Towards a Democratic Franchise

Vogenauer, Stefan, Duve, Thomas, Aranha, Stephen B. / Auer Marietta

Published by Max Planck Institute for Legal History and Legal Theory

Vogenauer, Stefan, et al.
Towards a Democratic Franchise: Suffrage Reform in the Twentieth-Century Bahamas.
1 ed. Max Planck Institute for Legal History and Legal Theory, 2022.

For additional information about this book
https://muse.jhu.edu/book/111233

For content related to this chapter
https://muse.jhu.edu/related_content?type=book&id=3415599
Chapter 6
Equal Suffrage

The fight for the secret ballot had taken decades, and after it had been won, the Bahamas saw no significant changes to its election laws for more than ten years. Then, however, followed a series of reform steps in quick succession. The General Assembly Elections Act of 1959 ushered in universal male suffrage. It also created four new seats in the Assembly thereby triggering bye-elections to fill these. Furthermore, even before a general election could be held under this 1959 Act, another important reform took place, as we have seen: in 1961, the Votes for Women Act finally extended the suffrage to women, too. This made the 1962 general election the first one in which all adult British subjects ordinarily resident in the Bahamas could vote. However, the plural vote remained as a privilege for wealthier voters who met certain property qualifications. Therefore, the election, though based on universal adult suffrage, was not yet based on an equal franchise.

In this chapter, I will examine the developments that led to the abolition of the plural vote. These developments inevitably have chronological overlap with the history of women’s suffrage in the Bahamas, which I have discussed in the previous chapter. However, their separate implementation – and their separate discussion at the time, even if their proponents were often the same – warrant a separate discussion in this book, too. Additionally, apart from efforts to make the suffrage equal, the decade following the passage of the General Assembly Elections Act of 1959 saw other fundamental changes not just in Bahamian election law but in the colony’s constitutional setup, too, which I will highlight along the way.

The 1962 general election was the first one conducted under the 1959 Act. In its wake, a constitutional conference was convened, paving the way for the devolution of colonial power into the responsibility of Bahamians. A new Constitution, adopted in 1963, subsequently came into force in 1964. It included changes to the franchise, the Legislature in general as well as the composition of the House of Assembly in particular. Another general election was held in 1967, resulting in the end of white minority rule. Then
there was a snap election in 1968, and another constitutional conference, resulting in a new Constitution coming into force in 1969. These general elections – and the memory of them – are central themes in Bahamian historiography. Together with the constitutional conferences and the ensuing new constitutional constellations, they will form the framework for this chapter.

With the primary focus being on the abolition of plural voting, the question of what actually constituted plural voting was a matter of interpretation and political conflict in the 1960s Bahamas, and thus needs to be examined, too. The traditional view considered plural voting to mean that some voters received additional votes because they met certain qualifications, usually property-based, and that other voters, who did not meet these qualifications, therefore did not receive such votes. In the Bahamas, plural voting based on property qualifications continued to be a part of the electoral system, albeit in a strictly limited way, after the reforms of 1959. The 1963 Constitution phased out property qualifications, so that the next general election would be contested without them. However, that Constitution did not mandate that all constituencies had to send the same number of Members to the House of Assembly. Voters in multi-member constituencies were given ballots on which they could vote for multiple candidates, whereas voters in single-member constituencies could only vote for one single candidate. This system treated all voters in any given constituency equally, and its framers did not consider it as being based on different qualifications, but the PLP argued that it nonetheless constituted a form of plural voting – and treated voters in different constituencies differently. In practice, this system, which was at the discretion of the Constituencies Commission, was abolished in 1968 when it prepared a report recommending all single-member constituencies. In law, it was abolished by the Constitution of 1969.

6.1 The First General Election under Universal Suffrage

In the 1956 election, the PLP had won six seats. However, going into 1960, that number had shrunk to five, as the party had expelled Randol Fawkes in 1957. His expulsion was the consequence of his signing the report of the Constitution Committee of the House of Assembly, which had advocated for a move from representative towards responsible government but made no mention of electoral reform – the PLP’s conditio sine qua non for constitu-
He now held his seat as the leader of the so-called Labour Party. In early 1960, the PLP won an additional seat in a fiercely contested bye-election between four candidates on the island of Grand Bahama after a recount by an Elections Tribunal – by a mere seven votes. Then, in May of the same year, the party won all four of the seats which had been newly created by the General Assembly Elections Act of 1959, too. The PLP was still seen as the party representing the Black majority. In turn, the UBP was perceived as the party representing the white minority, regardless of their efforts to change that perception by running two Black candidates, Bertram Cambridge and Gaspar Weir, in the 1960 bye-election. They were beaten decisively. Cambridge and Weir polled 149 and 142 votes respectively against the PLP candidates’ 1,936 and 1,850 votes, and came in even behind the two Labour candidates and another independent. In accordance with the General Assembly Elections Act of 1959, they forfeited their deposits of £150 each. The *Nassau Guardian*’s analysis of the bye-election concluded that this was less of a vote for the PLP but a vote against the UBP, because “[t]he majority of population in this Island want to be governed by their own kind. [...] They voted [...] on the purely emotional basis of racial affiliation.” Coming from the UBP’s mouthpiece, this could, of course, also be read as an implied admission that the nomination of two Black candidates by the party was but an election ploy that the voters did not fall for. Nonetheless and despite these perceptions, both the PLP and the UBP had adopted a more pragmatic, patronage-based approach to politics by the 1960s, and went into the general election of 1962 with platforms that “were curiously similar in content.”

The outcome of the election would be difficult to predict, given the vast number of changes made to the franchise since the last general election of 1956. Back then, the franchise was limited to men only and had been further restricted by property qualifications; in addition, there were full-fledged

3 Hughes (1981) 78.
4 General Assembly Elections Act 1959 (Bahamas), s 31(3).
plural voting and the company vote. The majority of electoral districts sent multiple members to the House of Assembly. This meant that even without the plural vote, a voter was entitled to cast as many votes as his district had seats. In total, 21,941 votes were cast. It is not possible to reconstruct, however, how many different voters, in the sense of natural persons, that number represented. The PLP had polled 32.6% of the votes cast, thereby winning six out of twenty-nine, or 20.7% of the seats in the House of Assembly.7

By 1962, the PLP had increased its representation to ten out of thirty-three seats, 30.3% of the total, and the general election of 1962 would be contested under universal adult suffrage, albeit with a continued but now limited form of plural voting. This would not play out in the same way the old plural vote had. In 1962, there were also four new seats in two new electoral districts, different from the delimitation on which the 1960 bye-elections had been contested. The majority of districts still had multiple seats. Little consideration had been given to the questions of how these peculiarities of the franchise distorted the voters’ register. The percentage of men within the overall population who were in possession of the franchise had only ever been roughly estimated. It was therefore impossible to predict the effect the new franchise would have on the outcome of a general election. How many company votes would be lost? How many plural votes would be lost – and how many retained? How many registered plural votes would actually be exercised? If voters could register in three or more electoral districts based on property qualifications, but were limited to voting in two, which two electoral districts would they choose to vote in? How many additional men would be enfranchised now that the first vote was no longer tied to a property qualification? When women’s suffrage had been debated in the House of Assembly, the discussion had been based on the assumption that about 54% of an overall Bahamian population of approximately 100,000 persons were women.8 The 1963 census, however, reported a lower ratio of women, only 51.3%, but a higher total population, namely 130,220.9 In any case, predicting Bahamian women’s registration rates and turnout could, at best, be estimated, and any such estimates would in turn also be subject to distortion due to the retention of limited plural voting.

Despite the many variables contained within the new franchise, and despite the fact that most of the Out Islands, which still accounted for a majority of the seats in the House of Assembly, had traditionally returned Bay Street candidates, “the PLP confidently expected […] achieving a parliamentary majority in the next general election. Dynamic new recruits to the party and the enfranchisement of women alone would have seemed to presage an inevitable victory.”

Many members and supporters of the UBP shared this view, too, and even the new Governor, Robert Stapledon, reported, “political opinion here from right to left is uniformly convinced that at the General Election […] the (left) Progressive Liberal Party will be returned to power.”

However, the results of the election on November 26th, 1962 surprised everyone. While the PLP’s candidates received 44.2% of the overall votes cast, only eight of them won their bids for a seat in the House of Assembly, which had a total of thirty-three members. The eight PLP members, together with five independent members and one Labour member, faced a parliamentary majority of nineteen UBP members, even though that party’s candidates only received 37.2% of the overall votes cast.

Not only had the PLP not won any additional seats, it had in fact lost seats.

The reasons offered to explain the election outcome vary. On the surface, there were understandable reasons why people would have voted for the UBP. The economy had been booming for years and had brought growing prosperity to the colony, albeit unequally. In the past three years, tourism arrivals in the Out Islands had increased by an astonishing 550%. Such numbers nourished hope, especially as tourism had by now become the Bahamas’ main industry. This ostensibly worked in favour of the UBP. In anticipation of the election, however, investors had held back, especially in the construction sector. Yet this was not seen as an economic downturn attributable to the UBP, but rather as a reluctance to invest for fear of an impending PLP victory. In addition, the election was a mere four weeks

11 Governor Stapledon to Colonial Office, 9 January 1961, TNA: CO 1031/3155/156.
12 Memorandum by the Progressive Liberal Party to Secretary of State for the Colonies Sandys, 17 December 1967, TNA: CO 1031/3155/19.
after the Cuban Missile Crisis. The UBP capitalised on the fear and reminded Bahamians that the *Herald*, mouthpiece of the PLP, had once welcomed the Cuban revolution with the headline, “Batista Overthrown: U.B.P. Next.” Furthermore, repeated incidents of violence at UBP campaign events were “blamed on pro-PLP ‘goon squads’.”

On a less obvious level, Michael Craton and Gail Saunders attributed the PLP’s loss, at least in part, to “the psyche of Bahamian blacks, touching on the spirit of dependency and distrust of their fellows that had hampered the thrust for independence since slavery days.” To prove their point, Craton and Saunders referenced oft cited anonymous letter by a self-styled “Coloured Carpenter,” which read:

> But let us look and see where we get our bread from, not coloured people, because the blind can’t lead the blind. We are all poor and have to go to the white man for jobs. [...] There may be a few of you working for coloured men, but the majority of you are working for the white man, and even you that are working for the coloured man, you are not fully satisfied with your salary and working condition. So if the P.L.P. gets the majority of seats in the House of Assembly, you know that only they and their families will be taken care of.

Colin Hughes, who had also discussed the same letter in his earlier, groundbreaking work *Race and Politics in the Bahamas*, doubted the author’s professed identity. Instead, he suspected the letter to be propaganda originating from UBP quarters. If the letter was authentic, then it would have been an expression of the “spirit of dependency and distrust” asserted by Craton and Saunders above. If it was not, then it was designed to appeal to such a sentiment, showing that contemporaries nonetheless considered it a factor that could be exploited. One problem with all these explanations, however, is that they look for reasons why people may have voted for the UBP when in fact most had not done so. The composition of the House of Assembly was

16 Hughes (1981) 86.
19 Hughes (1981) 89.
largely the result of distortions caused by vastly differently sized electoral districts in a first-past-the-post system.

Henry Taylor, who at the time served as chairman\(^{21}\) of the PLP, was unsuccessful in his bid for re-election. He was subsequently replaced as party chairman and blamed not only his personal defeat on “dissension and intrigue in the executive hierarchy of the party,” but further concluded that this display of disunity caused a decline in the party’s mass appeal.\(^{22}\) His allegations that influential party members had actively sabotaged his re-election bid behind the scenes cannot be corroborated. This monocausal explanation, however, appears to contradict the fact that in 1962, the PLP’s candidates had received more votes in total than those of any other single party.

Others, like Fawkes, the sole Labour party candidate whose election bid had been successful, cynically blamed the women, who had voted for the first time.\(^{23}\) He further alleged that through gerrymandering

\[\text{[t]he minority Government had divided the Bahama Islands into electoral districts in such an unnatural and unfair manner so as to give themselves a distinct political advantage. The predominantly white districts such as Abaco and Harbour Island returned three representatives, while the more populous areas in the black belt were allowed two representatives and in some cases only one. […] Paradoxically, we had won the election but lost the country.}\(^{24}\)

It is indeed a paradox that in his memoir, first published more than ten years after the PLP eventually ousted the UBP from power, Fawkes portrays himself as having been on the losing side of this election, when in fact during the campaign, because of personal quarrels with the PLP leadership, he had endorsed the UBP.\(^{25}\) Furthermore, while it is true that the uneven distribution of seats yielded a result where a party with more votes won fewer seats and vice versa, this was not the result of active gerrymandering on the part of the UBP. The House of Assembly did not have that power – yet.


\(^{22}\) Taylor (1987) 310.

\(^{23}\) See page 169, fn 102 above.

\(^{24}\) Fawkes (2013) 260.

\(^{25}\) Governor Stapledon to Colonial Office, 6 December 1962, TNA: CO 1031/3079/83.
When the General Assembly Elections Act of 1959 had created four new seats for New Providence, the subsequently necessary redistribution of seats on that island fell to the Governor as a neutral arbiter, because the political parties could not agree on any other procedure. The fact that that Act had made no changes to the seat distribution for the Out Islands or the ratio of seats between them and New Providence had been part of the compromise agreed to by both the PLP and UBP brokered by Secretary of State for the Colonies Alan Lennox-Boyd in 1958. According to the 1963 census, approximately 62% of the population now lived on New Providence. However, New Providence only sent twelve Members to the House of Assembly, whereas the Out Islands, where only 38% of the population lived, sent twenty-one Members to the House of Assembly. This overrepresentation, however, was largely the result of the redistribution of seats occurring at a pace that was much slower than the internal migration and urbanisation of the Bahamas, which saw scores of Bahamians leave the Out Islands and move to the capital as economic development all too often focussed on the political centre and neglected the periphery. However, when we consider the overall slow pace of electoral reform in the Bahamas towards a fair and equal franchise, the fact that electoral districts were not revisited and adapted more frequently seems hardly surprising. Furthermore, given the archipelagic nature of the Bahamas, the relative overrepresentation of often remote, isolated islands with only small populations, ensured the representation of their interests in the capital without increasing the overall size of the House of Assembly, which, if electoral districts were to be more evenly sized in terms of registered voters, would require “building a Tower of Babel to accommodate the membership.” In 1962, the smallest district was San Salvador, where 334 voters cast their ballots; the largest one was the Southern District of New Providence, where 9,406 votes were cast to elect two Members, meaning that there would have more than 4,700 voters, as every voter could vote for up to two candidates.

Today, the discrepancies may not be quite as great, but the general principle continues to guide the delimitation of constituencies, the new term for what had previously been known as electoral districts and which was intro-

26 General Assembly Elections Act 1959 (Bahamas), s 102.
duced by the Constitution of 1963. A commission is tasked with reviewing constituencies and their borders at intervals of no more than five years. In this process, it

shall be guided by the general consideration that the number of voters entitled to vote for the purposes of electing every member of the House of Assembly shall, so far as is reasonably practicable, be the same and the need to take account of special consideration such as the needs of sparsely populated areas, the practically of elected members maintaining contact with electors in such areas, size, physical features, natural boundaries and geographical isolation.

As a result, in 2017, the year of the most recent general election, the largest constituency, Golden Isles in New Providence, had 6,711 registered voters, and the smallest one, MICAL in the southern Bahamas, which is comprised mostly of ocean and five inhabited islands – Mayaguana, Inagua, Crooked Island, Acklins, and Long Cay – spanning approximately 150 miles (240 kilometres) from north to south, had only 1,348 registered voters.

However, even taking all the caveats above into consideration, the election results of 1962 demonstrated more clearly than ever before that the composition of the House of Assembly was not representative of the electorate. Exactly how unrepresentative the new House of Assembly was composed, cannot be said with certainty. Because of the peculiarities of the franchise, the overall votes cast did not yield what is commonly referred to as a popular vote. Accordingly, Hughes warned that the PLP’s claim that it had won 6,000 votes more than the UBP was based on a calculation that

must be unsatisfactory, because it adds together votes cast in one-member, two-member, and three-member constituencies, although on balance one could properly say that the maldistribution of electorates produced a grave distortion of what was a roughly equally divided electorate. However, it was also clear that if anything approaching representativeness was desired, further reform was necessary. Constitutional reform was already on the agenda, for both major parties had campaigned on a platform proposing to move the Bahamas from representative towards responsible gov-

30 Constitution 1963 (Bahamas), s 61(1).
31 Constitution 1973 (Bahamas), art 70(2).
ernment. In the aftermath of the election, however, the PLP demanded that the property vote had to be abolished and “the great and obvious disparity in the representation” had to be remedied first.

6.2 Negotiating Internal Self-Government

Only four weeks after the election, Secretary of State for the Colonies Duncan Sandys travelled to Nassau. Unlike Lennox-Boyd before him, however, Sandys’ primary mission was not to mediate in a local crisis. Rather, he was accompanying British Prime Minister Harold Macmillan, who met with President John F. Kennedy of the United States of America and Prime Minister John Diefenbaker of Canada for talks about global issues at Lyford Cay, an exclusive gated community and country club at the western end of New Providence. Nonetheless, Sandys used his time in Nassau to meet with Bahamian politicians, with whom he arranged for a constitutional conference to be held in London in May 1963. Already at this stage, the Secretary of State for the Colonies appeared to accept the PLP’s position that the redistribution of seats would have to be considered in the process. He did not commit to another PLP demand, however, which was that the introduction of internal self-government ought to wait until after a next general election had been conducted under an additionally reformed franchise.

Sandys also discussed the property vote with the PLP. This part of the conversation again highlighted how little Bahamians themselves knew of the impact of the various provisions of their election laws on their voters’ register or about the discrepancy between registered voters and voter turnout. While the PLP estimated that the number of property voters amounted to no more than 2.5% of the overall electorate, Government House estimated that number to be approximately 5%. Neither could explain how they arrived at these figures, and both surmised that the property vote had no impact on the outcome of elections. The PLP made the point that it objected

34 Notes of Meeting of PLP Delegation and Secretary of State for the Colonies Sandys, 17 December 1962, TNA: CO 1031/3155/34.
35 Memorandum by the Progressive Liberal Party to Secretary of State for the Colonies Sandys, 17 December 1967, TNA: CO 1031/3155/18.
to the property vote in principle. A later briefing note prepared for and circulated only to the United Kingdom delegates to the constitutional conference showed that in 1962, voters with property qualifications accounted for 3.6% of all registered voters.

As this was the first general election in Bahamian history where all islands voted on the same day, it is highly unlikely that all voters theoretically entitled to a second vote were also able to cast their second ballots, as the logistics and expense of inter-island travel would have made this difficult for many. Furthermore, voters were entitled to register a property vote in every district where they met the property qualification, other than in the district where they registered under their residential qualification. However, only in bye-elections were they entitled to vote in all districts in which they were registered. In a general election, they were limited to voting in the electoral district in which they resided plus one, but only one, additional district in which they met the property qualification. The above-mentioned briefing note shows that there had been three races where the number of property votes registered – which, however, was likely higher than the number of property votes actually cast – could theoretically have swung the result. The first one of these races was won by the UBP, the second one by the PLP, and the third one by Labour. Therefore, the property vote did not significantly alter the outcome of the 1962 general election.

In conclusion, Sandys argued “that the Governor could hardly continue as before after an election on party lines.” The devolution of colonial authority was not just on the agenda of the Bahamian parties. It was on London’s agenda, too, not least because international pressure made “[t]he role of a Colonial power […] more uncomfortable every year.” Rough outlines of a possible future Constitution for the colony had been drafted within the Colonial Office even prior to the Bahamian election of 1962.

38 Notes of Meeting of PLP Delegation with Secretary of State for the Colonies Sandys, 17 December 1962, TNA: CO 1031/3155/38.
41 Notes of Meeting of PLP Delegation and Secretary of State for the Colonies Sandys, 17 December 1962, TNA: CO 1031/3155/42.
While their nature was not shared with the parties in the Bahamas, the Bahamians were advised that the Constitution would have to contain “[a] code of fundamental human rights.” Furthermore, after everyone had agreed upon a prospective date for the constitutional conference in May 1963, Sandys advised the Bahamian representatives that he expected to have their respective parties’ proposals submitted to him in advance. Once planning for the conference became more detailed, the Governor requested the proposals be submitted to him “by the end of the first week of March” 1963, but both the PLP as well as the UBP failed to abide by this deadline. In addition – and against the advice of Ralph Hone, a former head of the Colonial Office’s legal division whom they had hired as their draftsman – the UBP attempted to keep its proposals a secret from the PLP until the start of the conference, perhaps hoping to catch the opposition off guard, but kept the Legislative Council and independent Members of the House “more or less informed of the U.B.P. proposals.” A clerk at the Colonial Office decried this “rather silly attitude of the U.B.P.”

In preparation for the constitutional conference, the West India Department drew on the experience of the other departments within the Colonial Office by studying the various constitutional arrangements and reform processes that had already taken place in other territories. That file also contained a dedicated note outlining questions of the franchise in general, and, in particular, comparing the current franchise provisions in dependent territories as well as in newly independent Commonwealth countries around the globe. Of the dependent territories, there were many that still lacked universal equal suffrage, though in comparison to its regional neighbours of the British Caribbean, the Bahamas, Bermuda, and British Honduras – modern-day Belize – were in the minority of territories that had yet to grant universal equal suffrage. The file is silent on whether these documents were

44 Notes of Joint Meeting of Bahamas Legislative Council, UBP, and PLP with Secretary of State for the Colonies Sandys, 19 December 1962, TNA: CO 1031/3155/30.
45 Notes of Joint Meeting of Bahamas Legislative Council, UBP, and PLP with Secretary of State for the Colonies Sandys, 19 December 1962, TNA: CO 1031/3155/30.
46 Governor Stapledon to Colonial Office, 11 March 1963, TNA: CO 1031/4384.
49 Colonial Constitutional Note C.C.N.25 with Appendices A and B, TNA: CO 1031/4384.
circulated only amongst the Colonial Office’s delegates to the constitutional conference, or whether they were made available to the Bahamian delegates, too. Either way, having done their own research, Bahamian delegates would have been reasonably familiar with the franchise in the various parts of the British Empire.

By the end of March, the Governor had received the proposals of both the UBP and the PLP. Neither the Members of the Legislative Council nor the independent delegates were planning to submit proposals of their own. In a next step, Stapledon tasked Attorney-General designate Kendal Isaacs with preparing a comparative table highlighting the differences between the two parties’ proposals. In a communication to the Colonial Office, he admitted that the preparation of this document had “been a rush job. […] I have no doubt it could be improved upon if you and your Law Officers could give time to it. Moreover, it would carry much more weight with the delegates if it could be issued as a Colonial Office memorandum. I shall be grateful if this could be done.”50 Nonetheless, the document compiled by Isaacs would ultimately “serve as the basic document” during the conference.51 By mid-April, Labour leader Fawkes also submitted his own proposal. This was not included in the comparative table, but still pre-circulated to conference delegates with an added note, “that Mr. Fawkes’ paper was not received in time for consideration with the U.B.P. and P.L.P. proposals.”52

Going into the conference then, the consensus was that the new Constitution would be a written Constitution replacing Letters Patents and Royal Instructions, and that it would be granted by an Order in Council in accordance with an Act of Parliament in Westminster. The example the Colonial Office cited as the one it intended to follow was that of the Southern Rhodesia (Constitution) Act, 1961.53 The conference participants’ common aim was for this document to provide “for the Bahamian people to exercise a wider measure of responsibility for the Government of the country,” and the expected outcome was that “the present nominated Executive Council is to be replaced by a cabinet of elected Ministers, appointed by the

50 Governor Stapledon to Colonial Office, 28 March 1963, TNA: CO 1031/4384.
52 Governor Stapledon to Colonial Office, 18 April 1963, TNA: CO 1031/4384.
Governor on the advice of the Premier.”\textsuperscript{54} Premier and Cabinet would be responsible to the elected House of Assembly, thus this change marked the departure from so-called representative government towards so-called responsible government. Certain powers would remain with the Governor, however, for example “matters concerning external affairs, defence, internal security, and the control of the police.”\textsuperscript{55} Talks began on May 1st and were concluded on May 20th, 1963.

A joint conference report was adopted, but not without the PLP entering a reservation to the provisions dealing with the future distribution of constituencies. The Labour representative signed on to this reservation, too.\textsuperscript{56}

However, the Colonial Office stressed that the Parties had agreed to ‘accept’ the Conference Report as the basis of the new Constitution, that the reservation implied only that the P.L.P. would feel free to say that they disagreed with the proposed re-distribution while going along in working the Constitution, and that the making of a reservation was designed primarily to leave over the question of distribution for future negotiation, should the P.L.P. come to power.\textsuperscript{57}

This issue of constituencies and their delimitation had already been the most contentious one going into the conference. The PLP repeated the demands it had already presented to the Secretary of State for the Colonies during his visit to the Bahamas in December 1962, “that the Constituencies should be brought into line with the true distribution of population in the Bahamas as a condition precedent to any further Constitutional advances.”\textsuperscript{58}

The PLP had succeeded in committing the conference to abolishing the plural vote that was based on a property qualification. However, it failed to commit the conference to two other reforms the PLP claimed were necessary for a democratic franchise and therefore ought to precede constitutional reform. The first was a redistribution of seats, for which the conference made provisions, but for which it defined guiding principles different to those the PLP insisted on. The second was a new general election based on the reformed franchise. Instead, the conference report stated that the House of

\textsuperscript{54} Foreign Office to Certain of Her Majesty’s Representatives, 26 April 1963, TNA: CO 1031/4384.
\textsuperscript{55} \textit{Bahamas Constitutional Conference (1963)} 4.
\textsuperscript{56} \textit{Bahamas Constitutional Conference (1963)} 13.
\textsuperscript{57} Internal Note, Colonial Office, 20 May 1963, TNA: CO 1031/4384.
\textsuperscript{58} Governor Stapledon to Colonial Office, 29 March 1963, TNA: CO 1031/4384.
Assembly as elected in 1962 would continue “until dissolved in the ordinary course.” While the report did not set a date for the new Constitution to come into effect, the Colonial Office was aiming for 1964. Internal self-government would come before the implementation of further electoral reform.

Regarding the future redistribution of seats, the conference report determined that “[t]he next General Election will be contested on the basis of 21 seats for the Out Islands and 17 seats for New Providence.” While this meant five additional seats for New Providence, it still provided for a relative overrepresentation of the Out Islands. The delimitation of these new constituencies would be informed by the recommendations of a Constituencies Commission, in which the majority party in the House of Assembly would also have a majority. Going forward after the next election, the Constituencies Commission would review the boundaries at intervals of no longer than five years. It could recommend changes to the constituencies’ boundaries, but the number of seats in the House of Assembly would remain fixed at thirty-eight. The Out Islands were to have between eighteen and twenty-two seats, New Providence between sixteen and twenty. Barring significant, and at the time improbable, population shifts within the colony, this report thus enshrined disproportional representation for the foreseeable future, even if this disproportionality would not be as substantial as it had been in the past. In 1963, New Providence’s population accounted for 62% of the overall population of the Bahamas. The island currently accounted for 36% of seats in the House. Based on the 1963 numbers, its representation would increase to between 42% and 52%. However, internal migration from the Out Islands to New Providence could also be expected to continue. This would likely widen the gap again. The conference report also left room for the practice of multi-member constituencies to be continued, which had, in the last election, exacerbated the discrepancy between overall votes and seats won by the respective parties. Here, the conference report followed standard British practice, and this paved the way to handing over the de facto power of gerrymandering to the majority party in the House of Assembly.

59 Bahamas Constitutional Conference (1963) 7.
60 Bahamas Constitutional Conference (1963) 7.
61 Bahamas Constitutional Conference (1963) 7.
The draft for the new Constitution was prepared by the Colonial Office. On the initiative of Stapledon and Isaacs, the Colonial Office’s legal department retained the services of Hone to assist with this undertaking as well as to conduct a review of the laws of the Bahamas “for the purpose of bringing them into conformity with the proposed new Constitution.” Even if the idea of Hone drafting the Constitution had already been floated by Stafford Sands as soon as the constitutional conference was agreed upon, and despite his role as the UBP’s constitutional advisor in preparation for said conference, Hone worked as a politically independent draftsman. Especially the provisions he drafted for the Constituencies Commission drew sharp criticism from the UBP, on whose behalf Sands bitterly complained, alleging that the draft failed to give adequate weight to special considerations for the Out Islands. The UBP feared that the constituencies which were the party’s traditional stronghold might see a further reduction in numbers. The PLP voiced its concerns, too, which it believed so great as to warrant calling for a second constitutional conference, albeit a local one, before proceeding further. However, no second conference was called.

As the new Constitution was expected to take effect in January 1964, the PLP was running out of time. It sent a delegation to London. In a meeting with Nigel Fisher, Parliamentary Under-Secretary at the Colonial Office, this delegation was told

that the first draft of the Constitution had been sent to Nassau from the Colonial Office at the end of August and that the comments of the P.L.P. on the draft had not reached the Colonial Office until 11th November. […] these were at present being considered by the Colonial Office legal advisers. They would have been dealt with earlier had they been received earlier. […] Mr. Fisher said […] he did not know why the P.L.P. had found it necessary to travel all the way to London.

That meeting took place on November 21st. Despite the Colonial Office’s palpable exasperation, they assured the PLP that their points would be duly

63 Notes on Meeting of UBP Delegation with Secretary of State for the Colonies Sandys, 17 December 1962, TNA: CO 1031/3155/47.
64 Stafford Sands to Governor Stapledon, 22 October 1963, TNA: CO 1031/4468.
65 Lynden Pindling to Acting Colonial Secretary Sweeting, 5 November 1963, TNA: CO 1031/4468.
considered within the agreement represented by the conference report, but also stressed that while

it was helpful if agreement could be reached on amendments locally [...] the final draft of the Constitution had ultimately to be determined by the Colonial Office as otherwise there would be no end to the process of amendment and counter-amendment and no Constitution would ever be finalised.67

Many of the issues the PLP raised were minor points of drafting.68 So much so that it was suspected that the highly visible actions they took to address them in fact amounted to posturing for the sake of “politicking.”69 Nonetheless, some of their points were substantial ones. In addressing these, the Colonial Office referred back to the agreement represented by the conference report. To this, the PLP yielded, and thus largely accepted the provisions regarding the Constituencies Commission contained in the draft, regardless of the reservation, which they had recorded in the conference report. However, the Colonial Office looked favourably upon one particular amendment proposed by the PLP, and that was the suggestion that the Constituencies Commission should be required to produce a first report after no more than two years as opposed to two to three years as stated in the draft. Whitehall saw “merit in this proposal and we are considering what precise provision would be appropriate.”70 However, this provision did not make it into the final document. In fact, no timeline was given for the Constituencies Commission’s first report, only that the intervals between reports must not exceed five years.71

This, however, at least implied somewhat of a timeline. The new Constitution shortened the life of the House of Assembly from seven to five years.72 It also increased the size of the next House of Assembly from thirty-three to thirty-eight Members.73 Therefore, the next general election could be anticipated for late 1967 or early 1968, December 6th, 1967, being the

68 Note on Meeting of PLP Delegation and Colonial Office, 21 November 1963, TNA: CO 1031/4469.
69 Governor Stapledon to Colonial Office, 15 November 1963, TNA: CO 1031/4469.
70 Notes for Parliamentary Under-Secretary Fisher, 22 November 1963, TNA: CO 1031/4469.
71 Constitution 1963 (Bahamas), s 63(1).
72 Constitution 1963 (Bahamas), s 59(2).
73 Constitution 1963 (Bahamas), s 35(2).
latest possible date for dissolution of the House of Assembly.\textsuperscript{74} Therefore, the Constituencies Commission would have to report within roughly three years. As the conference report had already foreshadowed, in this next election New Providence would elect seventeen Members, while the Out Islands would elect twenty-one.\textsuperscript{75} For all future general elections under this Constitution, the general formula that New Providence would elect anywhere between sixteen and twenty Members and the Out Islands anywhere between eighteen and twenty-two Members would apply.\textsuperscript{76}

As for the plural vote, the Constitution stipulated, “that no person shall be permitted to cast more than one vote in any election of the members of the House.”\textsuperscript{77} However, because it did not speak to the qualifications of electors, it did not enshrine universal suffrage. Technically, while this clause did abolish the plural vote at general elections, it did not give full effect to the agreement expressed in the report of the Constitutional Conference that the property vote would be abolished. To achieve this, amendments would have to be made to the General Assembly Elections Act of 1959, which as an existing law “shall continue in force” but henceforth had to “be construed with such modifications, adaptations, qualifications and exceptions as may be necessary to bring them into conformity with the Constitution.”\textsuperscript{78} It could be argued then that under the new Constitution but without an amended Elections Act, a voter could continue to be registered under a residential as well as a property qualification, and in a general election could choose which one of their registered votes they wished to exercise, and which constituency to exercise it in. Without further amendments to the substantive act, voters could also continue to vote in bye-elections based on either a residential or a property qualification – and in as many bye-elections as might occur in as many constituencies as they might meet either qualification in. As shown, merely reconstruing unconstitutional provisions left room for ambiguity. Contemporary Bahamians did not automatically understand the abolition of plural voting to equate to universal suffrage. In 1955, for instance, Useph Baker, then the Junior Member for Eleuthera in the

\textsuperscript{74} The Bahama Islands (Constitution) Order in Council 1963 (United Kingdom), s 7(5).
\textsuperscript{75} The Bahama Islands (Constitution) Order in Council 1963 (United Kingdom), s 7(6).
\textsuperscript{76} Constitution 1963 (Bahamas), s 61(2).
\textsuperscript{77} Constitution 1963 (Bahamas), s 35(1).
\textsuperscript{78} The Bahama Islands (Constitution) Order in Council 1963 (United Kingdom), s 4(1).
House of Assembly, unsuccessfully proposed such a model, which would have ended plural voting but retained the existing property qualifications for the remaining single vote. 79 Hence, because the Constitution did not speak to voters’ qualifications, universal suffrage theoretically could have been abolished by an Act of the House of Assembly, even if that was an unlikely scenario given that Royal Assent would still have been required. 80

The Constitution Order provided a somewhat pragmatic, albeit incomplete solution to this problem, by giving the Governor the power to

by order made at any time within two years after the appointed day [of the Constitution coming into effect] make such amendments, adaptations or modifications to any existing law as may appear to him to be necessary or expedient for bringing that law into conformity with the provisions of the Constitution." 81

As Government House and the Colonial Office tended to be more progressive than the political majority in the House of Assembly, this forced the latter to actively revise existing laws, provided the problem was recognised within the defined two-year window. Furthermore, while in the past the Legislative Council tended to follow the Governor’s line, the Constitution now replaced that body with a Senate consisting of fifteen members as the upper chamber. Of these fifteen, eight were “appointed by the Governor acting after consultation with the Premier and such other persons as the Governor, acting in his discretion, may decide to consult,” and a further five were “appointed by the Governor acting in accordance with the advice of the Premier.” 82

The Premier was “the member of the House of Assembly who, in his [the Governor’s] judgment, is best able to command the confidence of a majority of the members of that chamber.” 83 While the Constitution of 1963 did not acknowledge the existence of political parties, this meant that the leader of the majority party in the House would be Premier, and that therefore the majority party, through its leader, had significant influence on the composition of the Senate, though it was not guaranteed a majority there.

80 Constitution 1963 (Bahamas), s 52. N.B.: No right to vote is entrenched in the independence Constitution of 1973 either. See pages 285–286 below.
81 The Bahama Islands (Constitution) Order in Council 1963 (United Kingdom), s 4(3).
82 Constitution 1963 (Bahamas), s 29(2).
83 Constitution 1963 (Bahamas), s 66(1).
Nonetheless, the majority party in the House of Assembly thus gained more control over the ensuing revision process.

6.3 Working with the Constitution of 1963

The open questions regarding the property vote were addressed in the House of Assembly Elections Act of 1965. It gave effect to the 1963 agreement to abolish the property vote, but it did not do so immediately. Rather, the property vote was phased out. It was scheduled to disappear when the current House, elected under the old suffrage in 1962, was dissolved, but that also meant that any bye-elections which might occur until then would continue to allow persons to vote by virtue of a property qualification.\footnote{House of Assembly Elections Act 1965 (Bahamas), s 9(2).}

The House of Assembly Elections Act of 1965 did not see much controversy. The phasing out of the property vote, arguably, followed established constitutional practice, which would normally see bye-elections conducted under the same suffrage as had existed during the last general election.

The agreement represented by the conference report of 1963 had now been fully implemented. The next general election would be held under universal suffrage, and all voters in any given constituency would have an equal vote. Later, PLP leader Lynden Pindling would hail these elections as the first to be conducted “on a ‘one man, one vote’ basis.”\footnote{Beardsley Roker (ed.) (2000) 25.} However, at the time they were not fully satisfied that the new Constitution in tandem with the General Assembly Elections Act of 1959 as amended guaranteed the equality of the suffrage, as their actions would consequently prove.

Despite these reforms then, conflicts re-arose before the next general election. Even though the professed reason why the PLP had recorded a reservation to the conference report on the point of redistribution of seats was to justify revisiting it, if the party came to power, its members accused the UBP of gerrymandering when the Constituencies Commission reported. The criticism was not so much directed against the delimitation of the constituency borders \textit{per se}, but against the continued practice of having a combination of constituencies with one, two, or even three Members, as well as their particular distribution. Many traditional UBP strongholds continued as larger multi-seat constituencies, whereas many traditional PLP...
strongholds were now divided into smaller single-seat constituencies, thereby increasing the chances of the UBP winning at least some of them, whereas multi-member constituencies tended to further exacerbate the distortion already inherent in first-past-the-post voting. Additionally, due to registration issues, which the PLP alleged favoured the UBP, the report was based on preliminary voter registration numbers only.\footnote{Craton (2002) 116.}

The PLP leaders used this controversy for great political theatre by staging a dramatic protest, which has since become known as Black Tuesday in the Bahamas. As Michael Craton emphasised, the term is meant in a celebratory rather than disparaging sense.\footnote{Craton (2002) 115.} The general gist of the events of that day is not disputed, though important details in the accounts differ. On April 27th, 1965, the House of Assembly was debating the Constituencies Commission’s report. Pindling moved to defer the matter until more voters had registered to allow for a more accurate report based on a larger dataset. The PLP alleged that “people likely to be UBP supporters were more easily and quickly registered than those in the poorer and more crowded districts from which the PLP drew its greatest support” and “accused the UBP government of a calculated policy of delay and obfuscation.”\footnote{Craton (2002) 116.} This motion was, predictably, defeated. So was another motion by the PLP’s Spurgeon Bethel, which included a proposal to redraw the constituency borders under the supervision of the United Nations. In anticipation of the defeat of these motions, the PLP had rallied its supporters to a mass demonstration outside of the House of Assembly for that day. Then, according to the Tribune, the following scene unfolded while Pindling spoke:

“We tried to lay our cards on the table; we tried to get the Premier to indicate whether he would be prepared to amend the draft, but it appears that it is the intention of Government to push this matter through. This only shows that they mean to rule with an iron hand. If this is the intention of Government I can have no part in it. If this is the way you want it, then this is the way you will have it.” Whereupon he picked up the mace, which he declared, “is supposed to belong to the people of this country”, and threw it through an open window into the crowded square below. Butler followed by hurling the two hour-glasses out.\footnote{The Nassau Daily Tribune, 20 November 1964. Quoted in: Hughes (1981) 107.}
Pindling and the other PLP Members present on that day then marched out of the House of Assembly and addressed the demonstrators outside. Within twenty minutes, a magistrate read the Riot Act, and the police dispersed the crowd. In his account, Hughes largely followed the *Tribune’s* reporting and left open the question of whether or not the day’s series of events had been planned and scripted by the PLP’s leadership. In contrast, Craton and Saunders tell a slightly different version:

In action reminiscent of Oliver Cromwell in the seventeenth-century House of Commons, he [Pindling] strode over to the mace in front of the Speaker’s chair, shouting, “This is the symbol of authority, and authority in this island belongs to the people.” He then lifted the mace, carried it to the window, and threw it down. “Yes, the people are outside,” he said to the stunned Speaker and the UBP, “and the mace belongs outside, too!” Not to be left behind (and perhaps on cue), Milo Butler seized the hourglasses used by the Speaker to time members’ speeches and threw them after the mace, as the crowd chanted “PLP, PLP” over and over again.\(^90\)

Hughes relied on the account of the *Tribune* newspaper for the words spoken by Pindling, whereas Craton and Saunders relied on the memoir of Randol Fawkes. In his account, Pindling’s words not only have a more dramatic effect, but also appear more likely to be premeditated, even scripted. However, we already know that in his memoir, Fawkes omitted crucial details that distorted events when they did not suit the image he wanted to convey of himself, e.g., regarding his role in the 1962 general election. In his biography of Pindling, Craton went one step further. He called the version of events as reported by the Governor, according to whom the explosion of events within the House of Assembly had been largely spontaneous and afterwards order was only restored due to the reading of the Riot Act and the intervention of the Police, “simplistic, self-serving, and to a large extent erroneous.”\(^91\) Rather, he accepted Pindling’s own account of the events as “the most accurate.”\(^92\) Pindling served as the Bahamas’ Premier and then Prime Minister from 1967 to 1992, and was eventually succeeded by two personal protégés of his who took turns as Prime Ministers until 2017; all Governors-General since the appointment of the first Bahamian to this position in 1973 have been members of this generation and most had been, at

---

92 Craton (2002) 118.
one time or another, associates of Pindling’s. Over time, their version has indeed become the most widely believed. According to Pindling, the events were minutely scripted, even involving detailed measures of crowd control to ensure that the demonstrators outside the House of Assembly would be noisy but remain peaceful under any circumstances. The restoration or, depending on the point of view, preservation of order then, was owed to the PLP leadership and its foresight, not to the authorities.

The question of just how detailed a script the actors followed on Black Tuesday is secondary, but the event’s importance as a central chapter in the national narrative of the PLP’s struggle against undemocratic election practices is not. Officially, the PLP alleged gerrymandering and claimed that the report of the Constituencies Commission was particularly flawed for New Providence. The archival record contradicts this version. The minutes of the commission’s meetings show that the PLP’s member, Arthur D. Hanna, had agreed to the plans for delimitation of New Providence’s constituencies in the commission meetings he had attended. This did not stop him from producing a minority report to the contrary. The PLP demanded that the commission produce an entirely new report based on a mass registration exercise that had yet to occur. In fact, earlier on Black Tuesday, Premier Roland Symonette had, in a private conversation with Orville Turnquest

N.B.: As for Prime Ministers, Hubert Ingraham served as Prime Minister of the Bahamas from 1992 to 2002 and again from 2007 to 2012, heading a government by the so-called Free National Movement (FNM), a party initially founded by PLP dissidents and the remnants of the UBP in 1971. Ingraham was a cabinet minister under Pindling but left the PLP in the mid-1980s and was subsequently recruited by the FNM. Perry Christie served as Prime Minister of the Bahamas from 2002 to 2007 and again from 2012 to 2017, heading a PLP government. He had also served as a cabinet minister under Pindling and had also left the party in the mid-1980s. However, he eventually re-joined the PLP. Ingraham and Christie were partners in the law firm Christie, Ingraham & Co. After losing the 2012 general election, Ingraham picked Hubert Minnis to succeed him as the leader of the FNM. When the FNM was returned to power as a result of the 2017 general election, Minnis became Prime Minister. It is also worth noting that upon independence in 1973, when Pindling served as Prime Minister and national symbols were designed and adopted, the design that was chosen for the Prime Minister’s flag was the same as the national flag but with an image of the Speaker’s mace vertically superimposed across it.

Governor Grey to Colonial Office, 8 May 1965, TNA: CO 1031/4471.
and in a note to Pindling, offered the PLP a meeting to discuss this possibility. Pindling ignored the offer. In his mind, this was no longer about constituency borders. Instead, he wanted to demonstrate that the UBP was not capable of responsible government and force London to suspend the Constitution.

Nona Martin and Virgil Henry Storr argue that the PLP had consciously radicalised after the defeat in the 1962 general election. Through dramatic political action it sought to demonstrate to “the Bahamian people that Bay Street’s grip on the Bahamas was weakening” Citing other examples of protests that drew significant attention, such as the eviction of the PLP Members Milo Butler and Arthur D. Hanna from the House of Assembly twelve days earlier, Martin and Storr demonstrate the existence of a pattern, in which Black Tuesday was but another piece in the puzzle, albeit the most dramatic. This way, they argue, the PLP was ultimately able to demystify the power of Bay Street and the UBP.

It is certainly true that Bahamian politics had become very tumultuous, but the PLP’s new course was a gamble. On the one hand, it created “a groundswell of support resulting from the obvious militancy of the party,” but on the other hand it alienated more moderate elements and “eventually three disaffected House Members resigned from the Party and a number of key supporters followed them.” The party’s new strategy also alienated the Colonial Office, whose support for democratic reforms had been crucial every step along the way, but when hearing about Black Tuesday, the remark was made, “‘Even Cromwell didn’t throw the mace out of the window’.”

Apart from such highly visible protests, the PLP also pursued other avenues in an attempt to alter the conditions of the next elections. The Constituencies Commission’s report still made provision for a considerable number of multi-member constituencies, and in these, voters would continue to vote for more than one candidate. This, the PLP insisted, continued to make

97 Governor Grey to Colonial Office, 8 May 1965, TNA: CO 1031/4471.
98 Governor Grey to Colonial Office, 29 April 1965. TNA: CO 1031/4471.
100 Martin/Storr (2009) 43.
103 Colonial Office to Governor Grey, 29 April 1965, TNA: CO 1031/4471.
for an unequal suffrage. Thus, they mounted a challenge. At first, they did so in the form of a petition to the Colonial Office submitted through Governor Ralph Grey, in which the party argued,

Section 35(1) of the Bahama Islands Constitution particularly enjoins that ‘no person shall be permitted to cast more than one vote […]’ Any provision enabling a voter to vote for more than one member is unconstitutional. If voters in some constituencies are permitted to vote more than once for more than one candidate it would be impossible to create constituencies that were ‘the same’ as far as was reasonably practicable.104

The PLP alleged that the creation of single-member constituencies in some Out Islands, but the retention of multi-member constituencies in others “was a deliberate design to create and establish a political advantage in favour of the [UBP].”105 At the beginning of the Constituencies Commission’s deliberations, its Chairman,106 Speaker of the House of Assembly Robert Symonette, proposed the following guidelines, ostensibly because there was a time factor as otherwise they would risk yielding this power to the Governor:

[O]ne must bear in mind that ideally Single Member Constituencies should be the eventual goal of the Constituencies Commission. In my opinion, this will not be possible of achievement in this report. I therefore feel that we should recommend as many Single Member Constituencies as we can and leave the further dividing of multiple-seat Constituencies until such a time as the picture becomes clearer. […] In respect of the Out Islands, my initial suggestion to the Commission is that wherever a Constituency has seats added to the existing number of Members, that the Constituency be subdivided into Single Member Constituencies but that where a Constituency either maintains its same number of seats or has seats taken away, that the existing boundaries remain and the Constituency remain undivided. I believe that this point of view can be substantiated in the Out Islands by virtue of the fact that the two districts which will have additional seats owe these seats to the fact that recent development has

104 Memorandum of the PLP, May 1965, TNA: CO 1031/4471. The ellipsis is part of the original document.
105 Memorandum of the PLP, May 1965, TNA: CO 1031/4471.
106 N.B.: The 1963 Constitution uses the gendered term “Chairman” – instead of a neutral “Chair” or “Chairperson” – where it makes provisions for the Constituencies Commission. De facto the introduction of women’s suffrage just in time for the general election of 1962 had not changed the reality of an all-male House of Assembly, but the draftsmen of the Constitution were aware of the theoretical possibility of women serving in that capacity. See: Constitution 1963 (Bahamas), s 62(2).
taken place in these districts, which may be continuing and may grow vastly in the next five years or may cease with a resultant drop in the number of Voters.\textsuperscript{107}

While this rationale may appear to be neutral, a look at the affected constituencies makes it is easy to see why the PLP feared that this would \textit{de facto} yield a less representative election outcome in general, and, more particularly, would work to their disadvantage as a party. However, the PLP’s so-called petition did not request that the Colonial Office take any action. It did not go beyond listing the party’s grievances and objections to the Constituencies Commission’s report. Nonetheless, the Colonial Office examined the report and the process that led to its adoption. It made a number of noteworthy observations. Looking at the petition politically, it considered the exact effect the revised boundaries would have on the election outcome to be impossible to predict, but, contrary to the PLP’s allegations, suggested that “there must be a strong inference that the creation of single-member constituencies in New Providence will favour the P.L.P.”\textsuperscript{108} It also saw “no evidence that the Commission was partial in carrying out its task.”\textsuperscript{109} Considering the PLP’s claim that the Constituencies Order made as a result of the Constituencies Commission’s report was unconstitutional, the Colonial Office’s legal advisers took “the view that a court of law would not up-hold the Opposition claim and this view is endorsed by the Acting Attorney-General of the Bahamas.”\textsuperscript{110}

Parallel to the Colonial Office, the UBP, too, sought an opinion regarding the constitutionality of the Constituencies Order. At the behest of Sands, Hone considered the matter.\textsuperscript{111} Arguing along similar lines as the Colonial Office’s legal advisers as well as the Bahamas’ Acting Attorney-General, he identified two main questions relevant to this issue: are multi-member constituencies permissible, and, if so, are voters in such constituencies entitled to vote for one candidate only or for as many candidates as that constituency sends as Members to the House of Assembly. He answered the first question in the affirmative, citing in particular the Bahamas Constitution Order, which stipulated “that each constituency […] shall return at least one mem-

\textsuperscript{107} Memorandum for Consideration by the Constituencies Commission, n.d., TNA: CO 1031/4471. Emphasis in original document.
\textsuperscript{108} Internal Note, Colonial Office, July 1965, TNA: CO 1031/4471.
\textsuperscript{109} Internal Note, Colonial Office, July 1965, TNA: CO 1031/4471.
\textsuperscript{110} Internal Note, Colonial Office, July 1965, TNA: CO 1031/4471.
\textsuperscript{111} Internal Note, Colonial Office, 14 June 1965, TNA: CO 1031/4471.
ber.” To then answer the second question, Hone turned to the Constitution as well as to the Bahamian General Assembly Elections Act of 1959 and House of Assembly Elections Act of 1965, and furthermore to the United Kingdom’s Representation of the People Act of 1949 and Ballot Act of 1872. For the interpretation of these statutes Hone then referenced a number of cases going back as far as 1828. He reached the conclusion that, although the Constitution stated that “no person shall be permitted to cast more than one vote in any election of members of the House,” this meant in fact that each voter was restricted to completing a single ballot, but that on this one ballot a voter could, in a single act of voting, vote for multiple candidates, as the constitutional provision had been inserted to “abolish in particular the then existing additional vote based on a property qualification.”

Before the next general election, the so-called National Democratic Party (NDP), a group of disgruntled former PLP members, filed a writ against the Parliamentary Registrar, attempting to prevent this practice. The UBP then prepared to file a similar writ “in order that matter may not be perversely delayed by Opposition.” Along the lines of Hone’s opinion, Chief Justice Ralph Campbell argued that in “a two member constituency […] the inherent question asked by the ballot paper is ‘which two of the candidates do you choose?’ A voter is partially disfranchised if he is prevented from answering this question.” He agreed that the purpose of the constitutional provision prohibiting a voter from casting more than one vote was to abolish the property vote. Therefore, he ruled that a voter may vote for as many candidates as their constituency sent Members to the House of Assembly, because this accounted for a single act of voting and therefore did “not amount to more than voting once.”

112 Legal Opinion, June 1965, TNA: CO 1031/4471; The Bahama Islands (Constitution) Order in Council 1963 (United Kingdom), s 7(6). Emphasis added.
113 Constitution 1963 (Bahamas), s 35(1).
114 Legal Opinion, June 1965, TNA: CO 1031/4471; The Bahama Islands (Constitution) Order in Council 1963 (United Kingdom), s 7(6).
Some details of this case remain unclear. In his judgement, Campbell referred to the two plaintiffs, Birchenall Austin Kelly and Winston Montgomery Bowe, as candidates. However, in a telegram to the Commonwealth Office, Governor Grey referred to one as an elector on whose behalf the NDP had filed a writ, and then suggested that the UBP was going to find a supporter – not necessarily a candidate – on whose behalf to file a similar writ. It is probable that the Governor was correct. Genealogical databases on the Internet suggest that both Kelly and Bowe are deceased. However, Winston Bowe’s brother Nigel Bowe is still alive. The latter did indeed contest the election for the NDP but insists that his younger brother did not run as a candidate that year. Furthermore, while Birchenall Austin Kelly himself does not appear in any other sources of the time, as might be expected from an active politician, the family name itself was prominent amongst the UBP membership. He reportedly lived in the Out Island settlement of Current, Eleuthera, which would have made him an unlikely candidate.

Hone also shared his written opinion with the Colonial Office, which ultimately arrived at the conclusion that the claims made by the PLP lacked substance. Therefore, in a first draft the clerks in the West India Department recommended “that the Secretary of State should not intervene in any way and that this decision should be conveyed to Mr. Pindling by the governor.” A handwritten note then added that the Secretary of State for the Colonies, by now Anthony Greenwood, should nonetheless “declare his

---

118 N.B.: On 1 August 1966, the Colonial Office and the Commonwealth Relations Office merged to become the Commonwealth Office; the positions of Secretary of State for the Colonies and Secretary of State for Commonwealth Relations merged to become the Secretary of State for Commonwealth Affairs. On 17 October 1968, that position merged with that of the Secretary of Foreign Affairs to become the Secretary of Foreign and Commonwealth Affairs, and the Commonwealth Office and Foreign Office merged to become the Foreign and Commonwealth Office.


121 Personal interview with Paul C. Aranha, 26 January 2019.

122 E-Mail from Michelle Smith, 1 February 2019.

willingness to hear both parties when he visits the Bahamas.”

This was communicated to the Governor, including the added suggestion, and a visit to the Bahamas was announced for October of that year. Pindling’s first response was a public rejection of the offer, but by the time of the visit, he had come around and met with Greenwood in the Governor’s office.

In anticipation of such an answer, and without waiting for it, the PLP simultaneously reached out to the United Nations’ Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples, better known as the Committee of 24, requesting permission for a delegation to be received. In August 1965, Pindling then addressed the Committee of 24. His speech amounted to an “indictment of the social, economic, and political condition of the Bahamas under the UBP.” He concluded it by asking “the Special Committee to recommend the revocation of the existing Constituencies Order which impedes the free expression of the majority will of the Bahamian people and denies them their right to self-determination.” However, the Committee declined to take any formal action.

6.4 Shame and Scandal

The PLP kept the issue alive, and the following year saw some rapid and dramatic developments when the party planned to use the visit by Queen Elizabeth II to the colony as a stage to draw attention to itself and its causes. The party drew up a petition decrying the “unfair delimitation of electoral areas” which caused the “citizens of the Bahama Islands” to be denied “majority rule.” It also made serious allegations regarding the conduct of Bahamian cabinet ministers, claiming that

125 Secretary of State for the Colonies Greenwood to Governor Grey, 12 August 1965, TNA: CO 1031/4472.
131 Petition by the PLP to Queen Elizabeth II, February 1966, TNA: CO 1031/5217.
the majority of the Ministers of the Government of the Bahama Islands are involved in scandalous and corrupt conflict of interest, and by their public policies have opened the door of our country to the worst criminal elements of this hemisphere, thus endangering our ancient heritage as a god-fearing Christian community.\textsuperscript{132}

The petition then culminated in making two requests of the Queen:

1– take all necessary steps to establish majority rule in these islands; and
2– appoint a Royal Commission to fully investigate corruption and conflict of interest in our Government and advise on the preservation of our cherished Christian heritage.\textsuperscript{133}

The petition was submitted to Governor Grey on February 25th, 1966, two days prior to the Queen’s arrival in Nassau.\textsuperscript{134} Pindling had requested that Grey present it to the monarch during her visit to the colony, but instead the Governor followed the usual channels. This meant forwarding it to the Colonial Office, whence the Secretary of State for the Colonies might pass it on to Buckingham Palace. After waiting for the comments of the Bahamian Cabinet as well as the Governor, the petition was finally forwarded to Buckingham Palace on June 20th, i.e., long after the Queen had concluded her visit to the Bahamas. The Colonial Office had also prepared a brief overview of the issues raised by Pindling. Regarding the absence of majority rule, the Colonial Office recounted in particular the developments that had taken place since the last general election, and stressed that changes had been made to the electoral system, but that these changes had not yet been tested in an election, concluding that there was “no evidence that the provisions of the constitution […] are operating, or will operate unfairly.”\textsuperscript{135} Regarding the allegations of corruption, the Colonial Office had this to say:

Some cases have come to our attention where there has been a conflict between Ministers’ private interests and the public interest; but we have no reason to believe that in any of these cases such conflict has led to conduct that could be described as “scandalous and corrupt”. One of the difficulties that the Bahamas’ Ministers have made for themselves is that, while they have agreed amongst themselves on a Code of Conduct to guide them in these situations, they have so far, despite urging from

\begin{itemize}
  \item \textsuperscript{132} Petition by the PLP to Queen Elizabeth II, February 1966, TNA: CO 1031/5217.
  \item \textsuperscript{133} Petition by the PLP to Queen Elizabeth II, February 1966, TNA: CO 1031/5217.
  \item \textsuperscript{134} Governor Grey to Secretary of State for the Colonies Pakenham, 26 February 1966, TNA: CO 1031/5217.
  \item \textsuperscript{135} Colonial Office to Buckingham Palace, 20 June 1966, TNA: CO 1031/5217.
\end{itemize}
here, not agreed to publish it. Their position would probably be much better understood by the general public if they were to do so.\textsuperscript{136}

However, Bahamian realities were such that most active politicians were amongst the colony’s leading businesspersons and professionals. The 1963 Constitution continued to treat government as an unpaid part-time activity. Thus, in order to secure their livelihoods, neither Members of the House of Assembly nor Cabinet Ministers could afford to divest themselves of their business interests. As Cabinet proceedings were secret, just as the proceedings of the Executive Council had been, even if members recused themselves, suspicions of conflicts of interest were ever-present. In conclusion, the Colonial Office recommended that a reply should be sent to Pindling, through the Secretary of State for the Colonies, “to the effect that the petition has been laid before Her Majesty, but that he was unable to advise Her Majesty that it should be granted.”\textsuperscript{137} The Palace agreed to this, but added the following in its reply to the Colonial Office:

The Bahamas Government have certainly taken their time about sending on their comments on this Petition; perhaps it might be advisable to ask them to try and act more briskly in any future case that may arise, otherwise there is a danger that Petitioners may suspect that their Petitions are being unnecessarily delayed in London.\textsuperscript{138}

On July 22nd, Governor Grey wrote to Pindling, informing the latter that the petition had been laid before the Queen but that the Secretary of State was unable to advise that it should be granted. In tendering this advice, the Secretary of State was mindful, in considering the allegation that majority rule was denied, of the representations that you made about the Constituencies Commission’s report and of the reply, to which Mr. Secretary [Frederick] Lee had nothing to add, returned to those representations.\textsuperscript{139}

The last sentence was added after Grey alerted the Colonial Office that simply denying to grant the petition was “likely to afford fresh ammunition to Pindling […] in that it can be represented as statement that H.M.G. is unable to advise the establishment of ‘majority rule’.”\textsuperscript{140}

\textsuperscript{136} Colonial Office to Buckingham Palace, 20 June 1966, TNA: CO 1031/5217.
\textsuperscript{137} Colonial Office to Buckingham Palace, 20 June 1966, TNA: CO 1031/5217.
\textsuperscript{138} Buckingham Palace to Colonial Office, 23 June 1966, TNA: CO 1031/5217.
\textsuperscript{139} Governor Grey to Lynden Pindling, 22 July 1966, TNA: CO 1031/5217.
\textsuperscript{140} Governor Grey to Colonial Office, 11 July 1966, TNA: CO 1031/5217.
This instance in particular, much like the overall tone of many of the Colonial or Commonwealth Office’s internal memoranda during that period in general, demonstrates that Whitehall was no longer willing to exercise oversight over Bahamian affairs as closely as it had done in the past. The existing House of Assembly had been elected under an electoral framework that was the result of the reform process that had taken place during 1958/59, the principles of which the Bahamian opposition had explicitly agreed to. The next House was going to be elected under a framework further reformed along the lines decided by the 1963 constitutional conference. On that occasion, the Bahamian opposition had recorded its dissent, but nonetheless agreed to respect the result and to seek additional reforms only in the case that parliamentary majorities in the Bahamas should shift. The Colonial Office thus accepted the Bahamian House of Assembly as having been democratically elected and therefore as having legitimation to decide the colony’s internal affairs, operating within the parameters of the Constitution of 1963.

This carefree attitude did not last long. On October 5th, 1966, the Wall Street Journal published an article by Monroe W. Karmin and Stanley Penn in which many of the accusations of corruption and conflicts of interest made by the PLP against the UBP Cabinet were repeated and elaborated upon with great detail. While Whitehall had dismissed the accusations when made by the PLP, it could not dismiss them as easily now. Karmin and Penn, who would go on to win a Pulitzer Prize for investigating and reporting this story, made their allegations as ostensibly independent journalists and not as the UBP’s political opponents. Furthermore, the publicity caused by an article in an internationally influential publication such as the Wall Street Journal, made a far greater impression on the Commonwealth Office than the words of opposition politicians in a small colony. The British Economist picked up the story, too. It accused the British government of having ignored the allegations for far too long and speculated that Prime Minister Harold Wilson had thus far remained passive for fear of a unilateral declaration of independence by the Bahamians.

London could no longer ignore this scandal. Many contemporary observers naturally expected a formal investigation of the allegations. Accordingly, Frank Pakenham, then Secretary of State for Commonwealth Affairs, sent a personal message to Roland Symonette, the Bahamian Premier, suggesting the appointment of a Commission of Enquiry.\textsuperscript{144} The Bahamian government’s first reaction, however, was a different one. They hoped that by ignoring it, “the fuss would die down.”\textsuperscript{145} That was not the case. Hoping to catch the opposition off guard, Roland Symonette decided to take this matter “to ‘the highest court in the land – the electorate’.”\textsuperscript{146} By calling an early election, the government hoped to be rewarded for the ongoing boom: “The economy is buoyant; there is full employment; and a rising standard of living. This arises from the spectacular increase in tourist numbers which is due in no small part to the endeavours of Bahamian Ministers.”\textsuperscript{147}

Despite the Commonwealth Office’s refusal to accept an election as a satisfactory means of dealing with the allegations made by the international press, the election was called for January 10th, 1967. Short of suspending the Constitution, a step considered “unthinkable,” they saw no way of disregarding the Premier’s wish in that regard.\textsuperscript{148} Whitehall already suspected that the radical conduct of the PLP over the past two years was aimed at forcing London to take this step.\textsuperscript{149} The 1967 election drew attention at higher levels in London than any previous Bahamian elections had, causing the Chiefs of Staff Committee in the United Kingdom’s Ministry of Defence

\textsuperscript{144} Internal Note, Commonwealth Office, 16 September 1966, TNA: CO 1031/5221. N.B.: While the date written on the document is indeed 16 September 1966, the document references events that took place up to 7 December 1966 and speaks of other events planned for 20 December 1966. In the file it is located after a document dated 9 December 1966. It stands to reason that the date on the document is a mistake and that its real date is somewhere between 10–19 December 1966. Shortly before the election, Roland Symonette did agree to a Commission of Enquiry; one was appointed after the election, albeit no longer by a UBP but now by a PLP government.

\textsuperscript{145} Internal Note, Commonwealth Office, 16 September 1966, TNA: CO 1031/5221. See fn 144 above.

\textsuperscript{146} Governor Grey to Commonwealth Office, 24 November 1966, TNA: CO 1031/5221.

\textsuperscript{147} Internal Note, Commonwealth Office, 16 September 1966, TNA: CO 1031/5221. See fn 144 above.

\textsuperscript{148} Internal Note, Commonwealth Office, 2 December 1966, TNA: CO 1031/5221.

\textsuperscript{149} Internal Note, Colonial Office, July 1965, TNA: CO 1031/4471.
to deliberate over the internal security situation in the Bahamas, urging a
delay of contingency plans while still deciding not to take any immediate
action.\footnote{Minutes of Chiefs of Staff Committee Meeting, 13 December 1966, TNA: DEFE 4/209.}

If the UBP expected the snap election to give them a renewed mandate,
this gamble backfired. When the votes were counted, the constellation of the
House was as follows: eighteen seats each for the UBP as well as the PLP, one
seat for Labour leader Fawkes, and one seat for an independent, Alvin
Braynen, who had previously been a member of the UBP. This may have
appeared like a hung parliament, but within a few short days, the PLP had
successfully brokered an agreement with Fawkes to join a PLP-led coalition
government, and Braynen, who was promised the position of Speaker of the
House, which contemporaries suggested he had long coveted.\footnote{Fawkes (2013) 381.}
The PLP had achieved victory. The UBP’s rule, which despite the party’s deliberate and
perhaps desperate effort to present a decidedly mixed slate of candidates in
this election was nonetheless perceived as standing for the continued dom-
ninance of the colony’s white minority, was broken. To this day, January 10th
is commemorated as Majority Rule Day. However, closer scrutiny of the
election results casts some doubt on this term. As there were also the can-
didates of the NDP and additional independents, none of whom won any
seats, the new government, despite having a parliamentary majority had not
quite managed to win a majority of the popular vote. While both major
parties won eighteen seats each, the PLP polled 18,462 votes or 42.8 %,
whereas the UBP polled 19,408 votes or 45.0 %. These votes, however, still
did not directly translate into voters, because those in multi-member con-
istituencies could still vote for multiple candidates. This point had been
severely criticised especially by the PLP leading up to the election. Yet
because of an opportune outcome, such contradictions were glossed over
in the construction of a national narrative, and the election was \emph{ex post facto}
redefined as having been contested on an equal franchise.\footnote{Lynden Pindling, 12 April 1972, quoted in: Beardsley Roker (2000) 25.}

1967 was the first election in which the political majority in the House of
Assembly had had the theoretical power of gerrymandering. However, even
if the peculiarities in the Constituencies Commission’s report decried by the
PLP had been an attempt at this, gerrymandering did not swing the election.
Instead, the elections had yielded results that, given the shape the electoral reforms had taken, neither side had predicted. What the election result does show, is that in comparison to the 1962 election, the PLP had suffered considerable losses in terms of overall votes, whereas the UBP had made significant gains, percentage-wise. There are various possible reasons for this. As we have seen, some observers suspected that the limited plural vote as practised in 1962 had indeed benefitted the PLP, possibly increasing the weight of voters originally hailing from the Out Islands but who had migrated to New Providence, many of whom supported the PLP. Others expected that the more radical strategy the PLP had pursued over the past couple of years could have alienated potential voters. A closer look at the numbers raises an additional question. In 1962, approximately 84.9% of the adult population had registered to vote, and based on these registration numbers, voter turnout on election day had been approximately 85.6%. The January 1967 election was a snap election, and the register was closed on November 30th, 1966. The House was dissolved the next day. At that time, only approximately 64% of potential voters had registered to vote. This, too, could have negatively affected the PLP’s result, even if the turnout rate amongst registered voters remained stable, as registration rates were higher amongst likely UBP voters than they were amongst likely PLP voters.\footnote{Governor Grey to Commonwealth Office, 9 December 1966, TNA: CO 1031/5221.} Finally, later developments can also be interpreted in yet another direction, namely that voters in 1967 shied away from voting for the PLP for fear of being on the losing side – again.

6.5 New Majority, Additional Reform

The new government had a majority of one vote in the House of Assembly, and that was the vote of Fawkes, who had joined and left the PLP twice before, but who had also endorsed the UBP in the election of 1962. The PLP had little faith in the longevity of this coalition.\footnote{Governor Grey to Commonwealth Office, 31 August 1967, TNA: FCO 44/1.} The new government further depended on the neutrality of the Speaker, Braynen, a former member of the UBP, whose dependability they were also unsure of.\footnote{Governor Grey to Commonwealth Office, 27 February 1968, TNA: FCO 44/11.} Convinced that the PLP had not succeeded in getting all its potential voters to the polls

Equal Suffrage | 209
in 1967, and further convinced that the upset would lastingly damage the UBP, Pindling, the new Premier, seized an early opportunity to call another general election. He hoped that the Bahamian people would not just renew his mandate but would afford his party a more comfortable parliamentary majority. This opportunity came in 1968, after the new government had laid the groundwork.

First, having so vehemently opposed the 1965 Constituencies Commission report, the new government caused the appointment of a new commission to produce a new report posthaste. It reported before the end of the year and, predictably, recommended increasing the constituencies for New Providence from seventeen to twenty and reducing the constituencies for the Out Islands from twenty-one to eighteen.\footnote{Internal Note, Commonwealth Office, 12 December 1967, TNA: FCO 44/7.} Furthermore, all constituencies were now to be single-member constituencies. This time, it was the UBP, who protested bitterly. Not willing to commit in answering the question whether or not the new report amounted to gerrymandering, the Governor nonetheless opined that it was done in “indecent haste,” and that

\[
\text{[e]ach of the improprieties alleged against the former Government by the P.L.P. has certainly been committed by the P.L.P. now that they have ‘the power’; the only difference one could detect, even if one accepted all the allegations made against the U.B.P. (and I think that some of them were not justified), is that the P.L.P. are more blatant and more heedless of public opinion.}\footnote{Governor Grey to Commonwealth Office, 5 December 1967, TNA: FCO 44/7. Brackets in the original document.}
\]

However, while the individual delimitations of some constituencies might raise suspicion, the ratio of twenty to eighteen constituencies for New Providence and the Out Islands respectively was not only within the parameters set by the Constitution, but could also easily be justified by census figures. Furthermore, by now even the UBP, probably recognising the futility of its stance as the minority party, agreed that multi-member constituencies ought to be abolished.\footnote{Constituencies Commission Minority Report, 1967, TNA: FCO 44/7.}

Second, while even former Premier Roland Symonette had, prior to the election, eventually agreed to a Commission of Enquiry to look into the allegations made by the \textit{Wall Street Journal}, it was under the new Pindling-
led government that this Commission would convene. While its final report may not have resulted in any indictments, it was nevertheless politically damning for many prominent members of the UBP. Seizing the moment, Pindling pushed the following resolution through the House of Assembly:

Resolved, that having regard to the Report of the Commission of Inquiry on Gambling, this House is of the opinion that the Members of the Legislature found therein to have received consultant fees and other questionable payments were guilty of a grave crime against the people of the Bahamas, and ought to be and are hereby condemned.

Resolved further, that this House no longer has confidence in such Members and, in the interest of public decency, is of the opinion that such Members should retire from public service.159

Then in February 1968, Uriah McPhee, the PLP’s Member of the House of Assembly for Shirlea, a constituency in New Providence, passed away, and “[r]elying on the Bahamian people’s traditional love of splendid burial ceremonies, the PLP accorded him the first ever Bahamian state funeral.”160 The prevailing narrative is that after McPhee’s death Pindling, instead of calling for a bye-election, took a page out of Roland Symonette’s playbook and seized the moment to call a snap general election.161 However, a decision in principle to have a general election at some point in 1968 had already been made at the PLP’s annual convention in September 1967.162 For several months, the new government had been actively encouraging eligible persons to register as voters, so that within fifteen months, the voters’ register had grown by nearly 46%.163

The sudden vacancy in the House, in fact, threatened to put Pindling’s plan – or at least his preferred schedule – at risk. To avoid having to call for a bye-election, he had to move the election forward to April 10th, 1968. Even this date made it necessary for him to stall by exercising pressure on the Speaker to evade “his clear obligation under S 29(2) of House of Assembly Elections Act [...] to send message to Chief Secretary requesting issue of writ.”164 March 10th would have been too soon, but Pindling’s as well as his

159 Governor Grey to Secretary of State for Commonwealth Affairs Thompson, 1 February 1968, TNA: FCO 44/41.
supporters’ superstition made a tenth of a month the only acceptable date, hence the need for the delaying tactics. Pindling was the “Black Moses,” and “the 10 January 1967 election had been the flight from Egypt [...] on 10 April 1968 was to be the crossing of the Red Sea.”

The level of surprise, therefore, was not the same as it had been fifteen months earlier, but this time, the gamble paid off. The PLP won twenty-nine out of thirty-eight seats and could now govern without having to rely on politicians with a track record of crossing the aisle, such as Braynen or Fawkes. The large margin of the PLP’s victory was only in part the result of the redrawn constituency borders. The government had succeeded in getting a much larger part of the electorate registered, and turnout amongst registered voters was 85.5%. Given the abolition of multi-member constituencies, 1968 therefore saw the first general election in the Bahamas where every voter had one vote, and where this one vote amounted to nothing more than marking a single cross for a single candidate. In this election under universal and equal suffrage, the PLP won 62.8% of the popular vote, giving some weight to the hypothesis that the low numbers of the previous year had not accurately reflected the support the PLP enjoyed amongst the population at that time.

Armed with a renewed and now much stronger mandate, as well as an earlier first interim report of the House Constitution Committee, the PLP requested that Whitehall convene another constitutional conference. While the 1968 election had been based on all single-member constituencies, the Constituencies Commission had not been legally required to produce any such report from which this would follow. It could just as well have retained multi-member constituencies instead. In accordance with the reservation it had noted in the report of the last constitutional conference, the PLP now undertook to abolish multi-member constituencies once and for all by ensuring that the Constitution would mandate single-member constituencies going forward.167

165 Belton (2017) 59.
166 Hughes (1981) 138. N.B.: During the twenty-five years that Pindling remained in office (1967–1992), every general election was held either on a tenth or nineteenth – the cross total of nineteen also being ten – of a month.
A constitutional conference, of course, would consider other matters, too. The PLP’s proposals indicated that they intended for the political executive’s powers to be increased beyond what London had agreed to in 1963. Some of the proposals included that the service commissions and matters of internal security would come under control of the Cabinet, or even that Cabinet was to have a voice in matters of external affairs in general and in regulating air traffic to and from the Bahamas in particular as well as in selecting the colony’s future Governors.\textsuperscript{168} The UBP opposed any additional constitutional reforms so shortly after the first Constitution granting a degree of responsible government to the Bahamas had come into effect. It also strongly opposed any proposals that would give Cabinet more authority.\textsuperscript{169} Despite their reservations, the conference convened in London in September 1968.

The British government refused many of the PLP’s demands, especially where it saw its own geostrategic interests, or those of its international partners, affected. After all, it was the height of the Cold War, and the Bahamas’ territorial waters border both Cuban and US waters. The latter also leased several military installations in the Bahamas from the British government.\textsuperscript{170} The Commonwealth Office made its view clear, even before the commencement of the conference:

\begin{quotation}
if the Bahamas want to be independent […] H.M.G. will do nothing to stand in the way. He [Pindling] cannot, however, have his cake and eat it. If, for economic reasons, the Bahamas Government wishes to retain the apparent tourist attraction of being a British Colony, then they must have what goes with it. They cannot have it both ways.\textsuperscript{171}
\end{quotation}

Pindling was, nonetheless, able to save face at home by scoring an unexpected victory. He wanted his title to be elevated from Premier to Prime Minister, even though according to a 1965 policy implemented by then Secretary of State for the Colonies Greenwood, the title of Prime Minister should only be used in dependent territories once a date for their independence had been set. While the lack of opposition to this request from the Bahamian opposition

\textsuperscript{168} Internal Notes, Commonwealth Office, 19 January 1968, 8 February 1968, 13 February 1968, TNA: FCO 44/3.
\textsuperscript{169} Press Release of the UBP, January 1968, TNA: FCO 44/3.
\textsuperscript{171} Internal Note, Commonwealth Office, 29 July 1968, TNA: FCO 44/4.
surprised the Commonwealth Office, it allowed Whitehall to use this vanity item as a bargaining chip at the conference. In fact, even though the title was not conferred until the new Constitution came into effect, Pindling started styling himself as Prime Minister – instead of Premier – immediately after the conference. The Foreign and Commonwealth Office decided to play along, recognising that “he attaches significance” to the title.

There were other changes in the constitutional language. Henceforth, Members of the House of Assembly would be called Representatives instead, but the body itself would not become a House of Representatives. The conference files only show that this was the result of a proposal by the PLP, and while this proposal did not appear to generate any enthusiasm, none of the participants at the constitutional conference were fundamentally opposed to it either. A conference note indicates that the UBP, for instance, was “[p]repared to agree” on the matter; for other points that conference participants genuinely supported rather than merely not opposed, however, the corresponding comment was simply a less ambiguous “[a]gree.” As for the Commonwealth Office, the entire discussion regarding this point in the briefing notes for the United Kingdom delegates at the conference consisted of a single sentence: “Although this seems a slightly odd title given the name of the House, we can accept the proposal.”

The term Representative suggests a possible American influence, as does the other name change. The colony of the Bahama Islands now officially became the Commonwealth of the Bahama Islands. This was subject of some more debate within the Foreign and Commonwealth Office. Outlining how the Bahamas still fell short of Associated Statehood “as provided for in the West Indies Act 1967,” the West India Department compared and contrasted the colony’s status and level of constitutional development to that of the British dependencies of Malta and Singapore – as well as that of the Commonwealth of Puerto Rico, a US territory bearing the desired title. In 1961, Malta had been granted internal self-government, and its name

172 Internal Note, Commonwealth Office, 26 September 1968, TNA: FCO 44/5.
175 Bahamas Constitutional Conference: Brief No. 8, August 1968, TNA: FCO 44/13.
changed to the State of Malta. The Foreign and Commonwealth Office would have preferred for the Bahamas to adopt that terminology instead, but, speculating that the Bahamians were motivated by the prestige the title of Commonwealth would carry, eventually conceded the point, having reached the conclusion that the name change did “not necessarily imply a new status.”  

From a Bahamian point of view, however, these points also carried symbolic weight. They marked a deliberate effort to create the nucleus of a Bahamian national identity. Similarly, after the conference and during the drafting stages of the new Constitution, the PLP sought to include an identity-generating preamble, which London rejected. Nonetheless, the new Constitution “considerably strengthened the colony’s independent authority while augmenting the power of the ruling party within it.” The cautiously nationalistic tone was crucial in achieving this objective, given that one opposition party had already adopted the adjective “national” in its name, and Fawkes had already made independence part of his party’s platform.

On many points, the various parties were able to reach agreement at the conference. However, much like at the previous constitutional conference in 1963, the issue of delimitation of constituencies caused the main opposition, now the UBP, to object vehemently, and even the Foreign and Commonwealth Office was somewhat uneasy. The PLP wanted to abolish both the prescribed quota of minimum and maximum numbers of seats for New Providence and the Out Islands respectively and the overall maximum number of seats in the House of Assembly. Pindling in fact argued that a larger House with smaller constituencies would improve the representation of the Out Islands. However, not only did the existing ratio already ensure a numerical overrepresentation of the Out Islands, but later developments would demonstrate that the PLP’s proposal would not improve the Out Islands’ representation. Upon independence in 1973, the ratio and limit on the overall size were abandoned. The constitutional guidelines for the delimitation of constituencies continued to include the following principle:

177 Bahamas Constitutional Conference: Brief No. 1, August 1968, TNA: FCO 44/13.
180 CRATON (2002) 129.
the Commission shall be guided by the general consideration that the number of voters entitled to vote for the purposes of electing every member of the House of Assembly shall, so far as is reasonably practicable, be the same and the need to take account of special consideration such as the needs of sparsely populated areas, the practicably of elected members maintaining contact with electors in such areas, size, physical features, natural boundaries and geographical isolation.\footnote{182} 

While the Family Islands, as the Out Islands are known nowadays, continue to be somewhat overrepresented to this day, the representation in the House of Assembly nonetheless continues to be dominated by New Providence. In the 1967 elections, New Providence constituencies had accounted for 44.7% of the seats in the House of Assembly, and, based on the 1963 census, New Providence accounted for approximately 62.1% of the overall population.\footnote{183} This marked the last time New Providence constituencies accounted for a minority of all seats. By 1968, New Providence constituencies accounted for 52.6% of all seats, and following the most recent general election of 2017, 61.5% of the Members of the House of Assembly represent New Providence constituencies. Based on the 2010 census, New Providence now accounts for a total of 70.1% of the population.\footnote{184}

While the principles by which “the Commission shall be guided”\footnote{185} were arguably more democratic by themselves rather than with quotas that were already skewed and that were not flexible enough to adjust to population shifts already underway, these principles were not specific enough to prevent politically motivated gerrymandering, given that the majority party in the House of Assembly also held the majority in the Constituencies Commission.\footnote{186} However, whereas in 1963 the parties fought over this point because their respective voter bases had been clearly identifiable in the 1962 election, the 1968 election showed that the UBP’s stranglehold on the Out Islands had slipped away. In turn, the PLP realised that conceding the point was unlikely to cost them an election. The quota was left unchanged.\footnote{187}

The other reservation the PLP had recorded in 1963, however, was addressed now. The new Constitution banned multi-member constituenc-
This meant that going forward there would now be a constitutional guarantee that every voter would have one vote, and one vote only. While the 1968 election had already been conducted on this principle, this had only been the case because the Constituencies Commission’s report reflected the political preferences of the PLP and accordingly prescribed all single-member constituencies. It had not been legally required to do so.

The upper chamber, the Senate, also saw a change in its composition. As an appointed body, its political majorities depended on who decided the appointments. Under the Constitution of 1963, the majority of Senators were appointed at the Governor’s discretion. They were therefore potentially independent of the parties represented in the House of Assembly. Going forward, however, this changed. The Constitution of 1969 effectively gave the Prime Minister the right to decide the majority of Senate appointments. The political majority in the Senate would then reflect the political majority in the House of Assembly. This constellation can be observed in many post-colonial systems modelled upon Westminster, where it has often led to the appointed upper chambers lacking the political independence inherent in the House of Lords in the original Westminster system.

Another fundamental change was the introduction of a new requirement for membership in both the House of Assembly and the Senate. Going forward, it was no longer sufficient to be a British subject. Instead, potential Representatives or Senators had to possess “Bahamian status” in order to qualify for membership. This was defined as follows:

For the purpose of this Constitution, a person shall possess Bahamian status if—

(a) he is a British subject and was born in the Bahama Islands; or
(b) he is a British subject and was born outside the Bahama Islands of a father or mother who was born in the Bahama Islands; or
(c) he is a person who possesses Bahamian status under the provisions of any law for the time being in force in the Bahama Islands; or
(d) he obtained the status of a British subject by reason of the grant by the Governor of a certificate of naturalisation under the British Nationality and Status of Aliens Act 1914(a) or the British Nationality Act 1948(b); or

188 *Constitution 1969 (Bahamas)*, s 60(3).
189 *Constitution 1963 (Bahamas)*, s 29(2).
190 *Constitution 1969 (Bahamas)*, s 30(2).
191 *Constitution 1969 (Bahamas)*, ss 31 and 37.
(e) she is the wife of a person to whom any of the foregoing paragraphs of this section applies not living apart from such person under a decree of a court or a deed of separation; or
(f) such person is the child, stepchild or lawfully adopted child under the age of eighteen years of a person to whom any of the foregoing paragraphs of this section applies.\textsuperscript{192}

This so-called Bahamian status replaced the construct of belongingship that was first introduced in the Immigration Act of 1963, and it formed the nucleus around which Bahamian citizenship was defined upon independence in 1973.\textsuperscript{193} The influence of the United Kingdom’s own nationality provisions is still clearly recognisable, such as the still ongoing limited application of \textit{jus sanguinis} or the by now abandoned automatic extension of a husband’s status to his wife – but not vice versa.\textsuperscript{194} The latter principle, however, continued to exist as a right by application.\textsuperscript{195} Under the United Kingdom’s British Nationality Act of 1948, \textit{jus soli} was applied unconditionally.\textsuperscript{196} Therefore, as long as the Bahamas remained a British colony and as long as the relevant section of British Nationality Act of 1948 continued to have effect, anyone born in the Bahama Islands was automatically a British subject. However, the description in point (a) already points to the future, where this automatic right to citizenship would no longer automatically apply to the children of non-nationals. Thus begins the shift towards an incomplete adoption of both \textit{jus soli} as well as \textit{jus sanguinis}, which characterises Bahamian citizenship provisions to this day.\textsuperscript{197}

6.6 One Voter, One Vote

The General Assembly Elections Act of 1959 had introduced universal male suffrage but retained a limited form of plural voting. In 1961 the Votes for Women Act extended the suffrage on these same terms to women, too. Up

\textsuperscript{192} Constitution 1969 (Bahamas), s 128.
\textsuperscript{193} See pages 221–225 below.
\textsuperscript{194} British Nationality Act 1948 (United Kingdom), s 9(1); British Nationality and Status of Aliens Act 1914 (United Kingdom), s 10.
\textsuperscript{195} British Nationality Act 1948 (United Kingdom), s 6. For the definitions of automatic acquisition as well as other principles of acquisition of nationality, see: Fransman (2011) 107–108.
\textsuperscript{196} British Nationality Act 1948 (United Kingdom), s 4.
\textsuperscript{197} Aranha (2015a) 9.
to this point in time, the reforms leading to an extension and democratisation of the suffrage had followed a general pattern where results were wrested from the ruling Bay Street oligarchy after the Colonial Office decided to exercise pressure on the Bahamian House of Assembly, and the Colonial Office would only exercise this pressure after it was satisfied that a substantial segment of the Bahamian electorate demanded these changes. Furthermore, key events such as the riotous bye-election in New Providence’s Western District of 1938, the Burma Road riots of 1942, or the General Strike of 1958 demonstrated to Whitehall that a continuation of the status quo would not be tenable. This realisation then marked the moment that strengthened London’s resolve to increase the pressure until it reached a tipping point.

Until and inclusive of the General Assembly Elections Act of 1959, the ruling white minority in the House of Assembly had also always succeeded in offsetting, to an extent, democratic gains it had to concede in the reform process with countermeasures that worked in its favour. These were often snuck into the Act unnoticed by the opposition, Government House, and even the Colonial Office. These reforms had been brought about by amendments or revisions to the statutes governing elections. The bills for these Acts had been drafted by the ruling white minority – or on their behalf by hired draftsmen. Nonetheless, London was able to influence the result, either through amendments made by the Legislative Council, or, if necessary, by threatening disallowance.

The two successive rounds of constitutional reform in 1963/64 and 1968/69, both of which again affected the electoral system of the colony, followed a different pattern. After the passage of the General Assembly Elections Act of 1959 and the Votes for Women Act of 1961, the Colonial Office considered the Bahamian franchise sufficiently democratic to shift its focus and entrust the locally elected House of Assembly with more responsibility. It no longer considered it necessary to press for further democratic reforms of election laws. Rather the Colonial Office now actively supported broader constitutional reform, which included the devolution of colonial power towards responsible government. Furthermore, whereas the drafting process for the reforms enacted at the level of statute law had been controlled by the Bahamian House of Assembly, the drafting process at the constitutional level was controlled by Whitehall.
The Constitution of 1969 marked a milestone crowning roughly half a century of political agitation for democratic reforms to the colony’s election laws. Most major demands had been met, and to the casual observer the differences in the electoral system of 1969 and that of today are probably not apparent at first glance. There had been proposals made by the opposition prior to 1967 that had not been enacted, but the general elections of 1967 – and especially 1968 – demonstrated that political power could be wrested from Bay Street and the UBP without these additional measures. One person, one vote was sufficient equality as far as the PLP was concerned, though to purists, “[t]he full expression of the democratic principle is [...] ‘one person, one vote; one vote, one value’.”\(^{198}\)

However, this kind of equality is untenable in a constituency-based electoral system in an archipelagic territory, and moving away from this basic model has never been discussed in the Bahamas. Subsequent electoral reform steps therefore were never again as bold. The forces that had driven reform for decades as the opposition representing the disenfranchised – or at least inadequately enfranchised – masses against the ruling white oligarchy had won the government in 1967. While some had argued for electoral reform out of democratic convictions, others had seen electoral reform as a means to an end, and that end had now been achieved.

Consequently, additional adjustments made to Bahamian electoral law since were not only small in comparison, but were also no longer initiated from below, whether from the opposition bench or even the general population. They therefore did not have to overcome similar levels of resistance. Rather, they were initiatives of successive governments, which consistently controlled comfortable parliamentary majorities. This also meant that the process was much smoother and above all quieter, involving far less public discourse. These smaller reforms and, where applicable, their contrast to the unfulfilled pre-1967 demands will be the subject of the next chapter as well as the conclusion.