



Chapter 5

Suspension and Exile

MOTION FOR CHAPTER V

SUSPENSION AND EXILE

In 1950, The Bahamas Bar Association consisted of a majority of white and a few black men who regarded the colonialist regime as the best of all possible worlds. During my few years as a practicing member of the Bar, I observed three fundamental problems in the legal system which cried out for reform: the unequal access to representation of the poor before the legal system; the lack of appreciation, even among lawyers, for the law as an instrument for social and economic change; and the urgent need of a Court of Appeal within the financial reach of Bahamians that would correct the mistakes of the Supreme Court. Towards all these needs, the Bar Association adopted a band-aid approach.

Perhaps I had been reading too many biographies, but while I was young, I wanted to do as much as I could to advance the freedom of my people. The big question was, "Where do I start?"

My heart answered, "Start right where you are, the judiciary. That branch of government is as much in need of reform as any."

Through the courtesy of Norman Washington Manley and Basil Rowe, I obtained a copy of the constitution of the Jamaican Bar Association and adapted it to our own local situation. These new rules were later examined by a committee consisting of Frederick Southworth, the Bahamian Attorney General with a background of colonial service in Africa; A. K. Solomon, King's Counsel; the Honourable A. F. Adderley, a leading advocate at the Bar; Donald Bruce McKinney, a socialite member of the House of Assembly and I. On May 18, 1953, the constitution was finally adopted and a number of committees were appointed to study the various aspects of legal and social reforms.

For a while it appeared as if new life had been infused into the old body. Members of the Bar seemed to understand that positive social and economic change meant more than legal services to help the poor resolve their mental problems, more than settling their personal injury claims and the compromise of land and tenant disputes. They appeared willing to tackle issues of broader socio-economic impact such as consumer protection, labour unions, cooperatives, companies, taxation and inheritance of real and personal property. I was encouraged to believe that they would take a stand for social justice.

But this new spirit was short-lived. After the adoption of the new constitution, the Bar Association began to drag its feet on such questions as the Court of Appeal, women on juries, the abolition of the special (white) all male jury system and legal

aid to the poor. I therefore decided to sponsor three petitions: one to the House of Assembly, one to His Excellency, the Governor-General and finally an urgent request to Her Majesty, Queen Elizabeth II herself.

On November 13th, 1953, the *Nassau Guardian* carried the following story:

FAWKES PETITION ANSWERED

EFFORT IS UNDERWAY TO ESTABLISH APPEAL COURT FOR BAHAMAS.

“Every effort is being made at the present time to establish a Court of Appeal in The Bahamas in a form suitable to the requirements of the colony and within reach of the colony’s resources,” the Acting Colonial Secretary, Mr. R. N. Noad, stated Tuesday in a communication to Mr. Randol Fawkes, a Nassau attorney.

The letter was a reply to a petition Mr. Fawkes had forwarded to His Excellency, the Governor, addressed to Her Majesty, The Queen on the subject of the establishment of a Court of Appeal in the colony.

CAREFUL CONSIDERATION

In his letter to Mr. Fawkes, the Acting Colonial Secretary stated that he had been directed to inform Mr. Fawkes that “your petition has been laid before Her Majesty who has referred it to the Secretary of State for the colonies who has, by Her Majesty’s command, given careful consideration to it.

“The Secretary of State is advised that appeal may be made to the Privy Council in criminal matters as a result of the granting of special leave to appeal.

“Furthermore, every effort is being made at the present time to establish a Court of Appeal in The Bahamas in a form suitable to the requirements of the colony and within reach of the colony’s resources.”

One result of Her Majesty’s response was a public discussion of the possibilities of affiliating The Bahamas with Bermuda in an Appeal Court, the costs of which could be shared by both colonies. An alternative proposal was that The Bahamas should be associated with the West Indian Court of Appeal. But neither of these proposals were yet to be.

Petition to establish a Court of Appeal

Nassau, N. P.,
Bahamas.

November, 1950.

TO: THE SPEAKER AND MEMBERS OF THE HONOURABLE HOUSE OF ASSEMBLY.

The humble Petition of the undersigned sheweth:

That we, the people of the Bahama Islands, determined to reaffirm faith in the enduring wisdom of the Honourable House of Assembly and in order to insure a fairer measure of British Justice for ourselves and posterity, do hereby commend for the earnest consideration of your Honourable House the advisability of establishing at the earliest possible moment a Court of Appeal.

That under Sections 35 and 36 of the Supreme Court Act, (Chapter 33 of the Statute Law of the Bahama Islands) it is written that an appeal, subject to certain conditions, shall lie to the Privy Council in England from any judgement or order of our Supreme Court.

That during the long history through which this ancient Colony has struggled your Petitioners have noticed and felt that because of the tremendous expense involved there have been relatively few appeals despite the desires of parties concerned to obtain the quintessence of Justice.

That your Petitioners honestly believe that the true administration of Justice is the best guarantee of good government and that the establishment of a Court of Appeal would contribute much toward the happiness of your Petitioners and the welfare of the whole Colony.

That your Petitioners therefore humbly pray that your Honourable House of Assembly will introduce the proper legislative machinery for the establishment of a suitable Court of Appeal in order that equality before the Law may be assured for all the Bahamian people.

And as in duty bound your Petitioners will ever pray,

Randolph J. Lawton

*Bernice Linder
Susan Davis
Alma W. Albany.*

*Olivia P. Coakley
Mrs. E. Wright*

*Peter J. Bethel
Wynne J. Vanderspoor
Mary T. Demeritte
Luziferiana A. Bethel
Elaine A. James
Dorothy Davis
M. G. Nephum
Mrs. Felix Johnson*

*Paul R. Maycock
Shirley J. Wright*

*Dr. M. Bailey Jr.
M. Louise Symonette
Edith L. Thompson
Joanne R. Archer
Rudolph C. Auffreie
Dorothy A. Symonette*

*Olivia E. Ferris
Genevieve Williams
Clara
Mrs. Williams
Coral L. Saylor
John E. Taylor
H.C. Carter
J.P. Williams Jr.
Lillian A. Symonette*

The crying need for an Appeal Court other than the Privy Council in London was dramatically brought home during the trial of a postal civil servant for allegedly stealing thirteen thousand pounds from the Post Office Savings Bank to which he had the means of access by reason of his employment.

In those days, the Post Office Savings Bank was housed in two small rooms measuring 12' x 12'. The lighting was poor, ventilation poor, and heavy books of accounts were usually strewn all over the place. In Nassau, the Government maintained a central accounting office and scattered throughout the Out Islands, there was a network of branch postal banks operated by the local commissioners.

When deposits or withdrawals were made in the branch banks on the Out Islands, the commissioners sent the monies to the Public Treasury in Nassau and the advice notes or withdrawal slips to the postmaster so that the depositors' accounts could be credited or debited with the respective amounts.

This system worked well when the pace of life in The Bahamas was slow. But with the disruption of the Second World War, the working classes shifted from the Out Islands to Nassau and from Nassau to the American farms. This mobility of labour caused a sudden increase in the bank's business. It placed an extra burden on the limited staff and the old-fashioned bookkeeping and auditing facilities. Added to these woes were the frequent delays in the sailing of the mail boats which brought the Out Island ledger sheets and moneyboxes to Nassau.

The end result was that passbooks of Out Islands depositors showed balances different from the amounts of money posted to their accounts in Nassau. To reconcile these differences, a tremendous amount of posting and leg and shoulder work had to be done in comparing the Out Island advice notes or withdrawal slips against the amount of money received by the Public Treasury.

The accounting system of the Public Treasury fared no better than that of the Post Office Saving Bank. On April 29, 1949, *The Nassau Guardian* editorialized:

“Seldom has public's confidence in a government department been so shaken as by what transpired in the Wells' case . That in this connection 'checks' of the labour accounts were made only to the nearest one thousand pounds is a statement that would have been greeted with derisive incredulity had it not been in evidence and taken under oath in court. While all allowances will be made for the difficulties under which the treasury like other government departments carries on its work, owing to shortage of staff, the public will find it hard to believe that the lamentable state of affairs revealed in the Wells' case can thereby be justified. It is clear THAT THE SYSTEM OF BOOKKEEPING USED AT THE TREASURY HAS BEEN THE MAIN CAUSE OF THE TROUBLE.”

Now three years after the Wells' case, another Bahamian was indicted.

I was drawn into the new case like iron filing to a magnet. It would require my putting the whole system on trial. It was the kind of a David and Goliath struggle for which I was born to set aright. When in 1953 this second accused person could find no defence counsel, I accepted the brief with alacrity.

The first week of the case went extremely well. I entertained thoughts of a sensational victory for the defence. During one of my luncheon breaks, however, A. Leon McKinney, the Manager of The People's Penny Savings Bank, whispered, "Randol, I must see you outside court. It's urgent."

Noticing that Mac was overly upset, I said, "Control yourself man or else you'll go to pieces."

"Man, I have just heard from one of the editors of the newspapers that the bosses decided at a dinner party last night that you will be disbarred after this case."

"Disbar me? For what?"

"Man, I don't know," Mac replied, "but you are sure one short li'l man who got some big, powerful enemies. The big boys are now searching the records from the day you were admitted to the Bar to see if they can find something—anything to pin on you."

"Let them search. My life is an open book," I replied. "I am going to do my duty to my client and let the facts speak for themselves."

"Be careful, Randol," Mac advised, "because I understand that the Attorney General and certain senior members of the Bar are trying to pin a charge of unethical conduct on you."

I returned to the courtroom with renewed energy. Throughout a rigid cross-examination, I impaled the postmaster on the sharp points that not only was his department understaffed and overworked but the posting of accounts for Out Islanders and Bahamians on the American farms were not up to date. The postmaster admitted that the true picture of any alleged fraud could not be given until all posting was finished. While the postmaster was admitting that the accounting and auditing systems of both bank and public treasury were at fault, I dragged him forward and backward in bleeding condition until the prosecution was forced to seek leave to amend its charges against the civil servant. I objected, but to no avail.

In the colonial system of justice, the Crown always had the last word. After all the witnesses for the prosecution and the defence had given their evidence, I addressed the jury on behalf of the accused. The Solicitor General followed. The Chief Justice then gave his summation of the law and evidence, after which the all-white special jury retired to consider their verdict.

Within a few hours they returned. In a hushed courtroom, the registrar of the court faced the jury and asked, "Mr. Foreman, Gentlemen of the Jury, have you arrived at a verdict?"

The foreman stood and replied, "We have, Your Honour."

"How say you? Is the accused guilty or not guilty?"

"Your Honour, we find the accused *guilty* on all counts. Unanimous."

I could not believe my ears. But I must have heard correctly, because the Judge then proceeded to pass a sentence of thirteen years imprisonment.

As my client came out of the Prisoner's Box, he shook my hand and said, "Thank you. I am satisfied that the public got to know the whole truth."

In his left hand was a little Bible. On examining it, I found within its pages a sheet of paper on which was scribbled, "Daddy, I know you didn't do it. We shall always love you."

The next day, funds were hurriedly collected to finance an appeal to the Privy Council in England. That afternoon as I ran upstairs to file the appeal in the Registry, I was stopped in my tracks by Jonah F. Greenidge, the bailiff. "Mr. Fawkes, the Attorney General wants you to have this," he said as he served me with a folio of papers on the back of which was printed, "Motion for Suspension". A. Leon McKinney was right. The word had gone forth—"Fawkes must be stopped."

The court was swift to move. I objected to the former chief justice, Sir Oswald Lawrence Bancroft, trying my case because of his hostility towards me during the battle for the Cause List. I took my protest to the Governor but he spurned my objections. I sought the help of my Anglican bishop, Spence Burton. He refused even to say a prayer with me.

After two days of arguments in court, I demanded a trial by jury. "Why ask for a jury, Mr. Fawkes?" Sir Oswald queried. "I took an oath of office this morning. I intend to give you justice."

After this plea failed, I took my life into my own hands and said, "Your Hon-

our, it does not matter how many oaths you have taken or how high the stack of Bibles on which you swear, you cannot do justice in this case. Every inch of me revolts against this.”

One could have heard a pin drop. The Judge was shocked. The coloured people who had packed the courtroom held their breath.

Never before had they heard a black man speak to an all-powerful judge of the Supreme Court in this manner. Further, Sir Oswald called my remarks “contemptuous.”

Gentle Reader, guess what happened? That’s right. I was suspended from practicing law for two years. As I heard the Judge pronounce my doom, I experienced a feeling of utter despair and almost total bewilderment. I felt faint.

In a few years at the bar, I had won the admiration and respect of the masses for being an honest and fearless fighter for social justice. Many had remarked that I had shown promise of becoming one of the great leaders of the country. But now my whole world seemed to be caving in on me. When I finally snapped back to reality, I discovered that the nightmare was fact, not fiction.

Calling upon my untouched reserves of endurance, I gathered my books and proceeded slowly out of court, still despondent, still dejected, still crestfallen. Early that morning, I stood ten feet tall but now I wished I were invisible. In desperation I prayed, “Lord Jesus, help me!”

His answer was immediate. Suddenly, on approaching the eastern exit of the Supreme Court, I heard thunderous shouts, “WE WANT FAWKES! WE WANT FAWKES!!”

As I entered into Bank Lane, I was confronted with a sea of smiling black faces running toward me from every direction. Among them were Robert Maxwell Hanna of Ross Corner, Richard Johnson of Jail Alley, Edgar Bain of Baillou Hill Road, and Martin Luther Rahming who led the chorus of voices and acted as their spokesman, “You have dared to be a Daniel! We want you to speak for us in the House of Assembly the same way you spoke to that judge. We want you to ask the world, ‘Who gave the white man the right to sit in judgement over the black?’ ”

I was overwhelmed by their sincerity and the realization that their agenda coincided with my own plans. As I promised to be available for the general elections of 1956, I felt a lump rise in my throat and goose pimples all over my skin. I knew that try as I might, I could not hold back the tears. I rushed home to acquaint a little lady of the day’s happenings.

The news had preceded me. When I opened the door there was Jackie with our two young babies, Francis and Rosalie. As we all embraced one another, she whispered, "Ran, we heard how courageous you were. We know that you will win a seat in the House of Assembly in 1956."

I sighed as I queried, "Really?"

In an effort to drive her point home, she added, "There is only one path for us to travel now and that's upward."

Jackie then went into the kitchen to prepare dinner. While waiting, I reflected on the surprising show of camaraderie at the courthouse that morning and Jackie's unshakable belief in our future. Happy indeed is he who can find so much peace and love under his own roof.

But the Powers that be had not yet run their course. They were still demanding their pound of flesh. "Overkill" was the word. Within a few days, His Excellency, the Governor, Lord Ranfurly, revoked my notary public licence. A week later my cousin, Ted Glover, the headmaster of Western Senior School, informed me that the Board of Education had refused to approve my election as chairman of the Parent-Teacher Association for the year 1954.

On the evening of February 18th, after I had loaded all my office furniture on the back of a truck, I took one last nostalgic look at my legal aid clinic in which I had shared so much adventure with so many people. As I closed the door, I heard a voice, "Randol!"

Upon turning in the direction of the sound, I saw my cousin Leon Walton Young. He had grown weary with age. "I want you to have this," he said as he handed to me a letter.

I looked at the envelope but before I could thank him he had turned the corner and vanished out of sight. I re-entered my office, locked myself inside and in the silence of the night, I read:

February 18th, 1954

Mr. Randol Fawkes
Nassau.

Dear Randol,

Without entering into the merits or demerits of your recent case in the court of the learned

Chief Justice, Sir Oswald Bancroft, please let me tender my sincere congratulations on the manner in which you acquitted yourself against The Bahamas Bar and the learned Attorney General. You have made history with a big “H”.

I haven't been privileged to follow the case in court as my ailments do not allow me to go around, but I, knowing our country quite well, was able to read between the lines of the press reports and get a fair line up of what happened from day to day.

But the foregoing is not the object of this script, and if I might dare suggest to you, I would not change any of the recent past for any thing I can think of at this moment, for you have been able to make yourself (in the handling of that case) the PEOPLE'S HERO OF THE DAY and the first place in their hearts and minds is yours for the taking. There is absolutely no doubt about their feelings about you, and if you capitalize upon that as I know you can, when the two years expire, you can be a very much bigger man legally, politically and, with corresponding influences in your country than if this thing hadn't happened to you.

The world... this country needs MEN. Long ago they had the sign out that read: WANTED MEN. They have now declared in no uncertain terms that they have found A MAN—RANDOL FAWKES.

You owe gratitude to the fates that sent this thing to you—this very good thing. Thank them and purge your heart of any hatred or bitter feelings against anyone. Such can only retard and hamper the progress I visualize for your immediate future among your people. Doubtless, you will be embarrassed somewhat to find your level. But it's there and you are extremely capable.

Two years, except maybe financially, need not be a very great setback to you even professionally, for many things you can continue to do during that time. Get the people around; those who need advice and information; fix a reasonable fee for such services (that they can't get today). Go among them, to their meetings, societies, cultivate them; they need you, want you. Do not let them want you in vain. Do not lose the opportunity and hold high your head. How I envy you, your age and what your future can be.

Let me remind you in all your undertakings to put your hand in God's. Secretly in your prayers, go to Him at nights. Let Him be your Chief Guide in all matters and undertakings. Be not afraid; lean heavily upon Him. He will guide you safely. In my whole life I have never found Him wanting in any of my problems. He is our very best investment. Take your time. Build securely.

God bless and keep you is the sincere prayer of your oldest living relative on your father's side.

Sincerely

L. Walton Young.

I now saw a new world of fantastic dimensions. That letter lifted me out of the valley of depression and placed me on the mountaintop of hope. I began to believe that, despite the recent past, I could still lead my people out of colonialism into the broad sunlight of freedom and human dignity. I felt a kinship with St. Paul when he wrote to the Philippians: "I can do all things through Christ who strengthens me."

While the Duke of Windsor was governor of The Bahamas, I spoke to him only once. As was my custom, I asked him for the greatest thought he had ever heard. The Duke replied, "Place your hand in the hand of God, that shall be to you better than a light and safer than a known way."

Now nine years later, a backwoods village carpenter, a soapbox orator without any formal education offered the same sublime counsel. I framed the letter of L. Walton Young and re-read it whenever I was in need of motivation.

At the time of my suspension, Jackie and I had reached only the belt course in the construction of our new home on the corner of Ginton Square and McPherson Street. This project had to be abandoned because of a lack of funds. We finally decided that I should leave immediately for America and that Jackie and the kids would join me later. So decided, so done.

Many a day did I roam the streets of New York City broke and bereft of even one friend. I had a heavy heart as I trudged among the alien skyscrapers, shivering in the coldest of winters and covered in one of the second-hand coats from Joe's basement of the Bowery. This picture differed radically from that of our honeymoon of June 3, 1951.

At first, I eked out a meager existence as an iceman with the Knickerbocker Ice of Brooklyn. Sometimes I manned two jobs: one as common labourer with the Continental Ribbon Cutting Company during the day, and another during the night as a typist with a Wall Street magazine. When I saw an immigration officer enter the plant by the front door, I left through the back door for I had no work permit. The next morning, I would search for another job.

During the year I spent in New York, I visited many employment offices. I knew just which benches creaked and which did not. One day Times Square Employment Agency, which by then had grown weary of seeing me, gave me a card with circuitous directions to a jobsite. I followed the instructions which led me to the last stop on the elevated train. When the door opened I looked out and there below was the deep blue Atlantic Ocean. I took the hint: they wanted me to jump in the lake. What a cruel world!

However, the time spent in New York was not lost. God knew that I needed to broaden my education before I could cope adequately with the heavy civic burdens that lay ahead. In times like those I looked to the Biblical characters for inspiration. Christ had a wilderness experience, Moses, too. David used his quiet moment of exile to write the Psalms and to prepare himself to meet the great challenges of life. As I moved from job to job, a new self-awareness was gained and I felt personal growth taking place within me. My wilderness experience prepared me to perceive life values in a real world. Soon, I started to thank God for this thing—this very good thing—that had happened to me.

Where did I go wrong? How can I profit from past mistakes? Should my personal revolution have started at the top with The Bahamas Bar Association or at the bottom with the working people? Was I equal to the task my country wanted me to undertake? These were the questions which occupied my mind as I visited the classrooms, the churches and the unions of New York.

In May, 1954 when Chief Justice of the Supreme Court branded racial discrimination in America unconstitutional, I was there in Washington witnessing the historic event. It was like being involved in one big seminar on black history.

When Emperor Haile Selassie visited Harlem in July, 1954 and spoke at Abyssinia Baptist Church of the Rape of Ethiopia, I was there. I heard this Lion describe how Mussolini's armies in 1935 sprayed his homeland with mustard gas killing people and crops and poisoning rivers. I heard him tell how bombs dropped on innocent villages causing pregnant women to give premature birth. I heard him tell how these women picked up their newly born babies, navel strings still uncut, and continued their flight. This little man with a heart full of emotion concluded, "God and history will remember. Never in history has prophecy been fulfilled so amply and quickly. Poland, France, England, Denmark, Holland, Belgium, Rome



Emperor Haile Selassie



Paul Robeson

and Germany, all who had recognized and sanctioned the Rape of Ethiopia saw their own cities destroyed and tens of millions of their people killed in World War II.”

When the Emperor Selassie was finished speaking, there was only a silence that was awe-inspiring; then a collective “Amen” and a standing ovation.

My wife and I still talk about the last song recital of Paul Robeson given at the Galilee Baptist Church in Corona, Long Island, New York. Hundreds crowded into the little clapboard temple and thousands waited outside that Sunday afternoon in February, 1955. All wished to get a glimpse of this moody giant of a man who had become a legend in his own lifetime.

People loved Paul Robeson because he sang of them and to them with a voice unmatched for its technical mastery and natural beauty. As the hands of the clock slowly approached the 4:00 p.m. starting time, the hall became strangely silent. Then we heard a whisper, “Didn’t my Lord deliver Daniel?” People in the hall looked at each other. I looked at Jackie and she at me, “Didn’t you say something?”

A minute later, we heard it again. This time the question was more urgent and louder, “Didn’t my Lord deliver Daniel?”

Then like a rushing wind crashing against the clapboards of the little church, the deep bass baritone voice of Paul Robeson picked up the pertinent question as it came from the basement below. In a rising crescendo of passionate emotion it grew louder and louder, closer and closer until the huge frame of the artist filled the little stage. He lifted his right hand to his right ear to control the vibrations as they bounced off the beams above:

Didn't my Lord deliver Daniel
DELIVER DANIEL, DELIVER DANIEL?
DIDN'T MY LORD DELIVER D-A-N-I-E-L?
THEN WHY NOT EVERY MAN?

Paul Robeson’s voice floated over the silent throng. But he was no mere singer of songs. This human organ was one big heart speaking to other hearts. He was a prophet preaching the fatherhood of God and the brotherhood of man. In his mouth, the Negro Spiritual became a testament.

To many in the well-dressed crowd who heard that song, this was simply the lyrics of one of the better Negro Spirituals. To me, however, I felt it was a command to search my own heart.

“Didn’t my Lord deliver Daniel?” I asked myself. The Bible said so, and I believed it with all my heart.

As I heard the commanding baritone addressing the souls of men, I became intimately involved in the relevance of his message to our own times in The Bahamas and most especially to my self-imposed exile in New York. Why should I worry then when I have this blessed assurance?

While Paul Robeson sang, I thought of my people back home and their struggle against seemingly insurmountable odds. I recalled St. Paul’s great Macedonian Call and applied it to my own situation. “Go back home and help your fellow-Bahamians throw off the British colonial yoke.”

The first dramatic and moving challenge was given to me when the people shouted, “We want Fawkes,” as I left the Supreme Court on February 18th, 1954.

A second reminder was the letter from L. Walton Young when he wrote, “The people of The Bahamas want you to become their leader. Do not disappoint them.”

And now it was Paul Robeson who seemed to imply, “If God can deliver Daniel out of the lion’s den, then this same God can deliver Randol and his people from colonial bondage.”

In May of the same year, Jackie and I returned home with our minds completely focused on our respective goals: she to build a wholesome family life; and I to overthrow the white oligarchy and to replace it with a government in which all men and all women can participate, regardless of their race or sex.

