contribution, since he has been exposed to such large organisations as he has had to address for a large number of years. It is regrettable that he has not yet mellowed down. What did he say really in his speech? Or what really did the Prime Minister or the Minister of Health say?

All that we heard was that the Opposition was defending a Resolution sent to the Leader of the Opposition or sent to the Prime Minister and copied to the Leader of the Opposition, expressing grave concern about the amendments to the Constitution of this country. We heard about the Bishop of Barbados, unfrocked. We heard about Revd. Phillip Saunders. We heard about Mr. Clyde Bromes who was a Pope in their Party. He worked with me at Manufacturers Life and we had bitter arguments and he is not even a member of the Anglican Young People's Association. He is a Pilgrim. " Holiness Church Superintendent at the church in Welches; but he had to be hauled over the coals. Was this necessary?

And what is the AYPA asking for? And the Jaycees with 300 members - what are they asking for? We heard quite a bit about the Bar Association, very little about the Barbados Manufacturers' Association and we heard about Mr. Lewis' Employers' Confederation and the Barbados Chamber of Commerce.

And not one single voice was heard over there honest enough to say that here were citizens of Barbados expressing their own views on the Constitution of this country under which they have the right of freedom of expression, which is a very fundamental right. That is all that they were asking; since they could not meet the Prime Minister or probably members of the Cabinet to discuss it with them they paid the Prime Minister and the Leader of the Opposition the courtesy of sending in resolutions expressing concern about the changes in the Constitution.

But, Sir, we heard from the Prime Minister and from the member for St. Michael West and to a lesser degree from the Minister of Health a castigation of the Bishop, and the Employers' Confederation, and the Barbados Chamber of Commerce. 9. 35p. m.

Is it relevant? We heard this in 1966, we heard it in 1971 and we are hearing it again in 1974 - a serious matter of this nature.

Now I say, Sir, it is regrettable - although the hands of democracy are supposed to be at work - it is regrettable, and I believe the people of this country tonight lament at the power they put in the hands of the Government. I salute the Prime Minister as a tactician of the highest order, because - watch it carefully - when in 1966, we had independence for Barbados, we fought the issue on the strength - what he is now supporting - that we should have political integration. These are the views expressed by the other territories. These are die views expressed: economic integration and political integration. We went about it one way, they went about it another way; but this is what we are seeing this evening. We had independence for Barbados in 1966, and he had no two-thirds majority. In 1969, I think it was, Sir, a Resolution was brought in here to establish an army. Note the tactician. I respect him for this.

In 1971, Mr. Speaker, we heard about a navy. In 1974 - watch the change - now he is appointing the judges.

Now they are not thinking about the Barbadian wives who marry foreign husbands who may be able to bring a skill to Barbados. They do not see that; they overlook that. So you have the navy on one side, the

army on one side, and the judges on your side. Don't you believe it would give some concern to the people of this country if they looked at it in that respect? It must be some concern, not necessarily for the Opposition but even to the young people to whom you gave the vote, and to the Jaycees.

All you can hear about is 'what they fought for. ' You all fought for what? You mean what you all received. You all did not fight for anything - you mean a few of you on the other side.

I dare say the Leader of the House may have been in the struggle, and the member for St. Michael West. Yes, they were in the struggle for something but they have received something and now they want to abuse it. What battle did they have to put up against the Conservatives in Bridgetown? Even though they are conservatives, are they not entitled under the Constitution to tell of their political views? Are they not entitled to express their views? Or are you saying that it is for only one segment of the community?

I believe that the worker and the employer must go hand in hand for the good of a society. That is my view; that is my belief. But do not come in here and castigate the Chamber of Commerce when the Chamber of Commerce has members on your books; paid up members on your books. So whom are you trying to fool?

Frank DaSilva from the Barbados Manufacturers Association is President of some group in St. Philip - or Chairman of the group in St. Philip or whatever he is - so you are going to quarrel with Frank DaSilva now? He is only expressing a view. This is an organisation. They are only expressing concern. The people out there who demonstrated, whether we brought them or not, they are part and parcel of the society and they were expressing their views, not by Resolution but by demonstration. That is all they were doing. And what are they asking the Prime Minister for? A simple little thing. Leave the Constitution as it is. Don't trouble it.

It is true they gave you 18 seats, either by accident or by design. Mr. Speaker, there was no Boundaries Commission when we asked for it. Nothing so they wanted to hear about. When a Resolution was brought in here asking the Prime Minister and the Government of Barbados to set up an inquiry into the operating of the Housing Authority we were told that the wrong people brought the wrong Resolution in the wrong place at the wrong time. Then the Auditor General's Report came out and said something that we were saying.

We are not expressing the views of six people here. We are expressing the views of 49% of the electorate regardless of whether we get six seats or four. Those are the views which we are expressing

and we are entitled to this as well as we are entitled to request the Government to set up a commission, as was done in Trinidad - a classic example from which we could have taken a lesson.

Now why this particular aspect of the Constitution which the Minister of Health has set out from A to Z? Now you have started from A to E. What is wrong with the balance? Why this particular piece? This is the suspicion. Why this particular piece? This is what we are concerned about. So we are more concerned because you are setting up an army, a navy, and now you wish to appoint judges. So this gives the country some concern, because we have seen what has happened in many of the African States 9 and let me warn you of this. It may be the same army and navy, which, if not the ballot box, may use the bullet. Now I gave a stern warning to that side.

Now we are not in a position to depressurize anybody or to move the forces that try to thwart progress. We are not in that position. We are not in the position to threaten people as you all did in the 1966 Conference at the Drill Hall, with acid, fire or bullets, and when you said that those who do not want independence should leave town. We are not in that position.

All that we have done since we were in here is that we have fought a battle for the people of this country and we did that as well as we could. We may not have succeeded as well as we wanted to, but you cannot say we did not try. We tried. We tried, and you came along at the right time. I think the hon. member for St. Michael West always refers to it as a country's infrastructure.

Now this evening we are asking you, since you have all of these Resolutions from the black people, as you put it, from the white people as you put it, from the young people, as you put it, from the Churches as you put it, and the demonstrators outside by whom you would say are 'the man in the street - bow to their whims and fancies. They are the ones who gave you the 18 seats so that now you can boast that it is 18-6. May I warn you that might is not always right.

So, Sir, in the amendments before us, not only am I concerned about the judges, not only am I concerned about the appointments of the civil servants, not only am I concerned about the Director of Public Prosecutions taking directions from the Attorney General. 9. 45 p. m.

I would say that any D. P. P. who had to take orders from the present Attorney-General should resign, because I do not think he would know enough about what is going on. The Attorney-General of Barbados should carry the blame for this, because his office is responsible for the drafting of this

legislation. If the Minister of Trade is responsible for high prices, if the Minister of Health is responsible for what happens at the Hospital, if the Minister of Communications and Works is responsible for bad roads, then the blame must be put squarely on the shoulders of the Attorney-General of 1 Barbados for this iniquitous piece of legislation.

Now, I think the Prime Minister is a good tactician. Look what he has done? He is watching what he considers as the danger man in his Cabinet. I do not believe in that. He is no danger man; he is a weakling. The Minister of Health is not dangerous; he is a bluffer, and he has been able to bluff people that he will contest the chairmanship of the Prime Minister and that he is not afraid. If he has the courage of his conviction now, he should resign his seat and support what we are doing. It is people like him who demonstrated in the streets. Let us think of the young people. We can forget the Chamber of Commerce, because all of you have dealt with that.

Now, I am going to deal with the Jaycees. The Jaycees do not have any Blanchettes or K. R. Huntes, or no Dick Leacocks or Wilkinsons. They have the Clyde Broomes, the Caddies, and the young Walcotts as well as the Franklyns. They have sent in a Resolution because they are concerned with this matter. These are men between the ages of 21 and 40. You would never get a Resolution from the Jewish community: they have the Abeds, the Bernsteins, and so on. They would not be concerned, because they are friends of the Government. All the exploiters are friends of the Government. That is what we are concerned about.

Mr. Speaker, we ask this one question. A long document came from Rev. Philips Saunders. He is a Methodist, and he represents the Methodists who are a large section of the population of Barbados. He said that they express grave concern over this matter. The Prime Minister talks about not being able to get young people in the Church. They cannot get the young people in the Church, because he told them not to work. The young people have no time for the Church. They are studying how to get money without working, according to your philosophy. It is not that the Church cannot attract them, but they do not have the time to be attracted by the Church. They have the time to be attracted to the policies of the present Government. Whenever an election is coning you want to hand out something to them. You will want to extend the airport or the Deep Water Harbour so that they can get $200 a week without knowing what is going to happen after that. You can always bluff people for a time, but some time or other they will find you out.

Mr, Speaker, the Prime Minister has fooled the people for a long time that he is a good Prime Minister; that he will telephone Harold Wilson and tell him not to do so and so. If you were to ring now and ask the Prime Minister of England what is the name of the Prime Minister of Barbados, he would have to telephone Arnold Smith and Arnold Smith would have to telephone an Assistant Secretary, and the Assistant Secretary would have to telephone another Assistant to find out die name of the Prime

Minister of Barbados. Wilson does not know who is the Prime Minister of Barbados. He would know who is the President of the United States of America. The Prime Minister of Barbados does not exist. He bluffs people by saying he is going to telephone certain people; the Secretary of State rang him - Rang whom? To do what? He is making sport. Would the Secretary of state ring the Prime Minister of Barbados? He may ring the Prime Minister of Guyana, because that is the gateway to South America. He may give him a 'look in', but not the Prime Minister of Barbados. They would be glad to get people like the Prime Minister from off their backs - Eric Gairy and that gang of bandits. All of those who are associated are a gang of bandits. Those who call Gairy a bandit are bandits, and those that Gairy call bandits are bandits. Birds of a feather flock together. When we hear in here, Mr. Speaker, that they cannot and will not bow to the whims or fancies of the electors in this country, I am submitting that the same people who gave you a two-thirds majority are now asking you to do them a simple service. You did not have any of this in your Manifesto, and they have accepted what you are doing. If they ask you a favour, you must not ignore them.

Now, I warn you that if you ignore them on this issue in the light of the present economic position of this country - the Prime Minister mentioned something about an election, but I know several members on the other side who do not want to see the word "election" on a piece of paper at this time. The Prime Minister cannot bluff anybody in here that he will go to the polls. He had better try and see who will get to the polls first on Sunday. That is another problem on his hands. He has some very important problems in this country to face. In this country today old age pensioners are suffering on $8 a week. He should look after something like that before he tries to change the Constitution. The poor people need some kind of help and consideration.

Mr. Speaker, the young people are walking about the streets not knowing where to go. They gave you a two-thirds majority, and they are now asking you a simple request. Since the young people are not attracted to the Church, the Church is making the request on behalf of the old people. The Jaycees are asking you to look at the Constitution again and send the matter to a Commission. Those are the people between the ages of 21 and 40. The Employers Confederation, the wealthy people in the country, who have dominated the economic scene all of the time -you cannot break them, or will not attempt to break them because they are your friends - are also asking you to look at the matter. The Methodist Church and the Young People's Association are asking you to look at the matter. These are the people who gave you the two-thirds majority. If they gave you something, can you not give them something in return too? Even if you send the matter to a Commission which agrees with you, then we will have to accept it. We will bow to you in defeat, but do not use the force of the vote.

I call on the member for St. Lucy, as a young man, to stand up and let his name go down in the history of this country as the defender of the young people. We are asking him to defend the young people in the Jaycees and in the A. Y. P. A. of which you were a Church member some time ago in St. Lucy. They are asking you to defend them. I am appealing to the Minister of Communications and Works to let his conscience be his guide. How can he go against the wishes of all the members of the Church? How can

he go to the pulpit and preach the word of God next Sunday, if he supports this Bill? Let your name go down in the history of this country that you cannot support this Bill because the people have asked you one simple request to send it to a Commission. Let the Commission tell you what to do and then you can decide on this matter, and we will accept it.

Mr. Speaker, in my contribution, simple as it may be, you will observe that I did not make any personal attack upon anybody. I dealt with the request which was contained in a Resolution from the people of this country asking the Government to send these amendments to a Commission to examine the matter. That is all we are asking the Government. I believe that the Prime Minister will probably go down in history as one of the most outstanding Prime Ministers in the Commonwealth, if he were to make that decision at this last moment. He still has a chance at the very last moment to tell his colleagues that he is going to postpone the matter.

9. 55 p. m.

Do not take it off the Order Paper, postpone it and bow to the whims and fancies of the people of this country. That is my appeal to members on the other side.

SUSPENSION OF SITTING

Hon. C. E. TALMA:
Mr. Speaker, at this stage, I beg to move that this sitting be now suspended until 10. 00 a. m. tomorrow, Wednesday, 28th August, 1974.

Hon. G. G. FERGUSSON:
I beg to second that.

The question was put and resolved in the affirmative without division, and Mr. SPEAKER suspended the sitting accordingly.

9. 56 p. m.

On Resumption

Mr. SPEAKER:

The sitting is now resumed. I think that there was general agreement that the clock in the House is about two minutes late. When the House was suspended yesterday the debate was on the second reading of a Bill to amend the Barbados Constitution. To that we now revert.

Mr. EDWARDS:

I listened to various speeches yesterday purporting to be speeches on the amendments to the Constitution. Of these speeches I can only say that two had anything to do with the amendments to the Constitution, and they were from the hon. member for St. John and the hon. member for St. Michael North Central. They were very meaningful contributions to the amendments to the Constitution.

I have not heard, however, any meaningful discussion on the question of the appointments of officers heading departments, certain deputy heads, etc. and I shall now set out to establish why it is important that these officers be appointed in the form that the amendments to the Constitution provide.

Mr. Speaker, the level of effort which is needed in this country to carry out the policies and accomplish the work which the people have overwhelmingly endorsed this Government to do will require the type of public servant who in his or her executive position is willing to co-operate with the policy makers at all levels.

In other words, Sir, if we are to carry out the programme that the people of this country expect us to carry out, if co-operation is not given to the policies of this Party or any Party of Government at executive level, the policies cannot be carried out.

Each successful party, Mr. Speaker, goes into Government with set goals and objectives, and these goals and objectives ought to be achieved by the particular political party. The history of social politics in this country has never demonstrated any deviation from constant, social and economic progress of the people. However, the pace at which we develop in Barbados has always depended on the attitude which most of our public servants took to their jobs.

The system under which the Civil Servant of this country operates protects the Civil Servant from public accountability. His independence can only develop into indifference because he knows that his job is secured by tenure and that the disciplinary body established to preside over his efficiency rating is so centralised and limited in scope that it is virtually impossible for it to define efficiently the scale of accountability for his output.

In other words, if the executive has no accountability to the people of this country, or to anyone for that matter, he cannot be expected to do the best in his job; but if he knows that his accountability is to the administrative policy makers of the country he has got to do his job with efficiency and carry out the programmes which the party in power, whether it is this party or any other patty, has placed on the drawing board. I cannot say categorically that every executive in the public service today is conscious of that fact.

Mr. Speaker, the president or the managing director of a company determines the policy of that company which must be employed in order for it to reach its marker objectives. The members of the board spell out these policies for their management staff, while the executives administer these policies.

If that company, a private company, is to prosper, it must rely on the executives to administer effectively the policies which they have been given. Each departmental head of a private company is responsible for certain standards of achievement within his own department. If that officer, Mr. Speaker, does not produce, he becomes a weak link in the chain. The efficiency of each unit in the private sector is directly proportionate to the strength of its weakest component.

The same cannot be said of Government administration, but at the same time the Government is the biggest business in the country and there can be no doubt about that. There is no business in this country that spends more money annually than the business of Government. So we are running a business. We are the administrators and the policy makers in that business, and if we do not have under us executives that are accountable to someone - and I am stressing the question of accountability because we in this Chamber, especially the Ministers, have got to defend the actions of the executives in their various departments whether they are right or wrong. Convention states that a Minister must defend his department. If he has limited control over the people with the executive authority in his department, his department cannot function as satisfactorily as he would like to see it function and the policies handed down cannot be carried out.

Later on I will give you examples; but, Mr. Speaker, Government organisation differs. Although it is the biggest business in the country, it differs from that of private enterprise. 10. 10 a. m.

It is only at Permanent Secretary Level that the Chief Administrator in the Government, who is the Prime Minister, Kiss any sort of say in whether this Permanent Secretary is the best Permanent Secretary for the Ministry of Communications and Works or if he is more suited to be in the Ministry of Health or in the Ministry of Trade; that is, if he is not satisfied that this officer is fulfilling the role which he is expected to fulfil in one Ministry he can advise that fee be transferred to another Ministry, but there are a lot of bottle-necks which can take place before matters reach the Permanent Secretaries.

I am aware of cases of representations made to certain Ministries which are bottle-necked by Senior Assistant Secretaries, Assistant Secretaries, Heads of Departments, and which never reach the Minister, and the Minister is ignorant of it because it never reached the Permanent Secretary. It is for this reason that I stand here today to support this amendment to the Constitution because I feel that if we are to get maximum output out of the Civil Service, greater accountability has got to be expected of the people at executive level.

I think the Hon. Minister of Health yesterday mentioned that he has had problems in the Ministry of Health with doctors etc., but he cannot discipline them, he cannot get any action even if he calls on the Public Service Commission to take action against them because, in the first place, they tell you: 'you are only responsible for policy and you are nothing to do with the organization down below. You are not supposed to see a file on an Assistant Secretary even if he commits a million offences and you are not to have anything to do with personalities. ' So it bypasses the Minister. These personnel matters pass through the Permanent Secretary straight to the Public Service Commission or the Chief Personnel Officer, and if the Chief Personnel Officer feels to put it before the Public Service Commission or when he feels to put the matter " before the Public Service Commission, it goes there.

I have known of eases which took two years to be tried before the Public Service Commission after the offence had been committed. Mr. Speaker, is this what we want in an independent country which has pulled itself away from colonialism since 1966? Is this what we want in this country? We want productivity in this country, Mr. Speaker, and we want the policies of the party in power, whether it is this party or the other party, to be carried out, because those parties are responsible to the people of this country and if the executives are not accountable to anybody, the System must break down.

The rationale behind this amendment Mr. Speaker, is to be able to make the executive accountable to

the administrators, and then we are justified in giving them the support which we are expected to give. But do not tell me that you have absolutely no control, no sort of permanent control, no sort of power to transfer from one department to another department a person who proves incompetent in this particular position, and whom you are satisfied could do a better job elsewhere: and that you must then come to parliament and to the people of this country who had given you an overwhelming majority, to give account for the stewardship of those officers over whom you have no control.

If these same officers were in the private sector and they proved to be indifferent they could be hauled before management, before the Administrators, and be disciplined; Not so with Government. They just go in and as long as they have reached a certain level, they are nothing but benchwarmers. Some of them go to their offices and they do one hour of work for eight hours of pay.

Mr. Speaker, I say that if this country is to go forward, if this country is to prosper and if it is to carry out the dynamic policy of the Democratic Labour Party, we must have that sort of control and we must be in a position to make those executives accountable to someone. Right now they are not accountable to anybody because of the system we have in this country.

I say that in giving the Prime Minister the authority to appoint the Heads of departments and certain other officers, you are placing the Government in a position to have confidence in the officers at executive level working under the administrators. It does not mean however that the administrators have authority to fire the officers who might not be producing. However they will have the authority to transfer from one department to another, non-productive officers, and where you have a situation that deserves and calls for dynamic, forceful and expedient action, you would be in a position to put the sort of officer there who will give you that; and when that officer, at executive level, knows that he is watched for his productivity and knows that he will aspire to higher office, it does not matter whether he is a member of the Barbados Labour Party, it does not matter whether he is a member of the Pressure Group, it does not matter whether he is a member of the third party, it does not matter whether he is a member of the fourth party, or the Government party or any party for that matter, he would then give of his best because he knows that there is the overseeing eye and that his promotion will depend on his performance as is the case in the private sector.

I would like to point out that this exercise is not one to give the Prime Minister the right to discipline or dismiss any civil servant. He cannot do that. As a matter of fact, he has the authority now to recommend the appointment of Permanent Secretaries. He does not have the authority to dismiss one of them, and all that we are doing here in this exercise and in these amendments, Sir, is to go a little further down the line, because the system of Government today is different from the day when the Colonial Office controlled things, and the people of today seem to think that as soon as they sit in a Government office they should be less productive than if they were sitting in an office in private enterprise. 10. 20a.

m.

All we are doing, Mr. Speaker, is to revamp the system and to clarify any discrepancies in it. For example, when we took over this country there was nothing called a Senior Assistant Secretary in any Ministry, but later we found it was necessary to appoint Senior Assistant Secretaries in the various Ministries. These Senior Assistant Secretaries are people of very high and great significance in the Civil Service. You can have a system where you have a policy to establish, say, a Youth Camp. I mention this because since 1963 or 1964, when I was in the Ministry of Community Development, I paid a visit to Jamaica and looked at the two Youth Camps in that country. I returned to Barbados and asked the then Chief Welfare Officer to prepare a paper and have it presented to the Ministry for positive action on the establishment of Youth Camps in Barbados. The officer, at that time, was not in favour of Youth Camps and we got nothing out of it, because of the fact that the administrator did not have the co-operation of that particular Head of Department.

I have had instances where Barbados is the worse off today, Mr. Speaker, because of the fact that we had - and I am sure that the hon. member for St. Joseph can bear me out in this - one Entomologist in Barbados responsible for chemical control. Last year, in February, the officer's immediate superior, that is the Deputy Head responsible for Research in the Ministry of Agriculture, recommended that the man's contract be renewed after he had worked for 5 years in Barbados without one complaint being made against him. But later down the line, between February and April, there was a rift between this officer and his immediate superior. The attitude of this superior towards him changed between February and April, and he said that he should go.

Mr. Speaker, the matter was drawn to my attention, and I was told that it was a personnel matter and it was no damned business of mine. Furthermore, when I discussed it with the Head of the Department he went to report me to the Chief Personnel Officer. Can you imagine the Head of a Department going to report a Minister to the Chief Personnel Officer because the Minister is thinking of the interests of the farmers and the people of this country? Look at what has happened today, Mr. Speaker. Because of the fact that the Minister, or the Chief Administrator, had absolutely nothing to do with the appointment or the retention of service, or the transfer of the officer of that high rank in the Civil Service, Barbados is today operating without an Entomologist responsible for chemical control for over a year. They told me that they had a plant pathologist who could do the work. It must be remembered that the Plant Pathologist was leaving to go abroad to do his Master's Degree in September.

Mr. Speaker, the person then holding the post of Entomologist responsible for chemical control was a Ph. D. He was a man who had almost eliminated the Moth Bore, the Jumping Bore, and the Diamond Black Bore in this country and he had given the farmers in this country able assistance in controlling the various pests, funguses and diseases on their farms. If you were to go through this country today, Mr.

Speaker, you will see every farmer, or vegetable producer, is suffering because he cannot get rid of the Diamond Black Bore and so on. That is due to the fact that no continued research work was done in the matter. This happened because of the fact that the Administrator had no control over officers in that category.

In other words, Mr. Speaker, if the Prime Minister had any control over such officers. I could have gone to him and told him that there was a recommendation to dismiss the Entomologist responsible for chemical control in Barbados and there was no replacement.

Mr. SPEAKER:
Two more minutes.

Mr. EDWARDS, I should like to explain 16 you, and I am sure that my friend on the other side will agree with me, that they said that the officer responsible for biological control could look after things. This never worked in any part of the world. There is always a rift between the

Chemist and the biologist. The point is that the man responsible for chemical control feels that he is right, and the man responsible for biological control feels that he is right. The point is that if you are planting corn, sugar cane and so on, you will do your chemical control, do your spraying, and then follow it up by the parasites which are bred in the Ministry by the biologist. That is the way we got rid of diseases.

Mr. Speaker, today Barbados' agriculture is filled with disease. The pests and diseases have become immune to the chemicals being used in this country, because there has been no further research done in chemistry and pest control in Barbados since last year. This danger is now in the country, because of the fact that the Administrators had no say as to who should be the head of a Department, and there is no accountability to the Administrators, whether it is the Chief Administrator or the person to whom he has delegated any authority to look after the administration in the various Ministries.

Mr. SPEAKER:
Time!

Mr. EDWARDS:
In winding up, I should like to state that, for the good progress of the country, and in order to carry

out the programme which the people have overwhelmingly decided that this party should carry out, it is in the best interest of the country that officers of that rank should be oppointed on the recommendation of the Prime Minister. 10, 30 a. m.

Mr. BOLDEN:

Mr. Speaker, let me begin first by saying to the hon. member for St. Andrew that I hope very much he was not in the last few minutes of his speech speaking about a man whom I know as Dr. Kumar. That is all I would like to say, and then I will leave that, because, if it is he, I would be glad if he would rise and explain.

The hon. member said that the only two speeches which contributed anything to the debate on the amendments to the Constitution were that of the Prime Minister and that of the member for St. Michael North Central. I begin to wonder if untruths are now the hallmark of politics in this country. I wonder if contributions to something which affects the lives of each and everyone of us in this community must be dealt with in a series of untruths without explanation to those who have been crying out. In order to make my point clear I beg your permission to read the document which the Prime Minister quoted from yesterday. The Leader of the Opposition did not read it, but I want to read the whole section and let the public at large judge whether or not the Prime Minister made truthful statements in here yesterday when he sought to drag down the hon. member for Christ Church West into this debate. He said it was a meeting of the Association first, and when corrected he said it was a meeting of the Council of the Barbados Bar Association held on 23rd July, 1973 at 2 p. m. Present were J. S. B. Dear, J. C. Armstrong, H. DeB. Forde, C. A. Blackman, Miss B. Miller. Now the section he read first is this:

"General Business: Section (c) H. B. St. John, Esq., Q. C. drew it to the attention of the Council that there was a grave state of disquiet among the junior Bar concerning the behaviour of the Chief Justice. It was mooted that a report be made to the Council who would in turn consult with the Chief Justice. Also mooted was the alternative of passing a Resolution on the matter. Mr. C. A. Phillips was not sure that a report would be a meaningful way of dealing with the problem.

Mr. H. DeB. Forde, Q. C. suggested that a general Resolution of the Council could be passed calling on the authorities to investigate. Mr. H. DeB. Forde further proposed that a Resolution on the condition of justice should be passed.

Mr. J. C. Armstrong submitted that a Resolution should be drafted and put before the general body of the Association.

Mr. H. DeB. Forde ventured that senior members of the Council should approach the Chief Justice privately.

Finally it was decided that there should be a general meeting in September, 1973, to discuss the situation of justice.

Mr. H. B. St. John, Q. C. was asked to prepare a Resolution for the Council. "

Nowhere in that report did anybody try to amend the Constitution as the Prime Minister told the world yesterday and pretended he was reading from a document of the Bar Association. But the Hon. Prime Minister has got to stop this nonsense. He has got to tell the people of this country about the permutation in the Courts today where judge after judge sits upon his brother judge in the Court of Appeal after giving decisions in first instance. He must tell the public that it is in his own Ministry that he controls the judiciary. You appoint judges, and you are able to create a Court of Appeal in which you will have appeal judges, and you would not have one sitting on appeal from the other day after day. Ask him how you can get the justice which he speaks so much about when you cannot get magistrates in this country to hear cases. Ask him how many are operating in Bridgetown or throughout the country today, It is his Ministry that controls legal affairs. Magistrates and judges go on holiday and have to come back and start where they left off.

I have heard in here time after time the hon. member speaking about people drawing up in the court yard and spending days and months. He is prepared to mislead the people in this country that it is the lawyers. His favourite words are "the lawyer boys", but one thing I recall is that one of his close colleagues said when he won the elections in 1961 that the rat race was no longer for him. Yesterday he sought to criticise everybody in this country. Up to now the country at large is still waiting for a proper explanation as to why these amendments are necessary, and they are not forthcoming. I say myself that those people who congregated downstairs yesterday morning had no right being there; they should have been home. Those are people whom the hon. member for St. Michael North Central referred to in his speech as the men at the bottom. I heard the Hon. Prime Minister say that at one time Mr. Dear asked him to form a middle class party and he asked what was middle class. But he went on to castigate the Bishop, the Jaycees, the Youth Council, the National Organisation of Women and yesterday pushed them over to the Opposition side; but it serves them right.

The hon. member for St. Andrew who just sat down was the first one to unleash an attack on the Jaycees of this country and he knew why. You are so ungrateful to those who have helped you. These are the people who put you in power. The Jaycees is a den of Dems from the top to the bottom. Those are the people who supported you, and if they have got their fears, all they ask of you is to let them have a say since they put you there. Of the National Organisation of Women the hon. member for St. Michael

West asked, when you get past the Secretary and Treasurer, who else do you have? He would know better than any one of us. Everyone of them is a card bearing member of the Dems. In the Barbados Manufacturers' Association you have people like Frank DeSilva, a card bearing member of the Dems. Those are the people who have sent the Resolutions to you. 10. 40 a. m.

These are your own supporters who now ask you for a little time to tell us this is how we would like it done; but gratitude is lacking, I see in here many of them working the vote with glee, but before long they are going to repent in sorrow.

The Prime Minister said something yesterday which I noted carefully, and he is perfectly right. The amendments to the Constitution, Mr. Speaker, are the groundwork because, as he said, it is when the substantive legislation comes that you will know; and it is not going to affect the man in the street. He is always being squeezed. He is accustomed to the pressure. You cannot squeeze him much more.

When the Prime Minister said that you run out from here to those places in Brooklyn when you have a toothache, and you get a doctor to look at you whose credentials you cannot query, he is not speaking about any of those who lined up in the Public Building yard yesterday. The only way one of those could get away from here is if they have a fund for the needy.

It is the Jaycees, the members of the Barbados Manufacturers Association, the National Organisation of Women -his supporters, whose soon as they get a pain want expert treatment abroad. So you see, Mr. Speaker, in my humble opinion, those who lined up down there were trying, but not for themselves, they were trying for the signatories to the resolutions who have now seem the light of day, who now realise what has happened; and you know what we on this side should be saying? We told you so.

Let me revert to the hon. member for St. Andrew. As I have heard so many times in here, politics creates strange bed fellows. You talk something today without remembering what you said yesterday. The hon. member's speech did not even count the speech of the member for St. Michael West who represents the Trade Union as being worthy of an occasion like this.

He went on to tell this Assembly, in my humble submission that is what I gathered, the short gist of his speech could have been: "Abolish the Public Service Commission. Get rid of them. Rule by a political hand the Civil Servants who are now there. Transfer them, discipline them, fire diem when you feel like, like Nkrumah; " but remember that Nkrumah was overthrown. Nkrumah died in exile. The hon. member

for St. Andrew forgets one thing, that even now this Government has got Boards in this country completely under their control. The most recent act was to pass a Bill in this very Assembly which says that you cannot appoint anybody to a Board or dismiss them with a salary of over $6, 000 per annum $500 a month. I am told that it is such litres as you fix.

That means that even Board members are appointed by the Minister. Ask the real Minister of Health and then ask the acting Minister of Health. Her statement is in Hansard. You can discipline those members and you can get rid of them with the approval of Cabinet. You cannot deny that; but the hon. member talks about a business. When you are a business director you are manager and you have control of all the staff. The Government has got complete control of all of these Boards and their staff. He said that the Government is the biggest money spender. Will he now deny that the greatest inefficiencies to be found anywhere in this country exist with the boards where the Government can hire arid fire at will?

Start with CBC. Over $2 million thrown away. Who was fired? Who was transferred? Ask the Minister of Information about the directive that went out. He got up and said that he was not withdrawing it, that it must do what he says and be what he wants it to be. Is that not total control. Why did this Parliament have to write off millions of dollars for CBC, a business which Government controls?

The hon. member for St. Andrew should set his speeches a little bit differently, for he was in the rider's seat at one time. Take the Barbados Marketing Corporation. Not me, but Frank Alleyne, a member of the Executive Council of that party has written about it. I would be glad to see it function like any other business. I be glad to see it make a profit. I would be glad to see it carry out the work for which it was created.

It is controlled by a Minister, but day after day the stories which come out from the BMC are such as to make one wonder whether the ex-Minister of Agriculture under whose control it once lay is really in his senses today. That is what worries me. Look at the Transport Board which is run by the Minister of Communications and Works. What is that doing? They come in here and tell you something entirely different. He brings a new concept on how you run a Government and how to deal with Civil Servants when you have the power to hire and fire arid to transfer. They say that a business manager will transfer the inefficient, but you still hear that certain people around the boards walks about and so do as they like. I can tell you of at least two people at the BMC whom no one can speak to. They say the Minister put me here.

Mr. SPEAKER. You are straying from the Constitution a little bit.

Mr. BOLDEN:

I am dealing with the question of the transfer of Civil Servants, the control of Civil Servants; but, Mr. Speaker, we must not look, at this point, at the amendments only. We must look a little bit deeper than the amendments. We must ask what are the real reasons for the amendments. Is it a time in our life when we should be spending these hours arguing about Constitutional amendments?

I am not a very good historian, but I remember that when I first went to read law I had to read some old time history, and there was a nation that spent its time wondering whether the sun would ever rise in the West and set in the East; and eventually they were overrun by another nation.

In this day and age when Barbados is struggling under a financial strain, at this time when in my humble opinion I think that the Government should have come here with some sort of legislation asking us to argue and agree and come to a point to break the strangle hold which is now falling down on Barbados, and to relieve us of the impending starvation which is going to hit this country, instead of that we are hearing arguments about amending the Constitution. Is it that we are going to amend the Constitution to stop the people from crying when the time comes?

It is not really us who have got to worry. It is many of them over there, those who wrote letters asking to be Chief Justice of the country. It is they who will have to worry. I heard the Prime Minister say that everyone in his Cabinet agreed on these Constitutional changes; but I heard CBC two Sundays ago. I heard the member for St. Michael North Central say that either you will be removed by the ballot box or by the bullet.

He was not speaking about the Leader of the Opposition, because I have never heard anywhere in history of a Leader of the Opposition being removed by a bullet. He might be removed by the ballot box. That is what we call democracy. You submit yourself to the people and they deal with you through the ballot box.

But, it is when the disturbance comes in their ranks that those who, as I said, vote with glee today will begin to repent in sorrow because there is no Prime Minister under the sun who will appoint an Attorney General to whom he cannot talk and whom he cannot control. 10. 50 a. m.

There is no Attorney General who under this amendment will not give directions to the "Director of Public Prosecutions to prosecute those who1 are among his ranks and who want to bring out the secrets. So those over there will have to worry?not those of us over here. We are here by the wayside, and that is where the worry should begin, because when the substantial legislation is being drafted, they must look and see who would be curbed in the activities.

The hon. member, talked about a second party, a third party, and a fourth party, Time is longer than rope. The Honourable Prime Minister said that he had a dispute with the Barbados Labour Party" and he walked out. I have heard several members on that side, in this very room, talk about certain secrets that used to go on in the Barbados Labour Party. I heard the Prime Minister yesterday try to tell the nation that the party to which he once belonged - the Barbados Labour Party - was such an oppressive party that it sought to pass legislation to give people the authority to go into other people's houses at night; but he would not tell the people at the same time that he passed a Public Order Act to control those whom he believed would talk against his associates, and the same newspapers that he criticised reported who was the first man to keep a political meeting outside of Government House. But now, under his regime we cannot keep one outside Government 'House.

Now this is the sort of thing people do not understand and I believe that this is the thing that the Jaycees and that crowd now begin to understand; but once you can be supported by certain people - the Prime Minister will wake up one morning and find those who pretend to support him. will jump ship. Biggest of all is a strolling evangelist we have around the place.

He, the Prime Minister, will always attack the churches - the Bishop, Drexel Barbados, and the Roman Catholic Bishop. He knows why. If he had been ordained it would be something quite different. If a lot of the Anglican preachers had even begun to realize the motive, they would have been in a different position today; but the Prime Minister should be the last to attack : Drexel. He had it in. hands, if he so wanted, to keep Drexel in the Bahamas; but when you invite him here and when things are going with you, he is your good friend, but as soon as he has to speak his conscience, his mind, you attack him left, right and centre.

I thought that law and order was the foundation of every society. Do you know what we are coming to? Yesterday's exercise by the

Prime Minister reminds me very much of Nixon and. Mitchell, the two law-and-order giants who preached law and order and then it ended up - I would not say 'criminally' but 'most unreliably, ' for better Parliamentary language - when it came to law and order.

The Prime Minister came in here with a list of rumours, Even to come in here, when the administration of Justice falls under the Prime Minister's portfolio, when the Prime Minister could deal with it if he so wants to, you mean he takes a public medium like this in order to tell this Barbados that the courts out there do not give law and order and justice? Are you going to create the sort of revolution that you say

are trying to control?

I read in the newspaper of the first Vice President of the party talking of depressurizing those who are against the forces of progress. Those are very good English words, B. A. standard, but you do not depressurize the hungry; you make them more angry. The 1937 riot, I believe, was, a form of depressurization too, but the people rose up. Nkhrumah tried to depressurize his people. You can sit on them for some time but you cannot sit on them always. The great Eric Williams had to remain in Trinidad for a long time. But, you see, the Prime Minister's attitude is to try to tell everybody he is right, everybody else is wrong. Mr. Speaker, what worries me about this amendment in the Constitution which says "Any statement calculated to harm the good relationship between Barbados and foreign States..... " is this; I want to know if the Attorney General is going to prosecute the Prime Minister under that amendment. He got in here a few days ago and talked about Trinidad. He talked about being called to the throne of grace, all these sorts of statements. He is the only person to have the right to humiliate and abuse people, but; that is not good politics, Mr. Speaker. I would have been glad to come in here and spend three days like we used to spend before, from 10 o'clock in the morning until 3 o'clock next morning, and argue something constructive, something which would remove the cryings and the grumblings of the poor people who walk in the streets. I would have been glad to come in here and debate a Bill to control the wild dogs that are eating the little bit of food that is left around the country - slaughtering left, right and centre up and down this country - if we are going to find a solution to improve our lot.

I would have been glad to hear the Prime Minister say what we are going to do to control certain firms in Bridgetown with their mercenary practices. I would have debated it all night. I would have liked to hear what is going to happen to us now that half of the food crop in this country has failed because of the drought which is hitting the country. But, not Over the last few weeks all you have been hearing about is about those who are against the forces of progress. When it suits them, Mr. Speaker, they align everybody with the Opposition. But is it so strange at this period of time after the Democratic Labour Party has been in power for some thirteen years, that everybody is now lining up with the Opposition? Is not something strange and wrong?

Mr. Speaker, I would be glad if the Honourable Prime Minister would reconsider this whole Bill. I believe we are a peaceful country at the moment. We may have our arguments, we may have our political grumblings - I have heard the hon. Ex Leader of the House, Mr. Cameron Tudor stand up one night - probably at 2 o'clock in the morning - and said '-When the Barbados Labour Party built the Deep Water Harbour we criticised it in Parliament although we knew it would be the salvation of this country. " He said: "But that is politics; we wanted to win. "

Therefore, Mr. Speaker, despite the fact that we have our arguments, we can agree to disagree. We can have our political marches, but for heaven's sake do not pass oppressive legislation. It not only affects us here personally, it affects also those who would like to come here. Let Barbados enjoy the fair name that it has had for the most stable political climate in the Caribbean. 11. 00 a. m.

Hon. L. E. SANDIFORD:

Mr. Speaker, I rise to make my contribution to this debate, which is a very important one. Any debate centring on the amendments to the Constitution of this country is an important one. Let me at the outset admit, and there is no use pretending otherwise, that in politics facts are facts and these have to be faced. Let us admit that the proposals for the amendments to the Constitution that are before us have created a measure of concern, fear and apprehension among certain organisations and certain leaders of this country.

I am not questioning the right or the legitimacy of the comments that have been made by these particular organisations, whether of not they flow from the Resolutions with the full concurrence of the respective powers within those bodies. What I am saying is that organisations, through their leaders, have expressed concern, fear, and apprehension about some of the proposals put forward. They have been concerned about the reasons for the amendments, and they fear that the amendments might lead to an increase in the power of the executive. Their apprehension is that the freedom and liberty of our people are being eroded, and that this might be the beginning of further erosions. These are the concerns, the fears, and the apprehensions that have been stated.

I wish, Mr. Speaker, during my short presentation to demonstrate that, in my opinion, these concerns, these fears and apprehensions are groundless. I would like from the start, too, to express my own belief that some of them, the concerns, the fears and the apprehensions, spring from a misunderstanding of die working of the Constitution. Some of the expressions are genuine expressions. Let me admit that. I believe that some of the expressions are also mischievous. I believe that some of these expressions are calculated to raise and inflate the level of debate and the importance of the proposed amendments out of all proportion to the actual intentions of the proposals.

Let me start, Mr. Speaker, by referring to the Constitution of Barbados. I quote:

"Whereas the love of free institutions and of independence has always strongly characterised the inhabitants of Barbados:... ".

I omit the other "whereas..... "clauses: "Now, therefore, the people of Barbados- (a) Proclaim that they are a sovereign nation founded upon principles that acknowledge the supremacy of God, the dignity of the human person, their unshakable faith in fundamental human rights and freedoms, the position of the family in a society of free men and free institutions.

(b) affirm their belief that men and institutions remain free only when freedom is founded upon respect for moral and spiritual values and the rule of law.

(c) declare their intention to establish and maintain a society in which all persons may, to the full extent of their capacity play a due part in the institutions of the national life;

(d) resolve that the operation of the economic system shall promote the general welfare by the equitable distribution of the material resources of the community, by the human conditions under which all men shall labour and by the undeviating recognition of ability, integrity and merit... "

Hence, the Constitution goes on, and that preamble leads to the main provision of the Constitution.

Those are the words of the preamble, Mr. Speaker, and in it there is a very clear ring that the Constitution of this country will be founded upon the principles of freedom and justice. I myself will not be associated with any efforts to subvert, or to erode, those fundamental principles of freedom, fairplay, and justice. If I felt that these amendments in any way sought to erode those freedoms, and the justice and the other principles of fair play and so on, and the improvement which we aim at in our society. If I felt this for once, I would not be supporting these proposed amendments here today.

Mr, Speaker, this Constitution is a very sacred document, and the foundations of freedom and liberty in this country are set out in certain provisions within this constitution. Indeed, a Constitution, Mr. Speaker, is a collection of the legal rules which arrange the procedure and regulate the performance of the various branches of Government, the Executive, the Legislature and the Judiciary. The Constitution also makes arrangements whereby the fundamental rights and freedom of our people are guaranteed. These fundamental rights and freedoms under our written Constitution are set out in Clause eleven in Chapter III of our Constitution. In it the fundamental rights and freedoms of the individual are set out, and these are listed as the defence of any person from violence, the defence of property; freedom from unlawful arrest; the protection of the right of personal liberty; protection from slavery and forced labour; protection from inhuman treatment; protection from deprivation of property without compensation; protection against arbitrary search or entry, so on.

Mr. Speaker, none of these proposals that are before us for consideration affect our fundamental rights and freedoms. There is absolutely no change proposed in any of the fundamental rights and freedoms pertaining to the individual in this country. I submit that the fear, and the concern, and the apprehension which have been voiced by certain organisations, bodies and individuals, as far as the fundamental rights

and freedoms of the individual are concerned, are groundless because these particular provisions are not in any way changed by the proposals that are before this Honourable Chamber. 11. 10a. m.

I want to make that point as strongly as I can. I would like also to state that the freedom and liberty of this country also depends upon the establishment and maintenance of free political institutions in this country, our Parliament which is the meeting place for the duly accredited representatives of the people who have sent us here in order to make laws and to pass the necessary rules and regulations for the good government and the advancement economically, socially and politically in this country. And in these particular amendments that are before us, there is no proposal which would in any way make our institutions unfree. Parliament consists of the House Assembly, the Senate, and the office of the Governor-General. These all remain and these are untouched. So there can be no genuine concern on this particular point that these particular free institutions are being eroded.

Let me also refer to one of the other bulwarks of freedom and justice and liberty in this country, because we are a freedom-loving country and this has been set out in the preamble to our Constitution. Free elections constitute one of the bulwarks also of freedom and liberty in this country, and the proposed amendments in no way at all affect the provisions and the machinery for the conduct of free elections; so on that score also the fear, concern and apprehension that have been voiced are groundless, because there is no change in the Constitution as far as our free parliamentary institutions and the right of the people once every five years to meet and to elect these representatives are concerned. There is nothing at all in these constitutional provisions to change in any way these free institutions and the right of our people to function in our democracy.

The changes that are being proposed as far as Parliament is concerned are an attempt not to restrict but to extend the ability of this Parliament to function even more effectively. They will help to bring into Parliament, to create the possibility and the opportunity whereby persons who may have a contribution to make depending upon how sound their analysis of the political, social and economic arrangements of this country is may be brought in. The type of contribution they make towards the improvement of life in our country will be given greater scope. One of the amendments makes provision for bringing those clerics, those men of the cloth who are currently excluded from having a seat in Parliament, including those who have been making the comments within reach of Parliament, They will now have the right, when these amendments are passed, to offer themselves to whichever electorate they feel inclined to canvass. So that particular one is extending the bounds of liberty.

As far as the proposed amendment which would disqualify any person who has suffered or has had a conviction in our courts arising out of a felony is concerned, this is an attempt to have our Parliament composed of persons against whom not the slightest charge of impropriety or any illegal action as far as the courts are concerned can be brought to prevent them from sitting as legislators in this country.

Mr. ADAMS:

On a point of order, is the hon. member saying that if a charge is brought you are disqualified? Because that is not in the Bill.

Mr. SPEAKER:

That is no point of order.

Hon. L. E. SANDIFORD:

Mr. Speaker, the main arguments which have been advanced in terms of the concerns and the fears and apprehensions relate to two main provisions. One relates to the appointment of judges. We have all heard it explained by the Prime Minister how the Chief Justice is currently appointed by the Governor-Gerneral acting on the advice of the Prime Minister after consultation with the Leader of the Opposition. The proposal that is before us for consideration merely seeks that the other members of the judiciary be appointed in the same way. (A VOICE Why?) Mr. Speaker, we have got to realise and acknowledge that in all countries, and we must not fool our public in this, the appointment of judges involves a political process; it involves the Head of Government, and it involves the Parliamentary process in some way. I listened very carefully and I want this to be noticed - to the list of countries set out by the Leader of the Opposition yesterday when he replied in this debate. He said that the appointment of Federal judges in the United States is by the President with the advice and consent of the Senate.

Now, Mr. Speaker, we must all realise that the President is a political person, and the Senate is a political body. If our proposals for the appointment of the judges call for appointment by the Prime Minister, or rather, if the Prime Minister advises the Governor-General and the Prime Minister is a political person, after consultation with the Leaded of the Opposition, a political person, both of whom sit in this Assembly, I ask you what is the fundamental difference between the appointment process being proposed and the example suggested or indicated by the Leader of the Opposition? In both cases it involves the Leader of the Government. In the United States it is the President and the Senate which is a political body. In this case we do not say the Senate, we say the Leader of the Opposition who can do this consultation with his members on that side, and the Prime Minister can do his consultation on this side. So the Head of Government is involved and Parliament is involved. He went through all the others and it was the same. All the examples which he gave to prove that this process was wrong in fact indicated that appointments, to that highest judicial office involve the Leader of the Government and, in some way, Parliament or a House of Parliament.

I am submitting, Mr. Speaker, that the argument surrounding this particular provision, the appointment

of judges, have been inflated out of all proportion and that we will have to depressurise this argument now by pointing out.... (Asides) I am not talking about guns and bullets. I am using metaphorical language; I do not have any other weapons to use. My weapons are the pen and the word, and that is what I am using now. 11. 20 a. m.

Mr. Speaker, they have not used the U. K. example because the parallel is clear. The Lord Chancellor of the United Kingdom is a politician. He is a member of the Cabinet. I am nothing to do with whether it is colonial or not. You have to exercise power in a country, and the appointment of Judges in the U. K. is in the hands of two Ministers.

There is the Lord Chancellor who nominates the 58 or so Puisne Judges and the County Court Judges, all Justices of the Peace in England and in Wales, I think with one exception, the Metropolitan and Stipendiary Magistrates, the Recorders, Chairmen and Deputy Chairmen of Quarter Sessions.

That is the Lord Chancellor who is a politician in the U. K., a Minister of Government in the U. K., appointed by the Government of that Country. The Prime Minister himself in the U. K. is responsible for making appointments to the topmost jobs in the Judiciary - the Lords of

Appeal in Ordinary, the Lords Justices of Appeal and the Master of the Rolls, and I do not refer to the President of the Probate, Divorce and Admiralty Division.

These are all in the hands of the Prime Minister in the U. K. I wish to make those points. The main point is that in the U. K. all of these appointments are done either by the Minister responsible for Justice who is the Lord Chancellor, or by the Prime Minister. So, what is so wrong in this country if in terms of the exercise of the good Government of this country the appointments be made in that particular way?

Before I move off this point I would like to make this other point, that the independence of the Judiciary, which is a point raised, is not maintained so much by the method of appointment. The Bishop of Barbados, I believe, had to get permission to come into this country and take up that particular post. He was not appointed by the Prime Minister, and that does not prevent him from expressing his views independently on this particular matter.

The independence of the Judiciary arises out of a guarantee of their salaries and pensions - and this is enshrined in the Constitution - coming out of the Consolidated Fund, out of the procedures for removal,

guaranteed, as was quoted yesterday, quam diu so bene gesserint. that is, so long as they are of good behaviour. It means ultimately, Mr. Speaker, that the Judges are their own best guarantee of security of tenure, because it is the integrity and the fair play with which they administer and dispense justice in this country that will keep the majesty of the law at the highest possible level.

So I, will submit, and I do submit that there is no change at all in these very fundamental guarantees of the independence of the Judiciary. There is absolutely no change proposed as far as this is concerned.

I would like briefly to refer to the other institutions which relate to freedom, democracy and justice in this country. I refer to the public service. We need a sound public service, and we need a public service that is dedicated to the execution, the fair execution of the policies of the Government of the day, whatever the complexion of that Government is.

The proposed amendments are that as regards certain officers such as heads of departments, heads of professional sections and departments of Government and their deputies, the Prime Minister should be involved in the process of their appointment. Why are we not told that this is a procedure that is also followed in the U. K. and that in this particular matter we do not go as far as they?

There is something called the Civil Service Commission, but this is involved in setting examinations. 1 am sure that the member for Christ Church West is fully aware of that. Appointments in the civil departments in U. K. are the responsibility of the Ministers of the Departments at the level down to Assistant Secretary. It is only since 1920 in the U. K. that that was taken away from the Minister who heads the Department and the Prime Minister became involved in the process. At Permanent Secretary level in the U. K. and at the level of Under Secretary the Prime Minister is involved in the appointments. In appointments down to that level of Assistant Secretary the political head of the Department, which is the Minister, is involved; and the Prime Minister is involved in those others. That is what I mean when I say that some of the arguments are mischievous because no one has come from the Opposition or from the Press which has been doing so much research on this particular matter to set out what exactly are the provisions on these particular matters.

When we look and see that other countries arrange it in this way and one country which we somehow assume is the fountain of democracy, and they arrange it in this way and the power is so distributed, I submit, Mr. Speaker, I submit that these proposals are in order. I do not refer to the Teaching Service Commission at any length because there is no controversy over this particular matter. We have been discussing this particular matter for quite some time and we agree that a Teaching Service Commission should be established for the appointment, promotion, discipline and transfer of teachers; and we are trying to get an integrated teaching service where primary and secondary teachers in the public service will be under the umbrella of the Teaching Service Commission which will be established in the same

way as the other Service Commissions in our Constitution. So that is not controversial.

What I wish to submit, Mr. Speaker, is that the proposals which we have submitted are in no way any fundamental change in the Constitution. They are not fundamental in that sense. They do not propose the abolition of the monarchy which we still have because the Queen is still the head of this country. 11. 30 a. m.

It does not propose the establishment of a one-party-system as obtains in Kaunda's Zambia, which the Leader of the Opposition stated yesterday in the debate that he admires very greatly. It does not propose anything like that. That would be a fundamental change, Mr. Speaker, and if that were done I would submit that there would be a case for the widest and broadest consultations for any such change.

Mr. Speaker, I would like to say therefore that what we are doing and what we are interested in doing is making certain arrangements, tidying up our arrangements, just as in the 19th century Thomas Bentham and John Stuart Mill used their philosophy of utilitarianism to look at all the institutions in the country and for those which required some change, they took steps to bring about change, we are taking the steps now in all areas of Government to bring about changes, improvement and advancement, and in this regard the Constitution of this Country is not sacrosanct.

Mr. ADAMS:

Mr. Speaker, I rise on a point of personal explanation. I have been informed that the hon. member ascribed to me a statement saying I admire the one - party - system in Zam bia, Sir. What I said in my speech was that the Prime Minister and I both have an admiration for Mr.

Kaunda personally. That is all I have said. I have not even seen him since they have had the one-party-State in Zambia. So I would like hon. members to be quite clear in their minds that one may admire a man while deploring the exigencies of a situation that leads him into an undemocratic posture. The same is true of Mr.

Nyerere. I once, perhaps, for all we know may even have admired the hon

Mr. SPEAKER:

You have made your point of personal explanation. You must not be controversial. That is quite enough.

(A pause)

Mr. SPEAKER:
The question is that

Hon. L. E. SANDIFORD:
Mr. Speaker,.

Mr. SPEAKER:
Your time has expired.

Mr. ADAMS:
Mr. Speaker

Mr. SPEAKER:
You were not entitled to a point of explanation. Rules are rules.

Any further speakers on this motion? (A Pause) The question is that this Bill be now read Mr. HINDS: Mr. Speaker, yesterday we learned from the Prime Minister in his speech which amounted more or less to a harangue, that when one has been in politics long enough they should learn that the plural of conscience is conspiracy. I believe, Mr. Speaker, that during the course of my brief address I should be able to prove that there is a conspiracy by the Prime Minister and all of those sitting on that side of the House, against the people of this country, to deceive them, and we have heard many attempts made even today. But the one regrettable state in which we will find ourselves is this, that in the case of some who would be charged with conspiracy, the jury would have to admit that they are incapable of pleading to the charge which has been laid against them. In other words, they do not understand the part that they have played in the conspiracy.

Mr. Speaker, if we were to follow the hon. Minister for Education, I would like too to turn to the

preamble to the present Constitution of Barbados, and, I make reference to sub-paragraphs C and D. "Now therefore the people of Barbados declare their intention to establish and maintain a society in which all persons may, to the full extent of their capacity, play a due part in the institutions of the national life. " and D "resolved that the operation of the economic system shall promote the general welfare by the equitable distribution of the material resources of the community, by the human conditions under which all men shall labour, and by the undeviating recognition of ability, integrity and merit. "

Mr. Speaker, can any member of the Government say truthfully - and I want to lay some emphasis on the word 'truthfully' because the nation has been fed upon nothing but tissues of untruths for the greater part of the Prime Minister's speech yesterday, and Mr. Speaker, the Prime Minister is going to learn very, very soon the harm he has been able to do to himself and this country by the attitude he adopted yesterday in the course of his address. But, Sir, when you learn that the plural of conscience is conspiracy you must understand that the Prime Minister's speech was delivered as from someone whose conscience has gone into conspiracy or something else.

Mr. Speaker, we have a Constitution, and having a Constitution amounts to acknowledging that we have or would have a Government to be governed by the Constitution. The present 1966 Constitution, Sir, I think I can say, has stood the test of time, and more than this, because there is not a single member on the Government side who has succeeded, in any respect in proving to the nation the reason - the reason - for the proposed amendments to the 1966 Constitution. Not one member, but we have got to take it in this light: giving the reason ' or finding a reason to give, is not for the benefit of the Opposition. We have not been We to pinpoint anything real. We have had some things that are imaginary that have gone wrong or could have gone wrong during the working of. the Constitution. What we find is this, Mr. Speaker, that what a Constitution says is one thing, even when it is amended, but what actually goes into practice might be something different altogether, and there are instances, Mr. Speaker, where we know that Constitutions have been treated with a measure of contempt. I believe, Mr. Speaker, that in attempting to amend the present Constitution we should take into consideration more than the legal provisions that are prescribed for the method of bringing about these changes. 11. 40 a. m.

More important, Mr. Speaker, are the predominant political, social, professional and other groups in the community and the extent that they are satisfied with or they acquiesced in these changes and so on, because they all must affect in some measure the distribution of power at the Executive level.

Mr. Speaker, we have heard in no uncertain terms that every person who would have tried at any point to make a contribution to play his or her part has been castigated, and even the threat has been held out that they are to be depressurised and removed. Mr. Speaker, when you come to amend a Constitution, what is of very great, importance is the atmosphere prevailing at the time when these constitutional amendments are to take place.

What you will find is that only yesterday the atmosphere in this country was such that all Police leave had to be cancelled. This speaks a lot. Inside this Chamber here yesterday, Mr. Speaker, you have seen policemen, and hem. members encountered a measure of difficulty going to and from this Chamber by the posting of these policemen. You will find the situation is such in this country that the Prime Minister - (Asides.)

Mr. MOTTLEY:

On a point of order, Mr. Speaker. I think it is right for the discipline of this House that, if a statement is made against an hon. member and he objects, he should not sit, I look at you, and say "I object to that. It is offensive. " That is not the proper way of objecting, Sir. If a member is objecting to something, must he not rise on his feet and direct his speech to you, Sir?

Mr. SPEAKER:

As you well know that without any other objection the Speaker, too, can in his own discretion take objection to something.

Mr. MOTTLEY. I agree with that, but members are sitting, looking at you, and saying, "I object to that. "

Mr. SPEAKER. You have made your point. 1 did not hear the sotto voce remarks.

Mr. HINDS:

Mr. Speaker, even the two booklets the Government is supposed to have sent out - there might not have been a conspiracy in that, Sir. However one may look at it, if there was ever an attempt to deceive the people of this country those two booklets mentioned in no uncertain terms that the authors themselves would have to be deceivers. Mr. speaker, we have had it from the Hon. Minister of Health. He told us in no uncertain terms of the state of the country. He told us of what takes place in the Churches on Sundays, but he never goes, however. He told us how the people are being taught about hell fire and so on, and he wants those same people to direct their attention to assisting and relieving the poor. This is an admission on his part as to the extent of the poverty existing in this country. That is an admission on his part that his Government has throughout the years made one tacit contribution to relieving the poverty which now surrounds us.

Now, the Hon. Leader of the House not so long ago warned us that starvation stands before us. He warned all of us that we were on the brink of starvation.

Hon. C. E. TAL1V&:

On a point of order. Mr. Speaker, that was in the context of food production. We were encouraging people to return to the land and to grow more food.

Mr. SPEAKER:

No point of order!

Mr. HINDS:

I did not say that we were starving for spiritual uplift. Undoubtedly, we are talking about food. We are talking about starvation and the empty belly. That is what the Minister must understand when we refer to starvation. You will find in the face of all of this, Mr. Speaker, that the Minister of Health sets out to outline all of these business people who charge high prices and who oppress the poor, and his Government is in office. He goes on to say that some of them are so corrupt and so bad that they are soaking minced meat in blood and selling it to people. All of this is being done and his Government is in power. This is what we learned in this House yesterday happens under this Government, instead of its setting out to rid the country of all of this corruption, filth and nastiness. He told us, again, that the employers are not concerned about the workers. He wants people to become serious and to get involved. What more could you want coming from the mouths of Ministers of the Government? If you are hungry, if you are without a job, if you are unemployed, if you have benefited from our system of free education and you have all of the certificates in the world, and there can be no job to be found for you, then we will provide you with Constitutional amendments at the appropriate time. That is the sum total of the Government's contribution to this nation at a time such as this.

I want to say, Mr. Speaker, that there has been much concern throughout the nation over this question of the appointment of Judges. I, on a previous occasion, Mr, Speaker, threw out a hint in this Honourable House as if to direct hon. members as to exactly what has been passing through the minds of members on the other side. 11. 50 a. m.

What has been passing through their minds is exactly this, and I regret if I have to make reference to it today and to cause some degree of hurt to anybody but the fact that a Cabinet Minister took it upon himself to write a letter to the Prime Minister asking the Prime Minister to have him appointed to the post of Chief Justice, evidently when it becomes vacant.

Rt. Hon. E. W. BARROW:

Mr. Speaker, I object to that. In the first place the hon. member cannot refer to any document of which he does not have any knowledge unless he is prepared to produce it. Secondly, Sir, in accordance with the provisions of the Standing Orders he cannot refer to any person in this House as having done any act unless he has given notice of this. This is how I interpret the Standing Orders and I do not think

the hon. member is entitled to get up and make allegations of that kind about a member of this House.

Mr. HINDS:
Mr. Speaker, what are we hearing?

Mr. SPEAKER:
The statement of the hon. member does not breach Standing Order No. 28(10) in my opinion.

Mr. HINDS:
Mr. Speaker, all I am saying is this that a Cabinet Minister wrote to the Prime Minister asking the Prime Minister to appoint him to the post of Chief Justice, and I said evidently when it becomes vacant, and the Cabinet Minister took pains to point out an important reason for wanting to be appointed Chief Justice, apart from his own elevation and what not, was that in recent times judgments in the High Court had been given against the Government.

Rt. Hon. E. W. BARROW:
On a point of order, I now feel myself constrained to read the relevant Standing Order, and you so rightly referred to it as Standing Order No. 28(10).

'The conduct of Her Majesty the Queen, Members of the Royal Family, His Excellency the Governor-General, Members of either House of Parliament, Judges, or the performance of judicial functions by any person may not referred to except upon a substantive motion.

No reference may be made in debate to the character or conduct of any person except in his official or public capacity.

Any Member who desires to refer in debate to the character or conduct of any person in his official capacity must deliver to the Speaker written prior notice of the proposed reference; the notice must set out the facts on which such reference will be based and must be signed by the Member giving it. "

Now he places the member to whom he refers and myself in a very invidious position because he has not given Your Honour any previous notice that he intends to refer to the conduct, because he says this is a conspiracy. That is what the hon. member prefaced his remarks with.

Mr. SPEAKER. I did not hear that myself. I still think that the hon. member has not infringed Standing Order No. 28(10).

Mr. HINDS:

Mr. Speaker, the writer of the letter specifically stated that in recent times judgments in the High Court had gone against the Government a bit too often, so that the suggestion was that as soon as this hon. member is appointed to the post of Chief Justice, rightly or wrongly, when the Crown had a case, judgments would be in favour of the Crown. That is the implication from the letter. Now the Prime Minister does not rise to deny having received the letter, nor would he rise to deny that he took it to his National Executive.

Hon. C. E. TALMA:

On a point of order, the last statement certainly reflects on the character of a member of the House, and I call Your Honour's attention to the proper interpretation of the same rule. The hon. member alleged that the member, having been put there, all the cases would go in favour of the Government.

Mr. SPEAKER:

Let the hon. member continue. No point of order.

Mr. HINDS:

Mr. Speaker, one has got to see why it is that the Government finds itself trying to ram down the throats of the innocent nation this question of the authority of appointing judges and what not, because it is based on exactly what I have just said. It has been turning over the minds of hon. members on that side that the Crown has not been faring too well.

Now, Sir, I just want to turn to a note which I made when the Hon. Prime Minister was speaking. I know that the question of foreign exchange has been turning over in his mind and he made reference to people going over to the Presbyterian Medical Centre for medical treatment, and that all this has got to stop. We know the reason, Mr. Speaker, but the Prime Minister should certainly look at his own front bench and make the stop there first, and if he does this then others will certainly follow and there will be no need for some of the amendments he is trying to bring about and a lot of this nonsense we are hearing here today.

Mr. Speaker, the young people of this country will not continue to take things lying down. I believe the Prime Minister himself had a taste of it yesterday in the court yard from what I can gather. The young people of this country, Mr. Speaker, are not going to be fooled any longer by any Government; not necessarily by the present Government. I well remember I was told that neither this party nor for that matter any other party, will come to power in this country and that the Prime Minister and his Government would be remaining there for as long as they want to.. Mr. Speaker, is there anything for us to doubt? As the Hon. Leader of the Opposition has made the point clearly, the thin edge of the wedge is being driven in, and this is being done without the Prime Minister or anybody on that side caring to make mention of any good reason for producing these proposals. We saw yesterday the Trade Union boss, the hon. member for St. Michael West, rise to deny that there was any deal between his Union and the Government. I believe this to be true, because the Hon. Prime Minister made mention of legislation that would be passed consequent upon these amendments being passed, and it is that legislation that I want to make reference to now, because I am sure the Prime Minister will not be able to deny that as soon as these amendments have been passed, unestablished workers, casual workers employed by the various Government Departments are going to find themselves denied many of the rights which they now have. 12. 00 noon.

You will find, Mr. Speaker, that many of those casual workers, unestablished workers who are presently represented by the National Union of Public Workers will be forced to withdraw themselves from being represented by that particular Union, and the drift will be elsewhere.

There was no deal. I do not believe that there was a deal. and there is much which is left to be seen in respect of the promised legislation in respect of closing down the Bridgetown Port or Seawell Airport in the event of the furthering of a strike. All this is left to be seen. We expect no deals or anything. I close on this point, Mr. Speaker, that we are satisfied that the Government has no good reason - and, I put the emphasis on good reason. We agree and appreciate that the Minister of Education, when he was speaking, all that he was doing was defending $2, 800 a month.

I find that the hon. member for St. Andrew finds himself in an entirely different situation. I believe that he is the one hon. member of this House - setting aside the two Trade Union representatives - who should be able to vote with a clear conscience.

Mr. SPRINGER:

Mr. Speaker, so much discussion has taken place up to now, that it is hardly possible for anyone with a limited knowledge of constitutional law to add thereto.

First of all I must admit that I have not been moved either to the depths of fear and apprehension or to the heights of furore and fervour which have been displayed by members both in the Press and by Resolutions. As far as I am concerned, the basic thing which has come out of all this discussion and Resolutions is that the Westminster system is completely unsuited to a democratic country of the size of Barbados striving for development at a rapid rate.

As far as I am concerned the proposed changes do not go far enough because it is my opinion - and this is without reflecting adversely on the present holder of the post - that the post of Governor-General should be abolished immediately. I believe that the duties performed by him or by any holder of that post could be performed with as much distinction by a senior member of the Privy Council. I believe that after Bills have been debated and passed a signature can be affixed even under the present system by the Speaker of the House and can be so made law,

i believe that the entire electoral system needs to be changed, because one of the dangers in a small democracy in copying the system of the U. K. is that just as in the U. K. politics is a fight for power - the Government in power wants to retain that power and be the Party in power and the Opposition wants to win that power, and very often what is right for the nation is submerged to the results of the next election.

I believe that part of what Harold Wilson is suffering from today was manufactured by Harold Wilson when he was in the Opposition; but is much easier for a country the size of England to struggle through without any adverse effects on the individual because of its size and high industrialisation.

When I say that the entire electoral process needs to be changed, even the system of voting I am not satisfied is the correct one. I am not satisfied for instance that a bankrupt should be debarred from being a member of the House while in truth and in fact he might only be a bankrupt because he practised proper business practices and did not indulge in the type of more extreme charges that some of the more successful businesses have taken up.

Mr. Speaker, much has been said about the appointment of Judges. Justice in this country has never even been meted out to the poor man and the man in the street. He has always been a sufferer at the hands of what we call justice. Even in the fixing of bail, when you fix bail at an unreasonably high sum that a man's entire life earnings, if he had saved it, could not cause him to be bailed, is that a proper system?

Is it a system of justice which says that a man is to be assumed innocent until he is proven guilty that picks a man up and has him charged and put in the centre of a courtroom isolated from his Defence

Attorney where he cannot converse comfortably with his Lawyer when at the time the Judge who is trying him often makes insulting and derogatory remarks about the man who is only charged? Is that system of justice really fair? Is a system of justice fair when a man is isolated and when a jury goes to return a verdict a policeman hands him over to a Warder who takes him downstairs and pushes him in a cell? Is that man really presumed to be innocent if he is treated as a convicted person?

You talk about the power of Judges. I can speak this way because as I said, I knew a man who took me to school, and he and three others were given 42 years between the four of them for picking pockets to the total value of 37 cents; and at the same sessions a man convicted of manslaughter was sentenced by the same Judge to 18 months. Is that really justice?

I am old enough to know that there was a murder committed in Barbados and the only person who could not have committed it was picked up and charged for the murder, and a policeman who was on the verge of making the correct arrest was transferred. Is that really justice that the person who was not picked up was a person of a different ethnic group purely because the then Attorney General had the power to say whom he should prosecute and persecute?

Mr. Speaker, I do not believe in constitutions. I believe in people; and no Constitution is going to be stronger than the people who have to administer that Constitution. There are a lot of left handed compliments being handed around, and on no fewer than on four occasions the Press made it a point to point out that they had no fear of the present holder of the office of Prime Minister.

Mr. Speaker, they have no fear because they are dead politically. The entrenched interests in this country are dead politically and they are trying to perpetuate a system of divide and rule the black man. That is their strategy. They failed to do it between the Trade Union and this Party. They succeeded in creating two Labour Parties, and in my life time I hope to see one party. 12. 10 p. m.

Mr. Speaker, it surprises me that barristers, defence lawyers especially, in this country have not taken a firm stand and try to i alter what has been taking place in the courts in Bridgetown. I have had reason to visit the courts on seven occasions; the first Was to bail a person out, and the six other occasions were to renew • the bonds. This to me is an atrocious system. If a bail has been lodged once, I believe it should remain until the person is convicted or freed.

Mr. Speaker, on the question of the judges. Throughout history in a democracy judgments - not necessarily punishments, but judgments - have always reflected the political thought of the day. The sentences too; and it is a serious indictment on legally trained people, that they have a fear that one of their own people can be contaminated by a Prime Minister who may not even be a legally trained man.

It is unfortunate that Barbados seem to accept that the only people from whom leaders should come are lawyers. Mr. Speaker, I make the country this solemn vow. I have been a member of the House under one lawyer. I will not be, under any other lawyer, because it is surprising that only the best draftsmanship - you can get lawyers on either side to disagree; and it seems as in the last telephone case before the court, that it is not a matter always of interpretation. Sometimes it seems to be a matter of price. When you look at the defenders of the Consumers League in the first Telephone increase before the Public Utilities Board, and you look at the defenders of the Telephone Company in the second increase, one has to wonder. So it is not really the system, it is the people who have to operate the system.

Some people can place their consciences on holiday but lawyers seem to be better at giving them long leave. And all of this talk about what went on yesterday, if the people on this side were not responsible we could have manufactured a march down there too and there would have been a clash down there, and none of the people in the House of Assembly would have been involved. It would be a question of using the man in the street to promote the type of ill-will that one wants to engender in this country.

Mr. Speaker, what is needed in this country is a greater sense of respect and responsibility for the institution of Parliament. That respect is not going to come under the present electoral system, and no Boundaries Commission can correct it. As long as there has to be this fight at election time, as long as there has to be this vote snatching that I every vote counts, there is going to be mistrust, disrespect, disillusionment, sometimes, with Parliament; and a complete re-examination of the whole system needs to be looked at.

The Attorney General - as far as I am concerned I do not care who they make Attorney General - it is true that 90% of the people who I go to court for criminal charges are either not guilty at all or are set free, and as long as you are living there are the type of accidents that can happen that can necessarily drag people who are not criminally minded, to be in the courts, but through normal process I do not think the man in the street really has to fear who they make judge or who they make Attorney General.

There have been abuses in this country before. That could never take place today. If that man Lewis who was taken up for that murder up Bishops Court Hill, if that was done today, you talk about hell let loose? More than hell would let loose. If the type of charges that Ulric Grant, Menzies Chase, Brian Alleyne, all of those poor unfortunate people of 1937 - nobody could get so mad today to charge anybody. That is child's play to what Bobby Clarke talks. It is child's play to what I talk sometimes, but do you think anybody could get so mad as to charge me for that?

Imagine charging a man for sedition for saying 'organize yourselves, get in a trade union, tonight is a funny day5 - eighteen months. Is that justice? Eighteen months. This man could not talk sedition if you

write it and give it to him. Eighteen months! Is that justice? The Prime Minister did not have the right to appoint the judges. The Attorney General did not have a Director of Public Prosecutions to instruct. The Attorney General did his own thing and did it from the Colonial Office. 12. 20p. m.

Mr. Speaker, finally, yesterday morning, I believe, whether he was moved by what he saw in the yard, or by what he read during the discussions, the Rev. Thompson, for the eight years I have been a member of this House, has, in my opinion, given the real first prayer. All others failed into insignificance with what he had to say. I would like to compliment him on that prayer, and in doing so I would like to admonish the press. They have a role to play in this country, and they would be better advised to stick to reason when they are right than to cater to sensationalism and emotions.

Mrs. EASTMOND:

Mr. Speaker, I would be failing in my duty if I did not make my contribution to the debate today, and I do not intend to fail my constituents in the North East constituency. Indeed, this debate has provoked quite a bit of argument. I would like first of all, to let the members of the Opposition know that I stand here uninhibited, unafraid of any man. The only person I fear is my true and living God. Remarks were made regarding the members on this side as to what would happen if we did not support the amendments. Supporting or not supporting the amendments is not what I am dealing with at the moment. What I want to say is that we have a Leader who is the Hon. Prime Minister. I respect the Leader and I will always respect the Leader. He does not have horns, but I am afraid of any person, with horns. When he has horns, then I will be afraid of him. I have my rights in here to speak, and the people voted me here as a politician not to be silent. These are not days for people to be silent, and I intend to be heard like any other member in this House.

First, I want to define democracy in my own way. Most people know democracy is government by the people, or government by the majority of the people, or majority rule, but there are three different meanings although they are related. Democracy is a form of government in which those who control the Government are elected by the people and are responsible or answerable for their actions to the people. Secondly, democracy is a form of society in which there is no privileged class, and in which individuals may rise by ability to positions of power and influence. Thirdly, an ideal or way of life that stresses equality, liberty, individual rights, concern for the common people, tolerance, freedom of discussion, and compromise.

I take it that most people in Barbados know that they are living under a democratic Government, but I often wonder if democracy should not be linked with socialism. Socialism is a political and economic system based upon public ownership and operations of key industries. It aims at greater production, which we in Barbados need to have, and more equal distribution of wealth through government ownership and control of the chief means of production. When I say that I mean land, buildings, and

capital of all kinds.

Today democracy is having a hard battle in this country. We see it now that we are discussing the constitutional rights. I would have hoped, when I returned to Barbados and heard about these amendments, that the Hon. Prime Minister would have taken it into his hands not only to make a few amendments, but to look right through this Constitution and to make total amendments because it does not suit, as far as I am concerned, the people of this country. The people of this country need to be stimulated; they need to be moved; they need to be motivated. What is happening to this country? Here we see people marching - marching on a few amendments. There are about three or four amendments, but what are these amendments? They do not pose any threat, as far as I am concerned, because regardless of how you look at the matter, the Judges are the people who have to administer the law of the country. Unless these people have integrity, where do we stand? It is the same thing with a politician. You elect a democratic Government; you think that people are what they are supposed to be; you take them at face value but, eventually, you find out that people are only seeking for their own personal interest and not seeking for the interest of the people as it were.

Mr. Speaker, the time has come for the people in this country to gather more spirit and be more purposeful in their approach to what they want from their Government. They put us here, and they should tell us what they want. The people of Barbados do not realise that they have power. They will march for nonsensical things. When they are marching for these amendments, honestly, I do not see why anybody should not vote for them. They really have no purpose whatsoever. What we need are amendments to shake the roots of this country and to bring this country to its senses. We cannot go on looking for foreign aid all the time. We cannot come in here criticising people and deflating people. We have to come in here as politicians and demand respect from everybody. We are not be impartial with people. We are not to think that the organisations and other bodies are not supposed to have a say in what goes on in this country. 12. 30 p. m.

They all must have a say. I am pleased and proud this day to think that the Barbadian public are at last awakening to their rights as people to have a say in this society. Apart from that, I am a bit disappointed with the Press because they have a lot of strength in their hands, and they are not using it as they should, and if it is taken away from them, then too bad, too sad. Now is the time for salvation. Those of us who think of Barbados as our country will recognise that we have a beautiful country. Wherever I travel people would love to be in this country and would love to own it. We have something that God has given us, a beauty to behold. You can go to the north, the south, the east and the west in Barbados and it is beautiful. Are you going to tell me that we are becoming so childish and stupid that we are not going to look at the things that really matter to maintain this country? We need to have the masses with us. Who make the masses? The poor people. These people do not know anything about constitutional rights. They need to be educated, and the. educational system in Barbados must be geared to meet all levels of the society, not only the man who can read and write. We must go into the fields and into the highways and hedges and teach them so that when we tell them what amendments we are making arid what we are

doing, they will understand what we are talking about. More discussion is absolutely necessary at a very high level as at a very low level, but are we getting this discussion? Is it flowing from the top to the bottom and coming back from the bottom to the top, or is it moving across? Sometimes I think things are rather stagnant.

Mr. SPEAKER:

This is most improper. We cannot have strangers intruding on the proceedings of the House. I will make an example very soon. Hon. members should also know better.

Mrs. EASTMOND:

I would like to say that these amendments are being made by this Government in good faith, though the Opposition will try to tell people that they are not. I know they have to be made in good faith because this Government cannot expect to be in power forever; so in making these amendments they are not making them only for themselves, they are making them for the generations to follow. But even so, amendments can be changed, because this is just a piece of paper. The hon. member for St. Michael South Central said that it is just a piece of paper, and we have to remember that this Constitution says that it is the supreme law of Barbados and, subject to the provisions of this Constitution, if any other law is inconsistent with this Constitution, this Constitution shall prevail and the other law shall, to the extent of the inconsistency, be void.

I go back to say that there are so many I things that could be changed in this to meet the needs of the people of Barbados, that this needs to be scrapped. It needs to be looked at because we are still under the same machinery that the English Government had us under for years. We need machinery to get things working and to be alive to what is happening today. We are still a young nation and we have our teething problems, but we have to bring out molars some time and it is about time that they come out. The people have proven to most of you that this Government is still the one they like. I admit that mistakes will be made, but we must be big enough to admit when we make mistakes. We must be criticised, but some of us are not ready to take criticism, but thank God I am one who appreciates criticism give it to me and the better I like it. It does not matter if I am criticised for anything I say in here. If tomorrow the Prime Minister thinks I have said anything that is not pleasing to the party, he is within his rights to dismiss me and I will go. But I intend to speak freely and I do not intend to walk across the floor to the other side, neither do I intend to offer my resignation. He will have to ask me to go, when he so does, I know the people of Barbados would not take it lightly. (Laughter.) You may say that once upon a time I looked, slight

Mr. SPEAKER:

Come back to the Constitution. Let there be order.

Mrs. EASTMOND:

Mr. Speaker, when hon. members are speaking I do not interrupt them. I want to say that as far as women's rights are concerned, members on the other side think they can talk more for women than I can, but I was born a woman and biologically I am one. This is the time that women should come out and be heard more openly. There are a few amendments that do not matter to me, but if I had a say in amending anything, there is something I would have a look at, because I have said in a speech already that it is time that the children of Barbadians, whether male or female, have equal rights and privileges, and this is the time now to look at that. I would like to ask my Prime Minister to have a serious look at this and make sure that all people of Barbados must have equality. When they come to me talking about equal rights, that is a different picture. We cannot afford to have foreign men coming in at this stage when we have a lot of young men here who cannot get jobs. Let us stimulate people and get work for them; let us make sure that we can supply jobs for our people. I am not saying that the foreign wives of Barbadians have a right to be citizens because some of them are taking jobs away from Barbadian women. I am one for my Barbadian people. Neither of you can tell me anything about Barbados, because I was born a Barbadian, am proud to be a Barbadian and will die a Barbadian. 12. 40 p. m.

Mr. SPEAKER:

Hon. members must not do that. Two hon. members are breaching the Standing Orders. I overlooked it just now but they are at the bar of the House now. You can very easily withdraw and converse. You should know that.

Mrs. EASTMOND:

That is women's rights. When a woman has to speak in the House of Assembly - from the time I have been in this House when I begin to speak I was always interrupted. I want to tell all the men that there are 23 men in this House and one woman. Respect this woman; if not you have got to reckon with her. From now on I am fighting like a bull cow. (Cheers).

I would like to plead with my Prime Minister to have a second look at this I Constitution. We need to change a lot of things.

The Senate needs abolishing. A lot of other things need abolishing and I would like to see more discussion on the things that we should do and the changes that we should make and I would like to get the Press movtivated to such an extent that they tell us the things they would like - libel laws, all sorts of things.

This is our country and nobody can chase us out of it. I have said already, and I am not afraid to say it again, that the day I have to march I will march. It is not property, it is not house that I am concerned about or that I am looking at. All that I have can go to the children and to whomever wants it; but as far as I am concerned I am definitely giving my life to the people of Barbados, even if they do not accept me willingly, and I am sure that they do.

Do you think that this Government wants to lose touch with the man at the bottom? With the common people? I think that these amendments were made so that the Prime Minister and political people - because we are the people who matter, we count - so that we can at least make sure that the common man is justifiably served. Often he is not.

It is time that we know what is happening, not only in the High Courts, but at all levels in this country. If we have a democracy and you vote us to power and you expect us to be responsible and to be answerable, good gracious me! It is about time then that you accept the things that we put forward. We do not want to get out of power. If the Prime Minister wants to get out of power that is too bad for him. If he feels that he was in too long, there are still 17 other members and some of them are very young, who would like to aspire to Prime Ministership or something like this; but looking at him yesterday and today he does not look as if he is sick or tired; so more power to him.

These amendments are made in good faith. I accept them as being made in good faith, and if they have not been brought in good faith the people of Barbados can decide. The people have the power; but this stupid march from Independence Square and coming here does not mean anything. It is when you have issues that really demand a march - something very pressing like a Judge not giving the right decision or you feel sure justice was not meted out. Then the people have the right to march. They have a right to see their Prime Minister. They have a right to be heard.

I want to say that it is we who make up this Government. Perhaps I should not speak for all. I should speak for myself because I am accessible to any person who comes to my Ministry and who wants to ask me anything.

I cannot say that I know much about this. I was not in on the amendments. I was all the way overseas; but I came back. I read them, and to my limited understanding - I may not have all the qualifications that some of you have over there, but at least I have a little bit of common sense - I cannot see where this Government would do anything to impede our progress or to stop us from going forward.

Do you mean that after almost 15 years of rule that at this stage we would want to set back the hands of the clock? I want to say here at this level that as far as this debate is concerned there are few people who contributed well because a lot of the personal comments should have been left out and a lot of the issues relevant to this were left out. I myself strayed a bit just now. I know that these things happen, but I have not strayed for too long.

This is politics. I have not talked anybody's name, but the level of debate has got so low in here that when the six over there talk they always seem to be trying to deflate somebody. Not the hon. member for Christ Church West. He does not deflate anybody. Most of the others when they get up and talk over there it is something personal. The hon. member for the City does not do it either. I have not heard him deflate anyone.

In this sort of debate one day could have done, that is yesterday, and we could have been back to Government's business in the Ministries. The people need us. We have pressing issues. These are not the sort of things to hold us up, to stop us from doing the people's business. It is true that we are doing the people's business here now, but we still have other business to do for the people. Whoever thinks that this will affect their children or grand children I tell them no. Men, and women like me have to meet in these positions and work them, and a lot depends on the integrity of the man or the woman.

I do not care what system you may bring, and do not try to change the minds of the people of this country and make them understand that favouritism is not right and that justice must be done at all costs though the Heavens should fall, it will be a failure. Let justice be done. 12. 50 p. m.

Though the Heavens shall fall let justice be done. Until we can get these things straight we will never be able to make our mark; and it is sad to think, Mr. Speaker, that we talk about the colonial rule and the colonial people, but to think that for over 20 years we as a black Government - they had the Labour Party and then they had us - and we cannot take drastic steps yet to bring equality, liberty and individual rights to people. Something has to be wrong. We cannot go on as a coloured people trying to tear each other apart. We have to stop this. We cannot tear our people apart; we have to live in unity.

If we recognize that the white rule was not the rule for us and we are not enslaved any more, we are a free people, then let us show our freedom. Let us show it to our fellowman; but you know what is sadly lacking? We hear the people in the churches talk about love your neighbour as yourself' but how many of us love ourselves? The majority of us do not love ourselves, so how can we love our neighbour?

I want to end off with the churches. A lot of people think that churches have no right to be involved in political matters; political matters concern a country; politics concern each and every man in a country. I would not exactly say that a preacher should get in a pulpit and be political but at least he should know what is happening in his country; and his congregation should also be aware of what is happening.

So politics was in the church long before today. If you go back to the Old Testament you will find that it was in the church. I am very pleased and very happy to think that the people of Barbados are awakening a bit, but I pray to God that these people of Barbados would become more aware of their rights, of their privileges, and would be more vocal and be more active in their endeavours to make this country stable and economically viable.

Mr. GREAVES:

Mr. Speaker, the contribution which I have to make to this debate which has been going on here for the past two days will be a relatively short one. Like the hon. member for St. Michael South East I do not consider myself to be a Constitutional expert. Nevertheless I think I have some understanding of what is going on and I have an idea of how matters like these can be discussed and how decisions can be made.

Now there has been a lot of discussion both inside this Chamber and outside of this Chamber, on these matters. We are aware that a number of experts have sprung up overnight; instant experts, in the same way that you get things like Instant Coffee and Instant yam, they become instant experts overnight. But be that as it may, I think that one of the things we have to bear in mind, Mr, Speaker is the fact that the present system which we have operating is one which calls on this House to make the decision on these amendments, and that is what will be done, and we are discussing these amendments in that light. Until we get another political system and another method of determining these things, this is the system which we have to operate.

Now in the debate major emphasis has been placed on the Judiciary, the appointment of judges, on the Attorney General and the directions which he will be giving in future when these amendments are passed, to the Director of Public Prosecutions, and I would like to have a look at some of the criticisms and indeed some of the comments which have been made on these two particular issues because I think it is important that we have a look at these things.

If you were to refer to the speech of the hon. Leader of the Opposition you will recall, Mr. Speaker, that yesterday he made the following statement: "Senator Moe cannot be excused for seeking to exercise

more responsibility than he has the ability or experience for. " Now, I think this is a crucial statement, and it is one which should be examined in the light in which it was made. Now the Attorney General of Barbados is a politician and he was appointed by the Prime Minister to be the Attorney General of this country. (Aside) I will come to a statement which the hon. member for St. James made when we reach that, because that is again another important point; but as I said, let us examine this statement. What in truth and in fact is the Leader of the Opposition saying? You have a situation where a Government is elected and appoints an Attorney General. Are we to understand that when political power is given to a party, that the party does not have a right to determine who will be its Minister of Legal Affairs or who will be its Attorney General?

In truth and in fact this statement could be tied up also with a statement which was made by the hon. member for St. James when he said, "any DPP taking orders from the present Attorney General should resign. " I think, Mr. Speaker, that this is a condemnation of the hon. member himself because die hon. member is Deputy Leader of the Opposition. Fortune might so place him in a position one of these days to be the Prime Minister of this country; one never knows, but fortune might smile on him, and if an occasion like this arises, I am contending that he has condemned himself because if for argument sake he became Minister of Finance, he would have had no experience in this field, and am I to understand that the person who is Director of

Finance and Planning who will be a more trained man, a more experienced man in this field than he, should not take orders from him, and that he should resign if he came into that position?

I think, Mr. Speaker, that we should be very serious about these matters. It might very well be that the member for St. James sought this occasion when the Attorney General obviously could not reply to him, to make a political speech. I think we understand the nature of these things, and every attempt would be made to destroy some person who is a very threatening opponent, and, this might very well be the reason.

Sir, like the hon. Minister for Education I was somewhat taken back by the kind of argument which was adduced by the Leader of the Opposition when he talked about appointments of judges in places other than the Commonwealth countries, because he specifically said, leaving out the Commonwealth countries, ' and he went on to refer to places like France, Germany, Russia, and the United States of America; and presumably this was in an attempt to demonstrate that the system of appointment was over and above the political arena.

In truth and in fact he was obviously confused, but what he ended up by convincing the people who were listening to him - the entire nation - is the fact that these kinds of appointments are indeed political appointments; politicians have a say in the way these people are appointed. And I sincerely believe this, Mr. Speaker, that is not so much the manner in which a person is appointed to a particular post; a lot depends on that person; the important thing is what happens after the appointments are made, and in this

light I would refer to the statement which was made by the hon. member for St. Peter when he said "what a Constitution says is one thing but what actually goes into practice is another. " I think, Mr. Speaker, even on this point our case could rest, because what he is saying is that it does not matter what the Constitution says, he is concerned about what happens after these people over whom this big furore is being created - about the appointment of them - what they do after that; and this is our contention; we feel that people who are judges have to exercise a very serious responsibility in this community. They have a very serious responsibility, and naturally I would assume that when people are being appointed to these positions, one would look for people of integrity and people who would be able to exercise their responsibility in a very judicious manner. This is really what the crux of the matter is. 1. 00 p. m.

You have heard the hon. member for St. Michael South East and the Minister of Health refer at different times to the system of justice which exists in this country and the fact that the poor unfortunate people of this country find it very difficult to get justice, and as a result of this they are worried over the manner in which justice is administered. I think we have to be very clear about this, because this is what is the concern of the masses of the people in this country. As I have said, public confidence in the Courts will be eroded if the people who administer the Courts do not administer them in a judicious manner.

Mr. Speaker, the Leader of the Opposition referred to the numerous Resolutions which he has received from various organisations. Let us, for one moment, have a look at the sources of these Resolutions, because I think that is very important. From whom do these Resolutions emanate? The Chamber of Commerce, the Employers Confederation and the Manufacturers Association, just to choose some of them. Who do these people represent? Do they represent the broad masses of the people in this country, or do they represent the money interest in these people? They, Mr. Speaker, represent the exploiters and the parasites in this country. Do they not represent the people who hardly lose an opportunity to take advantage of the community at every twist and turn? These are the people who are now backing up the Barbados Labour Party and the Opposition, in this matter. I think this is something which we should take note of.

The hon. member for St. Peter in trying to support the Leader of the Opposition in this matter referred to the predominant political, social and economic groups in this country which are opposed to the constitutional changes. Let us look at the predominant political groups. What are these? The Barbados Labour Party? What makes them predominant? The predominant social groups. What are these? The Junior Chamber of Commerce? Who do they represent? Their constituency is a very narrow one. They represent people who are young aspirant business men. Look at them and you will see that they represent a very narrow constituency. Let us look at the predominant economic groups. Who are these? The Barbados Manufacturers Association, the Chamber of Commerce, the Barbados Employers Association. Do these represent the broad masses of the people who we are told are opposed to these constitutional changes? They represent a very narrow constituency.

Mr. Speaker, you will see that the case which the Opposition is trying to make out is one which is far fetched, and I do not think that they are really serious when they say that they have this broad mass of support against these constitutional changes. (Asides.) Mr. Speaker, it looks as though I am not entitled to formulate my method of presentation. I do not instruct or tell any hon. member how to present an argument. 1 am presenting my argument. (Asides.) Dishonesty is always a matter of opinion. Of course, some dishonesty can be proved.

Mr. Speaker, let me refer to the point which has been made about the Civil Service and the fact that some of the appointments to top posts in the Civil Service will be made, at least, with the knowledge of the Prime Minister. We have heard on more than one occasion in this Honourable Chamber the members of the Opposition crying out for some of the top civil servants to be fired particularly if they fell down on an important matter, and particularly where inefficiency was obvious. But what do we find now? The cry for firing them does not come into the argument now, because some attempt is made to get the kind of officers who can carry out the decisions which the Government have made. This is the kind of opposition you are getting now, but before this you heard the cry to fire them.

Mr. Speaker, I find it difficult to put these two arguments together. I think it is fundamental that any Minister of the Government, if he has to discharge his responsibility effectively and efficiently, must have access to people and the kind of advisers in whom he can place trust and on whom he can rely. That is fundamental and extremely important in any system which we operate.

The final point, Mr. Speaker, that I would like to make - there are really two points. The Leader of the Opposition, yesterday, indicated that the Opposition will oppose all of the provisions in the Constitutional amendments. I do not want to be ridiculous, but I do not think I could avoid being ridiculous just to point out the ridiculous content of that statement. In these amendments there is an amendment which seeks to substitute the term "attorney-at-law" for "barrister or solicitor". Am I to understand that the Opposition will vote against that, too? Am I to understand that the members of the Opposition would be opposed to priests and members of the cloth becoming members of this Honourable Chamber? Am I to understand that the members of the Opposition are opposed to the establishment of a Teaching Service Commission?

Mr. Speaker, I could go through the whole list, but I just want to point out that the approach which is being adopted seems to be inconsistent with a number of things which have been said in here from time to time. As a final point, just let me refer to a point which was made by the hon. member for St. Peter when he said that when these amendments are passed the unestablished workers, the casual workers, would be denied the rights which they now have. He indicated that there would be a drift from the N. U. P. W. elsewhere. Just let me, for one moment, assume that the only other place to which he is suggesting that they could drift would be the Barbados Workers' Union. What I want to say is that the drift took place a long time ago, because we were representing these people since 1965. I do not know where they

will drift from the N. U. P. W., but in any case the point I would like to make is that the Constitution of this country guarantees workers the protection of the freedom of assembly and freedom of association. These amendments do not seek to change any of these fundamental rights. They have a right to associate as they see fit.

Mr. Speaker, I think that this debate could very well be summed up in the term much ado about nothing. 1. 10 p. m.

SUSPENSION OF SITTING

Hon. C. E. TALMA:
Mr. Speaker, I think it is a convenient time now to have a recess.

I beg to move that this sitting be suspended until 2. 15 p. m.

Hon. G. G. FERGUSSON. I beg to second that.

The question was put and resolved in the affirmative without division, and Mr. SPEAKER suspended the sitting accordingly.

On Resumption

Mr. SPEAKER; When this sitting was suspended the House was discussing the Second Reading of the Bill to amend the Constitution. To that it now reverts.

Hon. C. E. TALMA:
Mr. Speaker, before this debate on the amendments to the Constitution is wound up and the final reply

given by the Government, I wish to go on record by making a few brief remarks based in this case essentially on facts, not on fiction nor on propaganda.

Mr. Speaker, hon. members will recall the type of organised resistance which this

Government encountered when under the leadership of our Prime Minister the country was seeking independence in 1966. Then as now all sorts of wild remarks and all types of wicked and misleading thoughts and propaganda were invented and disseminated by the opposition forces and their cohorts, followers and supporters. Then as now, Mr. Speaker, it was mooted abroad loud and clear that if the present Government secured independence there would be no more free elections in Barbados, that the whole object of seeking independence for Barbados was to set up a dictatorship by the D. L. P. Government in which our Prime Minister would be a virtual dictator, and that if you wanted to have anyone locked up or incarcerated, you merely had to see one of his deputies and that would be done quite easily. Those were the types of wild rumours which went on then, and I am afraid that just what went on then is happening right now. But in a year's time, indeed long before the elections come along, all this nonsense which is going along now will be forgotten and anyone who is hoping to capitalise on what is going on in the House of Assembly today will have to think afresh, because this will be meaningless and nonsense in the eyes of the electorate. I speak from rank, hard experience.

Mr. Speaker, I did not intend to speak, but I have to get it down that what is going on is rank foolishness. These and many other foul, wicked and cancerous thoughts were hatched up and spread abroad on the unsuspecting and innocent public and electorate in 1966. Thank God, however, some of us are still alive including your humble servant who stand as living witnesses to what transpired in 1966 prior to our independence, and can bear witness that all that went on then was absolute nonsense. I do not need to gain any kudos; I have been in here too long and I am more or less on the way out; so I am only exerting myself unnecessarily now. I want this to go down on the record, because this is a most important debate, and when you find the Opposition benches being misled, they are only destroying themselves. They are representing the Chamber of Commerce, the Anglican Church, this Church, that Church, the National Organisation of Women and all sorts of organisations that do not even understand what the Constitution is all about. You have a lot of opposition being set up against the amendments to the Constitution, and it is one stereotype Resolution which is photostat and sent here by these people. It is just like the Colonial Office gave us a type of neo-colonialist Constitution. In like manner these Resolutions which are being handed around in here were drafted by three or four legal luminaries and everybody has signed them.

They do not even know what they are signing. All this in my opinion is a lot of nonsense.

Mr. Speaker, I have been fortunate to be still alive and here to be a living witness to what happened here before and what is happening here today. On the other hand, no one can honestly deny that since independence this country has gone forward by leaps and bounds and has developed on all fronts whether it be socially, economically, politically and more especially in the fields of tourism and industry. You will find, Mr. Speaker, that more employment opportunities have been provided for all, that there has been a wider distribution of money at all levels in the society, and that the general standard of living has been improved immensely for all and sundry. In other words, I am not referring to the high cost of living and inflation over which no one has any control. Despite inflation, we never had it so good; but our people are ungrateful. Imagine attempting to embarrass the man who brought this country out of serfdom. I am not speaking of all; I am speaking of the adherents and followers of the Chamber of Commerce, of the National Organisation of Women and these various organisations like the Church, whether it is the Anglican or Roman Catholic Church, the Methodist Church and whatever, but not our local Billy Graham. I think he saw the light.

Mr. Speaker, despite all the Prime Minister and his D. L. P. Government has done to improve the living standards of the broad masses of our people, despite the numerous areas of opportunities opened up in the fields of education, people are ungrateful. In the field of education I think we need to back pedal because everything is too easy, and too free, and they all feel it was always like that before the D. L. P. Government came into power. They feel that you always had free secondary education, you always had all these University scholarships and it was so easy to go from primary to tertiary standards, you always had school meals and reduced bus fares for school children. We take up $43 million of the taxpayers' money and give to the Prime Minister in his capacity as Minister of Finance and Planning, and it is a virtual headache because finding $43 million for one Ministry is certainly hard-going for a small country with our limited resources.

I would not labour that point because any intelligent person would know that in the field of politics, no matter how good you do, it can be distressing. I am no yard fowl running around with any news, because I am a man who talks it straight when I am ready, but it must be very disappointing to our Prime Minister whom I know works around the clock. I am not playing up to him; I know he works very hard and that he does the work of about three or four Ministers put together. I know this for a fact because I act for him occasionally, and it is very distressing for a man who works like that and has brought this country up to a high level to find certain. sectors of the community so ungrateful, It is ridiculous to think of it, I think, Sir, that after listening to some of the speeches made in this debate and more especially the lengthy and brilliant speech delivered by the Prime Minister, because he really covered all the ground and in reality there is no room for anyone else to speak after that, and also the speech delivered by the Hon. Minister of Health and Welfare who did exceedingly well and was followed by the hon. member for. St. Michael West, there is no necessity for all of us to jump up and talk. Of course we had other speeches, and even the Parliamentary Secretary in the Ministry of Health did very well in my opinion. However, on an issue such as this, unless you go down on record for posterity purposes, you may be failing towards your electorate who sent you here, because the report of this debate will probably be read for another few years, and definitely by the intelligent people in any constituency. 2. 25 p. m.

Now the amendments to the Constitution which we are now considering and discussing are not radical in the true sense, neither are they far reaching as the Opposition would have the people of Barbados, or some sections of the people of Barbados to believe. They are merely amendments or changes in order to bring into line the stereotype of colonial brand Constitution which the British Government of that day, in 1966, saw fit to impose on a former colonial possession.

This, Sir in my opinion, is an old colonial type of Constitution which was used as a precedent. In those days it was dug up and used as a precedent because, as you know, even with the system of conveyances, if you have precedents you just use them provided they be not too far out. So in this case the old stereotype was dug up and used as a matter of convenience. That is all.

Commonwealth Minister or whoever he was; anyhow the particular person who dealt with it wrote that this matter is subject to revision at any time, a& the Government of the day thinks fit.

I am reading from the Report of the Barbados Constitutional Conference, 1966, inter alia, Sir, which says "they should remain. And pointed out that it was open to any Government after Independence to amend the relevant ; provisions if they so wished. Both Opposition Parties asked, that their objection to the draft on this point should be recorded. "

Well, the fact is that this is subject to change. So, far. Speaker, as the Prime Minister has read from the Report which I have just quoted in part on the Independence Constitution of Barbados, it is up to the Government of the day to revise die Constitution and bring it up to date as the Government of the day may think fit. So that was the Report, and that was the Constitution that was agreed on.

The Prime Minister in his capacity of Minister of Establishments already has most of these powers. I do not know if hon. members are aware of that. The Prime Minister as Minister of Establishments already has power to do most of the things set out in the amendments. For example, the Prime Minister after due consultation with the Leader of the Opposition, recommends, and if the recommendation is concurred in it is tantamount to an appointment and then is sent to the Governor General, in the case of the Public Service Commission, the appointment, of members of the Public Service Commission; and the appointment of members of the Judicial and Legal Service Commission. Members of the Police Service Commission? The Prime Minister.

So what is all this fuss about? The Prime Minister has that power already. He has the right to say whom he wants. He is the elected representative of the people - No. 1 man as Prime Minister, and he is answerable to the country. Why all this confusion? He is the No. 1 man and everybody looks to him and him alone. So if everybody looks to him and he is answerable at all times, he should have full power because he hats to answer at some time and the time is always limited because we have elections every five years, at least not later than every five years.

But we are saying that in the course of what the Prime Minister has referred to when he spoke - and he referred to it on, several occasions - I refer to the Report of the Independence meeting, he said that the Colonial Secretary, the

And there are many other commissions and committees to which the Prime Minister makes recommendations; but in truth and in fact he virtually appoints the person. That is what it really amounts to. So already the Prime Minister recommends and has great deal to do with all sorts of matters. Unless he gives a directive nothing happens. Whenever Civil Servants are in doubt what to do, everything is referred back to the Prime Minister for a directive; and if they go ahead and do anything unless it has final approval, nothing comes out of it. It is just a useless and futile exercise.

So already the Prime Minister has most of these powers that all this confusion is being made about. The Prime Minister already has power to say which Permanent Secretary he wants and technical officers and other senior Civil Servants; he does not really go down the line. He has not got the time with all of that, but up to a certain point he has all that power already.

Everything has to be submitted to the Minister for Establishments in order for it to be achieved. When the Establishments Officer makes proposals he asks for a directive from the Minister of Establishments and when it gets to a further stage he submits it for his approval. When you are operating from outside, unaware of how Government is conducted it would seem as though there would be misapprehensions and misunderstandings.

Mr. Speaker, a post must be properly created and established, whether on a permanent or temporary basis, by the Chief Establishments Officer and approved by the Prime Minister - who is Minister for Establishments - and he has about 15 or 16 departments under his functions. When you are a Prime Minister you are not a Prime Minister just walking around. He has about 16 different departments including the Ministry of Finance and Planning, and of course, with the airport and the seaports now he has more to do.

So, Mr. Speaker, already in a general way the Minister of Finance and Planning, who is our Prime Minister, has all of these powers in truth and in fact. So these amendments in so far as these aspects are concerned are being done in order to regularise the entire matter and clarify the situation for the benefit of all concerned.

The present arrangements are not quite clear, and so this is a step further in order to make it crystal clear what the Prime Minister's powers really are and to vest in him the power to do what he is doing already. Under the old Constitution he has that power. So we want to make it clear before us; and in so far as the amendments which are designed to remove certain powers from the Director of Public Prosecutions to the hands of the Attorney-General - I can understand asking something about that process but what I want to be fully realised is that all the provisions of this amendment relate to the security of the State, so if you are conspiring or have an unlawful assembly or try to do something which would be detrimental to the State, the Attorney General can ask another lawyer like himself who is not in Parliament - I refer to the Director of Public Prosecutions who is highly trained, qualified and well learned as our Attorney General is and as all Attorneys General should be. But Attorneys General from now on will be answerable to the electorate and to the Government, the ruling power, the Prime Minister and his colleagues. 2. 35 p. m.

So that the Attorney General being answerable to the electorate and to the people, is better qualified to deal with matters affecting the security of the State on all types of commotions, riots or unlawful assemblies and things of that sort that we have not heard anything about since - I hear people talk about the riot in 1939 but I think I know more about the 1937 riot than anybody around here. Anyhow I would not worry to go into that because I think that would be touched on.

However, the fact is that it is better that the Attorney General have these powers vested in him than in the Director of Public Prosecutions who has his hands so filled with all normal criminal matters and other matters, and of course can only be used when the opportunity warrants. The fact is that the Attorney General is answerable to the people and to the electorate, while the Director of Public Prosecution is not answerable to anybody at all. So he - I am not referring to any particular Director of Public Prosecutions, but he - can get away with murder; in other words, he can do as he likes - I am not saying that he does; he is a responsible man of great integrity, and we always have people of high integrity in such posts - but in the final analysis he can get away with anything whereas in the case of a political appointment the person is answerable to the people and to the electorate.

I do not need to tire you any more, Sir. I just thought I would rise to make these few points and to let my colleagues on my side here of the table, and certain members of the Opposition who are willing to learn, know, that all this fuss and hallaballo and confusion which went on and which is going on - and all these lengthy speeches - are not really called for, because all they have succeeded in doing is to

demonstrate that they are a conservative group representing the wishes of the Chamber of Commerce and vested interests in this country.

Hon. P. M. GREAVES:

Mr, Speaker, the match has been won. The runs have been knocked off. I do not even have to take guard. I only have to be on my guard. It is not necessary then for me, Mr. Speaker, to play for time.

To be serious. I am not surprised at the amount of criticism and comment, adverse and otherwise, that have been levelled at the proposals to amend the Constitution. I am not surprised because I am aware that ignorance of our Constitution proposals, ignorance of our Constitution and Constitutional provisions exists.

I am aware too, Sir, that they are other dishonest persons in the community who might - and you are aware yourself; this is not referring to you, Sir - who might understand the Constitution, who might understand the amendments to the Constitution, but who for their own objects and their own ends create confusion because they do not want the true picture of what the Government is doing as regards these proposals to be made known; but what I did not know, Mr. Speaker, was the depths to which this ignorance existed in high places. Sir, that I now know.

The witness of organizations now running to the high altar bearing testimony that they too - or testifying - have committed their souls in opposition to this Bill, springs both from ignorance and from confusion. The Barbados Labour Party, the Opposition forces, their allies, their cohorts, their satellites - in this I include the Press and I do not exclude the Caribbean Broadcasting Corporation - have set out to create maximum confusion. So one way, Mr. Speaker, in order to build up a sufficient Opposition to these proposals is to create confusion, and they have created maximum confusion.

Mr. Speaker, I think they would have been better advised, those of them who knew the Constitution - and I honestly believe there are some of them who know and understand the Constitution - that when they speak to the Chamber of Commerce, the Barbados Employers Confederation, and die Barbados Manufacturers Association - when they speak to those satellites of theirs, they should educate them as to what the Constitution mean; because only after they know what the Constitution of Barbados is, then they will be able to understand in fact the true import of these proposals.

You have to know first the Constitution before you can really understand these proposals; and to

understand a Constitution one should understand one's history, but to be able to understand more fully our Constitution we should understand the Constitution and to some extent the history of people like ourselves who emerged from a colonial status.

Barbados has had a long tradition; a long history; a history dating back to more than three hundred years of representative Government, Barbados has the second oldest Parliament in the Commonwealth; it is older even than that of the United States of America. These are not things to be brushed aside lightly because we have a solid history. We are not like Jamaica or Trinidad who a hundred or so years ago elected to give up - this is what Jamaica did - elected to give up its constitution and revert to a colonial status. 2, 45 p. m.

Mr. Speaker, we are not like Jamaica or Trinidad. About a hundred or so years ago Jamaica elected to give up their Constitution and revert to a colonial status, and did not recapture it, or have it returned to them, until some time in the 1940s. We are not like those territories. We are not like the territories in Africa. This is not derisory, and I want to make that point. I do not intend to deride anybody. We are not like the territories in Africa where Parliamentary institutions have only been known over the past 25 years or so. We have a history behind us. We have 300 years of history behind us of constitutional rule. We dp not have 300 years of independence.

Mr. Speaker, this is what I said to the Methodists when I spoke to them and they were very dishonest in the reference which they made when they jumped in the ring like everybody else because they would be out of step and out of fashion. I told them that it is my firm belief that Barbados does not need a written Constitution, because we had the history to support us. It was my belief in 1966 and it remains my belief today.

Look at Barbados, Mr. Speaker. We have been able to maintain a rule of law. We have been able to maintain a high standard of democracy; we have been able to maintain supremacy of Parliament and so on. I will come to that in a minute, because I heard some nonsense being talked about supremacy of Parliament for the past 700 years, and we have operated up to 1966 without a written Constitution. (Asides.) I am talking about a consolidated document called a Constitution. I know that they were several Instruments. We had Letters Patent, Royal Instructions, and several Statutes of Barbados that guided us throughout all of those years. It is only in 1966 that we have enshrined in a single consolidated document something called the Constitution of Barbados.

Mr. Speaker, we have always been observing the Bill of Rights, the Magna Carta, the fundamental rights and whatever you care to call it. To understand our Constitution more fully, you will have to

understand the Constitution and a bit of history of other people's. Say what you like, Mr. Speaker, when you go to Westminster to negotiate independence, you will have to go with the Westminster model, whether you opt out of it later or not Even if within the terms of the document you decide that you do not intend to remain in the Commonwealth, perhaps, like Burma, you still have to go at that stage with the Westminster model otherwise you are not getting it.

Mr. Speaker, what is this Westminster model? Barbados became independent, although it is nearly ten years after Ghana got its independence, six years after Nigeria got its independence, arid before Trinidad and Tobago, Jamaica, Guyana and several African countries, but the Constitutions that were framed for them -= you had to frame a Constitution around the conditions and circumstances existing in the country at the time - suited their conditions including tribalism and so on. It was the same Constitution that the British Government dished out to every single colony that is emerging with little variations here and there.

Nobody in his right mind can come and tell me, Mr. Speaker, that the same conditions that exist in Nigeria, Kenya, or Uganda, or Basutoland, or Northern Rhodesia, are the same conditions that we had to make provision for in our Constitution so that we might proceed to what they call orderly independence. In other words, we were restricted in our Constitutional provisions by the conditions that existed elsewhere and this is a fact. We need not have been so restricted, and this is the important point I am making. I make this point, and I drew a distinction when I spoke to the Methodist Church. I do not know if it was beyond their comprehension to be able to digest all the things that they were told at that meeting that they came out with this dishonest statement that was read here in this House of Assembly yesterday.

Mr. Speaker, I made tile point that, after the war, there was a mass movement by several countries and all Colonial countries for independence. Some had a history and some did not have a history. What Westminster did was to produce in their document what they called checks and balances granting certain powers and restricting the Executive to the use of certain powers that they themselves would not restrict their own Executives to. This is the point I made to the Methodists. In Colonial territories, particularly those who received independence after the war, powers were withheld from their Executives that the donor power, in this case Britain, themselves exercised. All of the powers and trappings that you will find the British Ministers exercising, you will not find them in those ex-Colonial territories now independent that did not change their Constitution.

This is specifically why, Mr. Speaker, you will find in our Constitution that some method had to be devised. With these people who had no history of Parliamentary democracy, Westminster may not have been sure that they were capable of governing themselves. Because they felt that these people were incapable of governing themselves, and it is normally felt that black people cannot govern themselves, they had to produce a kind: of Constitution that gives with one hand and takes back with the other.

Frankly, Mr. Speaker, the forces of progress are thwarted because of this. This is what I spoke to the Methodists about, and I am appalled at that document that appears before us yesterday, above the hand of Rev. Phillip Saunder. From the time I heard that document read, there was no doubt at all in my mind that it was only Mr. Saunder's signature, but the hands were the hands of Esau.

Mr. Speaker, we have in our midst a Dr. Mitchell who, I understand, is a Methodist preacher, but I do not know. He wanted this Government, some time last year, to take some unconstitutional steps and we resisted it. It was that very Mr. Mitchell who, when I was speaking to the Methodist group, about an hour after I had made a point along the lines that I expressed myself a moment ago, attempted to distort and to misrepresent what I said. 2. 55 p. m.

The language here is the language of Mr. Mitchell. That is a man to watch. I understand he is connected with CADEC or something like this, he is a man who is busying himself from country to country in die area, and I think the Methodist Church had better take warning, they'd better do good and respect their fellowman as they should, and let their light shine. There is a popular disc jockey who says, Mr. Speaker, if you can't take the heat, stay out of the kitchen. I advise the Methodist Church to stay out of the kitchen; they will get burnt and they may allow themselves to be -burnt by one man, a big reactionary in this territory.

Mr. Speaker, there appears to be some proposals to the Constitution that give problems and these have been dealt with extensively. I think I can say one or two things about them. In the first place, the proposals are fairly simple. There is one to which the Leader of the Opposition referred to yesterday that in fact we had agreed to in London, but when the Draft Constitution came out -the hon. member for Christ Church West was there and he can confirm this - it came out different from what the conference agreed to in the United Kingdom. This is precisely what the Leader of the Opposition said yesterday, and he said I would remember it and I do. As a matter of fact I had already drawn personal attention to it when we received the Draft. I was a bit surprised that the Hon. Leader of the Opposition remembered it because he did make brief incursions into the conference in between buying stamps in 1966, but, Mr. Speaker, that was merely to restore a situation we had agreed on in 1966, but on the other provision like the transfer to the Attorney General some of the powers now vested in the Director of Public Prosecutions, from what I heard the Leader of the Opposition say yesterday, I am led to believe that he is in agreement that the Attorney General should have some powers vested in him over the Director of Public Prosecutions, and he mentioned one like hijacking. I do not know, Mr. Speaker, if in fact he was really mirroring an opinion expressed by Mr. Dennis Solomon whom the Press invited here to bolster their case, but in fact Mr. Dennis Solomon did just the opposite; but we still have a dishonest press. Mr. Solomon says in his report here that "a judge will be a political hanger-on only if politics involve every aspect of life.

It was among other things the duration of the judge's term of office and his salary rather than the process by which he was appointed which kept the administration of justice efficient. "

The Report went on:

"The lecturer brushed aside accusations levelled at the proposal to let the Attorney General have the final word in matters concerning public security and international law. "

But what do we see for the Headline? "U. W. I. Lecturer against Changes. " This is dishonest reporting. I was not present. I am merely guided by what I see in here, but what I see written here is not in consonance with the headline to what is here. He went on to state that in some cases, and he listed hijacking as one, it was necessary to have the Director of Public

Prosecutions superintended by someone in Government. The report states that the two proposals which came in for the most scathing criticism were those dealing with sedition and the qualification for membership to the House of Assembly.

Mr. Speaker, that section of the Bill that seeks to transfer certain powers from the Director of Public Prosecutions to the Attorney General creates no new offences. It merely seeks to transfer powers in relation to these offences from the Director of Public Prosecutions to the Attorney General; so when you mention sedition, sedition already exists as an offence; it is an offence at common law, and all the many things listed here in the Bill already exist as offences. There is one I shall want to speak about, having said this. The Director of Public Prosecutions can only bring a case based on information supplied to him almost 100 per cent by the police. Similarly, Mr. Speaker, the Attorney General could advise the Director of Public Prosecutions to bring a case on information supplied to him from the police, but neither the Attorney General nor the Director of Public Prosecutions has any power to lock up anybody or try anybody. All they can do is what any ordinary citizen can do, and that is to lay an information. Any ordinary citizen has that power to go and lay an information, and this is precisely what the Attorney General would have in his power to do, so to direct the Director of Public Prosecutions to do. It is for the jury, not for the judges since we are dealing with crime, to determine whether a man is guilty or not of any of these crimes or any criminal offence, whether those listed here or those listed elsewhere. It is not for him to so determine; it is a matter to be determined by twelve reasonable men or whatever the Jury Act says men or women, the peers of those persons who appear at the bar of justice. It is for them to determine whether a person is guilty or not, not for the Attorney General or the Director of Public Prosecutions, This is an important fact to bear in mind.

I do not want to say anything more about judges because inherent in what I said earlier about the history of this country are the underlying reasons for bringing this Bill before Parliament today. I will leave the judges aside because I think that has been adequately dealt with. The important thing is that the freedoms of this country are being upheld by this Constitution, but I will still make bold to say that even

under the old Constitution any unscrupulous person may still want to drive a horse and chariot through it. So it is not necessarily a question of these constitutional provisions; these are not what are at stake because if one follows the law and the Constitution, and I am a constitutionalist, the people of this country would have no fear whatsoever about their civic liberties. 3. 05 p. m.

In passing, in dealing with the Judges, I merely ask this question. Who can tell me what is a political judge? Nobody has ever yet defined this term for me. The mere fact of a political appointment - and as we have seen from the Leader of the Opposition yesterday, a demonstration of how Judges are appointed in countries, outside of the Commonwealth, they are all politically appointed; every single one in every single country is politically appointed. They may not be appointed in the same manner in which we are proposing, but they are all politically appointed.

Mr. Speaker, I will just leave that aside because I do not know what a political judge is. We are told by some people that Parliament is not supreme, that the Constitution is supreme. I have never heard such from people who do not even know the sub judice rules and offer themselves to this country as Constitutional experts.

If Parliament is not supreme, and the Constitution is supreme, who is changing the supreme law of this country? The Constitution is supreme law. That is the difference. But Parliament is supreme, and if Parliament is not supreme and the Constitution is supreme we have a situation of an inferior institution amending something that is superior. What ridiculous nonsense!

Mr. Speaker, I think that there is a misunderstanding - I do not know how genuine it is - about that section of the Constitution dealing with the appointments of certain officers like Permanent Secretaries and so on. What the Constitution states is that appointments are made by the Governor-General on the recommendation of the Public Service Commission after the Public Service Commission has consultation with the Prime Minister.

We have heard the issue of consultation raised. They tell us on the one hand that consultation is meaningless when the Prime Minister has to consult with the Leader of the Opposition; but now that the Public Service Commission has to consult with the Prime Minister it has all kinds of meaning now.

As the Leader of the Opposition said yesterday, how can you approbate and reprobate on the same thing at the same time? How can you blow hot and cold at the same time? As a matter of fact the manner of consultation between the Leader of the Opposition and the Prime Minister is laid down and enshrined in the Constitution. There is no such provision in this Constitution for consultation between the Prime

Minister and the Public Service Commission. So do not tell me that this consultation is meaningless when it was you who pressed for consultation. Not the Attorney General, because the day after the Bill was laid here there was a press, and Mr. Jack Dear and they both went to press almost immediately stating that the Constitution was being amended in the provision relating to Judges and not even the Leader of the Opposition is being consulted.

The Attorney General had to point out that. A big constitutional lawyer like Mr. Jack Dear had not done his homework. He merely looked at the Objects and Reasons without reading the Bill. That is precisely what happened. It is not that the Government advanced this as a reason for changing the provisions because there is consultation between the Prime Minister and the Leader of the Opposition on this issue; because up to between 1961 and 1966 under the Judicial and Legal Service Commission Act the power of appointing the Chief Justice resided with the Governor on the recommendation of the Premier only.

There was no consultation with the Leader of the Opposition. It was only after 1966 that these things were written into it. There is so much that can be said on these issues, but I do not wish to say very much more except to say, as I said earlier, that the runs had been knocked off.

Mr. Speaker, this Bill is a fair, reasonable and proper Bill, and it is the kind of Bill which I would be happy to live under even if - God forbid - one of them over there was Prime Minister, or my children to live under. (Cheers).

Mr. MOTTLEY:

Mr. Speaker, when this debate began yesterday morning and since then, it has been approached with emotion, great emotion, and I do not propose, as I have said outside of this Chamber - I do not believe that! the proposed amendments should be looked at from any emotional point of view. They should be discussed with reasoning on both sides, whether the reasons be put forward by the Opposition or the reasons put forward by the Government for the amendments.

I believe, Sir, that it was the Minister of Health who in an interview on radio, when he was asked about the question of consultation which obtained at the time of the Independence Constitution said then that there was no procedure whereby as you had in 1966 various groups were asked to submit memoranda; but the reason why this debate was put back for four weeks was in order that persons in the society should have a say on what was right or wrong in the Constitution.

I was not here when the Prime Minister said it, but I would have thought that the assurance given by the Prime Minister that the Bill would not have been debated within less than four weeks implied an undertaking that he was giving the people of this country an opportunity to discuss the pros and cons of the Bill, and if necessary, submit memoranda on whatever they feel.

Now let me make it absolutely clear. I hold no brief for the Chamber of Commerce and I will never hold a brief for the Chamber of Commerce or the Barbados Manufacturers' Association; but I feel that the whole object of this exercise in putting back debate for four weeks was to give the public an opportunity to discuss and comment on the proposed constitutional changes.

I think that it is grossly unfair that when these people have done what you expected them to do, but not said what you expected them to say that they should be abused and vilified in the manner in which they have been vilified and abused in here.

Even the Church. We heard that the Methodist Church is dishonest. One speaker said that the Anglican Bishop was unfrocked. Why is this? We talk about democracy. I hold no brief for the Chamber of Commerce but has not the Chamber of Commerce the right to say, whether you agree with them or not, that they disagree with these amendments?

Hon. P. M. GREAVES:

Mr. Speaker, on a point of order, I never said that the Methodist Church was dishonest. I said that it was a dishonest statement to come from this gentleman who sent it. I did not embrace the entire Methodist people.

Mr. MOTTLEY:

I accept the correction. If the hon. member is saying that it was dishonesty on the part of those who sent it, it is signed by the Rev. Phillip Saunders, the Chairman elect of the Methodist group who is in the position of the Bishop of this country. Is the hon. member saying that because the Chairman of the Methodist Church has said something with which he does not agree that it is dishonest? Are we reaching the stage when merely to disagree with the Government you must be dishonest in your statements? 3, 15 p. m.

Democracy means the right to say something even if you do not agree with what is being said. That is democracy as I understand it; the right to say something even if I do not agree with what is being said. So that you must give them the right. If they say that they disagree with you, that is their right to say so;

but do not abuse them for saying so.

When the Methodist Church, when the Anglican Church and the churches I dare say, have for the first time become involved in matters other than the religious matters in the society, are you going to turn back this interest because you disagree with what they say? Are you going to cut them off and say you have no right to say this!' You can disagree with them, but you should welcome the fact that after so many years in Barbados the churches have finally got involved in activities outside the mere spiritual education of the masses of this country. Welcome it. If you want to disagree with them, disagree with them but do not abuse them and do not vilify them for doing it.

Now, Sir, the Jaycees. I have no brief for the Jaycees either. I have my own views about the Jaycees, but I still feel that as a body, if they want to express an opinion and say they feel the constitutional changes are wrong, that is their right. Do not deprive them of that right; do not call them dishonest for saying it. You mean, purely because I disagree with what you say I have to be dishonest? That is the whole argument as put forward by the Government members.

Mr. Speaker, a few weeks ago I spoke on a public platform, and I invited them - you hear the news media being abused, Sir; the Caribbean Broadcasting Corporation included. I did not think I would live to see the day when the Government would abuse the Caribbean Broadcasting Corporation. The Advocate-News, the Nation and all other newspapers and media are being abused, Sir - I said then I thought it would be far more beneficial to the public as a whole, and perhaps would have prevented the heat that was generated in here today, if members of the Government and members of the Opposition party would have gone on television before the public and would have discussed the pros and cons of the changes. When I issued that invitation to the Attorney General on a public platform to let us take off some of the nonsense about "Father knows best" and a lot of the stupidness on television, let us take some of that off, let us put the representative of the people on television - you represent people, we represent some; you represent the majority, we represent the others. Let us go before the television and tell the people of this country why we say the changes are bad - you will not agree with us, fair enough - and you will tell us the reason why you say these changes are necessary.

You may convert us, or we may disagree with you, but this is involving the people. This does not mean you do not come to Parliament to debate it, but it means it would give the public an opportunity to know what is the true stance of the Government; to know the reasons why. The Objects and Reasons of any Bill cannot set out to a layman the reasons why the Government wants to change the Constitution. You on the Government may feel that you have 18 seats and therefore you have a mandate from the people to do whatever you want to do, and therefore you do not have to go back, but I do not believe that this is a proper way to practise democracy, because certainly, since you have been given 18 seats based on a Manifesto, if you want to do something which is so fundamental that you consider requires a period

of time that the public should have consultation and the right to express their opinion, does it not mean that you are thereby saying, this is so fundamental that we feel we should go back to the people.

I am not saying you should hold an election. I am not saying that at all; but at least give the public an opportunity to know what you are saying. It is involving the people of the country in the process of Government. You cannot govern a country without involving the people in the process of the Government.

The trade union would know; the trade union cannot exist without involving the people in the operations of the trade union. (Aside.) Right. Because you involve the people in the trade union; therefore a Government can only last if that Government is prepared to involve the people in the process of decision making. And that is why I feel that this is an issue that could have been argued and reasoned without any sort of emotionalism, without any sort of abuse.

This is a simple straightforward thing. We could have got there, we could have put our members, you could have invited the people who objected, you could have invited the Chamber of Commerce; put them on the spot before the public of this country and tell us why you object. You could have invited NOW, you could have invited the AYPA you could have invited the Anglican Bishop. It would have been good to see a confrontation between the Attorney General and the Anglican Bishop based upon the Anglican Bishop's objection to this, and also based on the Government's stance, because then the people would know what is going on, and then the Prime Minister would not have to come in here and talk anything about the Bishop at all.

That is why I feel - and this may be due to the fact that the silence of the Government on this matter has led to a lot of the emotionalism that has been generated.

When the member for St. Michael West was talking yesterday he was talking about working-class people and people demonstrating. Let me say this. I have no respect whatsoever for people like the Chamber of Commerce who will get at meetings and say 'we object to the proposed Constitutional changes', or NOW, the Anglican church or anybody, and the middle class people of this country who will get at the cocktail parties in their drawing rooms, and the civil servants too, and say they object to the proposed changes, but when you say let us come out and have a demonstration so that the Prime Minister would know how you feel as a public against these Constitutional amendments where are they?

You will find that the working-class people you saw down there in the yard yesterday were the standard bearers once again for progress in this country. It was the working-class people who had to

come out; and if there was to be any conflict it would have been the conflict of the working-class people. The working-class people were the people who had to come out and bear the standard for democracy in this country.

Now, Sir, one of the problems I do not think many people dealt with here is the question of the Prime Minister having the right - and I am not making any personal remarks; when I say the Prime Minister I mean the Prime Minister in die sense that it is in the Constitution, and not the particular holder of the office - when you say the Prime Minister has the right to appoint judges, we heard that it is a system open to abuse, but most people dealt with it from the point of view of whether you will appoint a judge who is a member of a political party; but I think it is something far more fundamental than that, because you have to go back and look at the fellows at the bottom who are the ones aspiring to be judges; and even in the civil service, the ones who come out at the lower rung who would believe - because the Constitution provides that the holder of the office of Prime Minister is the one to appoint the judges. 3. 25 p. m.

Whatever political party is in power and whoever may be the Prime Minister, it is going to lead to a system where these people will do things to curry the favour of the present holder of the office of Prime Minister whoever he happens to be, and that is my criticism of the system of having this. It is a system of political patronage. I am not saying that the Prime Minister is going to indulge in it. I do not believe he is the sort of individual who is going to sit down and listen to idle chat, but I believe that some people will feel - (Interruption from the Gallery.)

Mr. SPEAKER:
Order! He will be removed at once.

Mr. MOTTLEY:
I was saying that there are people who would feel and who possess the mentality to believe that, in order to get by, they will have to join the party in power. They would have to be a card-bearing member of the party in power, and that they would have to do everything possible to make sure that they keep within the graces of the party in power.

Mr. Speaker, I will recall one example where, as a lawyer, I called a Magistrate and asked him to bail a client. He said that he would not bail him. On the Monday morning when I went to the cell to see the man, I was told that the man was bailed. I was also told that a member of the House had telephoned the Magistrate and the Magistrate had given the man bail. Sir, that is where the system is abused. The man was not in the political party to which I belong. He was in the Government party. It may well be that the Magistrate felt that he was doing himself a good thing by doing something for the benefit of the member of the Democratic Labour Party. Whenever you have a system wherein political patronage can operate -

we know that political patronage will operate all over the world, but I believe that in small societies like ours the risk is greater.

Mr. Speaker, as we hear from time to time, if two people come for a job, one is a card-bearing member of the party in power and one is not, then the card-bearing member will get it. When you have a system where people realise and appreciate that they must depend upon the Prime Minister of the country for promotion to certain posts, you are then going to find that these people will join the Government party of the day, whether or not they, in fact, support it.

You are creating a sense of intellectual dishonesty among the people. People will believe that, in order to get on, they must join the political party in power. Whether or not they believe in the philosophy of that particular party they will join it. The people will realise what is happening. The patronage is there and, therefore, you must show your partonage to the Prime Minister or whoever is the holder of the office.

I have heard a lot of talk about Colonial Constitutions and Constitutions imposed by the Colonial masters, etc. On the one hand, you get members saying that what we want to amend in the present Constitution is what was imposed on us by our Colonial masters, but I still hear arguments to justify the amendments by now using the system that obtains in the same Imperial country that you are criticising. You are now saying that this system obtains in Great Britain where the Lord Chancellor, who is a political appointment, or appointed by the Prime Minister, can appoint Judges and you seek to justify this. 3. 35p. m.

You seek to justify this by using the position and the situation in England, and I do not believe that is a tenable argument at all. There are various reasons. When you take the question of the appointment of judges, it is only within recent years in Barbados that I believe that the practising bar, since the Prime Minister left it, has exceeded twenty persons as distinct from solicitors, therefore within the Bar Association in Barbados you cannot expect to find the same traditions that existed in England which have grown up over a period of time, and which of necessity bind the Lord Chancellor to some degree in his appointments. You do not find that mediocre persons are being catapulted to judicial office in England. The only two traditions I know which existed in England, and this was true up to Lord Hewart's time, was that whoever was Attorney General, when the office of Chief Justice became vacant, had the first option, and the Solicitor-General had the first option to the presidency of the Divorce Probate and Admiralty Court. This practice still obtains or obtained as recently as in the late Sixties when Sir Joslyn Simon, who was Solicitor General in the Conservative Party left that post and became President of the Divorce, Probate and Admiralty Court. So in England there is a very strong tradition with your Inns of Court etc., but you do not have these considerations to back up things in Barbados. I cannot therefore look to England because of their traditions and say that this obtains in England and

therefore it is good for Barbados. I thought we had passed that stage. If anything I thought we would look at the operation of the system in the other West Indian territories - Jamaica, Guyana, Trinidad - that had the same historical development as Barbados and try to emulate those countries. I have never heard of any quarrel in Jamaica about the method of appointment of judges. I have never heard of any quarrel in Trinidad, and indeed the Wooding Commission goes as far as saying that the office of the Chief Justice should hot be appointed by the Prime Minister, but should be appointed by the President who becomes the Head of State who is elected by a college of electors as is done in India, and he goes on to say that the other appointments to the Court of Appeal and the High Court should continue to be made by the Judicial and Legal Service Commission.

We heard praise for the late Sir Hugh Wooding in this Assembly. But you see, they have not examined the system recently. Trinidad was independent since 1962 and so was Jamaica, but Trinidad examined the whole system of the appointment of judges and decided that the method of appointing them by the Judicial and Legal Service Commission is a suitable and adequate one, and indeed Wooding in his Report said that the area of political patronage in the hands of the Prime Minister is far too wide and it should be reduced. I believe that is the method and practice we should look at. We should not look at the United Kingdom because we have not got the traditions of their institutions, we have not got the free press who will come out against the injustices when they see them, we have not got in Barbados a public opinion that will influence things as they do in England. Who would believe that if Mr. Profumo was a member of the House in Barbados that he would have resigned. You have different conditions obtaining in Barbados; but in the United Kingdom, because of their traditions, Mr. Profumo had to resign. Then there is the recent case of Lord Jellicoe. Which of us in here would have to resign if we had done the same thing? Indeed the House might be empty with all due respect to the hon. member for St. Michael North East. There were traditions in England which made the conduct of Profumo and Lord Jellicoe such that public opinion could force them to resign, but public opinion in Barbados could not force anybody to resign if he had conducted himself in that way or even worse because the traditions are not here. So you cannot take from one system certain things which depend upon traditions and apply them to Barbados.

As I said, I have no intention to speak with any sort of emotion at this time; I am only appealing to reason, Neither can you take the American system and say that you have the system in America where judges of the United States Supreme Court are nominated by the President and you go before the Senate where the whole life history of the person is gone into, and indeed I may say where perhaps political influence plays a greater part at that stage than it does in the Commonwealth. You look at him, you look at his voting record, his attitude towards the black people, his attitude towards the Workers' Union, his attitude towards minority groups and various things like this, and if having examined that and published in the press also you find that he is not a fit person, then he is not appointed. That is not a system which could operate merely by changing this method. So that we cannot say that there is nothing wrong with the Prime Minister appointing judges because in America the President appoints the judges. You cannot compare the two systems because basically they are different.

Now, Sir, in 1963 when the Director of Public Prosecutions Act was passed, it was the Prime Minister then who said that this was being done to allay the fears of members of the public who feel that a political Attorney General should not have sole responsibilty on matters of life and death. He said then:

"Whereas even the Chief Justice is appointed by the Governor after consultation with the Premier, there is absolutely no question of consultation or advice when it comes to the post of a Director of Public Prosecutions, because the Director of Public Prosecutions will be taking over that part of the functions of the Attorney General dealing with the liberty of the subject, and it is felt undesirable that any political appointee to the post of Attorney General should have such far-reaching powers of life and death. "

Mr. Speaker left the Chair and Mr. Deputy Speaker took the Chair.

I do not like quoting people in part. He went on further to say.

"This is not a view to which I myself necessarily subscribe, because in theory, if not in practice, in the United Kingdom the Attorney General still has the right to grant or withhold his fiat in cases involving treason, sedition and the more important criminal cases. "

After the hon. member for St. Peter at that time had spoken in which he said:

"We had a constitutional Bill that came here saying that the Attorney General is going to be a political appointment. Nothing was put down in that, but this is what you expect him to do because if you give the Director of Public Prosecutions the criminal side, I can see the protection it would give people not to feel that their case in court was based on a political Attorney General and therefore there would be any spite work. "

The Prime Minister went on to say:

"I hope no hon. member would get up and represent anything of a Minister doing so-and-so. This is something universally accepted, that we should divide the functions of Attorney General and Director of Public Prosecutions. "

This was the stand in 1963. I am not saying that he is not entitled to change his mind, but I believe that the people of this country are entitled to find out why you have changed your mind in this respect. In the same way they want to know why you have decided on this. There are a lot of rumours why the system for appointment of judges is being changed. It was known for quite some time now at the Bar, because I knew that for quite some time, that a judge was reappointed by the Judicial and Legal Service Commission on the basis of a round-robin and that an attempt was made to prevent that by advising the

Governor-General to call upon that man to have a medical, and the Governor-General refused to do that, and it was as a result of that that you find these changes coming about. People say that you do not get political considerations. Up to about three or four years ago I believe that Queen's Counsel in this country were appointed by the process of the recommendation of the Chief Justice..

Mr. DEPUTY SPEAKER:

I must tell the hon. member that his time has expired. Please wind up.

Mr. MOTTLEY:

Thank you. Three or four years ago a Queen's Counsel was appointed by the Chief Justice after consultation with the Judges and the letter was sent to the Governor-General who made the appointment. It was changed to a situation whereby the letter would go from the Chief justice to the Prime Minister's office and then to the Governor-General. For quite some time, as I understand, the member for Christ Church West was recommended for a Queen's Counsel and that recommendation has not yet been granted, and nobody can gainsay the fact that whatever you think of the hon. member, he is one of the outstanding lawyers in Barbados and should be granted it.

Rt, Hon. E. W. BARROW:

Mr, Deputy Speaker, this has been a very long debate. We have had speeches from every single member on the opposite side, not necessarily because each one had a different contribution to make, but probably because they felt that by mere repetition we on this side would expire from exhaustion. We have had on this side contributions varying in content, each one dealing with particular aspects of the discussion upon which we have been engaged since yesterday morning at 10. 30.

I do not normally, Mr. Deputy Speaker, spend much time in summing up a debate, but so much confusion has surrounded die introduction of these amendments that I feel it necessary to reply specifically to one or two points and to reiterate points which I have already made, particularly because the Press of this Island did not publish an accurate even summary of the discussions which took place yesterday. Anyone picking up the Advocate-News of Wednesday, 28th August, 1974, would hardly realise that I spoke for three hours and forty minutes on aspects of the Constitution and on the changes and that the Hon. Leader of the Opposition spoke or stood on his feet for that length of time merely because he felt if he had sat down before the time which I had spent on my feet some of his constituents may have felt, to use a Barbadian expression, that he had run out of gas, as gas it was. 3. 45 p. m.

I am not going to say what I think of the speech made by the Leader of the Opposition. It was a typical speech for the Leader of the Opposition as a person, not for a Leader of Her Majesty's loyal or disloyal

Opposition as a parliamentary speech; but it was a typical speech for him and I do not intend, of course, Mr. Speaker, to glorify anything that he has said by repetition except in so far as it will be necessary for me to correct one or two statements which you indicated at the time when I was making a protest that I could wait for the occasion of my reply.

But, Mr. Speaker, there are two things which I wish to draw to your attention. You will remember that one of the main texts, if you may describe it as such, was "tell me what is happening. " The newspaper cannot create an issue for this Government or for Parliament. Issues have to be real issues. My other text was that sovereignty resides in Parliament and the proper forum for discussion of matters of this import is not ad referendum to the populace and to the public domain. It is strictly a matter for the elected parliamentary representatives of Barbados, of the sovereign independent country of Barbados.

But, Mr. Speaker, I must draw to your attention two things, and I will preface my remarks by saying where have all the flowers gone? And I will tell you what I mean by flowers. Yesterday members of this House were virtually assaulted, and I wish to get this off. Members were virtually assaulted by gangs of people brought down in lorries from the country and we have heard that it is a burning issue, as we have heard it described by the member who has just sat down, the member for the City, so that it has got all the people inflamed. But where have all the flowers gone? Have they been depressurised by statements made by members of the Government? And I use depressurisation in the sense that depressurisation means a deflation when you have become too inflated or "windflated" because although it is supposed to be a burning issue, and the debate is not completed, not one single member of those demonstrators who were participating in the march organised by the Barbados Labour Party yesterday was in evidence this morning.

Have they then suddenly lost interest, or is it because they have become deflated by the comments which the Advocate Newspaper refused to print? I have had several complaints from members of the public, including a Senator, that they have written letters to the Press expressing opinions on the amendments to the Constitution and the newspaper refused to print them.

But what is even more insulting to this Place is that the person who introduced this measure, whether you like it or not, that person is Chairman of the Cabinet of Barbados and was relegated to secondary or tertiary position in the newspaper. The Leader of the Opposition, even words which he did not explicitly express was blazoned as a headline across the front of the newspaper.

I want to make my position clear. My happiest days will be when my name and my picture would not appear in any newspaper in any part of the world. I do not run this Government by the Press, I do not

suffer from the newspaper neurosis that unless my name is in the newspaper in some shape or fashion, and it does not appear for three or four days that I have somehow been relegated to obscurity and oblivion. I would like the Press of this Island to do me a favour. Do not publish any speech of mine as the Advocate did on one occasion because I said on the floor of this House that there were only two races in Barbados as far as I knew - when they were whipping up a lot of race strife in this Island - and I said that the two races were the Advocate Reporters and mankind.

They published a letter in the same Advocate signed by all the reportorial staff of the Advocate saying that they would not publish anything that I said in the law courts, in public or in the House of Assembly, thereby violating one of the rules of the House. Not the Editors, but the Reporters. Mr. J. C. Proute was one of them and Mr. Alleyne was another. They thought that I would curl up then and die as if some pins had been stuck into me by a practitioner of necromancy because I would be relegated to obscurity by not appearing in the Press.

Mr. Speaker, on one occasion they said that five members spoke - Mr. E. K. Walcott, Mr. G. H. Adams, Mr. Frank Walcott, Mr. Owen T. Allder, and Mr. Tudor. That was disrespect of the House. Apart from that disrespect, I did not mind it at all because that was the happiest period of my life; but on another occasion when I appeared in the law Courts in a case with Mr. Edward Keith Walcott and they did not publish the case Mr. Walcott upbraided them because in leaving me out they had to leave him out as well, and that is how I got back in the Advocate. That is one of the worst things that ever happened to me in my life.

I do not want them to say that I have had a birthday, that I have left the Island, that I have returned to the Island, that I went to a cocktail party, that I spoke in the House of Assembly, that I spoke at a political meeting, that I was elected or not elected at some conference of my party or any other organisation or that I made a speech at the Junior Chamber of Commerce or any other place. They can just say Mr. Blank. My life cannot be based on the cheap newspaper notoriety that goes on in this country.

But I want to say this: Elected representatives of the people are owed some kind of respect. What went on in the court yard yesterday was not a mark of respect. I issue a note of warning to the people on the other side. I am not concerned. My only regret was that there were police there to restrain me from doing what I wanted to do to those people who assaulted me. I issue a note of warning that the people invariably who engineer this kind of activity in a country are the first people who perish as a result of that kind of activity, and frequently at the hands of the very persons they have trained to act in an undemocratic manner. 3. 55 p. m.

Now one can be forgiving not to the Press, because I think it is something you, Mr. Speaker, will have to take up. I do not think a Press is fair to a country when it is the only daily newspaper, when every letter that comes in - as has been happening for years, - which supports a Government measure is consigned to the waste paper basket, and they can publish the kind of headlines that they publish in today's paper. Letters written by responsible people in this community were discarded; and I think that when they do not issue a fair and accurate report - which does not have to be in detail - of die proceedings of the House, then they are guilty of a contempt which is a matter which I will have to take up on a question of privilege at a later date.

That is one thing; but it is another thing altogether, when you get members of the House behaving in this fashion - and I am making a report now on a point of privilege in the course of this debate, to show how people resent the general public being made aware of their true colours. When this House was adjourned yesterday, Sir, in the precincts of the House - I descended the stairs; I had not left the door of this House - and I went to the member for Christ Church West and I told him, asking the member for St. Michael North West and the member for St. Michael South and two police officers to remain in close proximity whilst I got an explanation from the member for Christ Church West, that he has said that I had been to his House frequently in the pass - I am not making any comment - and he should have thrown acid in my face while I was lying on his bed. I then told the member for Christ Church West that if this was true, - first he should explain that I had only been to his house on two occasions - and he said 'no, I had been several times, ' I told him what the two occasions were and I said it was more than ten years ago and that I did not even know that he had a bed, so I could not be lying on his bed because I know before he went away to do his law where he used to sleep..

Mr. MOTTLEY:
On a point of order, Mr.

Speaker. May I draw Your Honour's attention to Standing Order 28, rule 2: "A member must con fine his speech to the subject under discussion and may not introduce matters irrelevant thereto. " (ASIDE)...

Mr. SPEAKER:
The hon. member is on a point of privilege.

Rt. Hon. E. W. BARROW:
In the presence of two senior police officers - • that statement was made before 8. 30, and the confrontation which I have just described took place on die final adjournment of the House. In the

presence of the member for St. Michael South and die member for St. Michael North West the member said that he had not said that, but he said that if I came to his house he would throw acid in my face. That was the member for Christ Church West; and he repeated it several times and waved his hand in my face in a threatening manner; and all that I had said about that member for the whole day was - he accused me of being slimy and nasty; (Asides) he said that downstairs - was to say that if any member of my party was seen jogging with the Chief Justice month after month, day after day, they would say that we were trying to influence the Chief Justice. That is all I said.

Now I am saying, Sir, that this House has to stop quarrels between members; I have no quarrel with the hon. member. I do not aspire to anything he has, not even to jogging with the Chief Justice. I said that yesterday. I said I do not seek to be in such elevated company. I would like the judges of Barbados to know that I do not want to go to their houses.....

Mr. SPEAKER:
Privilege.

Rt. Hon. E. W. BARROW:
Right. But the point I am making, Sir, is that if a member in the course of the debate said something and the member does not like it he can object. He knew what I said was a fact. But for a member in front of a crowd of hooligans (Asides) to give vent, as a lawyer speaking to another member of the legal profession, they would think it is perfectly legitimate for anyone in this Island not only to make threats against members of this House but to put their threats into execution.

Now I would suggest, Sir, on a point of privilege, that you invite evidence from the persons whose names I am willing to supply to you, apart from the two members, and other persons who heard the remark made earlier, and resolve this matter; because if it is not resolved I will have to take action in another place. That is all I want to say on this point of privilege.

Mr. SPEAKER:
Let me say this if you have finished your point of privilege.....

Rt. Hon. E. W. BARROW:
Yes, Sir. I have.

Mr. SPEAKER:

I do very much regret the fact that die point of privilege you have raised was not raised earlier in today's sitting because you were here earlier, and a point of privilege must as such be brought to the attention of the

House immediately as it happens or at the first possible opportunity thereafter. Since you have now brought it, I would like to reserve my judgement on the matter and say at the next sitting whether a prima facie case has been made out or not.

Mr. FORDE:

On a point of privilege, Sir.

Mr. Speaker, it is not unusual for the Prime Minister to use a wide audience....

Rt. Hon. E. W. BARROW:

Mr. Speaker, I object. When you ruled.

Mr. SPEAKER:

Two hon. members cannot be on their feet at the same time.

Mr. FORDE:

It is not unusual for him to use a wide audience. Mr. Speaker, I expected the Prime Minister for the second time during this debate, to use the facilities of CBC and the public to denigrate me and to attack me. I am quite prepared to face any breach of privilege.....

Rt. Hon. E. W. BARROW:

It was he who said he would throw acid in my face

Mr. SPEAKER:
Let the hon. member continue. He has risen on a point of privilege. He is on a point of privilege. I will hear him.

Mr. FORDE:
I do not want to go into the merits of the case...

Mr. SPEAKER:
Please state your point of privilege.

Mr. FORDE:
The point is that I was approached by the Prime Minister in an aggressive manner, bringing policemen to hear what was going on, accosting me saying that I was not strong, I was weak and he could beat me, and therefore do not come near to him, and threatening. His usual standard of behaviour; and then, in those circumstances I replied to him in what I considered was the language that he deserved.

I complain of his conduct in general towards me also on the steps that night, and the stand that he took when I was in friendly conversation with two members of the House, to approach me to start a quarrel, and, cannot take what he got out of it. I would ask that my breach of privilege - his assault upon me and his threats to me likewise - be dealt with by this House. 4. 05 p. m.

I would ask that my breach of privilege, his assault upon me and his threats to me, likewise be dealt with by this House. There are certain people who use all of the blustering techniques of trying to frighten others, but I am one who cannot be.

Rt. Hon. E. W. BARROW:
rose

Mr. SPEAKER:
Two hon. members cannot be on their feet at the same time. I will also rule upon that alleged breach of privilege at the next sitting.

Rt. Hon. E. W. BARROW:

Mr. Speaker, I just want to say that I was referring to a previous statement made at eight o'clock by the hon. member when I went to him at ten o'clock. I have the two Police Officers who were there.

Mr. SPEAKER:

You will deal with the reply to the amendments to the Constitution.

Rt. Hon. E. W. BARROW:

I will deal with it. Those threats were made out of my hearing at eight o'clock Now the Chief Justice will know the kind of person he goes jogging with Mr. Speaker, I was dealing with the question of organised hooliganism and so on, and I said where have all the flowers gone, because some members have been contending here today that the country is in a state of unrest and disquiet. The evidence of this unrest and disquiet, according to their friends Glyne Murray and others in the Advocate, was an assemblance of persons in the court yard at the tail end of a march organised and advertised by the Barbados Labour Party. The pictures of the Leader of the Opposition and the Deputy Leader of the Opposition appear in the daily press taking part in that demonstration. I merely wish to ask them where have all the flowers gone. They have long since departed. There is not one of them out there in the court yard today. If there is a state of unrest they should be seething and seething, and not engineered and orchestrated.

Now, my objection yesterday to the various organisations who jumped into this discussion without any audience being given to any member of the Government; letters being concocted from a single source, Supreme Headquarters, in some part of Bridgetown, and I want to deal with the people. When you get people who are in positions of authority in the Church, who give vent to effusion, suggesting that the Government in pursuing its constitutional right in amending the Constitution is being guilty of some kind of moral or immoral behaviour

Mr. Speaker, I wish to quote from the Lord Bishop of Barbados in his final paragraph. The letter was very good up to a certain stage. In the last paragraph but one he said:

"At the same time our leaders must recognise the dire need For moral integrity in every sphere of life including politics. If this nation or any other nation is to survive, the process initiated by Government is a definite threat to the moral integrity of politics in this country and every concerned citizen has a right to insist on such integrity from the duly elected leaders. "

What was that other than an attack on the moral integrity of the leaders of this Government including

myself by the Bishop of Barbados who had every possible access to me at all times on a personal and on a public level on any problems he might have ? Apparently, the Almighty has not solved all of his problems for him yet.

Now, I have said this and I will repeat it. I am perfectly willing to let people say whatever they want to say within the law, and I am not concerned about what they do. I am not concerned about people's private lives. I am concerned about their public life only in so far as the matter affects the running of the Government. But if you leave your ivory tower to descend into the political arena, no matter what the excuse is that you may advance for your descent, you should go and read "Easy is the path that slopes to hell. " If they descend into the arena and start the attack by suggesting that the Government is doing something immoral - to quote His Lordship the Bishop: "our leaders must recognise the direneed for moral integrity in every sphere of life including politics. If this nation or any other nation is to survive, the process initiated by Government is a definite threat to the moral integrity of politics in this country, and every concerned citizen has a right to insist on such integrity from the duly elected leaders. "

I am saying that he was delivering a little moral lecture to me and to the members of my Government, and I am saying that I have to question his credentials. I must also question alongside of the credentials of Drexel Barbados and the Rev. Saunders and Bishop Anthony Dickson - not only must I question their credentials, but I will also have to question their sincerity. As I pointed out yesterday, it is undignified for a person, who is the head of a religious denomination, to allow himself to be summoned by political agitators to a meeting and then these political agitators sit down and gloat over the fact that they have two or three heads of the Churches in Barbados sitting at their feet as if they were sitting at the feet of Gamaliel: Unemployed civil servants and disgruntled political aspirants.

Mr. Speaker, if the Prime Minister of Barbados had come to ask them to join the Government in a protest against the behaviour of the Opposition, if the Prime Minister invites them now to come and write a letter to the newspaper about the threats made both to his life and to disfigurement by the member for Christ Church West, would they come? Would they have any question of moral indignation? Would any question of moral indignation arise at that stage?

Now, I am going to address my remarks directly. All I can say is that the hon. member is not always consistent in his addiction for the truth.

Mr. SPEAKER:

I would like the hon. member to refrain from inflammatory remarks. Contain your remarks, if you wish, to the reply. Inflammatory speeches do no good at this stage.

Rt. Hon. E. W. BARROW:

You get a situation in which the speech made by the Leader of the Opposition in which he is glorying in the fact that an ex-University lecturer in Barbados makes disparaging remarks about this country, and he takes this as further testimony to support that the Government is no good and, therefore, should not be supporting this matter. The University lecturer in question applied for a work permit for his mistress. In his letter to me he said that the lady was his mistress and that he had no intention of marrying her because she believed in women's liberation and signs her name Ms. He said he considered it an infringement of his civil life, as a person invited to Barbados, that he should not be allowed to get a work permit for this particular lady.

Mr. Speaker, I was not in charge of immigration at that time. I do not think I am in charge of it now, but I got in touch with the Permanent Secretary in the Ministry and I saw the whole history of the matter. I telephoned the three highest University authorities both here and in Jamaica and said: Would it be an embarrassment to you if in refusing a work permit on grounds which are well established - In other words, we could not grant a work permit; we could not find any grounds on which to grant one. This man said that he could not stay in the Island. They said that it would be no embarrassment to them at all. That is what the University authorities told me. 4. 15 p. m.

This is what the University authorities told me. On realising that there were students who then may have had to go over their course and this was some time probably in February or March, I suggested to the Permanent Secretary that the lady be allowed to stay until June without stating the reason why it should be June. I told him the reason, but the reason was not stated; and the reason was to allow the students to finish their exam. The gentleman departed in June and he was here from October until June.

The lady who is in charge of the right hand page facing the editorial page in the New York Times has a house in Barbados. If she employed a watchman he did not do his job. The house was broken into three times. I do not think she lost much, and it was this lady who published this letter on the page facing the editorial page. This is what our learned friend is relying on, a few disgruntled people. The High Commissioner for London telephoned the particular lady on Friday last because he knew her and said that this was a most disgusting article. The Minister of Information had been in touch with her and he asked her to publish a refutation from the Government of Barbados and give it the same prominence that the article from Professor Cummins or whatever his name had been given. He immediately telephoned me because on that date I was in Canada, and informed me from Ottawa - he came down after telephoning me - that she said there was no way that she was going to publish any counter-balancing article from the Government of Barbados or any other Barbadian or the Barbados High Commissioner or the Permanent Mission to the U. N., or the Barbados Counsul General. She made her position quite clear, and she said that more than that she intended to sell her house in Barbados. When I came back I informed the Minister of Information what had taken place. The Minister of Information, when I told him who the man was, got in touch with the Secretary of the University here, and I cannot remember the precise expression which was used during the course of the conversation, but it was to the tenor that he was the most disgusting person they had ever had working at the University, without

principles. That is the authority that the Leader of the Opposition is relying on, a man who says he is not going to get married to this woman, he only wants her to look after his children and that we must give her a work permit to work in Barbados.

The other day the other Leader of the Opposition said that the presses were running hot. Now all our money is printed in the United Kingdom by a firm called De La Rue. They are the printers to the Central Bank of Barbados, but the Leader of the Opposition could publish all over the world that we were printing money, and even after the error of his ways was pointed out, he said that merely corroborated what he was saying all the time. How can you deal with people like that? He had performed a miracle on the floor of this House Mr. ADAMS: On a point of order, the Prime Minister surely is misleading the House. The error was the error of the Central Bank, not of the Leader of the Opposition.

Mr. SPEAKER:
That is unparliamentary to say, is it not?

Mr. ADAMS:
Is it unparliamentary, Sir? I was not deliberately doing it, Sir.

Mr. SPEAKER:
No point of order.

Rt. Hon. E. W. BARROW:
I now wish to compliment the hon. member not only on his attire which is resplendent, but I wish to compliment him on having performed miracles on the floor of this House. He has made the blind to see; he has performed a miracle similar to one which the Chief Justice of Biafra, Sir Louis Marshall performed before my eyes, and this was one of the four occasions on which I visited the Chief Justice of Barbados, because Sir Louis Marshall was here and wanted to see me and I went to his house. I saw him turned a glass of water into a glass of wine. He realised I was watching him intently for about ten minutes and he was not drinking, and he said "Oh you've got me slightly embarrassed. You see I am not a drinker and I was merely putting a little water in the wine. " I said "You go right on, Chief Justice", but I was fascinated because the last time I heard of that happening was at a small village called Cana in Galilee where the water was turned into wine. But we had another miracle performed in front of our living eyes and in our presence, and all I can say is that we will have more miracles, and Barbados does not have to worry because we now have a Leader of the Opposition who can make the blind to see and I hope that he makes the lame to walk as well, because there are many suffering people in this Island.

But let us be a little more serious. I am trying to calm the atmosphere down a little because I have had to make my point of privilege. Unfortunately I have had to make it, but we have a lot of elements in this country. Now I am not xenophobic, - I wish to make my position clear - but it is established by the experiences of mankind that people who live in a country and are not of the country do not, with the possible exception of my learned friend the Leader of the Opposition - owe the same sense of allegiance to the country no matter whether they are citizens or not. If you are in the country but not of the country, you do not have the same sense of involvement and commitment to the country, and this is what we are suffering from in Barbados. Now people rant and rail over monopoly capital like Dr. Jagan in Guyana. He always talks about monopoly, capitalism and multi-national corporations and all the other political jargon which is fashionable these days without a true examination of the economic facts. We in Barbados are singularly lucky in one respect and unlucky in another, because we do not suffer from absentee proprietorship to the extent that other neo-colonial countries and countries which have just become manumitted or emancipated and have achieved independence suffer under these systems. The systems are very iniquitous because the large multi-national corporations, as you will appreciate, are in a position like I. T. T. in Chile to manipulate Governments and to gerrymander elections and even to create revolutions which ostensibly are revolutions coming from the left but really are paid for by the right, the kind of revolution which they tried to create yesterday. But you see, our danger is not from people outside, but from people who are natives of the country, but more particularly the strangers within our gate, not the multi-national corporations. Who are the strangers within our gate who have been prominent? I start with Lord Thomson and his poodles.

The Advocate News is owned by Lord Thomson of Fleet. The Nation is printed by the Express of Trinidad and Tobago, and the hon. member for Chirst Church West has put some money in it, - I have the list of shareholders, - but he does not own it.

Mr. FORDE:

On a point of order, I have no money in the Nation as a person. These statements are incorrect.

Mr. SPEAKER:

Two hon. members cannot be on their feet.

Mr. FORDE:

On a point of order, if the hon. member wants to know the truth, I will tell him the truth, but he must not use the facility of C. B. C. to tell lies.

Mr. SPEAKER:
That is unparliamentary. Please withdraw.

Mr. FORDE:
I will withdraw and say he must not make untrue statements.

Mr. SPEAKER:
Thank you. That is no point of order.

Rt. Hon. E. W. BARROW:
There are about fifteen or seventeen people who have put up various sums of money....

Mr. SPEAKER:
I would wish the Prime Minister to confine his remarks to the second reading of the Constitution.

Rt. Hon. E. W. BARROW:
I am saying what is happening in this country. Let us examine it. They are talking about the protests we have had and who have created the protests. Who addressed the Chamber of Commerce? The hon. member for Christ Church West. Who addressed a letter to me from the Chamber of Commerce as President of the Chamber of Commerce, Mr. Tom McKenzie, who is the brother of the owner of the Bajan Magazine in which the Leader of the Opposition writes about stamps and political matters. But when we talk about subversion, and as the Bishop puts it, the dire need for moral integrity in every sphere of life including politics and that the process initiated by the Government is a definite threat to the moral integrity of politics in this country do you know what is a threat to the integrity of politics in Barbados and a threat to the independence of the judiciary, was when the same Mr. Tom McKenzie - I am stating this as a positive fact - approaches die Chief Justice in a grave yard, not at the dead of night, but at the funeral of Mrs. Estwick Dean and begins to discuss with the Chief Justice a matter which was likely to come before him in a short time. 4. 25 p. m.

Those are the threats. So when the President of the Chamber of Commerce is writing to me telling me about his concern - the Leader of the Opposition knows about it. He was not there? He did not make it? He is dressed up for one now.

Now I consider that when the Chamber of Commerce elects people like Mr. McKenzie it is an insult for him to write me a letter in that tone - approaching Judges in grave yards. It is definitely wrong, and I would say this right now that I invite any Judge in Barbados to be consistent when this Constitution is amended.

They are free to come to my house on official occasions, but I do not want to be invited to the House of any of them or even to be seen talking to them at a cocktail party; and if I make the mistake of ringing them up on the telephone they must put down the receiver; and if any of my Ministers even telephone them on a social matter I want them to deliver a report to me on the conversation so that I can bring it here and put it in the hands of the Speaker.

So if the Rev. Saunders and Bishop Gomez and Rev. the Hon. Anthony Dickson feel that I want to contaminate the Judges they have my assurance that Prime Ministers do not deal with Judges. I do not have any dealings with them in any shape or form and I do not even want to speak to them socially; and I hope that I would have enough sense, if Your Honour does not deal with the matter which I drew to your attention, after that matter has gone through the law courts never to go close to a law court in Barbados in my life if I can help it.

The only way you can assure yourself of justice is to keep away from the law courts of Barbados. Then you have no complaint; but there was a form by which a citizen could approach the Crown, and it was a form in which the Attorney General said "let justice be done", and that was the Petition of Right. I am not sure that the Petition of Right has been abolished by the Common Law of Barbados; but the Attorney General of Barbados always affixed his fiat to Petitions of Right which were addressed to the Crown in cases in which there was no other kind of redress to the citizen.

If my understanding of the law is correct, at Common Law, at any rate, a citizen may still have the right of approach by way of a Petition of Right. I am not going to go into generalities or any manner of esoteric legal arguments on Petitions of Right, but I am in the position of being one of the few persons who have presented Petitions of Right on behalf of clients during my misguided days as a practitioner. I say misguided because I could have been indulging myself in some more rewarding, from the point of view of soul filling activity other than contentious litigation in the law courts.

Yesterday, Mr. Speaker, I left it to the hon. member for St. Andrew and the other members who said that they wanted to speak - and I did not wish repetition - to make their contributions on the question of

the administration, the transfer and promotion to the top echelons of the Civil Service on the recommendation of the Prime Minister; and I think that he dealt with it very ably; but there are one or two issues on the system which I would like to draw to Your Honour's attention.

His Lordship, the Anglican Lordship, said that one important fact which has not surfaced too clearly in the present debate is that the present Government is in the best position to comment on the effectiveness or ineffectiveness of the present instrument because it is the only Government which has had the privilege of working with the present instrument. That is true. He goes on to say "It is therefore in the unique position to speak with the authority of almost eight years of daily experience on its merits and demerits. "

Year after year I have come into this House and told members about my frustration in getting the programme for the people of Barbados implemented; but due to the fire proof nature of the persons who are in the Civil Service it is very difficult to ginger them up and get things moving in the way we would like them to move.

We are in a very serious period throughout the Caribbean, an era of great economic stress, and therefore it is necessary that the programmes which the Government have promulgated and initiated should go forward with all the greatest possible speed in order to relieve unemployment in this country.

I said yesterday that I was reluctant to say some of the things, but at least three members on the opposite side, if not all four of them who are not now sitting there - I cannot remember how many of them, and I apologise if I include any of them in this galant exercise undeservedly.

Up to three weeks ago they stood up with one voice and said why don't you do something about it, Do not come in here complaining to us all the time about the Civil Servants. Do something about it. Gentlemen, I am doing something about it. I think it was all four of them. If anyone wants to contract out, please get up and tell me that I am wrong. Very well, by your acqiescence - gentlemen, are you pleased? I am doing something about it, and how can you do something about it?

There is a process that you have to understand. As the Bishop says, I know, how the system works. Do you know who appoints the heads of departments and the senior Assistant Secretaries and so on? It is not what it says in. the Constitution. The Permanent Secretary makes appointments. Do you know who used to appoint people in what they called the Third Division in the Civil Service Association?

One of the strongest adherents, one of my good friends - I helped open his Cathedral down on Murphy Pasture - Bishop Smith who was Marshal of the law courts - when I came in the Government I discovered that the Public Service Commission had delegated to him and to Mr. Algy Symmonds and

one other officer the sole and exclusive power to appoint people in what is called the Third Division. Do not mind what the Constitution says. 4. 35p. m.

Don't mind what the Constitution says. I am telling you that the Permanent Secretaries appoint all the other people in the civil service except the Commissioner of Police and the Chief Justice. Now how do they do it? When a vacancy arises, particularly for heads of Departments, the Public Service Commission acts on the recommendation of the Permanent Secretary. You do not find that anywhere in the Constitution - and if the Permanent Secretary does not want you to be appointed, you are not appointed. That is what Drexel Barbados, meant when he said that the Government is in the unique position to speak with the authority of almost eight years of daily experience on the merits and demerits of the present system.

Now, I could go on and tell you how about some appointments. Let me go back to the Chamber of Commerce. There was a vacancy for the Head of a Department -'1 had nothing to do with the appointment, prior to these amendments, of the Head of any Department or of any technical officer. The then Chairman of the Public Service Commission came to my office - this happened years ago - and said that they were about to appoint a Mr. So and So to this post, and I said "Mr. Chairman, I am forced to draw it to your attention - I am forced to draw two things to your attention. First, that the officers working in a department, some 54 of them have made it known to me in writing that they would go on strike if that gentleman was appointed; and the second thing is, that three representatives of the Chamber of Commerce unofficially" there are things which appear in Minutes and things which do not appear in Minutes of the Chamber of Commerce because they operate in that way; maybe it is the only way in which they can operate and function properly; there are certain things that you can record and certain things that you cannot record and a delegation of three members of the Chamber of Commerce came to me and said, 'we would like you to inform the Chairman of the Public Service Commission that those are grounds on which we would not like to see that particular officer appointed. "

I am not going to call any names. I am. not even going to give you a hint of who it was.

The Chairman of the Public Service Commission did something which surprised me. He went down to the particular office and said "I am Chairman of the Public Service Commission and we intend to appoint Mr. So and So; would you work under him?" One by one, 54 of them came back to me and explained to me how he had canvassed all 54 members of the department one by one from like 8 o'clock in the morning until half past ten or eleven, and had spoken to each one of them and they all assured him that they would not have any objection to working.

Now if you told somebody that you intend to appoint his boss and would he be prepared to work under the boss, are you going to expect him to tell you "no, I am not going to work under him?" And, this is

the Chairman of the Public Service Commission. I will tell you outside who it was, but I do not want to embarrass die particular gentleman; I do not want to embarrass the member for Christ Church West despite the threats he made on my life. So I want to get this position clear. (Asides.) To disfigure me with acid

Mr. FORDE:

Mr. Speaker, on a point of order. I did not make any threats to the hon. member's life. By repeating this matter he is only going to exacerbate the situation still further. I hate intervening and interrupting the hon. member, but he has a method of provoking people all the time

Rt. Hon. E. W. BARROW:

The point of order is made, Sir.

Mr. SPEAKER; There is no point of order.

Rt. Hon. E. W. BARROW:

Right. The Governor General, Sir, called me and told me that the Public Service Commission had made a recommendation. I repeated to the Governor General what had been told to me by reputable members si quid in est of the Chamber of Commerce. I said reputable members se quid in est - he that hath ears to hear let him hear - of the Chamber of Commerce, and also the virtual petition which had been written to me by these officers.

The Governor General sent and called the • Permanent Secretary but, I told the Governor General something else which amounted to a criminal offence of which I myself had seen the proof, and I told him what it was. I will go with the Leader of the Opposition if he wants to verify what I say, but I can only give the broad outlines; but I can go with him to the Governor General.

The Governor General, in my opinion, acting probably with the best of motives - but certainly I do not think it was constitutionally proper for him to do so - called the Permanent Secretary and told the Permanent Secretary what I had told him, and the Permanent Secretary went back and told the officer and asked the officer if it was true, and the officer said he did not know anything about that. And, that was the end of the matter.

He sent it back down to the Service Commission and they sent it back up to him, and in accordance with the provisions of the Constitution the Governor General has to accept the second reference back from the Public Service Commission.

It is known throughout the service in Barbados that that officer was not really fit for appointment at that time; and it was an important department - let me leave it as "an important department of Government" Sir; I will not go on to explain how important but it was a very important department of Government.

Now there has been a misunderstanding about what the role of a Minister is. A Minister is like a managing director of his Ministry, and all the departments which are working under the Ministry are subservient to the Ministry. The Heads of department have to respond to the directives issued through the Permanent Secretary by the Minister.

Although we moved in 1954 to a system of Ministerial Government in this country, with the then Premier coming in here and telling us - because the three of us, the three musketeers were there, all on the same side - without even informing us really of all the implications, but merely the night before having a little argument with us over a minor point which I need not go int6 now; that has been ventilated here already between the three of us, the Leader of the House and the member for St. Michael West.

Ministerial system was introduced here with no referendum, or discussion with the Jaycees or anybody else. I am going to go further down. It was introduced here on the floor of this House without any discussion, except the wrangle the night before in the Government party in which the Leader of the House and the member for St. Michael West and myself were members of the Government party then - one of them at least was in a very senior position but both of them - and I was a proselyte at the gate. I was a yard boy, but I was there. Proselyte or novice, I was there.

That was a major constitutional change in the Island of Barbados and there was not even an inter-party or intra-party conference. Would you believe it, Sir? And you know how we learnt about it, Sir? We learnt about it because the member for St. Peter who is now the member for St. Michael West, was in Helsinki or Stockholm or somewhere like that - somewhere in Scandinavia - and he received an urgent call to London because the Premier was having a row with the Colonial office all by his sweet self - if he had taken us we would have straightened it out for him - and the then Premier wanted the member for St. Michael West to inform the Colonial office that we would not accept that with the new system that

he should be designated Chief Minister like Mr. Gomes and everybody else, that he must be called Premier.. 4.45 p.m.

It is only from the hon. member reporting back to us that we in the party knew about these new constitutional changes. He told him that Chief Minister sounded like some African Chief, and it would be undignified for Barbados, with our long constitutional history, for the head of the Government to be called Chief like an African. We learnt about the constitutional change of Ministerial Government in that way, because he was summoned from some Scandinavian country which I cannot remember. I understand it was Stockholm the capital of the country where the hon. member was. We learnt of it as a by-product of an argument between the Leader of the Government of Barbados, who later became Federal Prime Minister, and somebody in the Secretary of State's Office. You will know that the Secretary of State would not argue a point like that. Some little legal Draftsman, I suppose, was giving trouble.

As I understand it from our sebsequent discussions with all of us present including the Premier as he then was - (Asides.) When we introduced the system we had a big row again. He started to attack the member for St. Michael West and the Member for St. Michael West disclosed that these changes were introduced in that manner and that was the first I knew about it. He asked the Premier how could he go and tell the Secretary of State a lie when we had not even discussed or knew anything about the matter hi Barbados. That is true. I 4m not saying that the sins of the father should be visited on to the children on to the third and fourth generation!

Mr. ADAMS; On a point of order. Now, it so happens that I have recently seen, purely by chance, the private file of the gentleman in question which relates to these events. I have seen copies of letters sent by the Secretary of State over the matter of Premier and Chief Minister, and I happen, just purely by chance, to be in a position to know the chronology of these events. It was 1952 when he talks of the Stockholm arrangements. It was 1954 when the status came in, and the incident went on for a long time. The Prime Minister is offering to show people documents, and I can show him some, too.

Rt. Hon. E. W. BARROW:

Mr. Speaker, I do not profess to be perfect on the date. We had a system in 1954. If you have seen it in a document, I take your word that that document has not been changed. You say that the Secretary of State changed the document and the Report after we left, and you have taken eight whole years to come and tell the people in Barbados what a wicked man the Secretary of State is, and I have been telling them that for a long time. I told Mr. Lee at the Conference that he was a wicked man. Instead of corroborating me, when you knew that the document had been changed, you have waited until yesterday to come and tell us what took place.

Mr. ADAMS:

On a point of elucidation, Mr. Speaker. It was the statement Mr. Lee made that indicated there was going to be an election that caused the Prime Minister to tell him that he was wicked and he would prefer to have Storehouse in his place. It was the very thing that I said had been changed that gave rise to both of us saying that the Secretary of State was wicked. The Prime Minister because of what he said in the first place, and the Opposition because of the fact that he changed it after.

Rt. Hon. E. W. BARROW:

I want to make a confession right here and now, Sir. I can only win elections with the hon. member, but I cannot win anything else with him. He is too clever.

Mr. SPEAKER:

If you stick to the Constitutional amendments, you will be all right.

Rt. Hon. E. W. BARROW:

I give up with him, Sir, because he can perform miracles and I cannot. I confess my inadequacy to cope with the hon. member. They are railing and ranting on the other side over the manner in which we introduce things, but I am saying that this clandestine arrangement was taking place in London without any consultation. If they had not been an argument on a simple thing like a title, whether somebody was to be a Premier or a Chief Minister, the member for St. Michael West would not have been able to come back and tell us that constitutional changes were taking place. There was no public discussion. As a matter of fact, I cannot even remember if there was a Bill. I think that a Message was read by the Speaker from His Excellency the Governor at the time, and that is how the general population knew that they had a Ministerial System.

In 1951 I came in here with the other two members who are still with us on my side. We, at least, preserved the continuity which is so essential in a democratic society. We have been there and we have seen it for ourselves and, therefore, we know how it works on their side and on our side. We know how the organisation functioned or did not function, and we know how we run ours. There is continuity here, and no one can come back and distort the facts of history, or pull the wool over our eyes because we have been there and we have been in it. The hon. member on my right has been in it, probably, for nearly thirty years, and the hon. member for St. Michael West for a period of twenty-six or twenty-eight, and your humble servant for 23 years on and off.

You are not speaking now to lackaday saints. You are speaking to people who have been well seeped in the history of Constitutional changes in Barbados. The first major, or significant, Constitutional

change in Barbados was not the Bushe experiment in 1946. The Bushe experiment was a joke. Sir Grattan Bushe said that the Ministers, who were members of the Executive Committee, would have responsibility for overlooking certain matters. They did not even pay them. The result was that right up until 1961, as a result of the Bushe experiment, the Ministers of the former Government never got it out of their heads that they were now full-time paid servants of the people of Barbados and were expected to function as such. At the same time they were the Managing Directors of the Company which we know as the Island of Barbados. The result was that, with one exception who we all know, and who probably had nothing to do - they did not have Racing Services in those days played in Marhill Street - he used to turn up to office every day as a Minister. Whatever you may say about him, here is an example of a man who had a certain amount of vigilance. There are other attributes about him that none of us really liked, and the hard work that he had put in did not compensate for the deficiencies on the other side. I have been extremely generous with that Minister. He worked, but one Minister out of five including the Premier turned up to office right up to 196. 1.

When I entered upon office, I would go back to see what my predecessor had advised on the same matter. Sometimes I would have files or documents three or four times the thickness of this document. I would go right back sometimes for 300 entries, and I would not find the signature of my predecessor in office anywhere in that file. The Permanent Secretary would be directing that the Minister would feel that so and so should be done, and it would be the Permanent Secretary's signature.

There is continuity in everything, as I have said, but it may not be with the smoothness and the sequential arrangements of the Minister of Health. It is a little better than all of the people on the other side though, but I am trying to develop some kind of sequence to these arguments. 4. 55 p. m.

I am trying to develop some kind of sequence to these arguments. What we inherited therefore was a system in which the masters of Barbados were the Permanent Secretaries, and I am saying from my experience of the system, from my discussions with the Chief Personnel Officers from time to time and with the Chairman of the Public Service Commission and of the various Services Commissions, that the Permanent Secretaries up to a couple of weeks ago were still making all the appointments.

I will give one illustration in which the Permanent Secretary more or less advised the Governor-General that the Prime Minister was talking foolishness and then he said that he has not got any Constitution saying this. I regret to say that that particular Permanent Secretary was not appointed on my advice and he was not appointed on the advice of his predecessor in office who refused to make a recommendation. I do not want to go any further into that. But his predecessor in office came and discussed the situation with me and I said "you know our hands are tied, there is nothing we can do." I said, suppose you had to make a recommendation or you felt yourself constrained. He was asked to make a recommendation and he listed three officers in Government and gave reasons of their training,

their experience, their balance and said he would have to come to him as No. 4, but No. 4 was appointed as No. 1, and I was frustrated thereafter in trying to run my Ministry. All the Heads of Departments were frustrated. It pains me to have to tell you what goes on hi Barbados, but they told me to do something about it, and I am merely responding to their invitation.

People do not understand what Government is. Government is business. It is the people's business. There is this idea of the separation of powers, that you can have Government functioning in water-tight compartments according to the doctrines of Montesque who wrote round about the time of the American Revolution and others which I do not want to go into. To tell the honest truth, you would know them better than I do because I cannot remember all of them who spoke about the separation of powers, and the very constitutions which they tried to frame to implement this doctrine of the separation of powers are constitutions which are in direct opposition to the principles of the separation of powers. You do not have to start with the United Kingdom because we now hear from the Leader of the Opposition that the United Kingdom Government is an authoritarian Government and that we should not copy the United Kingdom. Well let us go to the American Government. It is true that the President does not sit in Congress, but he is die Chief Executive Officer, and it is true that Congress is legislative but they exercise judicial powers which are more far-reaching than the powers exercised by the Justices of the Supreme Court.

When you are running a business, unless you are selling cows over here and motorcars over there, it is almost impossible if you are going to have one management to have a complete separation all the way down the line, because in truth and in fact there will be two businesses or three businesses which one person is trying to manage and probably managing very inefficiently; but if you have no control over the quality of people who are recruited.... Now we do not want to abolish their jobs I can abolish their jobs. I can abolish a post, I can disestablish a post and then pay the officer a big lot of money. You know the Charles Lamb story about the villagers who learnt about roast pork. They used to keep these young pigs as pets and then one night somebody's house burnt down and the pig got roasted, and a little boy stuck his finger into the crackling and went and told the other children, and then the whole village realised that roast pork was a nice dish and they immediately went and set fire to all the houses to burn up the pigs. Why should we have to burn down the house to roast the pig?

We have a particular post now that we would like to disestablish, but then immediately we would have to re-establish it because we want in a polite way to ask the gentleman to go home, but we need somebody in a similar position. I do not have to call the position; but this is a problem which 1 have discussed with the Chairman of the Public Service Commission, and the only way we can do it is by paying him compensation for abolition of office. I will give you the analogy which stresses of this kind of thing can create. There is a gentleman in Barbuda, a very good friend of mine called Mr. McChesney George. He is a Civil Servant who was very loyal to Mr. Bird's party, and so he was appointed to the exalted post of Peasant Development Officer and given a big building with a lot of tractors outside looking like McEnearney showroom. Mr. McChesney George decided that he would like to become

more active in politics. He is not going to be annoyed that I mention this because we are good friends, not politically, but we have worked together. And so in order to allow him to go and do law, they abolished the post of Peasant Development Officer and they had to pay him compensation and he collected his $23, 000 and went to England and studied law. He was away for about four years and the post which they created was the post of Senior Agricultural Extension Officer and somebody was put in that post with the same salary, same building, same office. When Mr. George returned from his labours at the Inns of Court as a qualified Barrister, although the No. 1 position was Senior Agricultural Extensions Officer the No. 2 post was still Deputy Peasant Development Officer. Those are the devices to which the Civil Service Establishment would go on occasion.

I do not think it is honest for us if we want to get work done that we should have to pay an officer a big lot of compensation, abolish his post and then immediately bring back in somebody to do the same job efficiently, and the way in which we can get around this is by observing the work, not by the Minister alone. The people who work with the senior officers know the quality of their work, and no Minister who wants a job done is going to appoint a Civil Servant to a deputy post or to the Head of Department merely because he thinks he can fool the Minister by joining the party and saying he has got his passport. That does not happen with this Government. I have a system of valuation of people. People see me scribbling and when a person comes in to me and before he says good morning, Sir, or good morning skipper, he pulls out his passport, I put minus seven marks against his name, because it means the fellow is trying to establish his credentials before he tells you what you want for you to act on the merits. I have my little system of marking. I have certain professional tendencies and inclinations, and I tend to do this as a little intellectual exercise, and they do not know but they see me scribbling and they do not know I put minus seven as soon as they pull out their passport; so if you pull out your passport, as I told the hon. member the other day, you are disqualified, so do not have any fear.

If you want to get work done and you are managing a Department, we have this system of musical chairs. There are a lot of young intelligent people who have joined the Civil Service and have become frustrated because, they reach a certain level, and then they find that somebody is brought in from the Hospital warming bed pans to be senior accountant in a very important Department over their heads merely because this person has been in the service for so many years, and by the process of musical chairs which is the one currently adopted by the Public Service Commission, you move people from the Income Tax office and send them to Highways and Transport - highly trained officers who are bringing in money. You take people from Income Tax and send them to the Hospital and you take them from the Hospital and send them down to, let us say, the Lighthouse and that kind of situation. 5. 05 p.m.

It is done on a basis of musical chairs, and not on a basis of efficiency or on merit. The point is this, Sir, that if a Minister is to function he must be able to function with people who are capable of doing the work,

I have complained. I have never made it any secret of my distress, exasperation and frustration

suffered at the hands of this game of musical chairs - you move up one and I move up one, but I should like to make it clear at the same time that I want to be able to say who my Permanent Secretary in Finance and his No. 2 should be, or who I should have in the Audit Department, but I do not want to prevent these people from working for a living. They can be transferred to another place and let me have people of the same calibre capable of doing the job.

I have done more than that because last year, as I informed the House, we have now made it possible for people to leave the Service after five years and go out to work in the private sector, come back in again, go out again, come back in again, without losing their pension rights, and what I would really like to do is to have a certain amount of cross fertilisation between the business sector and the Government so that we will be able to recruit people from outside the Government who would come in and give a certain amount of time and then they would be able to go back out. I think that in this way you would increase the productive spirit of the Government and also increase the efficiency.

With this in view I now have a Committee working on a comprehensive national pension plan for everybody in Barbados whether you are in the private sector or not, so that if you are a senior Executive in a business firm you can come over into Government and go back out into the same firm or another firm. It may be a bank, it may be a business, it may be a sugar factory or any other firm and there will be continuity in your pension entitlement and your pension contributions so that the National Insurance Scheme will be amalgamated with a much wider national pension scheme and will not be restricted to the $100 a week 'limitation which it now has.

I am not in a position to say at this junction that the sky is the limit because I do not know just what the actuaries will come out with in the way of their contributions to the fund. So in so far as the amendments for section 99 are concerned, certain heads of departments are now appointed by the Governor General acting on the recommendation of the appropriate Service Commission after that Commission has consulted the Prime Minister. What we are doing is to extend this to deputy heads for much the same reasons that I advanced yesterday vis a vis the Judges of the Supreme Court, because if you can only appoint a head arid you cannot appoint a deputy it stands to reason that when the head goes and you do not pay due attention to the claim of the deputy to pre-emption to that particular post you are going to land yourself into certain difficulties, quagmires and strains. So you must have it at least down to the level of the deputy because when the head goes cm leave it is the deputy who will have to act and when the head retires or resigns you will have to pay due attention to the claims of the particular deputy for selection to the top post in the particular department.

The people who object to this have heard me explain that a man is not jeopardised. He can work in the public sector arid come back in, he can get experience, "he can go to the University and come back in without losing his pension entitlement. You will understand that this is really for the improvement of the

efficiency of the Service.

I am not here to ask questions. Any questions which I may pose are purely rhetorical questions; but if you can say that there is need for an improvement in the efficiency of the Civil Service in Barbados for the reasons of which all members on both sides should be conscious, and you are conscious that there is need to make appointments to senior posts, the people who are the chief people in the various departments, and if according to the Constitution a Minister of the Government is responsible for the administration of his department, are you going to carry the doctrine or the separation of powers to the extent to which it does not operate in any country of the world and say that the Minister should have no say in the people who work with him, but must come into the House of Assembly and be responsible for everything that goes wrong in that particular department or Ministry?

It does not make any kind of sense. Again there is the analogy of the change of the method of appointment of Judges. Their guarantee is their security of tenure. We sit as members of the Privy Council, and when any appeal comes up which relates to a Civil Servant or a Public Officer all members of the Cabinet who are Ministers, including myself, take leave of the Privy Council and we take no part in these discussions at all and I would not wish it to be any other way.

A Civil Servant, a Public Officer, can only be relieved of his post on the recommendation of the Public Service Commission after due enquiry, made to the Governor General, and even then the Public Officer has a right of appeal to the Privy Council on which no Government Minister sits.

I probably would like, but would not wish it otherwise. It might be a good thing to be able to walk into an office on a morning and tell some of die people I see in my office, would you like to make a little room there for somebody else to come in and sit at the desk? It is a great temptation, but I do not want that responsibility, and I do not think that any of my Ministers wish to send home anybody. We wish to be able to say would you like to go and work at the baker shop down the road that belongs to the Government, because I think you would do better baking bread - and I feel that about a lot of them but I am not so sure about their proficiency in baking bread. It may be safer for the community to leave them writing minutes.

But I think that you ought to be able to say that you want to have some efficient officers in your office. If you are going to have heads of departments who will be with you for better or for worse, in sickness or in health until the electors do you part, you should be able to say for the short time that you are there let me enjoy my work please. Let me have somebody who is not hostile to me, who does not sit down on my work and hide files and that kind of thing, and too much of that is going on in the Government today.

I get files off my desk in 24 hours, and I tell them I do not want any urgent tags put on my files because urgent means that you want it back in 15 minutes. Urgent for them is three to four days.

There is a grave misunderstanding in this country about what Government is and what Government does. It is not a favour that the ' people are conferring on us when they return us here. They are asking us to do a job, and as long as we are Ministers of Government we are whole time practitioners, whole time at that job of running a particular Ministry. 5. 15 p. m.

There is no room in my Government for people who can be only part-time Ministers. Part-time Ministers would have to become new formula that we would have to put in the Constitution for which there is no provision at the moment. Every one in my Cabinet has got to be a full time Minister and is expected to work not only during the normal working hours but to work after hours as well if his duties so demand.

Outside of working hours we have many ancilliary functions to perform such as making appearances to open things and to make addresses on the subjects for which we are responsible and matters of that kind. But part of this misunderstanding is fostered by the behaviour of the Opposition; a great deal of it; and when you get such eminent persons as the three Leaders of the three major demoninations in Barbados being completely innocent of constitutional matters and innocent of constitution rectitude, you can see the extent to which this whole thing has developed, and it is a very serious state of affairs. People just do not understand that I have more responsibility than the Chairman and the managing director of Barbados Shipping and Trading who gets about four times my salary. They cannot conceive that I should have the power to say who is working in my office in the same way as the manager of DaCosta and Musson would have the right to say, but I am performing a much more serious function than the manager of that place because he usually has some body underneath him who would perform the functions and see that everything is running smoothly; but we have to overcome a certain amount of inertia when we first assume office, like resistance to change, particularly in a situation where you have the Permanent Secretaries running the show and they are reluctant to abdicate in favour of the elected representatives of the people.

They are reluctant to abdicate because they were there by default sitting on the Throne of Grace - to use that expression'- a position which is reserved for the Prime Minister of Trinidad and Tobago.

I would prefer to be talking to students than to the Opposition because at least they would be able to

absorb some of the things that I am saying. We are in a very serious position in this country. There is a complete lack of appreciation of the meaning of responsible Government and the meaning of independence. I had a civil servant, Sir - a very senior civil servant - and I had a complaint from three or four firms in Bridgetown, travel agencies and airlines that they were issued an edit from my office to the effect that the allowance for travel had been changed to $240. You would not believe it, Sir. I think you have heard me mention it before. This man was a very hard working civil servant; and I said, 'Oh yes, bring me a copy of the letter; I never wrote any such letter. ' So two of the three copies appeared on my desk by the afternoon and I eventually deciphered die signature, and the headline was, 'Prime Minister's Office, Government Headquarters, Bay Street, ' dated such and such a day of March or whatever month it was. 'I am instructed to inform you that the travel allowance will be changed to $240. ' This was about three or four years after independence, just before or just after devaluation of the pound in November - the first devaluation, I believe, was in 1967, the next one was in 1970.

So I asked the Permanent Secretary to call the officer for me; and I asked him if he had written that letter yesterday, and he said 'yes'. And I said "You have said in this letter that the Prime Minister had directed me to inform you. " He said "I did not mean you, Sir. " He said "I was listening to the radio night before last and I heard Mr. Harold Wilson say that travel was restricted to fifty pounds, so I sent out the letter. "

He was being paid by the Barbados Treasury and he was sending a letter from my office because he heard Mr. Harold Wilson say - I would provide the hon. members on the other side with the name of the officer but I would not worry to; it is true. ABC Travel Agency and BWIA Airways are two of the people who approached me on this thing. He said he had been listening to the radio.

Now this is some time after independence. He listened to the radio and heard the Prime Minister of England say that he was going to restrict travel, and he could not wait to get to the office next morning - he used my letterhead to say that "the Prime Minister has directed me to inform you. " That happened, Sir. I could give you the name of the officer but I do not want to embarrass him. The whole civil service knows about it. It is one of the big jokes in the civil service.

I quote that as an illustration.

Now the danger appears to me to be this. If you divorce you employment from responsibility - who is responsible for the running of these affairs - and you are answerable to a different person from the person who is running the show, it means that you will not have any respect or pay due credence to the instructions which are issued from time to time.

We can quote a long list of cases and instances and illustrations in which the Cabinet has directed things to be done, and in one case, after ten years nothing has been done yet. That case is the appointment of a Hospital Board. As a matter of fact I think there is actually an Act of Parliament; and we pass Acts of Parliament here all the time and they cannot be implemented. Sometimes they never proclaim them, and you will find the greatest difficulty in Barbados in getting anything off the ground.

We are going to have. a great deal of trouble, for instance, getting our bulk installation off the ground. Anything that has not been done before in Barbados, they have ways of passing it from one to the other to the other, and then they will tell you they cannot find the file.

I want to carry this thing to its logical conclusion and I am not going to conceal it because I would not be performing my duty if I concealed it. I would like to bring in people from outside - from the Universities; not necessarily the University of the West Indies or any sociologist particularly; particularly not sociologists from the University of the West Indies neither Jamaica, Trinidad or here. We have made a vow between us as Prime Ministers in the Caribbean that the sooner we can cut sociology out, the better it would be for the peace and tranquility of the people of these Islands. I am very serious about it.

But talk about contructive people now. Economists, engineers. I would like to be able to recruit people from outside to come and get a job done and then let them go back to their private employment without affecting anybody else's salary. I would like to be able to pay salaries so that we could attract people on contract into the public service in Barbados, and then let them go back and not lose their pension rights. If I could work a little exchange - I notice that the private sector in Barbados, the same Chamber of Commerce, are very willing to snap up Heads of Departments and Permanent Secretaries after they have retired. I have a few of them to offer them now in the fullness of their youth; don't wait until they get old; they can have some now who are in their prime. (ASIDE) I am not being facetious about it; I am being particularly serious. Why wait until a man is 55 or 60 and use his training and experience in Government to come then to supplement the work which you have been underpaying somebody for so long.

Take them now, just as they are without one plea. Take them now I am willing to sacrifice them, or to make the sacrifice on my part; not so much as to get rid of them but to get an infusion of new blood. We are living in modern times. I have nobody in my family to employ; they can all employ me fortunately, but I do not really want to work for any of them; but I do not have any relatives to employ in Government. I do not think I have any working for the Government now. (ASIDE) But do not let anybody get away with the idea. Sir, that when you try to introduce changes to make the economy more consonant with the requirements of a modern democratic society, that you are out to find jobs for your

people. It does not work that way. It cannot work that way, and anybody who has that concept whether he is a Minister of Government or otherwise, is deluding himself and does not understand the true nature of the organizational requirements of Governments of today. 5. 25 p. m.

Just yesterday morning the Prime Minister of Trinidad and Tobago sent me the names of three persons who are going to represent the Government of Trinidad and Tobago on a very important development that we have discussed. Not one of them is a public officer, but they are all advisers to the Prime Minister of Trinidad and Tobago and they, probably, work for nothing. If I tried to bring in somebody to work, even for nothing, in my office in order to get some things done, do you know the first thing they would tell me, Mr. Speaker? I will tell you. They will get the Crown Law Officer to write a big, long opinion that he is not entitiled to see any Government files, because he has not taken the oath under the Official Secrets Act. They will then tell me that, in order to take the oath under the Official Secrets Act, he will have to draw a salary out of the Treasury, The man may want to work for nothing. I know of three people who, perhaps, could have got developments off the ground who were prepared to come into my office. I have not got any legal opinions, but you should have seen the long faces when I mentioned the matter. They said it would be a risk, because he is not a Government employee and, therefore, would not be bound by this and that.

Mr. Speaker, I know some very bright people, not all of them necessarily Barbadians but West Indians, who will be willing to come and work, but I have no control over bringing people in. I have to be careful about the Official Secrets Act. I do not see so much in the Government for people to be secret about anyway. The member for St.. Peter knows certain things that are going on in the Government that I do not know anything about. Any time I want to find out anything, I only have to provoke him and he will tell me, "Do you not know that so and so is stealing money from down in the kitchen at the Mental Hospital?" I really do not know what all of this business about the Official Secrets Act is. The only official secrets that we have are in the Ministry of Defence and Security, and these have to be protected. I certainly do not want to bring anybody in from outside to work there.

When His Lordship in his penultimate paragraph writes as he has written, suggesting that there will be some kind of erosion in the standards of this community merely because Judges may be appointed on the advice of the Prime Minister, as he says that the process initiated by Government is a definite threat to the moral integrity of politics, I wonder why he did not ring up the Hon. Leader of the Opposition and let him tell him that the appointments of Judges in the late and lamented Federation were made by the Federal Prime Minister, his predecessor in office, his distinguished antecedent in the genealogical sense. (Asides.) Why did you not tell Drexel Barbados that your father appointed all the Judges? He nominated them to the Governor General Patrick Duncan Hepburn, Chief Whip of the Conservative Party, better known as A. K. A. and also known as Lord Hailles.

Now if you were so concerned - I know you were a student of constitutional matters -you should have written to the old man and told him: "This is immoral. You should not be appointing these Judges. Do you realise that these are the highest judicial officers in the whole of the West Indies and you, as a constitutional lawyer, allow civil servants to draft a Constitution in which they inveigled you into this iniquitous position where you, as a Prime. Minister are nominating Judges to Lord Hailles?" I can only put it down to the inexperience of youth, because had you known then what you know now, you might have stopped speaking to him, according to your pronouncements made here yesterday. (Asides.)

Mr. SPEAKER:
Let the hon. member proceed.

Rt. Hon. E. W. BARROW:
I want to tell you that I do not speak to mine, unless he speaks to me.

Mr. SPEAKER:
Kindly stick to the subject, please.

Rt. Hon. E. W. BARROW:
We have father problems between us. They have solved theirs. This is just a little thing across the bar. With regard to the Prime Minister of the Federation, I suppose now that the Lord Bishop will have to go and deliver the supreme benediction to ask for further salvation because, certainly, that is a sin, according to the Bishop of Barbados, which should never have been committed. The Prime Minister of the West Indies appointed all the Federal Judges, but the Prime Minister of Barbados, who has the right to appoint the Chief Justice, is tainted with original sin because he says that he finds it somewhat anomalous that you should suggest to the Governor General who the Chief Justice should be. When you come to these big boys, the Puisne Judges, you cannot touch them. They are big boys, every one a planter's son. They are bigger than the Chief Justice. Each one of them carries a Chief Justice's wig in his fob pocket, so you must realise that these are potential Chief Justices. You cannot touch them. According to the Bishop, "The process initiated by the Government is a definite check to the moral integrity of politics. "

Mr. Speaker, It was not so for the Federation of the West Indies. Maybe that is why it broke up, but I do not know. There are many reasons for the break up of the Federation as i there are persons who address themselves to the problem of its dissolution. Everybody has the . right problem but the one which is really the . obvious problem. Dr. Williams called it the worst Government in the world, and I enjoin a grand analogy in this respect. When I listen to the Leader of the House say that I must have been very distressed at the ingratitude of people, I want to say that when you are in politics you do not expect gratitude, but you would, at least, expect truth in politics when so-called national issues are being ventilated. What has distressed me is the ignorance of people in high places in this country who have not arrogated to themselves the right of preeminence in their particular fields, but who have been appointed

by the people, or by their firms, or by their organisations, to the exalted position they now occupy.

Now, I was accused by the other side of bringing the Bishop of Barbados here. I am not a member of synod. All I told the Dean is that, as far as the Church is concerned, they would not have to get any prior permission to have a work permit, because that might fetter the discretion of the Arch Bishop of the West Indies and his fellow Bishops in making the appointment. Having got that assurance, they withdrew themselves, and a few hours later there was smoke going up from the chimney or something, like they do in Rome, and they decided that somebody was elected. I had nothing to do with the appointment. 5. 35 p. m.

Having got that assurance, they withdrew themselves and a few hours later there was smoke going up from the chimney or something like they do in Rome and they decided that somebody had been elected. I had nothing to do with the appointment. I am not saying it is a bad appointment, but people who are shepherds are supposed to look after the flock. You are a scholar of some repute in Latin and you know from the Virgil there is a passage "O There! dom reddeo pasce capellus. " Our Lord said the same thing. "Look after my sheep until my second coming. " It comes straight out of the book of Virgil. But the trouble with the Bishop of Barbados is that he has translated pasce capellus "feed my sheep" into "support my goats". Pasce capellus literally translated is "feed my sheep". The Lord did not say support my goats. It is a very loose translation, but it is a bit of a strain on the strict grammatical translation of those two words which mean "feed my sheep". It does not mean support my goats and all the Bishop has been doing is supporting a lot of billy goats through his letter. The hon. member says it is offensive. I did not call him a goat; I was not even looking in his direction to notice his beard.

Mr. SPEAKER:
Please come back to the second reading.

Rt. Hon. E. W. BARROW:
I will, Sir. Mr. Speaker, I think that having left this point open for the hon. member for St. Andrew to deal with, I have come back and dealt with the appointment of the senior officers in the

Departments and Ministries, and again I cannot give any greater assurance than I have given on the floor of this House. We will do every thing possible to give a great deal of mobility to the officers in the Government service so that they can become more enlightened, and to use an expression that I used yesterday, that they can be brought to a spirit of Christian understanding so that the work of the people of Barbados will get done.

I do not want to go to the polls in 1976 or whenever we elect to go to the polls before that - it could be next week - with our programme unfinished and in many respects unstarted, with money lying idle in Washington and all over the place just waiting for the projects to be properly prepared and evaluated. I have to make another trip to Washington shortly to try to get the money flowing through the pipeline. I have promised the other Islands that during my Chairmanship of the Caribbean Development Bank and with the help of the new President of the Bank, Mr. William Demas, I will get things going through the pipeline. Money lying down in the Banks does not help the unemployment problem in the Caribbean, but the majority of public officers that we have there now are not concerned about unemployment. Some of them will come to me protesting saying that I do not make exceptions. I want to make exceptions. I have a very efficient Ministry of Finance no matter what letters you read in the newspapers. It is because a lady wrote it or signed it that I prefer not to get into any controversies about the efficiency of the Ministry of Finance, but had the author signed his name to it I would have dealt with him. We have an efficient Ministry of Finance and a Planning Unit. We have an efficient Central Bank; we have a Development Bank that has money waiting to be used by small businessmen. I am telling them now that there is money in the Barbados Development Bank and they should go and use it whether you voted for us or not. The people who are getting salaries are not concerned about getting things through the pipeline; they are telling people to bring affidavits and this and that and the other, and the poor people get confused because they only want to buy a small deep freeze or things like that for their businesses. The Provident Fund workers cannot get their money.

You will remember that I came to this House and told the general public that there is no reason why Government Departments could not pay their bills in 21 days; they are being paid now within 21 days, and the only bills that are not being paid within 21 days are the ones that the people do not collect. But sometimes for a year and a half they would keep people waiting for money. I am not going to spend the rest of my time in this legislature or this session coming in here and complaining any more Give me the tools, gentlemen. You told me to change it and I am changing it. Give me the tools and I will show you I will finish the job. As a matter of fact, the only danger is that if you give me the tools it might be like the withering away of the state, because nobody will want to see you any more, because the job will be completed; so maybe that is why you do not want me to get the tools right now that I can finish the job with.

Mr. Speaker, I just have one final statement to make and it is in relation to the plea of the Leader of the Opposition that this Bill be referred to a Select Committee. The Leader of the Opposition yesterday said he was going to ask that this Bill be referred to Select Committee, but in the same breath almost he said words to the effect. - and you have to be very careful with those people on the other side because if we miss out an "and" or an "a" they say they did not say so - that they were unalterably opposed to the amendments. When a Bill goes to a Select Committee, it is usually sent to the Select Committee either because of the length or the intricate nature of the Bill, and then both sides of the House concur in the eventual passage of the Bill. There may not be a concensus on every single clause.

Mr. Speaker, when we had the Local Government Bill, whether they know it or not, everybody agreed on the abolition of the Vestry system. It was an anachronism in this Island which had to go; it was obsolescent, it was already on the way out and even the people like the then representative of the City, who appeared to have been distressed at the loss of his power base, as it were, in St. Michael, his bishopric and ecclesiastical See and everything else really understood that the system had to change. 5. 45 p. m.

The Bill had about 234 Clauses. A Bill like that was a proper Bill to go to Select Committee because the Select Committee could, when the members turned up, probably get through the Bill more expeditiously than the House could deal with it before we had the kangaroo and the gullotine and the other measures which now have been introduced by the Standing Orders.

We had to go through that Bill section by section 234 times, and the Chairman of Committees would drone "the question is that Head 37 stand part. All members in favour please say Aye - Clause 37. Hon. members against please say "No. " And he went on through and through and through right down until I got up and moved Clause 158 to Clause 231 stand part. Members were so glad to introduce the kangaroo that the Bill was passed.

Now, had it gone to a Select Committee, the Select Committee would have reported and the members would have said that Clause 131 should be changed to read whatever Clause 131 now reads; and with those amendments the question would be put and in five minutes the report of the Select Committee would be expedited. There would be no debate; but I submit with all due respect, Mr. Speaker, that the device of a Select Committee is not one to be resorted to where you are diametrically opposed to the Bill because we older Parliamentarians know that if there is one effective way of killing a Bill if you do not agree with it is to send it to a Select Committee, and from that Select Committee it will never emerge.

As far as I know, Sir, subject to Your Honour's direction, there is no provision in the Standing Order whereby you can exorcise the Select Committee and bring them to Christian feelings to get the Bill back before the House.

Mr. ADAMS:
On a point of order.

Rt. Hon. E. W. BARROW:
I am not speaking to you.

Mr. ADAMS:
I was only going to draw....

Rt. Hon. E. W. BARROW:
You are not the Speaker. I ask his advice not yours. You have only been in here a couple of years...

Mr. ADAMS:
On a point of order. The Select Committee has to report to the House after three months failing which the matter stands committed to a Committee of the House.

Rt. Hon. E. W. BARROW:
Mr. Speaker, I would like your direction not his. The Leader of the Opposition heard me ask you; but he wants to be Mr. Know-all because he has got on a collar and tie today. We are not appointing him Speaker in this session or any other session.

Mr. SPEAKER:
Unpleasant personal remarks.

Rt. Hon. E. W. BARROW:
I agree, Sir -to unpleasant people. I have submitted with all due respect that it is not appropriate to send a Bill of this nature to a Select Committee. I am assured that it can now emerge or submerge after three months. We now have new words in use in the Barbadian dialect. You can submerge to the top. This can submerge after three months.

But, Mr. Speaker, it is going to pass today because I do not think that you can be serious if one says that one is diametrically and irrevocably opposed to the amendments. You have proposed no amendments yourself, or used words to that effect, and if I am not quoting the hon. member accurately I would like to apologise; but my impression was that he said that he was unalterably and irrevocably

opposed. If he said irrevocably, the Leader of the Opposition can only mean that if by any stroke of misfortune the people of Barbados had a majority Government on the other side, whether it was a simple or two thirds majority, that is more than 16 seats, that the people on the other side would immediately introduce a Bill to repeal the amendments which we are passing today, and particularly those amendments which refer to the issues which they have raised about the Judiciary, issues which they have raised about the appointment of Judges, senior Civil Servants and the other matters which they said they object to. I cannot find them in my papers. I have been in this House a long time today and I have been in here a long time today.

What I am saying is that if the other side is unalterably or irrevocably opposed, we are not accepting any motion that this Bill should go to Select Committee, because if you oppose the Bill there is no point in sending it to a Select Committee. There could only be some kind of blows or fisticuffs or something, because there would be nothing to be discussed. I have been in Select Committee with members on the other side. I have only sat with them on one occasion. When I used to be senior member for St. George and St. John I was automatically a member of the Select Committee. So on both sides of this House both in Opposition and in the former Government and in this Government I have been on Select Committees.

We used the Select Committee as a device when we wanted to strangle the infant at birth - 'to use an expression - that is sometimes to kill our own Bill because we had second thoughts about it. As far as they are concerned sending this Bill to Select Committee would be a waste of time unless they hope to kill it or delay it for three months; but we are not going into Select Committee. I want to make my position clear because it makes nonsense of the whole Parliamentary process.

A real problem, as far as I can see in this country, is that we have still the relics of colonialism despite the fact that we have independence; and nowhere is this more sort of perpetuated and preserved than among the legal profession on whose merits and demerits - on our merits and demerits because it is a profession - I have expressed myself yesterday.

But you see, Sir, no matter what system of Government you may pretend to favour, all of these lawyers have been brought up with the idea that the adversary system of politics is the only political system which should be followed, that as soon as you have a Government, no matter what the national objectives and the concensus on the national goals may be, you must have adversaries, and if you do not have adversaries go and buy them like mercenaries or create adversaries through the newspaper columns. We call that the adversary system of politics.

The whole process of opposition has got to be there for opposition sake; so that the people who are not

very well schooled in this and who work for the newspapers come to elevate this into some kind of moral principle of democratic organisation, that you must have even in small countries, adversaries no matter what.

And that is why you see that it pervades even in the Church. The Church is supposed to be one foundation, and yet you get the adversary system in the Church. Everybody sets up their own little organisation because you cannot even agree on the practice of Christianity in this country.

But, Sir, the adversary system does not pervade business. The monopoly system, the monopoly capitalist system is one by which businessmen in this country who claim to be such democrats do not admit of the adversary system. They do not admit of competition in selling things in the supermarkets. 5. 55 p. m.

The Barbados Commission merchants Association makes it an offence for anyone of the persons to whom they distribute goods, to sell those goods at prices which they have not laid down, and this is what we are trying to fight. They do not believe in the adversary system in the economic activity in this country. They believe in the Employers' Federation. There is not an Employers' Federation and a counter Employers Federation. There is only one sugar Producers Association, but as soon as you come to the business of representing the masses of the people, they say you cannot let Barrow and

Walcott get together because you do not know what will happen,..

Mr. SPEAKER:
Unparliamentary references.

Rt. Hon. E. W. BARROW:
I have not referred to - Oh. The General Secretary of the Barbados Workers' Union. You cannot let the two of them get together. You must have the adversary system operating or it would not be democratic. When we come to the House of Assembly they say "you cannot let all those black fellows in there agree on changing the Constitution because that would be bad for democracy. ' But suggest to them now that we should bring in some firms from outside - small firms - or that we should set up an organization in this country to compete with the Commission Merchants Association, with the eventual removal of all their powers over which they have a strangle hold in the importation of goods and the prices of goods in this country, they will tell you that you are being undemocratic.

The adversary system is one with which lawyers who went to the Inns or Court have been brain-washed and which is even now fading away in the United Kingdom; as the results of the last general elections will show, people do not vote along working-class, labour party, conservative party lines anymore, because when the nation is in a state of economic crisis they are now talking about national government.

We do not really need a national government in Barbados yet; we will have to be persuaded about the sincerity and the integrity of the people who want to join us. We are not proselytising in this debate; we do not need any support from them, therefore they cannot expect any support from us. We have the support of the broad masses of people who put us here to legislate on their behalf.

In the Committee stage of the Bill, Mr.

Speaker, there are one or two minor amendments which will have to be made. To the Arrangement of Sections we will have to add 35, to Commencement..

Mr. SPEAKER:
That had better be left for the Committee stage.

Rt. Hon. E. W. BARROW:
I am just giving notice of them now, Sir. I do not portend to bore Your Honour with those amendments but we have to do them so that members might not be taken by surprise.

As I was winding up just now, Sir, I think I should now come to my conclusion. When I began this afternoon I said that if there is disquiet in this country, why has it faded away? Where have all the flowers gone, long since passed - they are not out there anymore today. Is it because they have been deflated by what they have heard? I should only like to say this, Sir. I have had to deflate certain people because they inflated themselves.

I quote the Psalm where it is said that I do not exercise myself in matters which are too high for me, and it is advice which I would like to give to members of the Church. But it goes on, you know; It does not end there. 'But I restrain my soul and keep it low. Like as a child that is weaned from its mother my soul is even like a weaned child. '

This is a bit of advice I would like to give to all of those persons who only read the cover of a book, who only look at the Objects and Reasons clause of a Bill, who allow themselves to be conscripted by people of doubtful character and even more doubtful motives. I regret that I have to mention them, but this society was in a danger of disintegrating because people who are normally looked up to, arogated to themsleves to act in manners which I could only consider, in the circumstances, reprehensible.

We have treated this House as the supreme authority of the land on legislative matters, to the respect which the House deserves no matter what the merits or demerits of the individual members may be; but the House as a House has been treated with the respect, and I would be lacking in my duty if I had gone into the public domain to a lot of amorphous organizations and unfinished lawyers and other unfinished persons, to discuss matters which are the supreme and sole prerogative of Parliament.

I would like to say in conclusion one other word on the prerogative. The hon. member, the Leader of the Opposition said yesterday that I said that I would sooner go - to paraphrase what he said, Sir, are what I am alleged to have said - to a place of ill repute, than to bring the OAS Treaty inside of this House. I did say words to that effect but I was a little more Barbadian in my expression; but what I was trying to emphasise at that time was, that the Treaty-making power is not the prerogative of Parliament and we have never brought a treaty in this House with any other sovereign independent State or any international organization so that we might be embarrassed by the members of those Governments being villified, merely because of a treaty dealing with those Governments, before the House.

But that is not the reason. It is the prerogative; it is part of the exercise of the prerogative which is not a Parliamentary matter; but what we have done as a matter of courtesy is to lay treaties after they have been made. We do not discuss treaties in the House. It would be wrong, it would not be doing justice to those countries, and I would not do it, and I will no more bring a treaty in here than I would think of taking it to a House of repute, but that does not mean that I do not have respect for parliamentary institutions. It is because of my respect for parliamentary institutions; not only our parliament but other people's Parliaments and friendly States. I should like to make myself abundantly clear.

But to pursue the course of conduct which they have been trying to urge upon us that we must now go back and discuss with a lot of people and organizations who have been orchestrated from a single podium - and I hope I am making myslef clear - orchestrated from a single political podium. 6. 05 p. m.

I hope that I am making myself clear. Orchestrated from a single political programme -

Mr. SPEAKER:
You are now repeating yourself.

Rt. Hon. E. W. BARROW:
Mr. Speaker, I never said the orchestration of our political programme before. I was aware that I was repeating myself, but I am not going over my arguments. I am saying that, orchestrated from a single political programme, I cannot have any respect in that context for the persons who submitted letters to the Government after they had published them in the Press, or after they had been manipulated for political reasons by 1 persons who should have known better.

With those remarks, Sir, I have the pleasure to move that this Bill to amend the Constitution of Barbados be now read a second time.

Hon. C. E. TALMA:
I bee to second that.

The question was put and resolved in the affirmative, the House dividing as follows:

Ayes: Rt. Hon. E. W. BARROW; Hon. C. E. TALMA; Hon. G. G. FERGUSSON; Hon. A. MORRISON; Hon. P. M. GREAVES; Dr. the Hon. R. B. CADDLE; Hon. L. E. SANDIFORD; Hon. F. G. SMITH; Hon. P. G. MORGAN; Mr. LOWE; Mr. WALCOTT; Mr. EDWARDS; Mr. SPRINGER; Mrs. EASTMOND; Mr. HOPPIN; Mr. GREAVES and Mr. WEEKES -17.

Notes: Mr. ADAMS; Mr. CRAIG; Mr. MOTTLEY; Mr. HINDS; Mr. FORDE AND Mr BOLDEN - 6.

Hon. C E. TALMA:
Mr. Speaker, I beg to move that Your Honour do not leave the Chair and the House go into Committee on the Bill.

Hon. G. G. FERGUSSON:
I beg to second that.

Mr. ADAMS:
Mr. Speaker, I beg to move an amendment to the motion to delete all the operative words and substitute therefor "that this matter be now referred to a Select Committee. " My reasons for this emerge purely out of the Prime Minister's own speech upon this matter and partly on the speech which I made on the second reading. The Opposition of the Barbados Labour Party should not be misrepresented. (Aside.)

Mr. SPEAKER:
Order!

Mr. ADAMS:
I thank Your Honour for the protection which Your Honour continues to afford the minority in this House. The position of the Barbados Labour Party is well represented by the fact that we have a Motion on the Order Paper calling on the Government to set up a Constitutional Commission which can take evidence from a variety of members of the public and interested bodies in order to permit the need, if there is a real need, for Constitutional amendments at this time. What we are irrevocably opposed to is this Bill coming before the House in this way.

I want to deal with what the Prime Minister said in relation to an earlier Constitutional change. That which introduce Ministerial Governments in this country. Contrary to what has been said, the objection

Mr. SPEAKER:
Now, I am not going to allow you to deal with the process in which Ministerial Government was introduced into this country, but I will allow you to speak on the Motion that this Bill be sent to the Select Committee and on that Motion only.

Mr. ADAMS:
Very well, Sir. I would just like to say that the point of sending it to a Select Committee is to enable a wider variety of views that could be made known than could be made known in this House of Assembly. I am not going to dwell on that, Mr. Speaker, but it is only fair to say that on Labour Day, 1952, the then Leader of the Government announced from Fairchild Street to the waiting populace that a memorandum has been sent to the Secretary of State asking that a Ministeral system be introduced into Barbados. On the 18th October, 1952, there was a complaint by the late Mr. A. E. S. Lewis that this had been done without consulting the Party. The public had been consulted, and the objection of the present Prime

Minister and others of his persuasion at that time, who did not include the hon. member for St. Michael West, was that the Party members outside the Executive had not been told before the public.

Mr. SPEAKER:
I have allowed you sufficient latitude.

Mr. ADAMS:
It is untrue to say that our Party has been, as an historical matter, in favour of not even having Select Committees on introducing constitutional changes without consultation. The public was taken into the confidence of the Government at the time. (Asides.)

Mr. Speaker, the Prime Minister is fond of offering to let people read things.

Mr. SPEAKER:
What has that to do with the Motion?

Mr. ADAMS:
I am stating the reasons why it should go to a Select Committee. The matter surrounding the 1952 Constitution went on for two years.

Mr. SPEAKER:
Nothing to do with the Motion! You are quite entitled to speak on your reasons for the Motion.

Mr. ADAMS:
These are my reasons, Sir, that history is in favour of a wider consultation and a wider canvassing of views. We hear of the 300 years of history in a very able speech. The most able I have ever heard him make in here, or in any other place, by the hon. member for St. Michael North West, the Minister of Labour. We heard of the 300 years of history, but I am only going back 22 years.

Mr. SPEAKER:
I am not going to allow you to.

Mr, ADAMS:

Sir, I am saying that history is in favour of a wide canvassing of views. When the system of modern Government was introduced into this Island, the people of Barbados had nearly two years to discuss Ministerial status before we had Ministers. I am asking the people of Barbados to have the three months that a Select Committee will have to sit and report. The Prime Minister seemed to be unaware of what happens in a Select Committee when he spoke on his feet. How can a man who does not know the procedures of a Select Committees yet make up his mind as to whether it is desirable or not? He did not know the procedures in Select Committee, and he had to ask you. He said that a Select Committee is a device for postponing consideration for ever, when, in fact, you, Sir, and others who have sat on Select Committees, know that a Select Committee has to complete its work within three months, unless it has the leave of the House to sit again. On the other hand, the matter can be dealt with in the Committee of the whole House.

Now, the argument of the Prime Minister was that a Select Committee would be shelving the whole matter. Now that he has seen it will not be shelving the whole thing and that there is a time limit, he can realise the emptiness of his argument.

Rt. Hon. E. W. BARROW:

On a point of explanation, Mr. Speaker. I want to explain to the hon. member that I have always been a senior member when we had double-member constituencies and, automatically, I used to sit on Select Committees because they were constituted of the senior members invariably, except the very special ones. I was merely explaining that that used to be used as a device. I then said that I do not know what the position is today because I do not sit on Select Committees. 6. 15 p. m.

At that juncture I asked the Speaker what was the procedure when you made the unnecessary intervention.

Mr. SPEAKER:

That is not a sufficient point of explanation.

Mr. ADAMS:

The Prime Minister has entirely failed to take the point. The point is that if he did not know the procedure, how could he make up his mind whether or not it is desirable? It is a very simple point that I dare say has been taken by the majority of hon. members sitting down opposite. If the Prime Minister is tired, do not let him put himself forward as a pundit of logic. If he does not understand the latter day and modern procedure of Select Committees, how could he make up his mind as to its desirability. Other

hon. members who are younger and do not have the benefit of 23, 28 or 21 years in Parliament, depending on what mood he is in at the moment, are yet a little more up to date with what goes on. We cannot be responsible for that. It is our misfortune that twenty years in Parliament sometimes allow more cobwebs to grow than ten. I cannot be responsible for the cobweb in the Prime Minister's mind and his knowledge of procedure. We are urging that history is with us on this matter. There was a very general consultation with the people in respect of the Draft Constitution because that was published and circulated before coming to the House of Assembly, and indeed that was not dealt with in the House of Assembly at all. It was dealt with in London. I am sorry to advert to ministerial status, but I am not using that as

Mr, SPEAKER:

Veering from the motion before this House.

Mr. ADAMS:

I am not using that as an opportunity of extending the debate, but going back to that, which" was the first constitutional step which I can recall was initiated by the elected members of the House, other constitutional steps came from abroad and there was no question of a Select Committee in 1881 when the Executive Committee Act was to be passed. There was no question of Select Committee in 1946 when the Bushe Experiment was initiated, but modern precedent has always been that the people are taken into the confidence of the Government on great and mighty constitutional matters.

Now I am. -suggesting that a Select Committee even under the limitation of the Legislature (Immunities, and Privileges) Act will be in a position to hear evidence, invite recommendations and submissions and examine people. Instead of the Bishop being subjected to character assassination in two separate long and tedious speeches, he will be able to come to put his case and let those who are skilled cross-examiners cross-examine him face to face . rather than attacking him behind his back in a forum where he has no right of reply. Let the Bishop, Mr. Dickson, Mr, McKenzie from the Chamber of Commerce and all the others state their case; and I bear no particular brief for any of them. They sent me documents relating to this debate and I made them documents of the House, Other persons who have received these documents have not treated them with any courtesy or dignity. I cannot help that. I believe the Bishop's letter should be before the House so that at least his words can be analysed in answer to the tirade that occupied an hour of debating time in all about his character, his behaviour and so on.

Mr. WALCOTT:

On a point of order, Mr. Speaker, I do not think that the hon. member in moving that this Bill be sent to Select Committee should be allowed to debate the substantive matter we were debating for the last eighteen hours. He can only deal with why this Bill should be sent to a Select Committee, and not bring

any old arguments.

Mr. SPEAKER:
He is quite in order; he is giving his reasons.

Mr. WALCOTT:
But he cannot talk about what was said about the Bishop.

Mr, SPEAKER:
I have already ruled, I have given all members some latitude.

Mr. WALCOTT:
It is improper and I will speak on it too.

Mr, SPEAKER:
Please do not argue; the hon. member is quite in order. Continue on the subject.

Mr. ADAMS:
I have a list which is compiled by the hon. member.

Mr. SPEAKER:
Let there be silence in the Gallery. You are here on sufferance.

Mr. ADAMS:
The hon. member for St.

James compiled a list before the Prime Minister stopped in which he found twenty-three personal reference

Mr. SPEAKER:

I do not want that. Stop it! That is useless to this motion.

Mr. ADAMS:

Mr. Speaker, the point is that all these people were talked about in here and they are not people making themselves busybodies. They are people who have convictions about the matter of the Constitution. A Select Committee can hear them. Select Committees can take evidence under conditions of the law courts and hon. members will have the opportunity of judging how well founded the objections of all these persons are. This is not an ordinary piece or legislation. We send many other things to Select Committee that are infinitely of less moment and less importance than this. The problem of urgency I will also deal with.

The Government evidently does not take this matter as urgently as it first did because it is going to introduce a move-in at Committee stage delaying the coming into operation of these constitutional amendments; therefore the Government does not want them this week. It does not want them immediately upon the passage through the Senate and signature of the Governor-General, arid we have come to this conclusion because the original introduction of the Bill makes no mention of coming into force by proclamation; so the Government has presumably to some extent ameliorated whatever urgency there was about this matter. I am submitting therefore that there is no argument in logic where we know that members of the public are anxious that their views should be heard in not utilising; the machinery which the House of Assembly and the Other Place have at their disposal for hearing the views of members of the public. It is a constitutional matter, persons have made submissions, some to you, to the Prime Minister as far as I know and to the Leader of the Opposition, and these submissions deserve a proper hearing and not merely a washing out in the absence of the persons who have submitted them in the House of Assembly. Bear in mind who these people who have submitted and put their views forward are: they are the Churches, the three main denominations in this Island, the Anglican Church, the Roman Church and the Methodist Church. The Methodist Church, evidently the internal evidence so suggests, has gone so far as to invite Ministers to address it. How much more suitable would it be if we could have the representatives of the Methodist Church putting the views of the Church before the Select Committee.

Now the position of our party, as I said, has been misrepresented on this issue, and I must repeat it. It is not our position that the Bill is reprehensive in every respect, even though we are going to vote against all its sections. The point is that we think a wider forum is needed and a Select Committee is the means of obtaining that wider forum, and at the same time perhaps, - I cannot say if I were on the Committee what attitude I would have to any given section after hearing the arguments - obtaining the agreement of hon. members on both sides of the House and thereby allaying some of the public disquiet in this Island.

That is the reason for a Select Committee.

Mr. Speaker, I am not going to press in any future debate in this House my private member's motion any longer because at this stage, as I understand it, we are going to stand or fall. If the Government wants to introduce its constitutional amendments in its way without consultation of the people or the Opposition or anybody else, the Government will have chosen its path. As far as we are concerned this is the last opportunity for cooperation in this particular area. It may be a matter of sublime indifference to those who have eighteen seats now. As far as we are concerned I hope it continues to be a matter of sublime indifference to the survivors of the eighteen after some future occasion. That is all I am saying; but let it be understood that we are prepared even at this stage to cooperate in the work of a Select Committee in the national interest. If the Government wishes to make a particular bed, let the Government understand that it will lie in it. Mr. Speaker, I urge hon. members to consider the amendment which I have just moved. 6. 25 p. m.

Mr. Speaker, I urge hon. members to consider the amendment which I have just made.

Mr. FORDE:

Mr. Speaker, I rise to second the amendment which has just been put by the hon. member for St. Thomas; and I believe that if I should advance one additional reason which he, in his very careful and considered speech omitted to mention, it is that it is very important in a small country such as ours that we should as much as possible on fundamental issues affecting the lifeblood of the keyhole community and its Government ensure that personal vendettas, political attitudes, do not restrict the wider public interest.

It is well known, Mr. Speaker, that in the United Kingdom and in other countries of the Commonwealth where there is this great polarisation in debate the Select Committee has been used to give the public and hon. members an opportunity to see the issues in a wider perspective than they Have been enabled to do so in their party conclave, and at the same time provide an opportunity for the public at large to express their views before such a Committee.

Mr. Speaker, the rules of this House provide for the appointment of such a Committee, and indeed the Legislature Privileges, Immunities and Powers Act of 1963 No. 6 section 9 provides this Chamber with legal powers to empower such a Committee to summon witnesses and hear evidence and report to this House.

It is well known that persons who have not had an opportunity - members of the public - to put forward their reasons for wishing some other considerations in the Bill should be given an opportunity. Members may have misunderstood the reason why certain representations were made informally, and the Select Committee would be a device for giving such an opportunity to members of this House.

Mr, Speaker, there is an additional reason which I wish to urge on this House. I think that it should have been obvious from the nature of the debate which ensued that members feel that the Bill is not comprehensive in some respects and could be improved. If there is an opportunity to do this, this opportunity should be provided by means of a Select Committee of this House.

I do not want to belabour, indeed I will not contravene even the spirit of the rules of this

House by going on to another matter which has been the cause of substantive debate, but I think that everyone of those who heard the debate must well be satisfied that there are other areas of the Constitution that a Select Committee could enquire into, take evidence on and report back to this House as speedily and as conveniently as it can do, haying regard to the nature of the amendment which has been made.

I understand that the reason for objection to such a procedure is because the Opposition says that they are unalterably opposed to the provisions of this Bill. The provisions to which they have been unalterably opposed have been stated. The Government is probably unalterably committed to the provisions of the Bill; but the question is not whether the Government is committed or the Opposition is opposed. The question is will the country as a whole be given a proper opportunity to pass its comments on this Bill.

I do not presume to speak for the country as a whole. I believe that there are other people who presume that they themselves speak for organisations as a whole, be they employers, workers or any kind of organisation; but I should think that I have a right which I make here to say that there is a large body of opinion in this country, regardless of what the Government may try to pretend who would like an opportunity to go before a properly constituted Committee of both Houses of Parliament which we are supposed so much to respect and to participate in the democracy which we say we are running. This can be a classical example of the participation of the people in the working of parliamentary institutions.

Mr. Speaker, from the attitude and spirit of some hon. members, any suggestion, no matter how genuine, if it is merely against what those members believe is the: 'way things should go, the political power has to, go to the point where it means numerical strength.

Let the record recall, Mr. Speaker, on this instance that the Opposition and the Government were able to agree on a national issue to give the people a chance to come in and voice their objections or their approval to these proposals and to suggest others which they need in their Constitution.

Mr. HINDS:

Mr. Speaker, I rise to support the amending motion for this simple reason; I well remember during the speech by the hon. member for St. Michael North West that he laid considerable emphasis on the fact, as he said, that there was a considerable area of ignorance and misunderstanding. That is, he felt convinced that many of the people who had submitted their objections in writing and what not were people who did not understand what a Constitution is and what it is all about,

If that is the case, Mr. Speaker, we on this side are submitting that this is a valid reason. If from the Government's side they are making it known, they are saying that they are satisfied that there are areas of confusion and misunderstanding and ignorance among the people, we are asking at this stage that an opportunity should be given to all of these people and others to express their views in one way or the other; and that is the reason why we are urging that this Bill should be sent to Select Committee.

One other point, Mr. Speaker, is this: let us not find ourselves taking into consideration the atmosphere of the debate that has been carried on yesterday and today. Let us not find ourselves legislating now too hastily. Let us give ourselves an opportunity after all the heat that has been generated, the invective and what not, give ourselves the opportunity whereby in Select Committee anything that might have escaped our notice and is likely to escape our notice can be dealt with. The Prime Minister has already stated that it must pass today. 6. 35p. m.

That is the atmosphere that is prevailing; 'it must be passed today. '

It is for that reason, Mr. Speaker, that we are asking that opportunity be given in Select Committee to go quietly through and sort out things, and perhaps in the long run come up with something that is concrete and more acceptable to the nation as a whole.

We believe, Mr. Speaker, that all members on the other side would themselves like to see the Bill disposed of as quickly as possible. It has been causing some of them nightmares; not the contents of the

Bill itself but something more intimate than this. It is for reasons such as these that we are appealing to the Government to give an opportunity to the people of this nation to make a contribution in whatever form they can, as set out in the preamble to the Constitution. We can do no more at an hour such as this but to make it known that we believe that the nation's interest would be served better if this Bill were sent to a Select Committee.

Other hon. members, Sir, have already made it known, the areas, the avenues, that would be open to so many who have demonstrated in some

Ayes: Rt, Hon. E. W. BARROW, Hon. C. E. TALMA, Hon. G. G. FERGUSSON, Hon. A. MORRISON, Hon. P. M. GREAVES, Dr. the Hon. R. B. CADDLE, Hon. L. E. SANDIFORD, Hon. F. G. SMITH, Hon. P. G. MORGAN, Mr. LOWE, Mr. WALCOTT, Mr. EDWARDS, Mr. SPRINGER, Mrs. EASTMOND, Mr. HOPPIN, Mr. E. GREAVES and Mr. WEEKES -16.

Notes: Mr. ADAMS, Mr. CRAIG, Mr. MOTTLEY, Mr. HINDS, Mr. FORDE and Mr. BOLDEN-6.

Mr. SPEAKER:
The matter therefore stands in Committee of the whole House.

Mr. Speaker left the Chair and the House went into Committee on the Bill, Mr. Lowe in the Chair.

Clause 1 was called.

Rt. Hon. E. W. BARROW:
Mr. Chairman, I beg to move that Clause 1 stand part.

Hon. C. E. TALMA:
I beg to second that.

The question was put and resolved in the affirmative, the House dividing as follows:

Ayes: Rt. Hon. E. W. BARROW, Hon. C. E. TALMA, Hon. G. G. FERGUSSON, Hon. A. MORRISON, Horn P. M. GREAVES, Dr. the Hon. R. B. CADDLE, Hon. Li E. SANDIFORD, Hon. F. G. SMITH, Hon. P. G. MORGAN, Mr. LOWE, Mr. WALCOTT, Mr. EDWARDS, Mr. SPRINGER, Mrs. EASTMOND, Mr. HOPPIN, Mr. E. GREAVES and Mr. WEEKES -16.

Notes: Mr. ADAMS, Mr. CRAIG, Mr. MOTTLEY, Mr. HINDS, Mr. FORDE and Mr. BOLDEN- 6,

Clause 2 was called.

Rt. Hon. E. W. BARROW:
Mr. Chairman, I beg to move that Clause 2 stand part.

Hon. C. E. TALMA:
I beg to second that.

Mr. ADAMS:
Mr. Chairman, at this point I would wish to urge hon. members not to accept Clause 2, particulary in respect of Clause 2 (c) which seeks to amend the section of the Constitution which deals with the rights of the wives of citizens of Barbados to be registered as citizens.

There are some very onerous Civil Service procedures, onerous and unnecessary in my submission, that apply to registration as a citizen. I heard the Prime Minister say about affidavits which we need to collect Provident Fund money and to collect all sorts of small benefits from the Government. These onerous provisions apply with greater force, if possible, to registration as a citizen.

I do not want to dwell, at. length on the point, but we should not be giving unnecessary work to Civil Servants or providing employment unnecessarily for Civil Servants. If a woman is married to a citizen of Barbados she should be entitled to citizenship. That is all there is to it. That is what the Constitution means; but there is this filling out of a lot of forms and asking women for a police report from every country that they lived in since their birth, so that women born in England or St. Lucia and who came here as small children, or even as 16 year old children and who have lived here for 30 or 40 years and

who at this late stage now have to apply for citizenship have to write back to some country which has never heard of them. They may not even know where to write to get police records and all sorts of nonsense.

This will not be giving a real bite as far as it concerns women married to citizens of Barbados before 1966 by the proposed amendment. It may Well be argued that the Government of this country needs to remove it after it appeared in the draft Constitution; but it is not good enough now that mature experience tells us that it is most unlikely that the national security or public policy is ever going to demand that a man's wife be not made a citizen.

It is most unlikely. I pray God that I will never have to be in a Government that has to decide that a man's wife cannot live with him here. It is bad enough when you husband cannot live with you if you are a woman. Pray God that I will never have to see the day when a man's wife cannot live with him in Barbados and Barbados is the only country where he will be allowed to live and earn his living. I would never like to see that day.

This Government is very anti-feminist as I have no doubt the member for Christ Church West will expatiate on at greater length than myself. It is a very anti-feminist Government. I am most surprised - I beg your pardon, Mr. I Chairman, I am not in the least surprised that when permission was applied for a woman who was a woman's liberationist and who signed herself Ms. that the Prime Minister acted as he did in refusing to let her live here in the circumstances to which he has adverted at the second reading speech.

I should just say, Sir, that since the Prime Minister made that statement I have received a telephone call whose authenticity I am not in a position to check, but I would ask the Prime Minister to check it, seeing that he got the university lecturer entirely wrong, and the person of whom he spoke to the House is not the author of the article in the New York Times. I would expect that my having passed this on in good faith, the Prime Minister will also have it checked in good faith because if it really is a fact that Mr. Cummins is not the gentleman that applied for this permission it would be a very disgraceful thing.

Indeed, one member of this side says that he seems to remember ringing the gentleman's house and being answered by the gentleman's wife on an earlier occasion. It would be very disgraceful to say in the House, no matter what he has put in the New York Times, that he wrote a letter saying that he wanted his mistress brought to Barbados but he was not going to marry her. He would not have needed to say that if the telephone call is correct and the hon. member's recollection is correct. But that is in passing.

I will urge hon. members not to take on this amendment. As far as 21 to 18 is concerned, I believe that the hon. member for Christ Church West will deal with that; but in advance I would like to add my condemnation to the fact that you are prepared to reduce 21 to 18 for some purposes, but not for all. If 18 is the age of majority for one purpose it should be the purpose for all 18-year-olds to be allowed to sit in here if they can persuade the electors to send them here. 7. 15 p. m.

Mr. FORDE:

Mr. Chairman, the purpose behind Section 2 of this Bill is to place further restrictions in the way of the registration of persons as citizens of Barbados. As Section 3 of the Constitution now stands, women who on the 29th •November, 1966 were married to people who became citizens of Barbados under subsection 2, have an entitlement to be registered on making application, or if they are aliens, upon taking the oath of allegience to be registered as a citizen of Barbados. It means that the wife of any hon. member who on that date was a non-Barbadian would have automatically on making application be so registered.

Now this as it stands, on grounds of public policy, what could that phrase possibly mean? What could it possibly mean? Are we going to be saying to the women whom Barbadian citizen marry - and there are lots of hon. members in this House, some. of them who have married women from overseas, - that they are not fit enough to be citizens of this country, and that therefore public policy demands that they are not to be registered. Now this Government has recently sent three representatives to a conference in, I believe it is Budapest, dealing with population matters, and one of the Resolutions moved and passed by professional thinking countries - and we hear so much about progress and people standing in the way of progress - one of the Resolutions moved was that it is incumbent on Governments who believe in progress, real progress. -. not mouth progress by saying so all the time -. is that you should enlarge the scope of women's rights instead of restricting it.

Now this would have been a beautiful opportunity for a Government who is truly progressing and not merely by repeating it, or slandering people or attacking them - a truly progressive Government to have moved in this section, not a restrictive, unfair amendment - because that is what it is - we should have been removing it.

I have a great admiration for a lot of the personal qualities of the hon. member for St. Michael South, the Hon. Minister of Education, and I admire the way, for instance, that he puts his point; and he made the point this morning that the preamble guarantees fairplay and there was no unfair play in these amendments; but I would cite to him that this is one of the outstanding examples of unfair play being introduced into this amendment; discrimination against women in this fashion.

Now this section should be amended so that the children - as the Hon. Lady member of the House said - of Barbadian women would have an entitlement to Barbadian nationality if they are born in wedlock. At the moment it is only those that are born outside of wedlock who, under this Constitution take their nationality from their mothers. Not so the Barbadian women.

Now I have heard a lot of talk about political bandits. The hon. Premier of Grenada was referred to as a political bandit; but at least his Constitution does not practise the banditry of discriminating against women. That is what is the position. He does not practise this form of banditry, and the only reason which this Government has for treating women in this fashion is because they did not have the noose or the know how or the opportunity to come in here first and move a Resolution on it, I understand politics; I am growing up fast, I got my lessons quickly and I intend to use them.

One of the things that the Government as led by the hon. member for St. John stands condemned on in this section of this Bill, is the manner in which it continues its unprogressive policy. Instead of advancing in women's rights it is retreating in women's rights. That is what it stands condemned on, led by the Prime Minister himself.

Now there is another manner in which this section discriminates against women, and I want to make it quite clear that if this is a fair Constitution - I am not afraid of anybody. You can move anything you want to move in the House now; get it quite clear. I think the hon. member said there is war. I do not like a fight but when I am in war I fight to death, or to live. Now one of the things that this Constitution should be seeking to amend is the position, quite clearly, where the husbands of Barbadian wives have the right to citizenship -.. if it is being fair.

If you believe in United Nations Regulations and some of the agreements some of which you signed subject to qualification - but not so, this progressive Government with its reprogressive ideas on females' rights, its inability to appreciate modern thought on matters of this nature, its callous political expediency in using only narrow political party judgement in rejecting Resolutions that have substance in them and that every progressive country in the world has passed. Not so this Government. No. The Prime Minister has laudible thoughts but not so laudible actions when it comes to dealing with women's rights.

I want to suggest seriously - because I feel strongly on this matter - I want to suggest to hon. members,

if they are serious about fairplay, if they are serious about women's rights, if they are serious about non-discrimination against women, do something about it in this provision and do not pass it in Committee.

The Government has taken an opportunity to introduce what it calls inconsequential amendments. It could have had second thoughts if it was not polarised in victimization. It could have had second thoughts on this matter, and come in here with a progressive idea; but you all will stand always condemned on political expediency based on the no-Sunday School principle.

I believe that this is not a proper section in 1974 for any party that believe in advancement and in progress. It is no point getting up and saying that women have had the right to vote. They had it under the Labour Party. There is no point getting up and saying look, we have more day centres' when you are restricting them in these ways. If you want to do something about it do something about it now.

I regret that I cannot vote for any such amendment, and I should think that anybody who votes for this type of amendment must go down on record by any impartial assessment of themselves, as casting a vote against women's advancement, and fair play for women. 7. 25 p. m.

Rt. Hon. E. W. BARROW:

Mr. Chairman, people who do not have political philosophies invariably have to latch on to some dead horse, which they continue to flog long after it had been passed to the valhalla which may be preserved for animals of that distinction. The only contribution to political thought in this Island, which appears to have been made by the hon. member is some spurious idea about women's rights. I want to deal specifically with the Clause. What we have done in the amendment to Clause 2 of the Constitution (Amendment) Bill is to eliminate some of the difficulties, as the Leader of the Opposition was quick to recognise, under which women may labour, who are the wives of Barbadian citizens, in making application for registration as citizens.

The amendment removes in the tenth line of Clause 2 - Excuse me, Sir, I am trying to find it.

I am dealing now with Section 3 of the Constitution and not with Section 2 of the Constitution. I wish people would not interrupt me so that I would be able to deal more adequatley with the matter. I want to read the relevant provision, because we merely got up and moved that Clause 2 stand part. I wish to draw to the attention of the Committee the specific provision which is being deleted. (Asides.) Just let me deal with one thing at one time. I do not need any assistance from that side.

With regard to Section 3, the amendment is at line 10, and the proviso at the end of Section 2 (b) is being deleted altogether. That is my recollection, but just let me check that. The proviso says: "put a full stop. Shall be entitled upon making application to be registered as a citizen of Barbados provided that the right to be registered as a citizen of Barbados under this sub-section shall be subject to such exceptions or qualifications as may be prescribed in the interests of national security or public policy. "

All of that is being deleted, so you cannot prevent a married woman from being registered as a citizen of Barbados on the grounds of public policy or by making any qualifications or exceptions. It is automatic. The other part of it deals with the fifth line of sub-section 3. Subsection 3 says:

"Any woman who on the appointed day"

That is the 29th November, 1966 - "..... is or has been married to a person who subsequently becomes a citizen of Barbados by registration shall be entitled upon making application, or if she is a British protected person or alien from taking the oath of allegiance to be registered as a citizen of Barbados. "

Again the proviso which provides for exceptions and qualifications in the interests of national security is being deleted.

Mow, the Leader of the Opposition admitted that that is a step in the right direction. What I understand from the drum that is being beaten by the member for Christ Church West is that we should automatically allow husbands to have the same rights that wives have. I want him to understand this very clearly. With regard to alien husbands, the husbands of Barbadian women should be allowed automatically to be registered in Barbados, and he has accused the Government of Barbados as being anti-feminists. There are no women on that side; the only female representative in this Chamber is on our side, and she has spoken today for the women in our party on this issue. We are not going to give in on this.

I just want to say that he can accuse the Government of being anti-feminists or whatever he likes. When you look around, as the hon. member for St. Michael West has reminded the member for Christ Church West, you will find that everybody on this side has a wife or a husband. How could we be anti-

feminists? I do not care what they do in Jamaica. Jamaica, regrettably to them, adopted an attitude when they were in Opposition because of pressure from a few people.

Now, I admire the member for St. Michael North East, because she was in the position of having relatives who may be debarred by the present attitude of the Government, but we deal with every application for citizenship coming from male persons on the merits of the case. I know of no cases in which a husband, who has been able to establish that he will not be a burden on his wife, or on the public Treasury of this Island, has been refused permission to reside and or work in this Island. There is not a case.

Mr. Speaker, what the Government is doing is reserving the right. I will give you some illustrations. You cannot confer upon a Barbadian girl, who may be living abroad under strange circumstances in. which she may find herself in a position where she has to marry a man who may, eventually, turn out to be undersirable, to confer the right of citizenship by the mere act of marriage. That is not good enough for us, as far as men are concerned. There is an international obligation, recognised in international law, in the Committee of Nations, that the husband is under an obligation to provide the matrimonial home for the wife. The domicile of the husband in private international law is (he wife's domicile, and wherever the husband goes and takes up his domicile as distinct from his residence, for purposes of private international law, that is her domicile.

Now, in most cases in most civilised countries, the husband is also under an obligation to support the wife. The wife is under no correlative duty to support her husband, and this is well established. That is good private international law that I have just quoted on the law of domicile. There is no country that I know in the world that imposes on the wife to support her husband. When the husband takes the matrimonial vows, whether there be Christian vows or any other kind of vows he is under ah obligation to support the wife. Even in Muslim countries this is so. 7. 35 p. m.

You have a situation here in Barbados that if we confer citizenship as an automatic tight on a husband, you would have cases like we have now because of one Bank which is being run by a bunch of international manipulators where the prime mover of that Bank is well-known to authorities all over the world, and he would be able to come here and establish himself to the disgrace of this country instead of going to! Grenada where he went last week. Mr. Gairy is entitled to him and all others like him. We also have a situation in which we have had proxy marriages between young Indian girls at the tender age sometimes of fourteen and fifteen and persons whom they have never seen, and we have had cases in which misguidedly these husbands married in such a fashion have been granted permission to reside in this country, and then in a matter of months the relatives of the wives have come back and asked us to revoke the permits. I know of cases which I aim willing to supply to the Hon. Leader of the Opposition or anybody on that side to establish it.

Now what the member for Christ Church West for purely political reasons, as if he has only amazons in St. Matthias Gap, is urging is that any light-headed girl going to the United Kingdom; Canada, the United States or Montserrat can confer the right or citizenship of the sovereign independent State of Barbados on a man whom she may never have known for two days merely by going before a magistrate and taking the marriage vows or going into a Church. That is patently absurd because it means this: Maria Lanski was refused the right to return as written into the Constitution of Israel, and when Maria Lanski who is head of a syndicate which is the most sinister and corrupt organization in the United States went to Israel, although the law on return said that all Jews have a right to return to Isreal, they put him on a boat and shipped him back to the United States. If he had married a Barbadian girl - if we had followed what the hon. member for Christ Church is saying - Maria Lanski would have the right to sit down here on the West Coast and large off and corrupt the whole community merely because some stupid Barbadian girl was carried away by his money, his yachts and that kind of thing, not knowing that he was equivalent to the head of the Mafia in the United States which conferred the right of citizenship on him. All I want to say is that we do not intend to vary our Constitution. The member said accuse us of whatever he likes. We do not want Mr. Graham Herring here although he married a Barbadian. He has got a long dossier. We do not want proxy marriages from India where they bring in Indians to manage their stores by marrying them off to their daughters and no Barbadian is put in any position of authority in any of these stores, and they marry off their daughters to people whom their daughters have never seen, and we do not intend to allow any Barbadian girl no matter how wise she may be or how foolish she may be to have the right to confer citizenship on a foreign man. In the Comity of Nations there is an obligation on the man to provide a matrimonial home for the wife. There is no responsibility on the part of the wife to provide a matrimonial home for the husband, and that is our reasoning.

I would like to say this parenthetically; every single case which comes before the Ministry responsible for Immigration matters which is now the Ministry of Legal Affairs, but it has been so from time immemorial, the Ministry looks at sympathetically. That is, you start off with a bias in favour of the husband and if he can establish that he will not be an incubus either on the girl's family or on the public purse of this Island, and he has some skill or he can make some contribution and would not be a nuisance or gangster and we are satisfied with his character, invariably he is allowed to reside and work in Barbados. I do not know of a single case of a husband who satisfied those requirements who was not allowed to reside and work in Barbados, but to accuse this Government of being anti-feminist does not worry us in the slightest, because that is a lot of cheap politics. The hon. member is smarting at the moment because his veneer of sanctimoniousness has been removed and ripped off - the sanctimonious veneer which he has worn all these years and he has been shown in his true light, and that is why he is smarting now and making virulent speeches for the first time in his life on the floor of this House, but we shall not be moved.

Mr. CRAIG:

Mr. Chairman, just briefly on this clause, in the remarks which the Prime Minister made about

Barbadian women marrying foreign husbands, he used the argument that it is all right for a Barbadian man to marry a foreign woman and bring her in, she can be registered and it is all right. On the other hand I have seen that you have some boys who prowl the beach at night. I know this for sure because I live almost on Dover beach and there are a couple of half-baked white girls, prostitutes for that matter, who come down here, scotch on at some of the hotels, and the beach boys marry them and they have a right to bring their bodies in here and sell them and then leave the country.

Rt. Hon. E. W. BARROW:

On a point of order. I do not walk the beaches at night, Sir. He is walking the beaches and patrolling and investigating on the part of the Government and people of Barbados. Good luck to him. I will appoint him as a vigilante, but I do not have the time to walk the beaches at night,

Mr. CRAIG:

That is true. The Hon. Prime Minister would not walk the beaches at night; he may be too busy in Elizabeth Park, Now pull yourself together; you know I would foul you. You know I am a fouler; so don't come with any of your sly remarks. I am busy prowling the beaches at night because I am trying to make sure that you do not get any dope coming in as you always claim, You cannot do this; you are too busy in Elizabeth Park when you should be in Culloden Farm.

Now, Sir, I cannot understand how it is fair from the Prime Minister's argument that a Barbadian girl who goes abroad to study and runs into some man who may or may not have some skill and marries him does not have the right to bring him to Barbados to live; but a man can a woman here in Barbados though die may only come on vacation and she has the right of citizenship. The Prime Minister is aware of these things; he may not want to admit them now, but this is a wrong practice. You have these girls knocking around the former St. Lawrence Hotel or Maresol Flats; they come in for one or two nights, work at the hotels, the beach boys frequent the hotels at night, the watchmen get into trouble with them, the girls say they like Barbados, and all of a sudden a fellow has a white chossel; he has come out to play. So Barbadians are now saddled with these people. The husbands cannot go to the Yacht Club, they get jobs at the hotels, and some of our own Barbadian girls cannot get some of the jobs which they hold. I think this is discriminating against the Barbadian girl.

I am not making any personal reference, but let us call a name, say, Dr. Esther Archer. Let us assume that Dr. Esther Archer had gone abroad and married a foreigner. This is her love. She comes back to Barbados, and therefore she would have to love him by telephone or by cable, because you are now taking advantage of the profession which she can bring back to Barbados. I see no reason why you cannot give this concession at least where Barbadian women marrying foreign men have not got the right to come here, instead of having all these problems in going through all this red tape. I hold no brief like the hon. member for Christ Church West who may be a bit of a girl's boy and may be putting cases all the time, but I dare say that we can reach agreement on this. I sincerely hope, Mr. Chairman, that the members on the other side would at this stage give the Barbadian women who go abroad and bring in

their husbands the same right as Barbadian men and let them assist in some form or fashion. I heard the Minister of Housing say that it does not matter as far as he is concerned and that it is only a matter of opinion on an occasion when the hon. member brought in a Resolution about equal status for women. 7. 45 p. m.

Hon. P. M. GREAVES:

Mr. Chairman, I have never sat in here as Minister of Home Affairs in my life, so what he is saying cannot be attributed to me. But I would say this now What he is saying is in fact that these white prostitutes should not be allowed to live in Barbados because a number of.

Mr. GRAIG:

On a point of elucidation. The Hon. Minister said that he was never in here as Minister of Home Affairs. The Hon. Minister acted as Minister of Home Affairs in this Parliament. How can he deny that?

Hon. P. M. GREAVES:

Since I left the Ministry of Home Affairs I have never once acted as Minister of Home Affairs, so that gives the lie to that. However, Mr. Chairman, I am making this point that the member for St. James appears to be arguing that these prostitutes whom Barbadians marry should not be permitted to come and live in Barbados, which is precisely what this amendment is doing.

As the law now stands, these prostitutes, as he calls them, who marry Barbadian men were permitted automatic right of registration; but under these amendments they will have to be subject to such exceptions as may be prescribed in the interest of national security and public policy.

Mr. ADAMS:

I will be very short, Sir,.....

Mr. CHAIRMAN:

Under Standing Order

28(16)

Mr. ADAMS:

I just want to give an explanation on a matter that has been misunderstood. The Prime Minister, perhaps because he was not here, has misunderstood what was said in my speech at the beginning of the debate. I did not speak of citizenship for husbands of Barbadian women. I know that some countries

have citizenship on the same basis for husbands as for wives. That is not what I said. It has clearly been misunderstood because a number of hon. members have adressed their minds to that point, the right of Barbadian women to ask their husbands to come and reside here with them. I did not say become citizens.

I am not entirely persuaded, due to the very old fashioned concepts of international law which still perhaps stick in my head, as perhaps they stick in the Prime Minister's head - I am not persuaded yet, although I am open to conviction that citizenship should follow a man's marriage to a woman; but I am utterly convinced that a woman should not have the same rights to have her husband here under the Immigration Act as a man should have to have his wife. That is what I said and it has evidently been misunderstood by hon. members and I would not like my position to be misrepresented on that basis.

Mrs. EASTMOND:

Mr. Chairman, I would to say that the Prime Minister spoke very well. He spoke for all of us, I take it, but I as a female must speak for myself; and I want to say that men made the laws over the years - my grand father and my great grand father - and men were responsible all over the years. They always felt that they were above women and there was never equality between men and women. This is what people seem to think. As far as I am concerned God made us all equal, but women have taken the inferior position, and it is women that must take the blame.

We have sat back and let men take over, and let them treat us as they like. I say that women are supposed to take up equality. They have to take it up in all respects, but I doubt very much that the women of this community would be prepared to take equality at all levels. They have been sheltered so long that they prefer to be the companion of the male; but equality means responsibility. Equality means sharing in every respect.

Next year will be women's year. Women will have an opportunity to put their case before the United Nations, arid I hope that when women put their case Governments in all territories will really sit up and take note.

I cannot say that it is recommendable at this stage to give foreign husbands of Barbadian women automatic citizenship. It cannot be fair because if the men for all the years decided that they were masters of the land and whomever they marry should have citizenship and we took the position that we have right now, I cannot see for the life of me why women should think that they can change things overnight. We can change them and we have to change them; but I think that in this society there is no room no purpose now for foreign husbands.

We have to make sure that at international level, whether it is England, U. S. A., Russia or wherever it is, all the people from the various countries who sit at the U. N. should be able to say with one accord that women should have equal rights in their countries; but this is Barbados, 166 square miles with a population of 240, 000 people with unemployment at the rate that it is an production at a low level. Can you tell me that we should bring in foreign husbands? To do what? Do you know what will happen? A lot of these men will buy Barbadian wives just trying to get into Barbados. They will come in and then they will have no more use for the women. They pay her off because they can get a divorce any time, and then they will say to the Government I am a citizen and you cannot tell me what to do.

This would not be fair at this stage. My Barbadian men must be able to go to other countries and be able to do the same thing. I do not believe in giving dual citizenship to a women when the man only has one citizenship. How can it be fair? I do not want anyone to think that I am not fighting for the women. I am a woman, strictly as you will see. (Laughter). We are making monkey nonsense with this country. We are really making foil. This is no fun. I am quite prepared to plead the cause of women at the United Nations level where with one voice we can say yes, we want these changes.

Let me tell you die next change that will come, one that you may not like. It is that we housewives, the ones who have to stay home, you will have to pay us for housekeeping too. There must be equality all around. So take that although you may not like it.

Mr. ADAMS:
Mr. Chairman, I pay $120 a week for that now, so that will not be any change.

Mr. BOLDEN:
Mr. Chairman, sometimes you can find yourselves in some very strange positions. 7. 55 p. m.

I really wonder whether the hon. member who has just sat down believe in women, or if she does, if she only believes in them in some other place over there but not here where we live. I cannot honestly see how she intends to fight for equality for women at the United Nations, but not in Barbados. You are going to pay them to cook and stay home at the United Nations. Probably it is a great big building; it can carry all the women of the world, but I think what we want to do is to rationalize this problem of women and men, because the problem is going to exist in these Caribbean territories, on both sides. We are going to find ourselves as we find ourselves now, in a position where the human body is being used as a

facility of existence. Do not fool yourself about that.

The women who come here from Canada and elsewhere and marry the beach boys, etc., may be using their bodies to enjoy the sun, the sea and the sand, and any others which anybody else may want to add in Barbados. The men who marry some of those women are using their bodies to get to the United States or Canada too; and the reverse is absolutely true. Some of the men who marry Barbadian women will obviously want to come and live here, and some of die Barbadian women will also want to live out there. But the hon. member must understand that the question is, how are we going to provide for these problems in our Constitution?

It is no question, of getting up in here and saying that they all know about women's rights, etc,, and the equality of women, when the words are beautiful but the deeds and actions are not that beautiful. My contention is, with this amendment, you have removed a qualifying aspect of citizenship from one section and you have placed some words.

Mr. Chairman, these words are very, very strange. Unless the Hon. Prime Minister can tell me that rules are going to be laid down to interpret these words, you are going to end up as the Leader of the Opposition said, with more problems than you have at the moment.

The Prime Minister in his own exercise this afternoon, in his reply said, a top civil servant wrote a letter out to travel agents in Barbados and told them that 'he has been directed to inform them that travel allowance was only £50'.

I can say now that I have had problems in the Ministry of Home Affairs with persons who have applied for certain conditions in this country; and I can say, civil servants down the line have written me tons of letters asking me to provide certificates for a man who has been living in Barbados for numerous years, and, he was one of those victims when Pakistan and India had their first row. His father was one of those who was put in a transit camp; he did not even know about it. We wrote letters all over the world and they could not find anything about him. All he was known by, Mr. Chairman, was a number. The only thing he was known by was a number. They knew his number; he had the number, and we got a letter vouching that this number was probably a young child at the time with a father and mother.

They could find the names of the father and mother, but that poor man was known by a number.

I wrote letters upon letters to the Ministry of Home Affairs then, and, a Minister sitting in here, now, I went to him mid said 'look, this is unfair; you have provided letters from High Commissioners, with New York, the country where he came from, Barbados, all kinds of information, and the civil servant was still telling me that I must provide a birth certificate to. show where this man was born. ' The letters came back saying all the books and records in this particular area? were destroyed when people were moved into a transit camp. Had it not been for the

Minister saying that this is foolishness, I doubt whether that man would have got through on his application up to today; and when you now impose words like these and put them in the hands of civil servants like the one the Prime Minister spoke about, unless you lay down rules and regulations you are going to get the same problem or even worse.

You must determine what form you are going to apply and let it be known what is going to be asked for.

Another point is this. I have heard Ministers in this House say that when they turn down applications they, do not Have to give any reason. Now if somebody writes back and say 'well based on public policy your application has been refused, ' will the person be entitled to challenge it? They are not supposed to tell you what considerations they have taken in order, to determine whether public policy is good, so therefore this is going to create problems. (Aside) I hear in a little soft voice that they are already prescribed; but how are we to know that they are prescribed? How are we to know? Don't be funny,., ".,.,.,,..

Mr, CHAIRMAN:
Is the hon. member addressing the Chair?

Mr. BOLDEN:
All I would like to say Mr. Chairman, is that we will have to oppose this Section again, I do not mind the hon. lady over there. Let her vote how she wants to vote; but as I said, one day the crows will come home to roost. The women in Barbados will know that the hon. lady member of the House recognizes that they should have equal rights, but not while they are in Barbados; if and when they reach the United Nations. 8. 05 p. m.

The question that Clause 2 stand part was put and resolved in the affirmative, the Committee dividing as follows;

Ayes; Rt. Hon. E. W. BARROW; Hon. C. E. TALMA; Hon. G. G. FERGUSSON; Hon. A. MORRISON; Hon. P. M, GREAVES; Dr. the Hon. R. B. CADDLE; Hon. L. E. SANDIFORD; Mr. GREAVES; Hon. P. G. MORGAN; Hon. F. G. SMITH; Mr. ALCOTT; Mr. EDWARDS; Mr, SPRINGER Mrs, EASTMOND; Mr. HOPPIN; Hon. N. G. A. MAXWELL, and Mr. WEEKES -17.

Notes: Mr. CRAIG; Mr. ADAMS; Mr, MOTTLEY; Mr. HINDS; Mr. FORDE, and Mr, BOLDEN -6.

Clause 3 was called.

Hon. C. E. TALM:
Mr. Chairman, I beg to move that Clause 3 stand part.

Hon. G. G. FERGUSSON:
I beg to second that.

Mr. FORDE:
Mr. Chairman, Clause 3 deals with an amendment to Section 6 of Chapter 11 of the Constitution, and for the benefit of hon. members, under the present existing Section any woman who since independence is married to a citizen of Barbados is automatically entitled to be registered as a citizen of Barbados. The amending Section which is being introduced by this Bill will seek to limit her absolute entitlement and to qualify it on the basis of national security and public policy.

Now, Mr. Chairman, I have heard quite a lot being spoken in here about women's rights, and I understand when I speak on this I am being sanctimonious and my atmosphere of being sanctimonious is removed. There are a lot of people who are authorities on a lot of things, and I want to talk about the authority on why this Section is discriminatory. Why is there this talk about the existence of an international law of comity and the position of the law of domicile prevents the Government from taking a particular stand is absolute nonsense. There is truth, the whole truth, and half of the truth.

Now, Mr. Chairman, progressive countries, again, who are making progress have amended the law of domicile in their countries. For the benefit of the Hon. Prime Minister - you cannot teach him anything; he knows everything - in 1967 the United Kingdom amended this law of domicle. In Germany the

position is changed; in Sweden the position is changed and there is no such thing as an international law of comity. He was correct when he said that there was a private international law rule, but one of the provisions which is in itself discriminatory against women is that rule of private international law which says that the moment that you are married to a man you take his domicile willynilly, and it determines your status.

I accept the personal reference. I am not smarting under any removal of any sanctimonious attitude. Ask Martin about that. I understand certain people and their ways. After all, I have been close to their families and I understand their ways. I just want to make it quite clear that when you are going to tell the truth about a whole situation you should look at the whole situation and do not tell half of the truth. It is open to this Government and the Chairman of the Cabinet,. - the person who asks to give him the powers; he has the powers to do this-to bring down a simple Act to the Legislature removing that restrictive provision, so that you could give women free rights, Do not get up, because you thought I have no right of reply, and make statements that will go down in the record and you cannot correct.

Now, let us talk about the obligation to support. If the Prime Minister were keeping up with progressive ideas on this subject, he would understand that, in the United Kingdom, in parts of Canada, and in other areas of the Commonwealth, there has been legislation providing equal obligations for financial provisions for husbands and wives.

Now, our divorce laws, to which the Hon. Leader of the House has contributed in no mean measure by the 1948 amendment, cry out for amendment in this respect. Of course, everything is all right with this Government. We have good ideas; we are going to do this and that, and the people must trust us. Why have you not done it? I do not have to be sanctimonious about anything, but I have enough common sense, which none of you can take from me, and enough learning to tell you that you are talking through your hat on every occasion that you come into this House on issues of women's rights. This is one of the areas, when I spoke on another occasion, that I was told there is nothing wrong, and if there is something wrong I should do something about it. They did not see why they should worry. I will read to this Committee what the Wooding Report says on a similar provision in the Trinidad Act: It is contained in the Report of the Commission at Section 136. -.

"Discrimination against Women

136. There are two areas in which the women of Trinidad and Tobago have suffered discrimination. First, in the case of children born in wedlock citizenship by descent is now transmitted only through the father. We see no good reason why this should be so and we recommend that die mother should also be capable of passing her citizenship on to her children. This may result in some children acquiring dual citizenship but, in practical terms, it would not very much matter since the predominating factor would

ordinarily be where they are reared.

137 Secondly, the Constitution now provides that the wife of a citizen of Trinidad and Tobago who is not herself a citizen may by right, on application, be registered as a citizen provided she renounces any other citizenship she may hold. But the husband of a citizen of Trinidad and Tobago who is not himself a citizen enjoys no such right. He would have to qualify and apply for naturalisation which could be refused. This is discriminatory. It has been argued; that adventurers seeking a swift method of acquiring citizenship of Trinidad and Tobago and the right which it carries to work and live here might contract a marriage with a citizen merely to achieve that end. The likelihood of this is insufficient to justify the discrimination. Accordingly we recommend that the husband of a citizen of Trinidad and Tobago who is not himself a citizen should be entitled to be registered as a citizen of this country provided he renounces his other citizenship. "1 8. 15 p. m.

Now I want to make it quite clear that the same argument is being advanced with the know-all attitude and the authority that everybody wants to adopt on these matters, but it has been looked at by somebody admired by both sides of this House, Sir Hugh Wooding and his Committee. It has been examined in United Nations, it has been examined in Canada, Sweden, Germany, England, Jamaica, and has been found wanting, and they have recommended a change. It has been examined by Communist countries, if you are talking about socialist principles and socialist policies; and you have the position in Sweden which is so admired by the hon. member for St. Michael West where that does not occur. What are we told here tonight. We are being made to understand in the arguments that one of the reasons for this is that foolish Barbadian women can go abroad and contract marriages. There are no foolish Barbadian men according to them. They do not go abroad and contract any marriages that may not stand up either. Indeed the same marriage by proxy to which the hon. member for St. John refers can occur in the case of men marrying an Indian girl and bringing her here and she being found unsatisfactory likewise; so that the argument does not carry water either. Let us face facts. I do not have to be wedded to a question of political philosophy. I have always heard that there are more criminals outside of prison than there are in it. People who profess a lot of philosophy sometimes do not have any either, and I want it clearly understood that I do not have to be wedded to or sanctimonious about anything, but the position remains that the arguments advanced by the hon. member are untenable, I commend to him the recent legislation in Trinidad and Tobago which has altered the rule of domicile and which has allowed Trinidad and Tobago now as Jamaica is doing and as Grenada has done on this point to move forward with progressive thoughts.

Next year is the International Women's Rights Year so rightly said by the hon. lady member. If this Government is serious about its commitment, do not only send people to the United Nations to make beautiful speeches, do something about it. I am not bringing down any amazons from St. Matthias. There is no hon. member that I cannot deal with in or out of this House if the occasion ever warrants it. I want it made absolutely clear that I do not want any protection, nobody holding any brief for me, no consideration from anybody, no changing anything. The hon. member for St. Michael West always

wants to know if I have courage. Interfere with me and you will see. When it comes to arguments, I would like to tell you that if people are going to argue intellectually and honestly, I will do so with them, and therefore I will say that none of the reasons advanced by any hon. member justifies the change being made by the Government on this particular point. Who is this Government to set itself up to pass on the morals of Barbadian women? Which of them has got the right to pass on the morals of Barbadian women? I want to see the first one of them. People who live in glass houses should not throw stones, and that is exactly what you are doing. All of you are so right and the women of Barbados wrong on this point.

If I speak with feeling, Mr. Chairman, it is because so far in this Parliament I have tried always to restrain myself. I have a bad temper, but there comes a point when I see that people are blinded to principle and they allow narrow political and personal considerations to dictate how they proceed. That will never be statesmanship and every historian will record it.

Mr, ADAMS:

Sir, the attitude of the Government on this question is very much like the attitude of the Government on the question of the Attorney General and the Judges, It is done this way in Britain and it has always been done this way in Britain, so it will continue to be done this way in Barbados. I would have thought after the speeches that had been heard from hon. members that we by now would have realised that all is not best in Britain for us, Britain was a great moral nation that had to rule by authority. There was no room for Women's Lib, the unrestricted freedom of individuals, public participation in the democratic process in

Imperial Britain, therefore all our precedents are authoritarian precedents, but there is room in little Barbados for a little liberty. I do not want to go over all the arguments that have been heard in here before, but the fact that there is a whole generation of women above the age of thirty in Barbados who out-number men in such numbers that during the prime of life when a woman most needs the company of a man, between the ages of 30 and 50 years, it is numerically impossible for them all to have men of their own unless they get them from outside.

Mr. Chairman, everybody is making jokes, There are a lot of libertines in this House if you want an expression. I do not know who is going to object to it. There are a lot of men in this House I believe who treat the marriage bond very casually. Part of the reason is because we have no respect for women. Let he who is without sin cast the first stone. All hon. members who are talking for themselves must get up, raise their right hand in the manner of the hon. member for St. Michael South Central and assure the House that their respect for women is extended to complete and total respect for the marriage vows which they took in Church, the teaching of Bishop Dickson and Bishop Gomez and indeed the Reverend Mr. Saunders and so on. I do not wish to treat this with too much levity.

In Western Europe over a long period and it developed, it was not always so, men have established that they must have more sexual freedom than women, that they must dominate women, that women must have no political rights, that women must have no social rights other than what they derive from men. There were hon. members in this House in 1897 when the Married Women's Act was passed arguing that women should not have property because they were foolish and light-headed and would give it away to any man just as the Prime Minister argued today that you cannot let women bring their husbands in because they are foolish and would go to Montserrat. Now we look back to 1897 and we see they were the merchants and planters, not even so much the merchants then in the House of Assembly, but the spiritual airs of these planters are still here, the people who seek to perpetuate the domination of men over women. Women have had to fight in the last 100 years in Western Europe for the right to vote. During my life time legislators have argued that women do not have sense enough to vote here in Barbados, the right to hold property, the right indeed to the same sexual freedom. After all it is only recently that in Trinidad a man could divorce his wife for one act of adultery, but a woman could not divorce her husband unless he not only had women but beat her as well; she had to join adultery with cruelty. (Asides) That is not anything to do with the Catholic Church. The Catholic Church is not as anti-feminine as the Protestant societies of North Western Europe. It may have been anti-divorce which is a different matter. It was not always so. But in societies which are expanding by the use of force, those most able to exercise force, namely men, come to dominate the societies and make laws in their favour. I have sometimes said in conversation when discussing these subjects that a thousand years ago in what was called the dark ages there was a more enlightened attitude in Western Europe towards women. I always instance the daughter of Emperor Charlemagne. He would never let her get married, so she responded by having four illegitimate children there in the palace and never yet told him who the father was. He quarrelled every time but she ignored it. That was the greatest Emperor of Western Europe's daughter.

In subsequent days women were made to believe this was wrong, that men must have sexual freedom, they must not have it. Men must have social freedom, they must not have it. Men must have the right to hold property, they must not have it. Now we are witnessing the last spasm of that attitude and it is in the Parliament of a small conservative country like Barbados that we can witness it most expressedly. The Reith lecture which the Prime Minister quoted - I am not even sure it was the Reith lecture, but I know what it is he is quoting - spoke of the colonial grasping at the attitude of the colonisers long after the colonisers themselves, so to speak, are abandoning these attitudes. 8. 25 p. m.

This is a well known phenomenon, and it is only in a few political matters that we can see the issues clearly enough to emancipate ourselves. We can always see the issues where the issues involve the transfer of power from their hands to ours. Those issues can be very clearly seen, but when it comes to sharing with women some of the rights which men have built up for themselves in society, we do not see that women are the great decolonised in many parts of the world today. Easy access to contraceptives after all is one of the major social revolutions of our time.

There is no doubt about it. The fact that women who have the burden of child birth now also have a choice in child birth is one of the major social revolutions of our time, and it takes away a lot. of the old arguments with which we used to keep women in subjection.

Now, the Prime Minister talked about women going to Montserrat and marrying a man they have only met for a few days, I do not believe that this is a matter of party controversy. This is a matter of intellectual controversy, of how you feel. If you have a radical and libertarian spirit you want to give women the same rights as you have. If you do not have it you do not want to give it. That is all it is.

I happen to believe that going through the society from top to bottom the women of Barbados by and large show a greater sense of responsibility than men. That is something that I will defend, not at immense length in here, but I am prepared to defend this on a platform anywhere. This is the greatest of my experiences as a lawyer and as a politician.

I say at political level that we all know, those of us who sit for country or town constituencies, that women are accustomed to grasping at responsibilities and exercising that responsibility well throughout Barbados. We know that. We are fully aware of the fact that the working class family - I use this expression because I cannot find one entirely without some pejorative context, but I do not mean it in any pejorative spirit - that in the working class family where marriage is not the mode, where marriage may only be 30 or 40 per cent the mode, the children look at the mother. The mother is regarded as the more responsible member of the family. That is a well known fact in Barbados. And we cannot gainsay it.

Throughout the West Indies - but I am speaking about Barbados, and do not mind us who have been anglicised or westernised or christianised. Do not mind that. For the great majority of the people in Barbados the responsible figure is the mother. Do not mind all the nonsense that was talked by sociologists that you can only have a society that is progressive and confident and so on if you have a male patriarchal figure to look up to, and that in societies where a man does not head the household you will get irresponsibility. We know when we judge ourselves that Barbados gives the lie to that situation.

I am not alone in these views. They are held by many other thinking people. The last person with whom I had a conversation along these lines was a judge appointed by the Judicial and Legal Service Commission who, when women were first brought on to juries, was immediately impressed by the

improvement in the quality of the verdicts that he was getting from these self same juries, and was also impressed by the attitude of responsibility that you could see in the behaviour of the people in the jury box,

It is a well known and obvious fact. It is obvious to anybody who practises at the Criminal Bar. That is just to mention a small example, and one that has impressed itself on somebody who, I am sure, had no preconceived ideas in that direction.

Now, how in the light of all this, how in the light of a situation where over the whole range of society households that have younger heads - I believe that perhaps in the majority of the cases in young households the head is still a woman in Barbados, because there are very few married women under the age of 30 compared to our population as a whole, and many of them have children. And of necessity when you have children in a household and the parents are not married the children must be looking to their mother because that is the norm in society.

How in the light of all these facts can we go on to administer the social views of one of the most reactionary societies that earth has ever seen? I refer to the societies of North Western Europe, the imperialist, aggressive societies of North Western Europe. It need not be so. The Prime Minister very much admires Israel. Instead of telling you about international and domicile which only belongs to the law of the Common Law countries of the Commonwealth and the U. S. A., he should tell you that in Israel citizenship is traced through the mother.

Over much of Africa, especially in West Africa, from where the African part of our ancestry was principally sprung, succession is matrilineal. Anybody who reads books on West African history, when these books were written by European authors, will see the astonishment that the European authors had in seeing a well developed society, well developed that is, until the European advent disturbed it, in which the lines of succession were matrilineal, and society was organised in a matriarchal way.

But we are insisting that the rules of Western Europe must be the rules of Barbados especially where it affects the majority of the Barbados population. We are a minority and we have no right keeping down the majority any longer, if 18 to 6 is a rule, 55 to 45 should be a rule too, and that is the proportion of women in Barbados, I am not taking on this foolishness about women marrying beach boy§,

The question that Clause 3 stand part was put and resolved in the affirmative, the Committee dividing as follows:

Ayes: Rt. Hon. E. W. BARROW, Hon. C. E. TALMA, Hon. G. G. FERGUSSON, Hon. A. MORRISON, Hon. P. M. GREAVES, Dr. the Hon. R. B. CADDLE, Hon. L. E. SANDIFORD,

Mr. E. GREAVES, Hon. P. G. MORGAN, Hon.

F. G. SMITH, Mr. WALCOTT, Mr. EDWARDS,

Mr. SPRINGER, Mrs. EASTMOND, Mr. HOPPIN,

Mr. MAXWELL and Mr. WEEKES - 17.

Notes: Mr. ADAMS, Mr. CRAIG, Mr. MOTTLEY, Mr. HINDS, Mr. FORDE and Mr. BOLDEN-6.

Hon. C. E. TALMA:
Mr. Chairman, I beg to move that Your Honour do now report progress and ask for leave to sit again.

Hon. G. G. FERGUSSON:
I beg to second that.

The question was put and resolved in the affirmative without division and Mr. SPEAKER resumed the Chair and reported accordingly.

SUSPENSION OF SITTING Hon. C. E. TALMA:
Mr. Speaker, I beg to move that the sitting be now suspended until 9. 30 tonight.

Hon. G. G. FERGUSSON:
I beg to second that.

The question was put and resolved in the affirmative without division and Mr. SPEAKER suspended the sitting accordingly. 8. 35 p. m.

On resumption

Mr. SPEAKER:
When this Sitting was suspended this House was in Committee of Supply and to that it now reverts.

Mr SPEAKER left the Chair and the House went into Committee of Supply Mr. LOWE in the Chair.

Clause 4 was called.

Hon. C. E. TALMA:
Mr. Chairman, I beg to move that Clause 4 stand part.

Hon. G. G. FERGUSSON:
I beg to second that.

The question Was put and resolved in the affirmative the Committee dividing as follows:

Ayes: Rt. Hon. E. W. BARROW, Hon. C. E. TALMA, Hon. G. G. FERGUSSON, Hon. A. MORRISON, Hon. P. M. GREAVES, Dr. the Hon. R. B. CADDLE, Hon. L. E. SANDIFORD, Hon. F.

G. SMITH, Hon. P. G. MORGAN, His Honour N.

G. A. MAXWELL, Mr. B. SPRINGER, Mrs. G. L.

EASTM3ND, His Honour C. A. E. HOPPIN, Mr. E.

E. GREAVES and Mr. R. StC. WEEKES-15.

Notes: Mr. L. S. CRAIG, Mr. J. M. G. M. ADAMS, Mr. E. D. MOTTLEY, Mr. W. C. B.

HINDS, Mr. H. deB. FORDE and Mr. C. L. BOLDEN-6.

Clause 5 was called.

Hon. C. E. TALMA:
Mr. Chairman, I beg to move that Clause 5 stand part.

Hon. G. G. FERGUSSON:
I beg to second that.

The question was put and resolved in the affirmative the Committee dividing as follows:

Ayes: Rt. Hon. E. W. BARROW, Hon. C. E. TALMA, Hon. G. G. FERGUSSON, Hon. A. MORRISON, Hon. P. M. GREAVES, Dr. the Hon. R. B. CADDLE, Hon. L. E. SANDIFORD, Hon. F. G. SMITH, Hon. P. G. MORGAN. His Honour N. G. A. MAXWELL, Mr. F. L. WALCOTT, Mr. J. B. SPRINGER, Mrs. G. L. EASTMOND, His Honour C. A. E. HOPPING, Mr. E. E. GREAVES and Mr. R. St. C. WEEKES - 16.

Notes: Mr. L. S. CRAIG, Mr. J. M. G. M. ADAMS, Mr. E. D. MOTTLEY, Mr. W. C. B. HINDS, Mr. H. deB. FORDE and Mr. C. L. BOLDEN - 6.

Clause 6 was called.

Hon. C. E. TALMA:
Mr. Chairman, I beg to move thai Clause 6 stand part.

Hon. G. G. FERGUSSON:
I beg to second that.

The question was put and resolved in the affirmative the Committee dividing as follows:

Ayes: Rt. Hon. E. W. BARROW, Hon. C. E. TALMA, Hon. G. G. FERGUSSON, Hon. A. MORRISON, Hon. P. M. GREAVES, Dr. the Hon. R. B. CADDLE, Hon. L. E. SANDIFORD, Hon. F. G. SMITH, Hon. P. G. MORGAN, His Honour N. G. A. MAXWELL, Mr. F. L. WALCOTT, Mr. J. B. SPRINGER, Mrs. G. L. EASTMOND, His Honour C A. E. HOPPIN, Mr. E. E. GREAVES and Mr. R. St. C. WEEKES-16.

Notes: Mr. L. S. CRAIG, Mr. J. M. G. M. ADAMS, Mr. E. D. MOTTLEY, Mr. W. C. B. HINDS, Mr. H. deB. FORDE and Mr. C. L. BOLDEN-6. 9. 40 p. m.

The question that the Schedule stand part was put and resolved in the affirmative, the Committee dividing as follows:

Ayes: Rt. Hon. E. W. BARROW; Hon. C E. TALMA; Hon. G. G. FERGUSSON; Hon. A. MORRISON; Dr. the Hon. R. B. CADDLE; Hon. P. M. GREAVES; Hon. L. E. SANDIFORD; Hon. F. G. SMITH; Hon. P. G. MORGAN; Mr. WALCOTT; Mr. EDWARDS; Mr. SPRINGER; Mrs. EASTM3ND; Mr. HOPPIN; Mr. GREAVES and Mr. WEEKES - 16.

Notes: Mr. CRAIG; Mr. ADAMS; Mr. MOTTLEY; Mr. HINDS; Mr. FORDE and Mr. BOLDEN - 6.

Clause 8 was called.

Hon. C, E. TALM:
Mr. Chairman, I beg to move that Clause 8 stand part.

Hon. G. G. FERGUSSON:
I beg to second that.

Mr. MOTTLEY:
Mr. Chairman, this is the one on which I was labouring under a misapprehension when the Prime Minister gave me out l. b. w. This Clause 8, which deals with the qualification of members in the Senate, is seeking to delete the words "Commonwealth citizen" and to substitute the words "citizen of Barbados". It will then read "A person who is a citizen of Barbados of the age of 21 or upwards.... " I wonder if, at this stage, the Government would consider amending the age of "21" to "18" in view of the fact that the age of majority in this country is 18. The age at which one can now vote is 18 and the age of majority is 18.

Mr. FORDE:
Mr. Chairman, I believe that the Government has to be consistent on this matter. In this House in this very Session we have passed the Minors Act reducing the age of majority from the age of 21 to the age of 18. A moment ago by a vote of 15 - 6 the Government saw fit to pass an amendment to a section conferring on an 18-year old the right to revoke his citizenship. Am I to understand that an 18-year is a fit and proper person to exercise all legal acts including the right to vote and to elect members to Parliament, but he is not a fit and proper person, because of his age, to be a Senator?

Now, let us take this matter seriously. He is entitled to pass on the qualification of hon. members, whether they are fit or not, to be good representatives in this House, but he is not entitled to pass on whether or not he himself could be a member of the Senate or, indeed, of this House. There must be a little bit of consistency. Either we believe that an 18-year old can exercise proper judgment completely or not.

This is one of the reasons why we were recommending that this Bill be sent to a Select Committee, so that this type of issue could be discussed. We could hear from the Youth Council, and so on. (Asides.)

Mr. Chairman, in this Committee I believe that there is a Standing Order which says that when one member is speaking other members must be quiet, and I must ask you to protect me from hon. members on that side. (Asides.) I am not afraid, but I just want to comply with the Standing Orders. The question of freight will be dealt with otherwise, when I am attacked. That is when it will be dealt with. I just want to be able to comply with the Standing Orders, and I do not want to abuse the Standing Orders and use

the opportunity for publicity purposes. That is why I am asking you, Sir, to let me get on with this debate.

Now, if the Government is being consistent on this matter, the Government should not object to putting in an amendment, or to giving an 18-year old the right to be in the Senate. (Asides.) It has been said that we voted against the revocation at 18, but the reason is that there is a contradiction in the Government. The Government is blowing hot and cold in its own Bill. We pointed out on the second reading, and I, again, point out in this Committee, that this is the instance we are talking about when we refer to the contradiction in here. The hon. member says that he throws it out as a suggestion. There are no suggestions that we could throw out to the other side that they want, but let it go down in the records that we raised the point, regardless of whether you have the intelligence, the perspicasity, or even the charity, to consider it as a point that is worth while. It remains there on the records, and those of you who say that you are on the side of the youth should really appreciate that it means more to an 18-year old to be participating in the so-called democracy than having the right to revoke his citizenship. That is the position. It means more to him, if the Government is serious, to have that right than to be participating in revoking his citizenship. That is one of these glaring outstanding examples why this Bill is so badly presented and drafted.

Mr. WALCOTT:

Mr. Chairman, I do not think the hon. member has been long enough in that party to realise the point he has just made. He should read the records. If he looks at the records of this House, he will find that the 18-year old can vote in Barbados now. 9. 50 p. m.

The eighteen year olds can vote in Barbados. You talk about the youth, but some of you think that people have now begun to become eighteen and that the first time they will become 18 is in 1974. People were eighteen since 1898, since Adam was a lad, (A VOICE: Which Adam?) Adam in the days of Eve. You are doing as if 18 is a new age they are achieving now. When the age was 21 we came in here and brought it down to what it is. In my name a Bill was introduced to lower the age to eighteen. I do not take credit for these things because it is not a big thing. You do not walk about telling people you are the man that got the voting age reduced to eighteen for them; so you are not telling us anything about going to the Youth Council. We created the atmosphere for the youth to be able to exercise their vote, because they could not vote before. They were treated as trash and if I am right that party voted against it. Check and you will see that the Labour Party has nothing to be taking credit for from the youth.

Now the hon. member is talking about 21 arid saying it is not consistent. This is not a question of consistency; judgment is a question of how you feel. There is no absolute Tightness about judgment. Even the Judges are not absolutely right about anything; they are judges, they are not Gods. You already know my views about the Senate. That can go through the window, but the Senate is a nice place for the

fellows to get a little breezing out, and every Government likes it. I am not a believer in the Senate, but do not think that I will go and gather a mob and protest against the Senate. My protests must be successful, because an unsuccessful protest is only a foolish rebellion, not a revolution. The distinction there is that there is no question of consistency; it is a question of your own judgment. You nominate Senators and it is a question of the ages you want to select. Because the age is 21 does not mean you will make a Senator at 21 either, so the question of not putting it down to 18 does not suggest inconsistency. In the United States, because you vote at 18 does not give you the right to run for President, nor do you run for the Senate at 18 years. It is not a question of inconsistency, it is purely a question of what some people of the day feel.

Now the hon. member said that they are in favour of eighteen; so if they get into power you will see that they would have to change the Constitution, and we are not going to bring anybody down Broad Street saying that you want to put it back to 18 or 12; that would be your judgment; so I do not see why the hon. member is going to take this view because we do not put the age at 18. Do not make any big thing about the youth not going to be represented, because let us be quite frank. Do you think you represent more youth when you say it should be eighteen and somebody else says it should be 21? Do you want us to believe that the three year margin between 18 and 21 would produce a difference in thinking? There is no scientific process you have to go through to determine if it is to be eighteen or twenty one; it is purely a matter of judgment. It could be 16 in some communities, because they begin to procreate at 16, and some people would ask why they cannot vote at 16 if they can be a father or mother. I do not think the hon. member can say there is inconsistency in that; it is how you look at the Senate and at the nominated body, Hon. members on that side will know for themselves that they have two members in the Senate. They were free to put 18 year or 21 year olds, and I remember they had the idea of putting youth in the Senate. I do not want to call the hon. member's father's name in vain, but when he was Leader of the Opposition he did not look for 18 year olds, the man he looked for to put iii the Senate was nearly 62 years old, D. G. Leacock, Jr. We had people like Jack Dear who went in the Senate representing people saying that they had power, and now you come in here with big banners and Resolutions from the Chamber of Commerce. You all want running but of the place. When we get outside we will really deal with you. If when we come back in the next time you do not come back with four members, it is not my fault.

Mr. BOLDEN:

Mr. Chairman, the hon. member who has just sat down always thinks he can ridicule somebody, but he forgets there is a word called progress.

Mr. WALCOTT:

Mr. Chairman, the hon. member cannot address anybody as "he". He who?

Mr. BOLDEN:

I, "he" fits you, draw the string.

Mr. WALCOTT:
Mr. Chairman, I object. The hon. member has to address an hon. member properly.

Mr. CHAIRMAN:
Both hon. members will take their seats.

Mr. WALCOTT:
Mr. Chairman, on a point of order, the hon. member cannot address any member as "he".

Mr, CHAIRMAN:
I would like all hon. members on both sides to realise that all members in here are honourable, and I do not want any asperstions cast against any hon. member, I want the hon. member for St. Joseph to maintain his equilibrium and let us get on with the debate.

Mr. BOLDEN:
Thank you, Sir. The hon. member spoke about when somebody was Leader of the Opposition he appointed somebody sixty-two years of age. Let him look back in his own party and see that in this very year when they had the right to appoint a man in his youth to act as Governor-General they appointed somebody over seventy years old. Do you think that you alone have brains and that you alone can ridicule? (Hon. F. G. SMITH What age should he be?) I am not speaking to you; the Prime Minister has put you in your place already, so you keep quiet! Let the hon. member know that when he makes a statement in New York his colleagues has searched the Registry to find out how much land he bought and at what price. The others buy land in their name but you buy land in somebody else's name. (Hon. F. G. SMITH Go downstairs and say so.) I will go downstairs arid say so.

Mr. CHAIRMAN:
There are two hon. members on their feet.

Hon. F. G. SMITH:
Mr. Chairman

Mr. CHAIRMAN:
On what has the hon. member risen?

Hon. F. G. SMITH:
On a point of order, I want to go on record and I will make a personal statement now. I have not bought any land in anybody's name in any part of Barbados. I have paid down on two plots of land at Rouen Park. I have paid down on two spots of land belonging to the National Housing Corporation. I owe for both. I am trying to sell the one in Rouen Park to pay for the one at the National Housing Corporation, and that is all the land I own or am trying to own in this country. This is a personal statement and I want to clear the records. So nothing in the Registry can show that I Frederick Gladstone Smith have my name or anybody's name in the Registry. I do not own them completely. I bought the one at Rouen Park for $13, 000 and am paying $1. 00 per square foot to the National Housing Corporation, and that is all I own in this country. I want that put in the record for all time. I am prepared to talk my business because these insinuations of corruption or subterfuge I resent categorically. 10. 00 p. m.

Mr. BOLDEN:
Mr. Chairman, you see how people get annoyed. They like to ridiclue and heckle but they can't take it when it comes.

(Hon. F. G. SMITH:
Vicious people like that) (Asides).

Mr. CHAIRMAN:
Hon. members must be addressing the Chair. The hon. member will carry on his address.

Mr. BOLDEN:
Mr. Chairman, what we on this side are arguing about is to ask somebody to be a king-maker but he himself cannot be a king. That is what we are arguing about, but the tar road mentality can only build roads. When you only have the ability to see half and not the other half and you want to preserve yourself in certain positions, you are afraid of the youth of this country because if you lower the age to 18, you will find out, Mr. Chairman - ask them to keep quiet. What are they so afraid of?

Mr. CHAIRMAN:
I am asking all hon. members on my right to observe rule 23(6).

Mr. BOLDEN:

And who is leading the heckling? The Prime Minister. You should not lead the heckling. Mr. Chairman, we are begging the Government even at this stage to change the age from 21 to 18. They talk so much about youth but it seems to me that they want the youth to vote for them, but to exclude them from sitting in the seat of Parliament. It could not be fair.

The same way you say citizen of Barbados what will it take to reduce the age from 21 to 18? I know that if we get in power we will do it; but it is a question of progression and time. In the 1940s the Barbados Labour Party of which two or three of them over there were members, fought until they got all the restrictions off from voting. Gracious me! If when we were in power we did that, we give you the chance now. If you are in power, do something magnanimous. Don't just sit and say when you get in power.

You want to preserve yourself. You are frightened to hear the voice of youth. That is the only conclusion I can put to it.

The question that Clause 8 stand part was put and resolved in the affirmative, the Committee dividing as follows:

Ayes: Rt. Hon. E. W. BARROW, Hon. C. E. TALMA, Hon. G. G. FERGUSSON, Hon. A. MORRISON, Hon. P. M. GREAVES, Dr. the Hon. R. B. CADDLE, Hon. L. E. SANDIFORD, Mr. E. GREAVES, Hon. P. G. MORGAN, Hon. F. G. SMITH, Mr. WALCOTT, Mr. EDWARDS, Mr. SPRINGER, Mrs. BASTMDND, Mr. HOPPIN, Mr. MAXWELL and Mr. WEEKES - 17.

Notes; Mr. ADAMS, Mr. CRAIG, Mr. MOTTLEY, Mr. HINDS, Mr. FORDE, and Mr. BOLDEN - 6.

Clause 9 was called.

Hon. C. E. TALMA:

Mr. Chairman, I beg to move that Clause 9 stand part.

Hon. G. G. FERGUSSON:
I beg to second that.

Mr. ADAMS:
Mr. Chairman, our views on this have already been set out in the second reading speech. They are libertarian views, if a mail makes a mistake and he pays for that mistake that should be an end of the matter! Now I myself quite freely concede that the present provisions of the Constitution are unsatisfactory. I did not like them in London and I do not like them now.

This business of being under sentence of death imposed by a court in any part of the Commonwealth or is serving a sentence of imprisonment, by whatever name called, exceeding 6 months imposed on him by such court was always a bad provision. It was one of the worst - it is one of the worst of all the colonial draft provisions that they have put in the Constitutions, I believe, of over 34 Commonwealth countries.

It was always bad. It implied a unity of political outlook within the Commonwealth which has never existed. It implied that what was criminal in one part of the Commonwealth would necessarily be criminal in another and would necessarily be viewed as criminal in another. It gave a comity to the principles of criminal law that has never existed in international law as a whole, and the Government should never have had it in the Constitution in the first place. 10. 10 p. m.

This undoubtedly is an area where a Select Committee and a Constitutional commission could have produced some result more acceptable, in my submission, than what has actually been produced, because such principles as is involved in Section 38(b) of the Constitution could have perhaps been preserved, - such necessary parts of that principle could have perhaps been preserved - by some amendment other than this one.

Now the draftsmen have produced something talking about felony or any other criminal pffence involving dishonesty. Well this is an example of how you are following England - not the best English practice because there are no longer such things as felonies in England. There are no longer any felonies in England. The distinction between felony and misdemeanour has been abolished, but in Barbados we are still grasping at what is antique and what was the law of England three and four and five and six and seven hundred years ago, and talking about felonies.

It is a felony to keep an unlicenced horse snacker's yard, and indeed I believe that by some mischance until recently - I believe in Barbados indeed it is still capital; - it is not only a felony but it i& still a capital felony because this is a yard for killing horses without a licence, because in the days when theft of a horse was one of the most serious offences that existed, to keep a yard where people could receive stolen horses and kill them, and so on, was a very serious offence.

Anybody who sees western films on the television will readily be aware that the only thing that you are automatically hanged for in a western is stealing a horse. You can kill a man and argue whether you. did it legally but the convention which reflects indeed the laws of the west in the old days was that when you "stole a horse you might leave a man to starve far from any other form of transportation and so on, and it was always a felony for which you were automatically hanged; but this is only one of the trivialities.

Anybody who wishes to see a complete account of all the anomalies in the distinction between felonies and misdemeanours should read one of A. T. Herbert's - the late Sir William Herbert's -book on Common Law; that if you go to the National Gallery and damaged a painting worth £1 million you have committed a misdemeanour liable to imprisonment for two years, but if you tapped a man on his shoulder and when he turns around you lift something out of his pocket you have committed robbery with violence, liable to the cat, seven years in prison, and a serious felony and disqualification from the House of Assembly. That is a particular example which Herbert drew, although not the disqualification from the House of Assembly.

This distinction between felonies and misdemeanours has become completely outmoded in England, but we are 'Little England' and we are behind you, England; we are grasping, not at your lack-a-day practices but at the practices which the passage of time has rendered totally out of date, and putting into an Act of Parliament, passed in 1974, thrash about felony.

You would expect this from the United States because they have a lot of reverence in the United States for old institutions; they believe they are a young country full of youth and so on, but they have the oldest Constitution and in many ways the oldest institutions of any country in the modern world, and they still have the distinction between felony and misdemeanour and are still creating new felonies, and, felonies create disqualifications and so on.

But the distinction between felonies and misdemeanours is that you could be hanged for all felonies

and for no misdemeanours. Felonies were serious offences that carried the death penalty. When hanging for a couple hundred offences, all felonies, banished, the rationale for the distinction between them banish also, but we still have it in Barbados' law but that does not mean that it is good.

The Law Reform Committee that the Government has been talking about for years and years should long have abolished the distinction between felony and misdemeanour. Now that deals with the drafting and the antique approach and the antique spirit with which the Government has laboured over this Constitution.

Now to the principle. If a man has served his sentence, that should be the end of the matter. I am one that believe even in destroying criminal records after a certain time. I believe that twenty years from the expiry of a sentence, the police should be instructed, just as they have to destroy fingerprints in certain events, to destroy the criminal record. Destroy it; but in Barbados we pursue it. You do not only keep criminal records of Barbadians for all time, you even ask people who are married to Barbadians and want to become citizens, for criminal non-records, going back to the date of birth.

We are obsessed with crime and punishment in this country; obsessed in the way that English legislators were in the 19th century; and we are glorying in it, because, the chief justification that has been put forward for anything in this Constitution is that they do it in England. We are glorying in it. Everything, they do it in England.

The principle is bad, Sir. I have dealt with this already and I am not going to repeat myself unnecessarily. This is something which on principle, apart from the mode of its being brought to the House, I am inalienably opposed to. I am opposed to punishing a man twice for an offence, particularly in Barbados; particularly here; because if there is one thing that anybody who knows about criminology and criminal behaviour can tell you about in Barbados, is that there is an extremely high rate of reform at Glendairy Prison and other institutions of punishment in this Island. The number of professional criminals in Barbados is very slight compared to the population as a whole. People get into trouble, they go to prison once, and that is the end of the matter. And this is notoriously true about Barbados, the very small number of first offenders who return to prison.

It is in the nature of society, - I do not tell you that our prison is either so severe or the prison officers are so touched with the hand of God that they have some magic that reforms everybody. It is in the nature of society that there do not exist conditions in Barbados over a long period of time which would persuade anybody that the life of a professional criminal or a life of dishonesty is something good.

Now in a country where you do not have constant reversions to criminality, what is the necessity or the reason for such a rule? We are a law-abiding society. I do not go with those people who say how wicked the youth of today are. If the youth of today fall into trouble it is because the Government would not provide employment for them when they leave school, but the reason why there is more crime is because there are more youths; there are more young people and it is the young people who commit crime. In Barbados there are very few thieves over the age of thirty years. People go to prison, as I said, and they are finished with that.

Now I would not like to see any law in Barbados - anything - attaching a penalty over and above the conviction to criminal conduct. The judge punishes you, goodbye, whatever the punishment is, serve your punishment, take your time and finish with that.

If somebody can tell me if the Democratic Labour Party stands for one thing in this matter and the Barbados Labour Party stands for another, I will be a most surprised man. It is - I am not going into the history of it, Sir, because we all in here know the history of Mr. Lloyd Smith's resolution. I am not going into the history. You are familiar with it, Sir. You were in the House when a Resolution to this effect was brought in the last Parliament - but, I cannot believe it is a party matter. It is an undignified working out of an act of political spite on the part of the gentleman who I have just named, and as men we should not be lending ourselves to it. Many people can say 'there but for the grace of God go I. ' Many people can say that.

I remember hearing a police officer inviting some group of people talking about criminals and asking them 'how many of you have ever picked up another boy's pen or book at school, or how many of you have picked up a bag of nuts and did not pay, or travel in the bus and did not pay, and so on" (Aside: Or the turnovers at Harrison College); the hon. member for the City has reminded me - "or eating one of those and not paying for it. " There but for the grace of God perhaps go all of us, And it is a felony, Sir, to pick up a turnover and do not pay for it.

Until the law was amended in England saying that theft to the value of £5 was not capital, you could be hanged for it. Lord Mansfield had a reputation as a very humane judge, when he found that a woman who. was stealing bread and so on for her children - the things she stole amounted to more than £5 because she stole money too; she stole food and a few pence - and he told the jury to find that the £7 in cash money and the bread and the meat and so on valued £4. 19s. so that he could transport her to Australia instead of ordering her to be hanged.

You could be hanged for stealing bread at one time and now we are to be told that somebody, a young man, perhaps, who steals a bread - and there are people who have done that, Sir - that somebody who steals a bread is going to be disqualified from entering Parliament for ever. This is putting a premium on pettiness in many respects.

I could wish that the Government had not thought it necessary to get down into trivialities with something like this. 10. 20 p. m.

The question that Clause 9 stand part was put and resolved in the affirmative, the Committee dividing as follows:

Ayes: Rt. Hon. E. W. BARROW; Hon. C. E. TALMA; Horn G. G. FERGUSSON; Hon. A. MORRISON; Hon. P. M. GREAVES; Dr. the Hon. R. B. CADDLE; Hon. L. E. SANDIFORD; Hon. F. G. SMITH; Hon. P. G. MORGAN; Mr. GREAVES; Mr. WALCOTT; Mr. EDWARDS; Mr. SPRINGER; Mrs. EASTMOND; Mr. HOPPIN; Hon. N. G. A. MAXWELL, and Mr. WEEKES -17.

Notes: Mr. GRAIG; Mr. ADAMS; Mr. MOTTLEY; Mr. HINDS; Mr. FORDE, and Mr. BOLDEN - 6.

Clause 10 was called.

Hon. C, E. TALMA? Mr. Chairman, I beg to move that Clause 10 stand part.

Hon. G. G. FERGUSSON:
I beg to second that.

The question was put and resolved in the affirmative the Committee dividing as follows:

Ayes; Rt. Hon. E. W. BARROW; Hon. C. E. TALMA; Hon. G. G. FERGUSSON; Hon. A. MORRISON; Hon. P. M. GREAVES; Dr. the Hon. R. B. CADDLE; Hon. L. E. SANDIFORD; Hon. F. G. SMITH; Hon. P. G. MORGAN; Mr. GREAVES; Mr. WALCOTT; Mr. EDWARDS; Mr. SPRINGER; Mrs. EASTMOND; Mr. HOPPIN; Hon. N. G. A. MAXWELL, and Mr. WEEKES -17.

Notes: Mr. GRAIG; Mr. ADAMS; Mr. MOTTLEY; Mr. HINDS; Mr. FORDE and Mr. BOLDEN - 6.

Clause 11 was called

Hon. C. E. TALMA:
Mr. Chairman, I beg to move that Clause 11 stand part.

Hon. G. G. FERGUSSON:
I beg to second that.

Mr. ADAMS:
Mr. Chairman, this Clause is the one which amends that part of the Constitution that qualifies a person by age for membership of the House of Assembly. When we urge that the age of 21 should have been reduced to 18, the point is not whether 18 is a suitable age to be a legislator, although the minute you say it is not, you are in fact casting doubts upon an 18-year old's maturity. But that is not the real point. The point is that the principle enshrined in the Constitution was that there should be no age discrimination between persons for political or other purposes, and that the age of majority was to be one for all purposes. That was the principle enshrined in the Constitution originally, but this is not so in all countries.

Now, in the United States, I believe, you have to be 30 years of age to be a Senator and 35 years of age to be a President. Much nearer home we have had the same example in the Republic of Cuba which, in some strange fashion, managed to maintain its American style Constitution after the expulsion of President Batisto. In the American-style Constitution there is exactly the same provision and, Mr. Castro, being under die age of 35, was unable to become President and had to make his father President while he became Prime Minister. That is always a lesser post in Cuban conditions, and he has remained Prime Minister to this day although he has reached the qualifying age. To me that was absurb. If Castro was prepared to change so many things in Cuba, he could certainly have changed the qualifying age at which you can become President, but it just shows that small things, sometimes, get enshrined into principle. There is something basic in Cuba in that a man must not be President until he has reached the age of 35. In other words, there are two types of men: men under 35 and men over 35.

Mr. Chairman, I need hardly hold out to the Committee the example of William Pitt who was so brilliant a man at Cambridge that he was exempted from the necessity of actually writing the examination before he had obtained his M. A. degree. I do not even know that he had to pay for it. I believe he was awarded it. At the age of 21, he was called on by the King and asked to eccept the post of Chancellor of the Exchequer, and he indicated to the then Majesty that he was not prepared to serve in die Government in any subordinate capacity. About a year and a half later he very graciously consented to accept the job as Chancellor to the Exchequer on the understanding that he would be Prime Minister within six months and he was.

Now, if the principles which I have heard enunciated here today about people too young had been applied, Great Britain might not have had one of it most astute Party Managers, i man who had in the Conservative interests, as complete a command over his Party as the Prime Minister has over the Democratic Labour Patty. He was a man who, at the age of 25, won one of the great electorial victories of the 18th century in England, and a man who, indeed, died worn out at the age of 37 with a long succession of failures in war behind him, but, nonetheless, was regarded as a great man.

Mr. Chairman, he came along at a time when the politicians in England were not as afraid of the youth as the politicians in Barbados, evidently, seem to be at this stage. He was not a unique example known at the time. Pitt is the best man because he was Prime Minister at the age of 24, but many people, perhaps, did hot realise the ability of Lord Palmerston although they waited anxiously for him to attain his 21st birthday so that he could be invited to take a post in the Cabinet, and that at the turn of the 18th century there were many people at the ages of 21, 22, 23, 24 and 25 who were iii the Cabinet and had the age of majority being 18 would have been in the House of Commons and in die Cabinet as well. Pitt and Palmerston were the two outstanding examples because from 18 they were marked for high office.

Now, we have heard a lot about England and how wonderful things are done in England, and we should be following the example. We should be keeping the English precedent before us, which is: as soon as a man is a man for one purpose he is a man for all purposes. He should be a man for all purposes in Barbados at the age of 18. If the electorate feel that they can be represented by an 18-year old, then let them be represented. What is the conceivable point of keeping an age distinction of 3 years? If you said that you can be Senator at 40, I would not agree with it. I would feel that an age distinction of 20 or 22 years is something upon which there could be a division of principle. Do you really mean to tell me that there is a division of principle between 18 and 21? In this day and age when nutrition has so improved the quality of education, throughout the world, and public information over television and radio stations are so improved that a man at the age of 18 now may be as informed and as physically fit and as capable of carrying on the affairs of Barbados as a man at 30 and some I can think at the age of 60. Apparently, the Democratic Labour Party believes that those 3 years make all the difference. Mr. Chairman, 21 has no magic in this context, except it was always there. 10. 30 p. m.

Twenty-one has no magic in this context except that it, was always there. Twenty-one was there so to speak as an asterisk. When it was 21 it did not mean that 21 was something special; it meant that 21 is the age of majority, I introduced a Bill in this House to reduce the age of majority to 18, and when I introduced it I said it could not affect the Constitution, but the language which I used and which hon. members eventually accepted said that for all purposes before the laws of Barbados where the age of 21 is used to denote the age of majority, that age shall be taken to be 18, and then there was specified example which would not detract from the generality of that general expression. This is one of those. It is not that when we went to London we sat down and asked what is a good age a map should be in the H6Use of Assembly at. There is no hon. member who could honestly put his had on his heart and say he feels 21 is a good age. Twenty-one is there because it is the legal age of majority. Eighteen is now the legal age of majority and 18 should be there, and any detraction from 18 is a detraction from the principle of youth. It is perfectly simple.

Hon. members find it easy to poke fun at a speech which in impassioned terms says that you are against youth, but look into your own hearts and consciences. Do you really believe that a man at 21 is going to be any more capable of coming into this House than a man at 18? Twenty-one has no magic. It is just that it is there and it is just conservatism to keep it there. I do not mean political conservatism, but that deeper •conservatism of the spirit that comes from the atrophy of political thought when you think that not the people but that God has sent you there to rule over Barbados or a country. That is the sort of conservatism which enters into the soul when you feel that you no longer have to fight, that you have been given 18 seats so you can do what you want, you do not have to think anymore. This is the conservatism of the man who has had the brain taken out and he said "I do not have to worry about that, I am a Minister" or whatever it is. That is the sort of conservatism which would argue in favour of keeping the age at 21.

I do not know why I am wasting my time because when you mind is closed to an understanding of what you are doing, sensible argument only embarrasses you. It only embarrasses you to hear sensible argument in these circumstances. Nobody in his senses would come to a country where the age of majority was 21 and say that you could not enter Parliament until you are 24, because that is what you are doing. It is as if you were in London with an age of majority of 21 and you choose the age of 24 to enter Parliament. That is exactly what we are doing when we say it should be 21 for these purposes and not 18. That is my contribution, Mr. Chairman.

Mr. MOTTLEY:

MR. Chairman, I listened to the hon. member for St. Michael West earlier dealing with this question of the Senate and he was saying how he had introduced into this House a Bill to reduce the voting age to 18, and that the Barbados Labour Party had opposed it or something like that. I want to make two observations of this. One is that the hon. member seems to be one of those people who believe that

anything with commonsense must come from over there or otherwise it must be rejected. This seems quite obvious to me listening to him. Any suggestion however well-founded, however logical, or however well-based has to be rejected as far as he is concerned once it comes from the Opposition.

I believe that the purpose of reducing the age of 21 was to give adult suffrage to persons at 18, and if you look at the history of the change of voting, the right to sit in Parliament has always kept pace with the age at which you voted, so that now you have reduced, the voting age to 18 and you have gone beyond that stage arid reduced the age of majority to 18, what could be wrong with giving a person who has reached the age of 18 the Same rights as any of us in here, that is, the right to run and if he is elected by the people, to sit in Parliament? It is interesting to note that in the Trinidad Constitution they have recommended that persons of 18 should be qualified not only to vote but to sit in Parliament, and this is the view that Sir Hugh Wooding said he found widely expressed in Trinidad.

One last comment I want to make is that each time hon. members want to tell me something, they seem incapable of finding something to tell me unless they refer to my father. I am not responsible for him. (Asides) I would like to tell you what he did for you, but decency prevents me from telling you here. I do not like personalities, but I am only waiting until you interfere with me. I refer to the hon. member for St. Michael West. The hon. member has the habit of playing he can get up and tell people about their fathers. If he tells me anything that I do not like, one of these days I will tell him some home truths. I am only warning him. You note that the Prime Minister does riot tell me anything about my father; he knows why.

Mr. WALCOTT:

Since the hon. member is finished, I will begin. I want to tell the hon. member that he and his father had all the say in the last election, but I am still here. He has forgotten that. You cannot say anything much more than what you said in the last election and I said your brother was not going to be any lawyer because he was unemployed at the time, and he would still be Studying now.

Mr. Chairman, you have heard the hon. member talking about the age of 21. I have been sitting here and at one stage I really said that as a young lawyer I would see if we could give him some work for the Trade Union, but the more I hear him the more I realise I cannot as a trustee for the Union.....

Mr. MOTTLEY:

On a point of order, I have been practising law in Barbados for thirteen years. I qualified at 21, the youngest age at which you can be called to the Bar, and I have never begged or waited for anybody in the Government or the Trade Union to give me any work, and I am not waiting now. I have reached

where I am today at the Bar without asking you or anybody in here for any work.

Mr. CHAIRMAN:
No Point of order.

Mr, MOTTLEY:
It is a point of truth. On a point of order, let me tell hon. members over there something. I am not one of the lawyers over there who could not make a living at the Bar and they picked me up and gave me a Ministry, I was always able to make a living at the Bar. I have not had to depend on any Government briefs to make a living.

Mr. CHAIRMAN:
No point of order.

Mr. WALCOTT:
I agree with the hon. member. It would be stupid of the hon. member to come looking about to get a Ministry. After all you father was the defender of the rich, and I do not see why you should be looking about to get a Ministry after depriving the poor of so much for so many years; so if some has been passed on to you, there is nothing wrong with that. As I said, we can deal with you apart from in the debates, you should know by now that I would not be afraid to accept any challenge from you, but the only thing is that I regard you as too young, and I would be fighting out of my class. I do not fight in 4 the featherweight class. Heavy weights do not fight with featherweights; so there is no point in having a toe to toe battle with you.

Even in the debate on the Constitution the hon. member would see, if he really knew what he was talking about, that you do not deprive any person of anything because the age is not eighteen. You would be depriving them of. something if it were 18 and you were making it 21; so you are not depriving the youth. There is no point your talking about the youth when you can look about us and see. Don't you know you have to be young before you are old? Do you think you are born old? Only a few people I know were born old. 10. 40 p. m.

Whom did you find running in 1945? You could not run. You are too young. He paved the way for you. He made the way that you can now claim to be the leader of something. Go and look and see. Dr. Cummins and Hugh Springer were professionals 30 years ago and you could not find another. You had

to get Cox. The hon. member's father from Trafalgar Square had to go to St.

Joseph and get Sonny Smith. The hon. member is making fun

Mr. CRAIG:
On a point of order. I only want to know what is before the Committee. 'That is all.

Mr. CHAIRMAN:
I say to sit. (Mr. CRAIG You did not get a play. I will get a play right now.) I will ask you to leave the Chamber forthwith. Mr. Marshal, see that the hon. member leaves the Chamber.

Mr. CRAIG withdrew from the Chamber.

The question that Clause 11 stand part was put and resolved in the affirmative, the Committee dividing as follows:

Ayes; Rt. Hon. E. W. BARROW, Hon. C. E. TALMA, Hon. G. G. FERGUSSON, Hon. P. M. GREAVES, Dr. the Hon. R. B. CADDLE, Hon. L. E. SANDIFORD, Hon. F. G. SMITH, Hon. P. G. MORGAN, Mr. E. E. GREAVES, Mr. WALCOTT, Mr. EDWARDS, Mr. SPRINGER, Mrs. EASTMOND, Mr. HOPPIN, Mr. MAXWELL, Mr. WEEKES and Hon. A. MORRISON - 17.

Notes: Mr. ADAMS, Mr. MOTTLEY, Mr. HINDS, Mr. FORDE and Mr. BOLDEN - 5.

Mr. ADAMS:
On a point of order. Before the next clause is called may I point out that although the hon. member for St. James has been asked to leave the Chamber, Your Honour has not asked him to leave the Chamber for the remainder of the day's sitting. Now I say this for a purpose. He is therefore in my respectful submission, entitled to return and I will ask Your Honour to be merciful to him and give him a chance of apologising. I am appealing to Your Honour because I am sure that he intended no disrespect to you. If there is one hon. member on that side of whom I have heard the hon. member for St. James speak well it is Your Honour. He has spoken often of the assistance you have given him over a period. I am appealing to Your Honour on such an occasion as this to permit his return to apologise. I do not know how far

away he i§, but I am appealing to Your Honour upon this occasion to temper justice with mercy in the circumstances. I am certain that the hon. member was thinking of the hon. member for St. Michael West when he said what was what.

Mr. CHAIRMAN:

That is why I did not state that he would have to leave the Chamber for the remainder of the day's sitting. I just wanted him to understand that as long as I am in the Chair all members on both sides will treat the Chair with respect. That is why I did not ask him to leave for the remainder of the day's sitting.

Clause 12 was called.

Hon. C. E. TALMA:

Mr. Chairman, I beg to move that Clause 12 stand part.

Hon. G. G. FERGUSSON:

I beg to second that,

The question that Clause 12 stand part was put and resolved in the affirmative, the Committee dividing as follows:

Ayes: Rt. Hon. 1. W. BARROW, Hon. C. E. TALMA, Hon. G. G. FERGUSSON, Hon. A. MORRISON, Hon. P. M. GREAVES, Dr. the Hon. R. B. CADDLE, Hon. L. E. SANDIFORD, Hon. F. G. SMITH, Hon. P. G. MORGAN, Mr. E. E. GREAVES, Mr. WALCOTT, Mr. EDWARDS, Mr. SPRINGER, Mrs. EASTMOND, Mr. HOPPIN, Mr. MAXWELL and Mr. WEEKES - 17.

Notes; Mr. ADAMS, Mr. MOTTLEY, Mr. HINDS, Mr. FORDE and Mr. BOLDEN - 5.

Clause 13 was called.

Hon. C. E. TALMA:

Mr. Chairman, I beg to move that Clause 13 stand part.

Hon. G. G. FERGUSSON:
I beg to second that.

The question was put and resolved in the affirmative, the Committee dividing as follows:

Ayes: Rt. Hon. E. W. BARROW, Hon. C. E. TALMA, Hon. G. G. FERGUSSON, Hon. A. MORRISON, Hon. F. G. SMITH, Hon. P. M. GREAVES, Dr. the Hon. R. B. CADDLE, Hon. L. E. SANDIFORD, Hon. P. G. MORGAN, Mr. E. GREAVES, Mr. WALCOTT, Mr. EDWARDS, Mr. SPRINGER, Mrs. EASTMOND, Mr. HOPPIN and Mr. WEEKES - 16.

Notes: Mr. ADAMS, Mr. MOTTLEY, Mr. HINDS, Mr. FORDE and Mr. BOLDEN - 5. 10. 50 p. m.

Clause 14 was catted.

Hon. C. E. TALMA:
I beg to move, Mr. Chairman, that Clause 14 stand part.

Hon. G. G. FERGUSSON:
I beg to second that.

The question was put and resolved in the affirmative the Committee dividing as follows:

Ayes: Rt. Hon. E. W. BARROW, Hon. C. E. TALMA, Hon. G. G. FERGUSSON, Hon. A. MORRISON, Hon. P. M. GREAVES, Dr. the Hon. R. B. CADDLE, Hon. L. E. SANDIFORD, Hon. F. G. SMITH, Hon. P. G. MORGAN, Mr. E. E. GREAVES, Mr, F. L. WALCOTT, Mr. A. DaC. EDWARDS, Mr. J. B. SPRINGER, Mrs. G. L. EASTMOND, His Hon. C. A. E. HOPPIN and Mr. R. St. C. WEEKES - 16.

Notes: Mr. J. M. G. M. ADAMS, Mr. E. D. MOTTLEY, Mr. W. C. B. HINDS, Mr. H. deB. FORDE and Mr. C. L. BOLDEN - 5.

Clause 15 was called.

Hon. C. E. TALMA:
Mr. Chairman, I beg to move that Clause 15 stand part.

Hon. G. G. FERGUSSON:
I beg to second that.

Mr. FORDE:
Mr. Chairman, as the position stands at present under the Constitution of Barbados the question of the criminal prosecutions of persons is reserved exclusively for the Director of Public Prosecutions and in the exercise of his discretion to execute or indeed to discontinue prosecutions he is subject to the control of no person at all. Section 79(a) is the new section being introduced into this Constitution. It seeks to place limitations on that absolute discretion which the Director of Public Prosecutions at present has.

I have heard nowhere in any of the arguments advanced - if arguments indeed they have been - that in the prosecution of his duties since the coming into effect of this Constitution on 30th November, 1966 that the Director of Public Prosecutions has failed to advert to any of the interests of national security or international law in either instituting or discontinuing prosecutions. I have heard criticisms of public servants, I have heard criticisms of certain judges, I have heard no criticism that he has omitted to do what he ought to have done or he has done what he ought not to have done; and therefore it can hardly be on the basis of past performance and experience in the performance of this high office that the Government seeks to justify the change now being advanced by this amendment.

I understand that the justification which was urged, such justification as it has been, rests on the situation that prior to independence and prior to 1964 there was a political Attorney General under the Colonial system, and nobody raised any row about that and hence there is no reason why we should raise a row about it now. One does not trust a politician, it is said. Some of the other justifications is that in the United Kingdom the Attorney General has this right even if he states he does not exercise it, particularly since he delegates it to a DPP, and that therefore what are we quarrelling about.

Now I do not think that that is how the question should be approached at all. The question arises, in 1964 when the Government brought in this amendment by the Director of Public Prosecutions Act did they think it then a valuable amendment to make in the constitutional advancement of Barbados? Was it a retrograde step? Because I could hardly believe that the Government could justify such an amendment in 1964 on the basis of it having been a retrograde step. And again in the 1966 Conference in London the existing provisions appeared in the original draft which was put up by the Government, and this must be emphasised. What was then the need for such a draft? Am I to understand that the Government is confessing that in 1966 it did not have the foresight that it now has, that it must be revert to a limitation on the powers of the Director of Public Prosecution? (ASIDE) I understand in a sotto voce from the hon. member for St. Michael South Central that the idea comes from him. (ASIDE) Oh! I see. Since he came. I do not want to misrepresent.

Let me say this. There has been independent study of this idea in a lot of other places. Trinidad is the most recent example. Under the existing Trinidadian provisions the Attorney General has that exclusive right in dealing with prosecution. Again I advert to the wisdom - if you like to call it that - the accumulated wealth of the Wooding Commission, but the Wooding Commission has emphasised that the parochial nature of the society of Trinidad and Tobago, is such, the divisions in the society are such, that it is a better precedent in the context of that country, as indeed it is in the context of this country I submit, for there to be an independent person having this particular power to exercise.

Now I want to make it clear that when you start to advance an argument, apparently the only reason some people believe you could advance an argument is because you are attacking the present holders, or indeed any future holders of a particular post. I want to make it clear that I personally consider the hon. Attorney General as a friend" and I hope he considers me as such - despite the political differences existing and the manner in which people work their politics in this country today that you have to destroy people -' and I -personally have every faith in his integrity; but it Us not a question so far as I am concerned, of my personal relationship with an Attorney General or his integrity or his knowledge that matters. 11. 00 p. m.

I, likewise, have every confidence in the integrity of the existing holder of the post of Director of Public Prosecution. It is a question of whether, in the context of this society of Barbados, it is right that we should in areas in which there could be personal vendetta and political victimisation, provide opportunity for them to occur. I believe the hon. member for St. Michael South Central spoke about the aurora, or the myth, that surrounds the Constitution There is a special reason for that, Mr. Chairman. The reason is that your Constitution is an ideal document which seeks to get not only a practical working system, but, if possible, the ideal and best system of Government for your people. If you were far-sighted enough to see at this time and to have seen it in 1966, there is no reason why you should refer to another situation. I consider this amendment for these reasons is not a worthwhile example.

Let me give you another example. If there is any doubt about the ability of the Director of Public Prosecutions to respond to instances in which the national interests of Barbados are concerned then, of course, all offences and not only, these set out here should be withdrawn so that he would not have the right to pass, in his discretion, on these particular proportions. If it is being said that he is not sensitive enough to how the Government's interests may be affected in internal matters, let us say, then take away all and not some of them. Why just single out a few that in their very nature are the ones that you expect to get political considerations over-riding the justice of whether a person should or should not be prosecuted. I mean this seriously.

Mr. Chairman, people are being accused of various things, suits are to be brought in the Law Courts here jind inhere and, obviously, you would expect that in political life you will get a person interested in achieving just his political ambitions. It is not, merely, as was advanced by the Hon. Minister of Housing, Lands and National Insurance, who is going to sit on the Jury in a case that matters, it is the whole idea of bringing a man before a Court where, I believe, the hon. member for St. Michael South East made the point in a different way, although his ideas and mine do not always go completely hand in hand. We have discussed some of the things he has talked about, some of which I share and some of which I have certain reservations about. He made the point very well that you can completely destroy a man by the act of prosecution and not by the act of conviction. He might be acquitted, but the point is that you can prosecute. Do you know one of the times that they will do this? Right at election time. That is what I mean.

Mr. Chairman, I might be dead and gone from Barbados and this earth, but I predict that this very Section, if it remains in this Constitution Bill will, in due course, be used in the wrong way against innocent people. I hope it will not happen, but the temptation or the opportunity, is provided and it need not have been. The Trinidad suggestion, the Jamaica existing precedent, the Guyana existing precedent, provides a better model for our country and for the circumstances of Barbados. (Asides.) We will talk and the 17 on that side will vote "Aye". I understand that. There always must be in any community someone, some time, some where, somehow who has to stand up and look towards what is a better system than we are at present providing.

Obviously, you have heard the Leader of the Opposition speak on some of these exempted offences which are now to be given to the Attorney General, but I do not intend to go into those. I regret very much as a lawyer of some years standing, probably not much brilliance, or much intelligence, that I should sit in this Parliament to see Barbadians, who should be enlightened taking a step backwards rather than a step forward in this respect.

Hon. P. M. GREAVES:

Mr. Chairman, I am very surprised to find anyone at all in this Chamber on any side of the House who would express any reservations on the principle of transference of these powers or any powers at all from the Director of Public Prosecutions to the Attorney General. Clearly in this matter, the hon. member who has just taken his seat, the hon. member for Christ Church West, is at variance with his own Leader on this point.

Mr. Chairman, I would expect this to come from Dr. Mitchell and not from a member of this Chamber. However, Mr, Chairman, I did not rise to speak on that at all because I, honestly, do not believe that it needs to be spoken on in this Chamber. All of us do not believe that, honestly, do not believe that any reasonable member on either side would expect that any Government would allow the national security of the State to remain in the hands of a civil servant.

I really rose, Mr. Chairman, to speak on a slightly different matter. It relates to the same Clause, because there appears to me to be some misconception, misconstruction, wrong construction, placed on that sub clause which reads:

"publications calculated to interfere with the peaceful relations of Barbados with foreign states. "

We have heard mention made here of Chief Jonathan. Mr. Chairman, all that this means is publications calculated to foment a war. It; means something that will interfere with peaceful relations with Barbados and foreign states. This will send the lawyers back to their books, so they can go arid do their research. All that this means is publications calculated to foment a war between Barbados and a foreign state.

Mr. ADAMS:

I want to speak very shortly on this, Mr. Chairman. Yesterday when I was speaking I said that there has been no prosecution for piracy since 1740. I am much obliged to the researcher, Mr. Warren Alleyne of British West Indian Airways who has sometimes assisted me with researchers into the antiquity of Barbados. He is a most knowledgeable Man and well versed in the past history of this Island. He has reminded me, as indeed I have been discussing with the hon. member for St. Michael South East earlier today, that there was a successful prosecution for piracy in the years 1819 and 1820 of various persons called DaCosta and similar names and, indeed, I have photostats of the Government's Report - Lord Combermere's Report. 11. 10 p. m.

Indeed I have photostats of the Governor's Report, Lord Combermere's Report, to the Secretary of State as to why he was reprieving one of the gentlemen who subsequently went to Curacao and changed his name after serving his sentence and founded a family that turned out to be a great political family in

Curacao, but that is only of antiquarian interest. I am quite unaware Mr. Chairman, of what the variance between the hon. member for Christ Church West and myself can be in this matter, and if I wanted to add anything to what I said yesterday, because it is a ridiculous list, I would have to dwell on the speech made by the hon. member for Christ Church East, the Leader of the House, who talked about how the Government must have power to deal with riots and unlawful assembly. Riots and unlawful assembly are not in this. The Government still does not have power to deal with riots and unlawful assembly under this, and they are more usually political offences even than sedition. The Whole concept of political offences, I think, with great respect, Mr. Chairman, is to some extent nonsense in a small Island like Barbados. I do not mean that Barbados cannot be subverted. Zanzibar was taken over by 200 men armed with cutlasses in a night when the police had warning of it and defended several police stations, but they did not defend them so well or so determinedly, arid an island similar in size to Barbados with drily a, slightly larger population, 300, 000 had its institutions destroyed in a day or two. So obviously it is possible for islands of 300, 000 to be destroyed by small groups. Perhaps the specialist in depressurisation will give us.....

Why is the Minister of Education looking at me? He suddenly looked up and looked at me. Why is that? Perhaps the specialist in depressurisation whoever he be will tell us how he will deal with these small groups; but I have always said that the security of this Island, the security of its institutions, the continued purity of its political life - I do not mean purity in financial terms, I mean the system - is threatened more from the Government than from the Opposition or any group outside. It is always the Government who are saying that those who are opposed to them are opposed to the forces of progress and must be removed or destroyed or visited with acid, with blood and fire, depressurised and treated to a dose of Nkrumahism. It is always the Governments of these Commonwealth countries - Zanzibar is an honourable or dishonourable exception - which are the basic threats to the democratic liberties of the people, until the army started coming along.

Mr. CHAIRMAN:

Is this to do with the clause under discussion?

Mr. ADAMS:

Yes, Sir. This section applies to national security, and this is how it has been discussed all along. It is always the Government that is forcing the one party system, locking up the Opposition and so on until the armies became sufficiently sophisticated to interpose a genuine force between merely political force and the people. There are so many examples. You see democracy trying to raise its head in Kenya. Even President Kenyatta living in Britain all those years got bitten by the bug of liberty and freedom and so on. I do not believe that President Kenyatta is a foe to political liberty, but circumstances kept pressing on him, often because there is still a lot of tribalism in his country, to suppress the two-party system, and even so often there is an Opposition in Kenya. It joins the Government and a one party de facto state proceeds for a few years until it is realised that there are tensions and strains, economical.) tribal, social and otherwise in the country that force people into opposition again and the cycle begins again. I believe Kenya has twice become a one party state and twice become a two party state, and it is going throught some pangs again now that it is attempting to give birth to a second party for the third time. Even

President Kaunda. (Asides) Apparently I am wrong to suggest that the Prime Minister and I both know Kenneth Kaunda and both think he is a decent man, because it is suggested that I am lending some support to a one party state by saying Kaunda is a decent man. I used to know Kaunda and I used to know Nkumbula when they were together, and I knew them when they were apart with two parties. I have not seen either of them for many years now that there is only one party. But the impetus for the one party state, believe me, did not come from Harry Nkumbula; it came from the Government.

In Sierra Leone after years of abuse the Margai Government lost at the polls and refused to give up power, the army had to interpose, lock up the Government and the Opposition, and after a few years handed over power to the Opposition, Mr. Stevens, who is still in power. In Lesotho it is the Government, Chief Jonathan, that was the threat to democracy. So I do not i see what the Government is going on about national security in this matter for. How does anybody in this House think that a threat to national security is going to arise? The Zanzibar type of situation arises from the ordinary crimes of conspiracy, of people meeting secretly in houses without any overt expression of civil disorder, because if you are determined to take over the Government, you do not get shirts with anything printed on them and hold sixty political meetings and say you are against the Prime Minister, if you are determined to take over a Government by force, you meet secretly and commit ordinary crimes of conspiracy to murder and conspiracy to carry out various purposes none of which are covered here. That is how that would happen. All of these offences seem to me to deal with Barbados' relations with the outside world. In other words, we must not send out pirates; we must not break the Privateer's Act; the Governor-General must issue no letters of mark or whatever; we must not open a slave trade once again and this sort of thing. In what way do these bear upon the national security of Barbados? Is trading in slaves thought to be a threat to the security of Barbados. Is foreign enlistment? We have foreign enlistment here. The Government of Great Britain has sent here to recruit persons for service in the British Army. To my mind, if it is done now it might very well amount to an offence under the Foreign Enlistment Act, because the Crown is now divisible. The Queen of Great Britain happens to be the Queen of Barbados, but she is not the same Queen in Barbados as she is in Great Britain. When she comes here she can only exercise the powers of the Governor-General. In fact, she cannot even exercise those; she exercises certain Monarchial powers as limited by out Constitution. So going to serve the Queen somewhere else may well be an act of foreign enlistment. But I do not believe that anybody would think that Barbadians enlisting in the British Army now are a threat to the security of Barbados, and yet we have it down here.

Publications calculated to interfere with the peaceful relations of Barbados with foreign states. I have written down in my copy of these amendments contra "The King vs. Antonelia". This is a view that there really is no crime. The hon. member who has just sat down said that maybe we should return to our books, but if the interpretation which you wish to place on it is that you must not publish a document in Barbados saying we should declare war on Grenada, I would call that nonsense for big men to be engaging in. Do you mean that because the Prime Minister was asked to join with various other Prime Ministers to send Barbadian Police to Anguilla and Anguilla had then declared itself a Republic independent of the Commonwealth - this is a couple of months before the paratroopers landed that anybody who said the Prime Minister was doing right would be publishing something calculated to interfere with the peaceful relations of Barbados with a foreign state? All this is nonsense. This suits

little children, not us.

Treason; sedition; official secrets. The only prosecution I have ever heard of official secrets in any Commonwealth Caribbean country was the prosecution of Peter D'Aguiar in Guyana for receiving documents from somebody at Barclays Bank relating to foreign exchange matters, and at some stage publishing them, under one of the more obscure sections of the Official Secrets Act, and the Guyana jury could not be constrained to' convict him even though the evidence was plain that he had broken the law. 11. 20 p. m.

Mutiny and unlawful oaths. I really would suggest that no serious Government could be introducing this. If the Government wants to deal with security, deal with riot, unlawful assembly and conspiracy. Find some definition that conspiracy to effect political changes by criminal means come under this. Tell the draftsmen to work and not to copy if you are really serious about this.

Before you put in hijacking you put in piracy and trading hi slaves. Who is going to take a decision if a Cuban hijacks a Cubana airliner and brings it here? It is perfectly possible. Cubana flies here. Suppose the pilots come here and ask for political asylum, they will have broken the Hijacking Act, as I understand it, because this is a civil airliner. Is the Director of Public Prosecutions, a Civil Servant, going to decide on that when clearly this is a matter touching on the relations between Barbados and Cuba?

But you say this is your purpose and yet you do nothing to effect your purpose. I am not taking this seriously. I am taking this that at some stage you want to put the D. P. P. under the Attorney General altogether. I take this to be a compromise between the views of the hon. member for St. Michael South Central and commonsense. I repeat that I am not aware that there is any variance between the hon. member for Christ Church West and me.

The question that Clause 15 stand part was put and resolved in the affirmative, the Committee dividing as follows:

Ayes: Rt. Hon. E. W. BARROW, Hon. C. E. TALMA, Hon. G. G. FERGUSSON, Hon. A. MORRISON, Hon. P. M. GREAVES, Dr. the Hon. R. B. CADDLE, Hon. L. E. SANDIFORD, Hon. F. G. SMITH, Hon. P. G. MORGAN, Mr. E. GREAVES, Mr. WALCOTT, Mr. EDWARDS, Mr. SPRINGER, Mrs. EASTMOND, Mr. HOPPIN and Mr. WEEKES - 16.

Notes: Mr. ADAMS, Mr. MOTTLEY, Mr. HINDS, Mr. FORDE and Mr. BOLDEN - 5.

Clause 16 was called.

Hon. C. E. TALN:
I beg to move that Clause 16 stand part.

Hon. G. G. FERGUSSON:
I beg to second that.

Mr. FORDE:
Mr. Chairman, this section and the amendment thereto seeks to place in the hands of the Governor General the right to appoint the Puisne Judges on the recommendation of the Prime Minister after consultation with the Leader of the Opposition.

I do not intend at this late hour of the evening to delay either hon. members of the House or the officers of this House by going back over the points made by other members. I do not think that repetition necessarily strengthens an argument, but I think that it would be wrong from my personal position if I did not try to deal with one of the arguments which was raised in this debate, one of the innuendoes which was injected into the debate, as providing some justification for the amendment; and I do so because although I have not got the facility of the Information Service to deal with what damage, if any, has been done to innocent people, still I want to make it absolutely clear that I do not want a political arena to deal with something that for me is much deeper than expediency.

It was being urged that one of the reasons why there must be a say in the appointment of judges was that there was political pressure on judges. That came from the Other Side, and there were two instances cited. One of the arguments being advanced was that some people socialise with judges, and in particular that I was friendly with the Chief Justice.

Let me say this Mr. Chairman. I am free as the Chief Justice is free to choose his friends. If I want to sit down and dine with him, and he is a friend of mine, I intend to do so. There are other people who are equally free to choose their friends. If the Prime Minister wants to associate with robbers and thieves and people of ill repute he is free to do so. I would not hold that against him as saying that because of that he is seeking to influence their business or how they conduct their attitude or how they conduct stealing.

I want to make that absolutely clear because it is the most stupid argument I have ever heard. I know he would run out at this time. He has the facility of the Press. I do not want that to try to debunk or depressurise anybody. I can deal with that myself. But I have never ever - and I do not have to do it - discussed any case with the Chief Justice. And knowing, Sir William Randolph Douglas, his integrity is such that if I sought to do it he would be the first to put me in my place. I think that it was one of the most dastardly attacks that I have ever seen coming from a man who should be responsible, on the integrity of people, in this Parliament for a long time.

I regret that I have to speak on matters like these because somebody believes they want to destroy. No matter how many issues of privileges arise, I will deal with them in due course; but I think it was most unfair in this Parliament and over the whole Caribbean network that people should be able to say, including my infant son of 10 last night - that he could ask "Daddy, do you and the Chief Justice run around and discuss cases? Is that how you all are being fair to people?" That is the sort of impression created by a so called responsible head of Government who wants to be taken seriously.

Now, I have dealt with many Barrows before and I trust that he is not fully like his father. That is all I would say on that. I want to go to the second point in here about me. Let him run outside. He can come back and talk to me afterwards. Don't hold anything. You all believe that I am a complete saint, and that I can be attacked and I will run. I want to deal with the second argument that he got up and tried to put over CBC about me.

The argument that he advanced is that I got into the Bar Association and that is the reason why they must change the method of appointment and tried to criticise the Chief Justice, and that I said I would go and use my personal position with him. I state again and the records will reveal that this is a complete distortion of the truth and only can be coming from people like the Prime Minister with whom my family has had regretfully to be associated. 11. 30 a. m.

Let me make that clear. I want to make that absolutely clear in this House and for the records of this House.

Now let me give you the position, Mr. Chairman. The true fact of this situation has nothing to do with Eric St. John. Two junior Barristers sent a complaint to the Bar Council saying that when they appeared before the Chief Justice he did not give them time to develop their points and he was a bit harsh on them, Mr. St. John raised the matter. Other members in that Council had their say on it. I said, as I thought it proper to do, "Mr. Chairman, in my view, the Chief Justice according to the law has conduct and complete control over his court. " I said: "On the other hand, if Barristers are dissatisfied they should make a proper complaint to the Council; I do not think that the Council should act on a mere say-so, and I would suggest respectfully that the Council as responsible lawyers should approach the Chief Justice with the Senior Bar privately, to discuss the matter because it is not the sort of thing that should be used to bring the administration of justice into disrepute. "

Completely proper. I do not have to make any innuendoes; I do not have to make any innuendoes against him.

I want the Prime Minister to understand that if he is worried about his integrity I am not worried about mine. That is what I want him to understand. If he is worried about his family's integrity, I am not worried about mine. Do not come in here with me with a lot of foolishness all the time. You either have to stop it, or every time you use the facilities - you can use them as much as you like over the Caribbean; every word I say I can repeat on the public platform. I do not want to say anything in Parliament that I would not repeat.

If those are the reasons which he has for changing the system of judicial appointment, it only shows how petti a man he is; and you can climb as high as you like, you can have all the power you like, but one of these days God is going to strike you dead for the manner in which you deal with people, with innocent people to destroy them.

Rt. Hon. E. W. BARROW:

Mr. Chairman, on a point of privilege. I am very sorry that 1 made the hon. member cry. I very much regret that it was my rather regrettable duty to disclose that he was part of the impeachment proceedings against the Chief Justice

Mr. FORDE:

Mr. Chairman, on a point of order. I was not part of any impeachment proceedings against the Chief Justice

Rt. Hon. E. W. BARROW:
You were a.....

Mr. FORDE:
I was not part of any impeachment proceedings against the Chief Justice. That is a typical Barrow statement absolutely half-truth and distorted.

Rt. Hon. E. W. BARROW:
It is contrary to the Standing Orders, Sir, first to call a member by name and to say that it is a half-truth and distorted, and I want you to ask the hon. member to withdraw it. I only want to explain that the word 'impeachment' is in inverted commas; and, he was aware that when I said impeachment proceedings, ' that they were not following the correct procedure for the impeachment of the Chief Justice when he attended that meeting. But that is no justification for offering to throw acid in the face of an hon. member of this House. Now if he is in tears.....

Mr. FORDE:
On a point of order, Mr. Chairman. If the hon. member has raised a matter of privilege he is not entitled to comment on it. He is highly improper to do so. (A Pause)

Rt. Hon. E. W. BARROW:
You can put the question, Sir.

Mr. ADAMS:
Mr. Chairman, it is a pity in the way the Prime Minister has spoken, if this would mean that he does not have a chance to speak again, because he will have to deal with me on this issue, as well as with the hon. member for Christ Church West.

Now it is a cardinal principle of anybody who believes in decency in politics, that when you are caught out in a lie of lies that have affected people adversely, when you are guilty of character assassination, when you attempt to raise a programme of systematic brutality into a political system, when you attempt to conduct politics by degrading other people and seeking to drag other people down into a gutter in which you are accustomed to swimming, and all this is found out, exposed and made known, that you apologise, not lease to people who may have had faith in you or respect for you at one time. Very few hon. members on this side, although we can still sometimes be fooled by him, have much respect for the

Prime Minister, faith in his honesty or his truthfulness.

Now he came in here on the second reading debate on this aspect of the matter, and justify this Puisne judges section by referring to certain incidents which he said took place in the Bar Association. It was proved that he was not an accurate reporter of the truth - not for the first time - when he said that a complaint had been brought to the Bar Council by Senator St. John about his brother and on the hearing thereof the hon. member for Christ Church West said certain things. That was proved to be untrue. No word of apology has been uttered to this House, to Senator St. John, or to Eric St. John about that.

It was proved that he was speaking of events which took place in July when the St. john incident took place on October. He purported to read from Minutes or the Bar Council and he told the House in terms - every hon. member present remembers it - that the hon. member for Christ Church West said that he would speak privately to the Chief Justice. It is proved that that was not in the Minutes which the Prime Minister had in his hand. That was on the occasion of an exchange, so hon. members cannot forget it; only hon. members who have no memory can forget that, because, the hon. member was taken by surprise and said he was not there. Of course, he was not there when the Eric St. john incident was discussed.

He then said he had never said he would speak privately, and the Prime Minister went on to affirm it; but when the Minutes which had been shown to me and from which I read and which was not contradicted against, challenged those from which the Prime Minister purported to read, when he said he was reading was not there.

This is no new fault in the Prime Minister. From the time I first heard of him at the Bar I heard how he would read two lines of a Law Report, skip four lines that did not suit him and go on to read six more that did. From the first time I heard of the Prime Minister that is what I heard nothing to do with the judges that are appointed already.

Mr. CHAIRMAN:

The hon. member will carry on on the clause. '

Mr. BOLDEN:

I am dealing with Puisne Judges, Mr. Chairman. In the Divisional Courts we have the same rotation. It could have been better for the Prime Minister to have said that he is thinking of at least appointing another couple of Puisne Judges or something, or re-organising the whole administration of justice so that you have a proper Appeal Court and a proper hearing of first instance. It is a question of important

appointments which could be made to the magisterial bench at this time where most of the case law in any country is decided. Instead of that you come in here talking about judges must not be seen speaking to anybody, or that somebody was seen jogging around with the Chief Justice, as if jogging around with a judge enhances the position of anybody. I can run with anybody I like. If I run with the Bank manager, am I finding out how to carry away money from the Bank? If I run with certain other people in this community, what is wrong with that? Do you mean a judge is somebody so removed from society that he must not be seen with anybody at all? Does it mean that the man has no integrity and that he gets up at 4 o'clock in the morning to run with somebody to find out his bedroom business? Those are the little petty, childish things that infuriate me in a society that talks about law and order. It is the same Nixonian policy where Mitchell and Nixon together talk about law and order. Those were the people who were going to bring back law and order in the society, but at the same time, they used the C. I. A. to shut down investigations that touched right home in their backyards until they were found out. This is how it goes. Believe me, I am sorry for the judges. The Prime Minister who has been a barrister for so many years said that when he got into power he would make sure that people did not have to stand up in the court-yards, but up to now you have courts in this country that are not fit for even pigs to go in for one minute. Even in the Courts where the Chief Justice has to sit, at every Assizes you have to move a magistrate and cordon him off in a three foot square room. You have women jurors and you can ask them the sort of sanitary conditions that exist for them at the Courts. That is the foolishness I do not understand, but you are trying to make the man in the street believe that he does not get justice. He cannot get justice when he stands in the court-yard with the sun baking his head off, but the Prime Minister says that decent people do not go in the court-yard.

Who carries you in the court-yard in any case? I heard the hon. member talk today about who got arrested. This is what we have to look at. Do not come and ridicule the judges. Those are the people to make sure that this country is safe for you and I to walk in, and when you tell the ordinary man in the street that he does not get justice, that people influence the decision of these judges, you then remove that confidence upon Which every society is built.

The Hon. Prime Minister is a lawyer and he should remember Dicey's statement about the Constitution of a state, and then he would not make such statements in Parliament or to such a wide audience in order to get through a provision which not only lawyers themselves but even the man in the street fears that when you interfere with the judges you have interfered with the fabric of a society. 12. 00 midnight.

The question that Clause 16 stand part was put and resolved in the affirmative, the Committee dividing as follows:

Ayes: Rt. Hon. E. W. BARROW, Hon. C. E. TALMA, Hon. G. G. FERGUSSON, Hon. A. MORRISON, Hon. P. M. GREAVES, Dr. the Hon. R. B. CADDLE, Hon. L. E. SANDIFORD, Hon. F. G. SMITH, Hon. P. G. MORGAN, Mr. E. GREAVES, Mr. WALCOTT, Mr. EDWARDS; Mr. SPRINGER, Mrs. EASTMOND, Mr. HOPPIN and Mr. WEEKES - 16.

Notes: Mr. ADAMS, Mr. MOTTLEY, Mr. HINDS, Mr. FORDE and Mr. BOLDEN - 5.

Clause 1 7 was called.

Hon. C. E. TALMA:
Mr. Chairman, there are certain amendments which I would like to move to section 17. I would like to move the deletion of Clause 17 and the substitution of the following new Clause 17. That you delete section 82 of the Constitution as amended (a) by deleting the words section 81(3) wherever they appear therein and substituting the words section 81(2). (b) By deleting the words "Judicial and Legal Service Commission" wherever they appear in subsection 2 thereof and substituting the words "Prime Minister".

I beg to move that Clause 17 as amended stand part.

Hon. G. G. FERGUSSON; I beg to second that.

A division was catted for, and the bell was rung.

Mr, ADAMS:
Mr. Chairman, on a point of order. The bell was only rung for one minute and twenty five seconds.

Mr. CHAIRMAN:
Standing Orders say not less than a minute.

The question that Clause 17 as amended stand part was put and resolved in the affirmative, the Committee dividing as follows:

Ayes: Rt. Hon. E. W. BARROW, Hon. C. E. TALMA, Hon. G. G. FERGUSSON, Hon. A.

MORRISON, Hon. P. M. GREAVES, Dr. the Hon. R. B. CADDLE, Hon. L. E. SANDIFORD, Hon. F. G. SMITH, Hon. P. G. MORGAN, Mr. E. GREAVES, Mr. WALCOTT, Mr. EDWARDS, Mr. SPRINGER, Mrs. EASTMOND, Mr. HOPPIN and Mr. WEEKES - 16.

Notes: Mr. ADAMS, Mr. MOTTLEY, Mr. HINDS, Mr. FORDE and Mr. BOLDEN - 5.

Clause 18 was called.

Hon. C. E. TALMA:
I beg to move that Clause 18 stand part.

Hon. G. G. FERGUSSON:
I beg to second that.

The question was put and resolved in the affirmative, the Committee dividing as follows: -

Ayes: Rt. Hon. E. W. BARROW, Hon. C. E. TALMA, Hon. G. G. FERGUSSON, Hon. A. MORRISON, Hon. P. M. GREAVES, Dr. the Hon. R. B. CADDLE, Hon. L. E. SANDIFORD, Hon. F. G. SMITH, Hon. P. G. MORGAN, Mr. E. GREAVES, Mr. WALCOTT, Mr. EDWARDS, Mr. SPRINGER, Mrs. EASTM3ND, Mr. HOPPIN and Mr. WEEKES - 16.

Notes: Mr. ADAMS, Mr. MOTTLEY, Mr. HINDS, Mr. FORDE and Mr. BOLDEN - 5.

Clause 19 was called.

Hon. C. E. TALMA:
I beg to move that Clause 19 stand part.

Hon. G. G. FERGUSSON:
I beg to second that.

The question was put and resolved in the affirmative, the Committee dividing as follows:

Ayes: Rt. Hon. E. W. BARROW, Hon. C. E. TALMA, Hon. G. G. FERGUSSON, Hon. A. MORRISON, Hon. P. M. GREAVES, Dr. the Hon. R. B. CADDLE, Hon. L. E. SANDIFORD, Hon. F. G. SMITH, Hon. P. G. MORGAN, Mr. E. GREAVES, Mr. WALCOTT, Mr. EDWARDS, Mr. SPRINGER, Mrs. EASTMOND, Mr. HOPPIN and Mr. WEEKES - 16.

Notes: Mr. ADAMS, Mr. MOTTLEY, Mr. HINDS, Mr. FORDE and Mr. BOLDEN - 5.

Clause 20 was called.

Hon. C. E. TALMA:
I beg to move that Clause 20 stand part.

Hon. G. G. FERGUSSON:
I beg to second that.

The question was put and resolved in the affirmative, the Committee dividing as follows:

Ayes: Rt. Hon. E. W. BARROW, Hon. C. E. TALMA, Hon. G. G. FERGUSSON, Hon. A. MORRISON, Hon. P. M. GREAVES, Dr. the Hon. R. B. CADDLE, Hon. L. E. SANDIFORD, Hon. F. G. SMITH, Hon. P. G. MORGAN, Mr. E. GREAVES, Mr. WALCOTT, Mr. EDWARDS, Mr. SPRINGER, Mrs. EASTMOND, Mr. HOPPIN and Mr. WEEKES - 16.

Notes: Mr. ADAMS, Mr. MOTTLEY, Mr, HINDS, Mr. FORDE and Mr. BOLDEN - 5.

Clause 21 was called.

Hon. C. E. TALMA:
I beg to move that Clause 21 stand part.

Hon. G. G. FERGUSSON:
I beg to second that. 12. 10 a. m.

Clause 21 was called.

Hon. C. E. TALMA:
Mr. Chairman, I beg to move that Clause 21 stand part.

Hon. G. G. FERGUSSON:
I beg to second that.

Mr. ADAMS:
Mr. Chairman, any hon. member's vote must to some extent be governed by the votes of those who have gone before. All hon. members in this House are entitled to hear how other hon. members have voted. All that I am hearing is a recital of the names of the hon. members present in the House at the present time. Unless I can hear how they vote I do not know what is happening.

I am instructed that on an earlier occasion one hon. member on that side specifically said 'I do not know what it is about, I am not voting. ' (Aside.) I am told this, but I cannot confirm it because I did not hear. I think the particular hon. member, if it happened, will recall the occasion. But whether or not it happened, I want to hear how people are voting, Sir. The Clerk is preventing me from hearing because he is speaking so quickly that I cannot hear the Ayes and Noes.

The question was put and resolved in the affirmative the Committee dividing as follows:

Ayes: Rt. Hon. E. W. BARROW, Hon. C. E. TALMA, Hon. G. G. FERGUSSON, Hon. P. G. MORGAN, Dr. the Hon. R. B. CADDLE, Hon. L. E. SANDIFORD, Hon. P. M. GREAVES, Hon. F. G. SMITH, Mr. E. E. GREAVES, Mr. F. L. WALCOTT, Mr. A. DaC. EDWARDS, Mr. J. B. SPRINGER, Mrs. G. L. EASTMOND, His Honour C. A. E. HOPPIN, Hon. A. MORRISON and Mr. R. StC. WEEKES - 16.

Notes: Mr. J. M. G. M. ADAMS, Mr. E. D. MOTTLEY, Mr. W. C. B. HINDS, Mr. H. deB. FORDE and Mr. C. L. BOLDEN - 5.

Clause 22 was called.

Hon. C. E. TALMA:
Mr. Chairman, I beg to move that Clause 22 stand part.

Hon. G. G. FERGUSSON:
I beg to second that.

The question was put and resolved in the affirmative the Committee dividing as follows:

Ayes: Rt. Hon. E. W. BARROW, Hon. C. E. TALMA, Hon. G. G. FERGUSSON, Hon. P. G. MORGAN, Dr. the Hon. R. B. CADDLE, Hon. L. E. SANDIFORD, Hon. P. M. GREAVES, Hon. F. G. SMITH, Mr. E. E. GREAVES, Mr. F. L. WALCOTT, Mr. A. DaC. EDWARDS, Mr. J. B. SPRINGER, Mrs. G. L. EASTMOND, His Honour C. A. E. HOPPIN, Hon. A. MORRISON and Mr. R. St. C. WEEKES - 16.

Notes: Mr. J. M. G. M. ADAMS, Mr. E. D. MOTTLEY, Mr. W. C. B. HINDS, Mr. H. deB. FORDE and Mr. C. L. BOLDEN - 5.

Clause 23 was called.

Hon. C. E. TALMA:
Mr. Chairman, I beg to move that Clause 23 stand part.

Hon. G. G. FERGUSSON:
I beg to second that.

The question was put and resolved in the affirmative the Committee dividing as follows:

Ayes: Rt. Hon. E. W. BARROW, Hon. C. E. TALMA, Hon. G. G. FERGUSSON, Hon. P. G. MORGAN, Dr. the Hon. R. B. CADDLE, Hon. L. E. SANDIFORD, Hon. P. M. GREAVES, Hon. F. G. SMITH, Mr. E. E. GREAVES, Mr. F. L. WALCOTT, Mr. A. DaC. EDWARDS, Mr. J. B. SPRINGER, Mrs. G. L. EASTMOND, His Honour C. A. E. HOPPIN, Hon. A. MORRISON and Mr. R. StC. WEEKES - 16.

Notes: Mr. J. M. G. M. ADAMS, Mr. E. D. MOTTLEY, Mr. W. C. B. HINDS, Mr. H. deB. FORDE and Mr. C. L. BOLDEN - 5.

Clause 24 was called.

Hon. C. E. TALMA:
Mr. Chairman, I beg to move that Clause 24 stand part.

Hon. G. G. FERGUSSON:
I beg to second that.

The question was put and resolved in the affirmative the Committee dividing as follows:

Ayes: Rt. Hon. E. W. BARROW, Hon. C. E. TALMA, Hon. G. G. FERGUSSON, Hon. P. G. MORGAN, Dr. the Hon. R. B. CADDLE, Hon. L. E. SANDIFORD, Hon. P. M. GREAVES, Hon. F. G. SMITH, Mr. E. E. GREAVES, Mr. F. L. WALCOTT, Mr. A. DaC. EDWARDS, Mr. J. B. SPRINGER,

Mrs. G. L. EASTMOND, His Honour

C. A. E. HOPPIN, Hon. A. MORRISON and Mr. R. StC. WEEKES - 16.

Notes: Mr. J. M. G. M. ADAMS, Mr. E. D. MOTTLEY, Mr. W. C. B. HINDS, Mr. H. deB. FORDE and Mr. C. L. BOLDEN - 5. 12. 20 a. m.

Clause 25 was called.

Hon. C. E. TALMA:
Mr. Chairman, I beg to move that Clause 25 stand part.

Hon. G. G. FERGUSSON:
I beg to second that.

The question was put and resolved in the affirmative the Committee dividing as follows:

Ayes: Rt. Hon. E. W. BARROW, Hon. C. E. TALMA, Hon. G. G. FERGUSSON, Hon. P. G. MORGAN, Dr. the Hon. R. B. CADDLE, Hon. L. E. SANDIFORD, Hon. P. M. GREAVES, Hon. F. G. SMITH, Mr. GREAVES, Mr. WALCOTT, Mr. SPRINGER, Mrs. EASTMOND, Mr. HOPPIN, Hon. A. MORRISON and Mr. WEEKES - 16.

Notes: Mr. ADAMS, Mr. MOTTLEY, Mr. FORDE, Mr. BOLDEN and Mr. HINDS - 5.

Clause 26 was called.

Hon. C. E. TALMA:
Mr. Chairman, I beg to move that Clause 26 stand part.

Hon. G. G. FERGUSSON:
I beg to second that.

Mr. FORDE:
Mr. Chairman, I do not propose to prolong the House on this matter. Were it not for the fact that, this morning we had a discourse from the hon. member for St. Andrew which would appear to have gone unanswered to some extent from this side, I would not particularly wish to talk on the matter. It concerns the attitude towards the accountability of the Public Service and the role in which the Government should have some influence on the direct management of the Public Service.

Now, this is an area in which I believe many people have genuinely differed. The experience of some countries like Guyana has led them to create a Ministry of the Public Service because they have been some genuine complaints that certain people who are near to policy making have not always been working up to the optimum part of efficiency. It is probably difficult to know where exactly to draw the line, but I think that people must also understand that one of the reasons for restriction on certain officer has been, not a fear now but the practice of political patronage and influence which have crept into the Government of the countries of the Commonwealth Caribbean.

Now, I do not want to belabour this point too much. It is obvious that whatever I say we will still be voted down, but I would like to leave this thought with members. Willy-nilly Governments change. They either change by the correct constitutional changes; they may be changed by revolution, or they may be changed because after a period of time the Government itself goes into desuetude, internal bickerings, old age, and that sort of thing. One of the dangers that we must be conscious of in Barbados is that if you create top civil servants and your junior civil servants as well being subjected to direct political appointment, invariably you are are going to get a system where some people believe that they owe allegiance not only in its strict and proper constitutional sense to the particular political head, but also to his political party as a whole. That has been a genuine fear in the Caribbean, and I sometimes believe that we have not given the present system an adequate time to be properly worked.

I have heard various complaints made about the functioning of the Public Service Commission. I have said from my very limited experience of that body that we could increase its efficiency by making it full-time and fully executive. I have said that we should have a permanent tribunal which deals with the disciplining of civil servants and that Ministers should make complaints, as they very infrequently do, to the Public Service Commission where they find that there is not an optimum performance. I myself, whilst I sat there for a limited time, had not one complaint coming from one Minister. I said publicly, and I am big enough to repeat it in here, that during my time on the Public Service Commission I, personally, and the Public Service Commission have never had any pressure put on us by the Prime

Minister or, indeed, the Government. 12. 30 a. m.

I want to make that absolutely clear. I found that when we had to consult with him we consulted with him, but I think I can also say without fear of contradiction that certainly as a body when I was there, we have never had any complaint coming from any Minister about the efficiency or lack of efficiency of a particular Civil Servant, I do not think that you should condemn a system if you yourself are not making the system work, and if you yourself have not used the levers available to you to prise open the system, I am certainly not as hopeful as the hon. member for St. Andrew happens to be that a change of appointment all the way down the line is going to be the answer to this problem. I am not hopeful about that at all, because one of the complaints I remember the D. L. P. Government making when it come into power was that there was one particular Civil Servant who must remain anonymous whom they considered was frustrating their policies, because they said he had allegiance to the Barbados Labour Party. Any new Government who comes in and feels that there are top Dems they might likewise feel it incumbent on them to at least victimise that particular person. I again regret that we did not look for alternative methods rather than hasty methods of dealing with this sort of problem which has occurred. I am not convinced that the public boards where the Ministers have more say than in the personnel matters of the Civil Service have performed any better in terms of efficiency. The problem of the Civil Service is the general problem of trying to re-educate the community into the use of its time, into making people recognise that dedication is still a word that one can live up to, into motivating them, and you are certainly not going to motivate them simply by believing that having the power to appoint without the power to fire as we are being asked to do here is all that is necessary.

I have seen very learned theses on this matter done in the United Nations. Hon. members may care to know that the United Nations has put out several documents on the question of the public service. I myself before I entered public life on the political side always thought it necessary to move to a Ministry of Public Service because I believe that there should be some Ministry rather than a mere Establishments Division which looked in general at organisation and methods and productivity problems in the public service as a whole. I still defy hon. members to recommend any system which has proven better than a system of having the Civil Servant not only with security of tenure but feeling that he has an equal chance of appointment regardless of what his political persuasions may be. This is going to go through this time. I believe, however, that when the Government or successive Governments have had an opportunity to see the damage which can be done to Civil Service morale, they may think a second time.

There were many competent officers in the Government who have resigned from the Civil Service because they felt that they were being put to undue pressure sometimes by Ministers wrongly. I myself and the Commission I sat on have tried to persuade one such officer to remain in the service. He and his Minister did not get along, but he was a good officer. There were no complaints - we investigated as thoroughly as we could - that we could find against this particular officer and we tried to say we would remove him if necessary. I have heard allegations of other officers who are incompetent who have the ears of Ministers and who run with news, the sort of news carrying that I heard being recited as

justification for matters, officers running and reporting on their superiors. That is wrong. I have seen in the foreign division that a junior officer took umbrage over a matter being done by the Permanent Secretary, and the Permanent Secretary was the person with whom we had to consult for an appointment and he was victimised. We saved him on the Commission.

Sometimes, Mr. Chairman, particularly during this debate when I have had to defend myself on personal grounds, I regret very much that I probably did not remain on a body like the Public Service Commission to make the Government satisfied that it could work with people who, no matter if they disagree with you, genuinely want to see our country progress, but perhaps history has a way of propelling us where it wants us to go, and this debate has satisfied me of one thing, that rather than, as I had undertaken to my wife, removing from public service, I am staying in it with the purpose if only of dealing with this particular section. Not that I am going back on any commitment to her, but it has certainly convinced me that you have to stand up and fight for what is right against all might which thinks it is right.

The question that Clause 26 stand part, was put and resolved in the affirmative, the House dividing as follows:

Ayes: Rt. Hon. E. W. BARROW, Hon. C. E. TALMA, Hon. G. G. FERGUSSON, Mr. WALCOTT, Hon. F. G. SMITH, Dr. the Hon. R. B. CADDLE, Hon. L. E. SANDIFORD, Hon. P. M. GREAVES, Hon. A. MORRISON, Hon. P. G. MORGAN, Mr. GREAVES, Mr. MAXWELL, Mr. EDWARDS, Mr. SPRINGER, Mrs. EASTMOND, Mr. HOPPIN and Mr. WEEKES - 17.

Notes: Mr. ADAMS, Mr. MOTTLEY, Mr. HINDS, Mr. FORDE and Mr. BOLDEN - 5.

Clause 27 was called.

Hon. C. E. TALMA:
Mr. Chairman, I beg to move that Clause 27 stand part.

Hon. G. G. FERGUSSON:
I beg to second that.

The question was put and resolved in the affirmative, the House dividing as follows:

Ayes: Rt. Hon. E. W. BARROW, Hon. C. E. TALMA, Hon. G. G. FERGUSSON, Mr. WALCOTT, Hon. F. G. SMITH, Dr. the Hon. R. B. CADDLE, Hon. L. E. SANDIFORD, Hon. P. M. GREAVES, Hon. P. G. MORGAN, Mr. GREAVES, Mr. MAXWELL, Mr. EDWARDS, Mr. SPRINGER, Mrs. EASTMOND, Mr. HOPPIN, Hon. A. MORRISON and Mr. WEEKES - 17.

Notes: Mr. ADAMS, Mr. MOTTLEY, Mr. HINDS, Mr. FORDE and Mr. BOLDEN - 5. 12. 40 a. m.

Clause 28 was called.

Hon. C. E. TALMA:
I beg to move that Clause 28 stand part.

Hon. G. G. FERGUSSON:
I beg to second that.

The question was put and resolved in the affirmative, the Committee dividing as follows:

Ayes: Rt. Hon. E. W. BARROW, Hon. C. E. TALMA, Hon. G. G. FERGUSSON, Hon. A. MORRISON, Hon. P. M. GREAVES, Dr. the Hon. R. B. CADDLE, Hon. L. E. SANDIFORD, Hon. F. G. SMITH, Hon. P. G. MORGAN, Mr. E. GREAVES, Mr. MAXWELL, Mr. WALCOTT, Mr. EDWARDS, Mr. SPRINGER, Mrs. EASTMOND, Mr. HOPPIN and Mr. WEEKES - 17.

Notes: Mr. ADAMS, Mr. MOTTLEY, Mr. HINDS, Mr. FORDE and Mr. BOLDEN - 5.

Clause 29 was called.

Hon. C. E. TALMA:

I beg to move that Clause 29 stand part.

Hon. G. G. FERGUSSON:
I beg to second that.

The question was put and resolved in the affirmative, the Committee dividing as follows:

Ayes: Rt. Hon. E. W. BARROW, Hon. C. E. TALMA, Hon. G. G. FERGUSSON, Hon. A. MORRISON, Hon. P. M. GREAVES, Dr. the Hon. R. B. CADDLE, Hon. L. E. SANDIFORD, Hon. F. G. SMITH, Hon. P. G. MORGAN, Mr. E. GREAVES, Mr. MAXWELL, Mr. WALCOTT, Mr.

EDWARDS, Mr. SPRINGER, Mrs. EASTMOND, Mr. HOPPIN and Mr. WEEKES - 17.

Notes: Mr. ADAMS, Mr. MOTTLEY, Mr. HIND0, Mr. FORDE and Mr. BOLDEN - 5.

Clause 30 was called,

Hon. C. E. TALMA:
I beg to move that Clause 30 stand part.

Hon. G. G. FERGUSSON:
I beg to second that.

The question was put and resolved in the affirmative, the Committee dividing as follows:

Ayes: Rt. Hon. E. W. BARROW, Hon. C. E. TALMA, Hon. G. G. FERGUSSON, Hon. A. MORRISON, Hon. P. M. GREAVES, Dr. the Hon. R. B. CADDLE, Hon. L. E. SANDIFORD, Hon. F. G. SMITH, Hon. P. G. MORGAN, Mr. E. GREAVES, Mr. MAXWELL, Mr. WALCOTT, Mr. EDWARDS, Mr. SPRINGER, Mrs. EASTMOND, Mr. HOPPIN and Mr. WEEKES - 17.

Notes: Mr. ADAMS, Mr. MOTTLEY, Mr. HINDS, Mr. FORDE and Mr. BOLDEN - 5.

Clause 31 was called.

Hon. C. E. TALMA:
I beg to move that Clause 31 stand part.

Hon. G. G. FERGUSSON:
I beg to second that.

The question was put and resolved in the affirmative, the Committee dividing as follows:

Ayes: Rt. Hon. E. W. BARROW, Hon. C. E. TALMA, Hon. G. G. FERGUSSON, Hon. A. MORRISON, Hon. P. M. GREAVES, Dr. the Hon. R. B. CADDLE, Hon. L. E. SANDIFORD, Hon. F. G. SMITH, Hon. P. G. MORGAN, Mr. E. GREAVES, Mr. MAXWELL, Mr. WALCOTT, Mr. EDWARDS, Mr. SPRINGER, Mrs. EASTMOND, Mr. HOPPIN and Mr. WEEKES - 17.

Notes: Mr. ADAMS, Mr. MOTTLEY, Mr. HINDS, Mr. FORDE and Mr. BOLDEN - 5.

Clause 32 was called.

Hon. C. E. TALMA:
I beg to move that Clause 32 stand part.

Hon. G. G. FERGUSSON:
I beg to second that.

• The question was put and resolved in the affirmative, the Committee dividing as follows:

Ayes: Rt. Hon. E. W. BARROW, Hon. C. E. TALMA, Hon. G. G. FERGUSSON, Hon. A. MORRISON, Hon. P. M. GREAVES, Dr. the Hon. R. B. CADDLE, Hon. L. E. SANDIFORD, Hon. F. G. SMITH, Hon. P. G. MORGAN, Mr. E. GREAVES, Mr. MAXWELL, Mr. WALCOTT, Mr. EDWARDS, Mr. SPRINGER, Mrs. EASTMOND, Mr. HOPPIN and Mr. WEEKES - 17.

Notes: Mr. ADAMS, Mr. MOTTLEY, Mr. HINDS, Mr. FORDE and Mr. BOLDEN - 5. 12. 50 a. m.

Clause 33 was called.

Hon. C. E. TALMA:
Mr. Chairman, I beg to move that Clause 33 stand part.

Hon. G. G. FERGUSSON:
I beg to second that.

The question was put and resolved in the affirmative the Committee dividing as follows:

Ayes: Rt. Hon. E. W. BARROW, Hon. C. E. TALMA, Hon. G. G. FERGUSSON, Mr. WALCOTT, Hon. F. G. SMITH, Dr. the Hon. R. B. CADDLE, Hon. L. E. SANDIFORD, Hon. P. M. GREAVES, Hon. P. G. MORGAN, Mr. E. E. GREAVES, His Honour N. G. A. MAXWELL, Mr. A. DaC. EDWARDS, Mr. J. B. SPRINGER, Mrs. G. L. EASTMOND, His Honour C. A. E. HOPPIN, Hon. A. MORRISON and Mr. R. StC. WEEKES - 17.

Notes: Mr. J. M. G. M. ADAMS, Mr. E. D. MOTTLEY, Mr. HINDS, Mr. FORDE and Mr. C. L. BOLDEN - 5.

Clause 34 was catted.

Hon. C. E. TALMA:

I beg to move that Clause 34 stand part, Mr. Chairman.

Hon. G. G. FERGUSSON:
I beg to second that.

The question was put and resolved in the affirmative the Committee dividing as follows:

Ayes: Rt. Hon. E. W. BARROW, Hon. C. E. TALMA, Hon. G. G. FERGUSSON, Mr. WALCOTT, Hon. F. G. SMITH, Dr. the Hon. R. B. CADDLE, Hon. L. E. SANDIFORD, Hon. P. M. GREAVES, Hon. P. G. MORGAN, Mr. E. E. GREAVES, His Honour N. G. A. MAXWELL, Mr. A. DaC. EDWARDS, Mr. J. B. SPRINGER,

Mrs. G. L. EASTMOND, His Honour C A. E. HOPPIN, Hon. A. MORRISON and Mr. R. StC. WEEKES - 17.

Notes: Mr. J. M. G. M. ADAMS, Mr. E. D. MOTTLEY, Mr. HINDS, Mr. H. deB. FORDE and Mr. C. L. BOLDEN - 5.

FURTHER AMENDMENT

Hon. C. E. TALMA:
Mr. Chairman, there is a further amendment. Insert immediately after clause 34 the following as Clause 35 "Commencement. 35. This Act shall come into operation on such day as the Governor General may appoint by proclamation. "

I beg to move that Clause 35 be added, and in doing that, Sir, the necessary insertion will be made in the Arrangement of Sections, 35, Commencement. That will be done by the Clerk.

Hon. G. G. FERGUSSON:

I beg to second the motion.

The question was put and resolved in the affirmative without division.

Hon. C. E. TALMA:
Mr. Chairman, I beg to move that Clause 35 be now read a second time.

Hon. G. G. FERGUSSON:
I beg to second that.

The question was put and resolved in the affirmative without division.

Hon. C. E. TALMA:
Mr. Chairman, I beg to move that Clause 35 be added to the Bill.

Hon. G. G. FERGUSSON:
I beg to second that.

The question was put and resolved in the affirmative the Committee dividing as follows:

Ayes: Rt. Hon. E. W. BARROW, Hon. C. E. TALMA, Hon. G. G. FERGUSSON, Mr. WALCOTT, Hon. F. G. SMITH, Dr. the Hon. R. B. CADDLE, Hon. L. E. SANDIFORD, Hon. P. M. GREAVES, Hon. P. G. MORGAN, Mr. E. E. GREAVES, His Honour N. G. A. MAXWELL, Mr. A. DaC. EDWARDS, Mr. J. B. SPRINGER, Mrs. G. L. EASTMOND, His Honour C. A. E. HOPPIN, Hon. A. MORRISON and Mr. R. StC. WEEKES - 17.

Notes: Mr. L. S. CRAIG, Mr. J. M. G. M. ADAMS, Mr. E. D. MOTTLEY, Mr. W. C. B.

HINDS, Mr. H. deB. FORDE and Mr. C. L. BOLDEN - 6.

Hon. C. E. TALMA:
Mr. Chairman, I beg to move that Your Honour do now report the passing of one Bill, as amended, in Committee.

Hon. G. G. FERGUSSON:
I beg to second that. 1 a. m.

The question that the Chairman do now report the passing of one Bill, as amended, in Committee was put and resolved in the affirmative, the Committee dividing as follows: -

Ayes: Rt. Hon. E. W. BARROW; Hon. C. E. TALMA; Hon. G. G. FERGUSSON; Mr. WALCOTT; Hon. F. G. SMITH; Dr. the Hon. R. B. CADDLE; Hon. L. E. SANDIFORD; Hon. P. M. GREAVES; Hon. P. G. MORGAN; Mr. GREAVES; Mr. EDWARDS; Mr. SPRINGER; Mrs. EASTMOND; Mr. HOPPIN; Hon. A. MORRISON and Mr. WEEKES-16.

Notes: Mr. CRAIG, Mr. ADAMS; Mr. MOTTLEY; Mr. HINDS; Mr. FORDE and Mr. BOLDEN-6.

Mr. Chairman reported to Mr. Speaker who resumed the Chair and reported accordingly.

Hon. C. E. TALMA:
Mr. Speaker, I beg to move that this Bill, as amended, be now read the third time.

Hon. G. G. FERGUSSON:
I beg to second that.

Mr. ADAMS:
Mr. Speaker, we have come to the end of a long day's journey into night, and the views of members of the Opposition are exactly the same that this Bill should never have come before the House in the way in

which it has. To deal more fully with a subject which I canvassed on an occasion when it was less appropriate, there have been a number of years of constitutional amendments in this country. I have outlined one or two. In the 1880s the Executive Committee was introduced; in 1946 the Bushe experiment; then Ministerial Government; then 1961 full internal self-government, when the Governor was removed from Cabinet discussions; in 1964 when the Senate replaced the Legislative Council; in 1966 Independence. In between we have payment of members in 1948 and 1949 and several Bills were passed and some were thrown out by the Senate, by the Legislative Council, and we have also had various alterations in the Letters Patent, which created the Constitution of Barbados back in the 1630s, which restrained the power of the Legislative Council to destroy legislation passed by the popular House,

Now, in all of these cases, so far as I know, there was opportunity for public discussion before the decisive Act, if it involved legislation, was initiated. Payment of members was manifestoed by the Barbados Labour Party. I remember a columnist in the newspaper called Mr. Joseph Broom commenting on how the Payment of Members Act was railroaded through the House of Assembly but aeroplaned out of the Council. I well remember reading the Advocate on the morning his words of glee at thinking that hon. members of this House should not be paid. At all stages, I suggest, the public had been taken into the confidence of the political leadership. We have heard more misleading statements from the Prime Minister about the circumstances in which...

Mr. WALCOTT:

Mr. Speaker, I rise to a point of order. On the third reading now you will have to consult Mays. The hon. member cannot raise any matter that has been raised before. It has to be new matter. Any matter that has been raised before will be completely out of order, because he will be raising the same matter that has been raised in the same debate and it would be repetition of the same argument that has been raised. If he is speaking on why this Bill should not be read a third time, he will have to bring new arguments. (Asides.)

Mr. Speaker, what the Prime Minister said in Committee cannot now be replied to.

Mr. SPEAKER:

Proceed.

Mr. ADAMS:

Thank you, Sir. My reading of Erskine Mays is that on the third meeting the member shall not introduce new matter. Is it only because it is after one o'clock at night and the hon. member is wrong?

Mr. WALCOTT:

I ask the hon. member to introduce Mays.

Mr. ADAMS:
The hon. member does not understand the Rules he came in here under are not the Rules now.

Mr. SPEAKER:
Proceed.

Mr. ADAMS:
Thank you, Sir. The Barbados Labour Party is accused of an historic inconsistency in so far as we introduced Ministerial Government without consulting anyone. I have been able to run down, with the asssitance of the hon. member for St. Michael West, the time table of Ministerial Government. Just to give you an example of how we handled things. The Executive Committee, apparently, started to discuss this soon after the 1951 election. That was an important election.

Rt. Hon. E. W. BARROW:
On a point of privilege, Mr. Speaker. I would like to know how the hon. member would get access to the proceedings of the Executive Committee which are covered by the Official Secrets Act. From where does he get his information? He has no authority for coming in here and saying that the Executive Committee began to discuss a matter on such and such a date, because he is not privy to those matters. If he were privy it would be covered by the Official Secrets Act. He said that, Sir.

Mr. ADAMS:
I wish I could speak without interruption, Sir. He gets up on a point of privilege. Whose privilege? The Executive Committee's privilege of which he was never a member? There is a document here that indicates he very nearly was. Apparently the Executive Committee discuss this, because on Labour Day 1952 Mr. G. H. Adams, as he then was announced to the public at the Barbados Workers' Union annual get-together that the Executive Committee had sent a memorandum to the Colonial Office calling for the introduction of Ministerial Government. This came under fire on the 18th October, 1952, at a meeting of the Barbados Labour Party's Council held at the Union building, with Mr. G. H. Adams in the Chair. 1. 10 a. m.

Among those present were Mr. F. L. Walcott, Mr. J. C. Tudor, Mr. L. E. Smith, Mr. A. E. S. Lewis, Mr. C. E. Talma, Mr. E. Holder, Mrs. E. Bourne, Mr. F. G. Smith, Mr. L. A. Williams, Mr. E. W. Barrow. I do not know if these are all the same people. I am only reading from Minutes, but a number of hon. members who are present in the House if they happen to correspond with these persons here then

present can confirm or deny the facts. Mr. Lewis recited the fact that this announcement had been made at Labour Day and he said there were sixteen members of the party in the House and they had not been consulted before hand. Much later on Mr. Adams said that at that stage he had considered that he only had to consult the Executive Council. Now this took place on the 18th October, 1952.

In July 1953 Mr. Adams and the hon. member for St. Michael West who is not now in his place went to Stockholm and Mr. Adams left the hon. member in Stockholm and at this time the Prime Minister and the hon. member were not on comfortable speaking terms because the Prime Minister was complaining to the Labour Party Executive that he was being attacked in this Chamber by the hon. member for St. Michael West. In July 1953 Mr. Adams and the hon. member for St. Michael West went to Stockholm. Mr. Adams left the hon. member in Stockholm and held discussions with the Colonial Office about this matter.

Rt. Hon. E. W. BARROW. On a point of order, the member for St. Thomas has read from a document and I respectfully submit he is not entitled to read from that document unless he is prepared to make it a document of the House in accordance with Standing Orders, because members on this side or even on his own side have no means of checking the accuracy of what he is saying. I do not remember what the relevant Standing Order is, but any member who reads a document has to be prepared to make it a document of the House

Mr. SPEAKER:
I think he is only referring to it.

Mr. ADAMS:
I have not read from it, Sir. I am referring to it. But I should just like to make a statement about this if I can possibly...

Rt. Hon. E. W. BARROW On a point of order, I would just like to remind you that the hon. member read out the names from the document of those present at the meeting among which was my name, and I would like to check that record.

Mr. SPEAKER:
I do not think he has to make it a document of the House. He was only refreshing his memory. He does not have to make it a document of the House.

Rt. Hon. E. W. BARROW Oh, he was only refreshing his memory. That is a very convenient ruling.

Mr. ADAMS:
People keep on interrupting.

Rt. Hon. E. W. BARROW. On a further point of order, in view of the fact that he was not at the meeting, I do not see how he could be refreshing his memory on what took place at that meeting. He would have to be reading and getting authenticity or giving the colour of authenticity from what he was reading from the document. He was not at that meeting.

Mr. ADAMS:
Sir, I have been interrupted so often. The Prime Minister heard me say that at some time he is going to get certain documents. I referred earlier to records of the Barbados Labour Party because he has alleged at another time that some of those Minutes were not confirmed. I have every intention of making these Minutes available to every single person now alive who was present at the meeting. It is only a matter that it will take time to duplicate them. If it is wanted to make them a document of the House and you care to have them photostated, you can have them now.

Mr. WALCOTT:
On a point of order, none of these things have any relevance on the third reading. May makes it specific. The Minutes of the meeting of the Bar Council or the Barbados Labour Party has nothing to do with why this Bill should not be now read a third time. It is not germaine to the issue.

Mr. SPEAKER:
Please cite the passage.

Mr. WALCOTT:
On page 467 of Erskine May, the Eighteenth Edition, under "Opposition to Third Reading", it is stated

"In the case of bills which have given rise to considerable discussion on the previous stages, a debate

may take place on the third reading, in which the nill is finally reviewed. The motion for the third reading may be opposed and amendments of a reasoned or a delaying character may be moved against it in the same way as upon the second reading. "

And under "Amendments on Third Reading", it is stated:

"The Lords have never prohibited the moving of amendments on third reading. There are however, two restrictions on amendments at this stage: first, no amendment, not even of a purely drafting nature, may be moved without notice (Recommendation of the Procedure Committee)" - same as in our Standing Orders - "and secondly no amendment which has been discussed and decided upon at an earlier stage may be moved again on third reading. "

Now, Mr. Speaker, the Minutes of the Barbados Labour Party or the Minutes of the Bar Council would have nothing to do with the third reading of this Bill. It has no relevance to why this Bill should not how be read a third time; so

I do not see how the hon. member can import that into the third reading.

Mr. SPEAKER:
Could you please pass the relevant quotation?

Mr. WALCOTT:
I want to draw attention also to page 531 where it is stated that debate on the third reading is more restricted than at the earlier stage, being limited to the contents of the bill; and reasoned amendments which raise matters not included in the provisions of the bill are not permissable.

I only raise this because I am sure Your Honour will agree with me that what happened at the Barbados Labour Party meeting in 1952 and what happened at the Bar Council could not now be relevant on the third reading other than as a delaying tactic, but I am sure Your Honour will agree it is a delaying tactic, and while it may be a permissable filibustering method, Your Honour cannot permit that.

Mr. SPEAKER:
I am indebted to the hon. member for bringing this to my knowledge. I direct the hon. member opposite to confine his remarks to the contents of the Bill.

Mr. ADAMS:

Yes, Sir. I have tried so very hard to confine my remarks not to saying what should be in the Bill. The customary thing as I have always understood it based upon May, and since submissions were made to you by the hon. member I hope Your Honour will hear my submission, is that the real division between third reading and second reading is that at second reading you can say what should be in the Bill, what they failed to put in, but at third reading you can only deal with the contents of the Bill. But what is in the Bill can always be supported, contra or pro, by argument. On the second reading you argue about what is in the Bill and why it should be passed and why it should not be passed, and you support it by argument. The Prime Minister argued that we should pass it in this way because it was always done in this way without consultation.

Rt. Hon. E. W. BARROW:

On a point of personal explanation, that is absolutely incorrect. I have never at any time urged that this Bill should be passed in a particular way, because it was always done in this way. In the first place this is the first time in the history of Barbados that we are dealing with amendments to an independence Constitution of Barbados. We have dealt with amendments to the Letters Patent and the Royal Instructions in 1964 inferentially by the Bills, but I have never at any time urged what the hon. member said. I merely pointed out at one stage that the Ministerial system of Government was introduced in a certain manner, and I still say that there was no public or any other kind of debate even within the party. There was protest in the party, but there was no debate. That is all I said, and I mentioned something that took place in the United Kingdom. 1. 20 a. m.

Mr. ADAMS:

What I cannot understand is how I could be so sure. Members are talking about filibustering. Is it that the Prime Minister cannot bear the thought of another contradiction? I am not going to read out the part which says that his conduct was the antithesis of a proper education in that he sneered at Cox and Walcott. I know that this is what he does not want read out, but I am not going to deal with that. If he wants it made a document of the House he can have it. That is how he treated the hon. member and how he treated Mr. M. E. Cox - insulted them for lack of education. I can make it a document of the House and let it be shown what kind of man he is.

Sir, I am being as short as I possibly can. The chronology is as I have it set out. It was announced on Labour Day, 1952. On October 18 there were objections because the Party had not been consulted before the public. The incident to which the Prime Minister referred took place in July 1953 when the hon. member for St. Michael West and Grantley Adams went to Stockholm and then to London, so the Prime Minister could not be correct in 'saying that he heard it for the first time from the hon. member for St. Michael West. He already knew it for 10 months when the consultation in London, of which I had some little knowledge, about the title of Premier and Chief Minister took place, and I do not believe that the two hon. members were on such good terms then that the hon. member for St. Michael West would run with any news to the Prime Minister; but, Sir, that is how it was started.

It was said that our Party's policy was inconsistent because in the past we never consulted with anybody. That was the point on that. The point is that the Workers' Union was informed on May Day 1952 about something that took place in March 1954 and there was public discussion for nearly two years before Ministers were appointed in Barbados. There was discussion in the same ranks of the Labour Party about it. There was discussion among members of the public before anything was brought into Parliament. That is the whole point.

The Advocate newspaper is replete with references to the failure of the Bushe Experiment and the undersirability about having a Ministerial system in Barbados, that we were not ready for it. It is simply not true to say that there was no consultation. The Barbados Labour Party waited two years - it was more than two years from the time the executive would have discussed it.

The hon. member for St. Michael West could enlighten us on that were it not for the Official Secrets Act; but it must have been more than two years before this decision to have a Ministerial system and its introduction; and in England I could hear the reverberations about how you would have Ministers, a Premier, a Chief Minister and so on. I was not even resident in Barbados then. I did not come here for those years at all. So it is untrue to say that the Prime Minister was first informed of it in July 1953.

Rt, Hon. E. W. BARROW:

I wonder if he would supply the minutes where there was a discussion in the Labour Party or outside of it with any of the three members here present or any member of the Labour Party apart from the protest that they were not consulted; because after that there was no meeting of the Barbados Labour Party that I can remember. For several months we were locked out every Sunday night. I cannot remember when the Sunday night locking out started, but we were locked out. They said that no discussion should take place.

Mr. ADAMS:

Obviously, the hon. member for St. George South has some honourable predecessors both in and out of Parliament, if the Prime Minister is saying that members' behaviour was such that they could not be trusted to come to meetings for a long period. I think the period is longer than seven months.

Mr. SPEAKER:

Your time is up,

Mr. ADAMS:
With all the interruptions? You do not have injury time and stoppage time in this, Sir, I would not worry with that. We are still urging hon. members not to vote for this Bill.

The question that the Bill be read a third time was put and resolved in the affirmative, the House dividing as follows:

Ayes: Rt. Hon. E. W. BARROW, Hon. C, E. TALMA, Hon. G. G. FERGUSSON, Hon. A. MORRISON, Hon. P. M. GREAVES, Dr. ?he Hon. R. B. CADDLE, Hon. L. 1. SANDIFORD, Hon. F. G. SMITH, Hon. P. G. MORGAN, Mr. LOWE, Mr. WALCOTT, Mr. EDWARDS, Mr.

SPRINGER, Mrs, EASTMOND, Mr. HOPPIN, Mr, E. GREAVES and Mr. WEEKES-17.

Notes: Mr, ADAMS, Mr. MOTTLEY, Mr. HINDS, Mr. FORDE and Mr. BOLDEN -5.

Hon. C. E. TALMA:
Mr. Speaker, I beg to move that this Bill as amended do now pass and be cited as the Barbados Constitution (Amendment) Act, 1974, and that Your Honour give a certificate to prove that the two thirds voting strength voted for this Bill at the various stages throughout, but definitely on the second reading and the final stages of the Bill.

Hon. G. G. FERGUSSON:
I beg to second that.

The question was put and resolved in the affirmative, the House dividing as follows:

Ayes: Rt. Hon. E. W. BARROW, Hon. C. E. TALMA, Hon. G. G. FERGUSSON, Hon. A. MORRISON, Hon. P. M. GREAVES, Dr. the Hon. R. B. CADDLE, Hon. L. E. SANDIFORD, Hon. F. G. SMITH, Hon. P. G. MORGAN, Mr. LOWE, Mr. WALCOTT, Mr. EDWARDS, Mr. SPRINGER, Mrs. EASTMOND, Mr. HOPPIN, Mr. E. GTEAVES and Mr. WEEKES-17.

Notes: Mr. ADAMS, Mr. CRAIG, Mr. MOTTLEY, Mr. HINDS, Mr. FORDE and Mr. BOLDEN-6. 1.

30 a. m.

Mr. ADAMS:
Sir, I understand that it was moved that this Bill be now passed and so cited, and reference was also made to a certificate. I would point out that there is no part of the amended Bill which says anything about a certificate.

The question was put and resolved in the affirmative, the House dividing as follows:

Ayes: Rt. Hon. E. W. BARROW, Hon. C. E. TALMA, Hon. G. G. FERGUSSON, Mr. F. L. WALCOTT, Hon. F. G. SMITH, Dr. the Hon. R. B. CADDLE, Hon. L. E. SANDIFORD, Hon. P. M. GREAVES, Hon. P. G. MORGAN, Mr. E. E. GREAVES, His Honour N. G. A. MAXWELL, Mr. A. DaC. EDWARDS, Mr. J. B. SPRINGER, Mrs. G. L. EASTMOND, His Honour C. A. E. HOPPIN, Hon. A. MORRISON, and Mr. R. StC. WEEKES-17.

Notes: Mr. L. S. CRAIG, Mr. J. M. G. M. ADAMS, Mr. E. D. MOTTLEY, Mr. W. C. B.

HINDS, Mr. H. deB. FORDE and Mr. C. L. BOLDEN-6.

Mr. SPEAKER:
I therfore declare this Bill duly to have been passed.

GOVERNMENT BUSINESS CONCLUDED

Hon. C. E. TALMA:
Mr. Speaker, this now concludes Government Business for the day's Sitting.

I beg to move that the House do now adjourn until Tuesday 10th September, 1974 at 12 noon.

Hon. G. G. FERGUSSON:
I beg to second that.

Mr. SPEAKER:
Before I put the question I would like to thank members of the Reportorial Staff for having worked such long hours, longer than they are normally called upon to work, and having worked so hard.

Rt. Hon. E. W. BARROW:
Mr. Speaker, I should like to endorse your remarks and to recommend that Your Honour consider the question of an honorarium for members of the Reportorial and the other staff of the House, for the amount of overtime which they have put in beyond the call of duty.

Mr. SPEAKER:
I shall certainly put this to the Debates Committee.

Mr. ADAMS:
Mr. Speaker, I would like to join with the Prime Minister in thanking all those who have made it possible for the Meeting to continue in this manner, without complaint and with every appearance of industry and confidence.

Many of us here are not young men and twenty five minutes to two in the morning is a late hour for any Sitting that started at ten o'clock, and certainly, I am sure that the Opposition's representatives on the Debates Committee will join in this matter.

The question that the House do, now adjourn until Tuesday 10 September, 1974 at 12 Noon was put and resolved in the affirmative without division, and Mr. SPEAKER adjourned the House accordingly. 1. 35 a. m.