

**STATEMENT BY THE HONOURABLE OLIVIA GRANGE, CD, MP
MINISTER OF CULTURE, GENDER, ENTERTAINMENT & SPORT**

**ON THE MATTER OF EFFORTS TO CLEAR THE CRIMINAL
RECORDS OF NATIONAL HEROES AND OTHER FREEDOM
FIGHTERS**

**HOUSES OF PARLIAMENT
WEDNESDAY, OCTOBER 12, 2016**

Mr. Speaker,

The legacy that we honour and celebrate during Heritage week is a direct result of the selfless acts of our country's six named National Heroes. During this week every year we acknowledge as a nation that the tenacity, resilience and fearlessness of these freedom fighters laid the foundation for the social, economic and political advancement of Jamaica.

It is only fitting therefore that I rise in this Honourable House today to advise you Mr. Speaker, the Members of the House and the entire Jamaica of the intention of this administration to take immediate steps to enact legislation which would once and for all set the record straight and ensure that justice is served for at least some of those who stood up for cleared the pathway to our modern democracy.

Mr Speaker the Cabinet has approved drafting instructions in respect of legislation which will cause the expungement of the criminal records of notable freedom fighters, national heroes, supporters, sympathizers and participants by association who were involved in the 1760 Chief Tacky's St. Mary rebellion, the 1831/32 Christmas rebellion, the 1865 Morant Bay rebellion and the 1929 campaign of the People's Political Party.

Our National Heroes Paul Bogle, Samuel Sharpe and Marcus Garvey, as well as, our ancestral hero Tacky, will be those directly affected by this legislation when it comes into being. Prior to the participation of any of the named National Heroes in any known uprising, there was the 1760 Tacky, St. Mary Rebellion that is deemed to be the inspiration for many of the slave revolts that followed.

Mr Speaker, when this legislation is tabled in our Parliament, generations to come will look back on that act as a defining moment in our ongoing efforts to unpack our histories and her stories and reclaim the epic struggles of our people who have overcome countless odds and continue to astonish the world.

HISTORICAL PERSPECTIVE: ASSESSING THE IMPACT OF THE ACTIONS OF OUR FREEDOM FIGHTERS

We need to assess the work of these men within the context of the individual situations in which they operated. Allow me to use the case of Sam Sharpe who is credited with playing a lead role in ending slavery throughout the British Empire. Our history books, speak to this fact. Sharpe was the leader of the 1831-32 Emancipation War widely known as the Christmas Rebellion. He was convicted and hanged in 1832 for his role in this significant encounter. We need to ask ourselves, where would we be as nation, how would our history read today had it not been for the brave acts of Sharpe and his followers?

I also point to the 1865 Morant Bay Rebellion where even many years after the abolition of Slavery, the struggle for justice organized by members of Jamaica's peasant class in Morant Bay

culminated in the execution, beating and unlawful imprisonment of over one thousand freed men and women including George William Gordon and Paul Bogle. These men who contributed to the transformation of Jamaican colonial politics and the change in the system that governed Blacks in the island were found guilty and executed. It is important for us to consider all that was endured by our heroes for us to enjoy the full freedom that we do today.

Tacky's Rebellion has been recorded in many history books as being one of the most important slave revolts in Jamaica's history' which occurred in 1760 following about twenty (20) years of relative peace under treaties between the British and the Maroons.

Tacky took over two (2) slave plantations in St. Mary, Frontier and Trinity, and raided Fort Haldane in that parish for weapons. By daybreak of that said night Tacky drummed up support from many other estates to fight the British military. Tacky's revolt inspired other uprisings in Westmoreland, St. Thomas, St. Elizabeth, Hanover, Clarendon and St. James.

Marcus Garvey founded the Universal Negro Improvement Association in 1914. The man, referred to as Black Moses widely regarded as the greatest black thinker of the 20th century was to have a profound effect on the political economy and cultural development of black people around the world.

In 1929 having returned to Jamaica, Marcus Garvey formed the People's Political Party and began preparation to contest the Legislative Council Elections due in 1930. In the course of a speech on the 9th of September, Mr. Garvey criticized the state of the legal system which he referred to as oppressive and called for laws to 'punish judges who acted unfairly.' This was actually a plank of the manifesto of the Peoples Political Party.

POLICY CONSIDERATIONS

- **WHY EXPUNGEMENT AND A STATUTORY PARDON AND NOT A ROYAL PARDON?**

Apart from the status of National Heroes, what these freedom fighters and liberators have in common are criminal convictions. The view has been widely held that the acts for which these National Heroes were convicted were not criminal acts of rebellion or treason but acts of liberation with abundant moral justification carried out in the best tradition of humanity. Consequently, our Heroes ought not to have the stain of a criminal conviction accompanying their role as National Heroes.

This Government is of the view and we hope that the opposition will stand with us in this that our heroes should be pardoned by the state as a means of blunting the edge of the sword of injustice and as a symbolic recognition of their struggle.

As such, it is recognized that a statutory pardon / expungement which has its origin in the supreme legislative power of Parliament is required to totally absolve them of any criminal wrongdoing.

Essentially, a statutory pardon would have the effect of saying that our national heroes did not commit any criminal offence as the acts cannot be construed as criminal in the first place.

The Statutory Pardon/Expungement has its origin in the Supreme legislative power of Parliament. The Power exercised through legislation would amount to a symbolic full unconditional pardon/expungement.

The Power of pardon outlined in S. 90 of our Constitution is a distinct power for a distinct particular purpose. The Royal Prerogative is recognition of the fact that as part of their divine right the Monarchy has the power to forgive.

The effect is to ameliorate a sentence and is not an acknowledgement that a wrong has been committed; there is, therefore, no room to acknowledge that an injustice has been done.

Basically put, the Royal Pardon would have the effect of saying that these persons who we address here indeed committed criminal acts, but we forgive them.

There is a further consideration. The paucity of documents and written records in relation to the events surrounding the alleged criminal acts of those executed or otherwise punished for revolting against the state during slavery renders it virtually i for each individual case to meet the criteria for a pardon under Section 90.

- **WE MUST LEAD BY EXAMPLE**

As a nation whose people have triumphed over years of enslavement and colonization, we must recognize that this is not a small achievement. We need to embrace this recognition and vision of national pride as a means of promoting positive attitudes, values and commitment to national development. Be reminded that it is the acts of these outstanding Jamaicans, Marcus Mosiah Garvey, George William Gordon, Paul Bogle and Samuel Sharpe who individually and collectively helped to steer us to nationhood.

Our Heroes are standard bearers of our culture and heritage. They are heralded in our education system; their stories are presented as historical narrative in our curriculum. We take great pride in acknowledging that four educational institutions have been named in honour of these Heroes- Tacky High School in St Mary, Sam Sharpe Teacher's College in St. James, Paul Bogle High School in St Thomas and Marcus Garvey High School in St. Ann. Liberty Hall: The Legacy of Marcus Garvey operated under the Institute of Jamaica which honours the life and work of Garvey and inspires respect of self and others as exemplified by his teachings. The numerous publications

produced over time present these men as model citizens. Our culture programmes and cultural observances revere them because of their contributions and achievements.

There is a renewed effort at the international level to expunge the criminal record of Marcus Garvey. In Jamaica and the wider Caribbean, we will be vigorous in support of this global move. Locally, we have an opportunity to make a definitive statement to the international community with the passing of this Bill. This is another opportunity for Jamaica to once again become trail blazers, to take a decisive step towards ensuring that those who come behind us, find us faithful.

- **BUILDING OUR HUMAN CAPITAL AND LEVERAGING OUR CULTURAL AND HERITAGE ASSETS IN THE PARTNERSHIP FOR PROSPERITY.**

We wish to elevate to the world some of the characteristics of our Heroes. We think of their creativity, innovation, tenacity, selflessness, courage, prowess and wisdom. These were individuals who were strategists, visionaries operating in many respects ahead of their time. These are some of the very attributes that are evident among our present day cultural and entertainment practitioners. *This is the legacy that our ancestors bequeathed to us – it is a legacy of which we are proud. It is this legacy that inspired the glorious performance our athletes in Rio and our artisans and professionals on the world stage.*

When considered within the context of the development of the cultural and creative industries we must continue a trend of “reversing colonization” of our people, through strategies for positioning our human resources in the global markets of the world, and to national economic and cultural advantage.

- **REPARATIONS**

This move to expunge the criminal records of our Freedom Fighters should also be viewed within a related initiative that is being given priority attention by the Government, the matter of Reparations. The newly reconstituted National Council on Reparations co-chaired by Professor Verene Shepherd and Mrs Laleta Davis Mattis is up and running and has enunciated a full programme of activities for the next 18 months.

CONCLUSION

This year we celebrate Heritage Week under the theme “*Our Heritage... Our Legacy... Our Strength*”. This theme calls us as a nation to reflect on the strength and vigor of those who have come before us, and their tireless, impassioned works upon which we now build. As we contemplate this important legislative development I urge all of us to use it as a platform to do everything in our power to improve the lives of our fellow citizens and *build a legacy of prosperity, decency, cleanliness, respect, and good manners*.

In this effort the Government and people of the nation are united with one mind. We are not adversaries – we all work as ONE PEOPLE for ONE CAUSE. Let there be no doubt of this that we the Government are servants of the people, not the enemies to be fought against to achieve these noble and patriotic goals.