

COMMENCEMENT ADDRESS
EUGENE DUPUCH LAW SCHOOL
GRADUATING CLASS OF 2014
SATURDAY, 20TH SEPTEMBER, 2014

BY MARION BETHEL

Governor General, Dame Marguerite
Chief Justice, Sir Michael Barnett
Minister of State in the Ministry of Legal Affairs, Mr. Damien Gomez
Justices of the Court of Appeal
Justices of the Supreme Court
Senior Government Officials
Chairman of the Council of Legal Education, Jacqueline Samuels-Brown, QC
Principals of the various Law Schools
Distinguished Guests

Madame Chairman Samuels-Brown, I thank you firstly for your warm and spirited invitation to me in regard to this commencement address to the graduating class of 2014. And I thank you for a creative and memorable introduction of one lawyer's journey.

Principal Galanis, I thank you for enthusiastically reaching out to me in the first instance.

It is, indeed, a privilege for me to be here on this very special occasion for both the graduates and their families. A commencement ceremony is a momentous occasion as it signals simultaneously an ending and a beginning. I heartily congratulate you, graduates, on the successful completion of a challenging and engaging course of study at the Law School. I well know the relief, excitement and anticipation you must be feeling at this time. I also know the deep pride and joy of your parents, spouses, extended families and friends on this occasion. This event must, indeed, represent a game-changer for your parents; hopefully, boatloads of money will now dock in the opposite direction.

Truth be told, I have never attended any of my many graduations including that of my Bar School. Nonetheless, I have been joyfully attentive at such ceremonies for my daughters, nieces and nephews. And so forgive me this evening for a moment of vicarious pleasure and appropriation of enormous delight in your accomplishment. Caution! Please be advised that I just breached one of my own laws, that is, "**Live your own life and no one else's**". As the great Irish playwright Oscar Wilde said: "**Be yourself: everyone else is already taken!**"

Delivering a commencement address is a great responsibility. Another truth: this is also my first commencement address. Of course, I am honoured by my friend's repose of confidence in me. Principal Galanis is my senior at the Bar and was also my senior at the Office of the Attorney General by six months. I am certain she would also like you to know that she is not my senior in any other way.

In my introduction you heard of some of my very unconventional journey as lawyer and the parallel avocations that have engaged me in profound and rewarding ways, often competing fiercely with the practice of law. So you ought not then to be surprised at the contours of this address.

I am aware that some few of you are second career persons like myself having come from such professions as teaching, (hurray!!) journalism, banking, the police force, sports and insurance; I am aware that one-third of you are men; that two of you are from the six month conversion course having been called to the Bar in the United States; that three of you are from Barbados, Jamaica and the United States respectively. And that the majority of you are young Bahamian women, first-timers professionally for the most part, is not lost on me. It could not be.

What can I share with you graduates this evening who know almost everything about the law and sleepless caffeined nights (or is it red bull nights?); about the non-negotiable and transferrable hard skill of preparation, more preparation and more preparation in regard to your legal work whether it be court trials, Chambers matters with judges, Chambers meetings with clients or legal opinions? What don't you know about case law research, telling a convincing legal story, argument and rebuttal? You were extraordinarily successful in both of your moots this year, and in particular, the one in Trinidad at the Caribbean Court of Justice. You are so ready to be successful lawyers.

You know everything about perseverance, endurance, commitment to the task at hand and deadlines. Your professional manners are impeccable. And your integrity, a hallmark for you simply as a human being, is now further illuminated by the laser beam attention that you now bring to your understanding of the professional ethics of lawyer. Never leave home without it!! Your reputation and character are, indeed, your most valuable assets.

So, what can I share with you graduates who also have the affective skills of expressing gratitude to your parents and families, of saying please and thank you to your colleagues and support staff and of being a supportive team player?

Once you leave here and even before you're called to the Bar people will be extracting wisdom from you. You're supposed to know everything. Kind of like BahamasLocal.com! Questions such as - What does VAT really mean? What is an Afterdavit? What exactly are my fundamental rights and freedoms?- will hound you.

You are at the portal: about to invent or re-invent yourselves as lawyers. For many, you may also be transitioning to a more defined adulthood, now bearing full responsibility for yourself and, perhaps, preparing to embrace other rights of passage such as marriage or parenthood. For some, you are now adding a new dimension to an already established adult life. While you surely know a lot and feel confident of the sound preparation offered by this Law School, I imagine there is also ample insecurity, doubt, fear, ambivalence and, paradoxically, a recognition of much yet to be learned. You may, for example, be inordinately worried about that first day in court on your feet. Trust me that when you begin to hear the sound of your own voice, “May it please you My Lady...”; “I submit My Lord...”, and all of the other standard legal fillers, you probably won’t want to take your seat even at the appropriate time. You may well become intoxicated with your own judicial palaver. And the judge might too; that is, if you have taken to heart the principle of preparation. But please remember no selfies ever, ever, ever, not even on the first day in court!

Alright then, if I meet you at this door of boundless, unlimited potentiality and promise, I offer you this. The very least you can do, after the elation and celebration of receiving your Legal Education Certificate, is to figure out your longings post this achievement, their hue, their strength and their depth. I mean like tomorrow, Sunday; it’s a wonderful day for reflection and resolution. If by a stroke of luck or grace, being a lawyer is one such longing, you are very fortunate and blessed with good sense. Surely, the boatloads of money that you owe your family will follow you. If you missed out on that good sense as I did, please take heart there is still abundant hope. For example, in 2004 Bono, the rock star from U2, was awarded a Doctor of Laws degree from the University of Pennsylvania. Oprah recently received the same from Harvard University last year. I was envious!! If I had known that I might be eligible for an honorary law degree, at the doctorate level, while actually living my passion, I would not have studied law at all. Leave it to the rock stars, journalists and television personalities to have the best of both worlds!!!

For me, it wasn’t that I had not discerned my best and deepest longings. I had actually spent many Sundays and other days leading into months and years on that exercise. And so I offer you this also at the portal: Find the courage to follow your heart and pay attention to your intuition to the full satisfaction of those best and deepest of longings. That is the best that I can offer you tonight. The realization of those longings that lead you to the best expression of your humanity and service to others: that is your gift to your self, your community and the world. That is the very best that you can do.

Be fully aware, then, of the fact that you are a simple human being saddled with complex desires and motivations. You may wish to dance, sing, act, paint, write, grow orchids even as you practice law. So do it! You already know how to have fun and de-stress during Legal Week and the production of Dis We Bar. I further encourage you to keep exploring and expanding your horizons. The practice of law is the tool you have chosen through which to express your deepest humanity. Your work is going to fill a

large part of your life. You have to love what you do. So you have to fall in love with the law and discern its potentiality to fulfill your longings. You have to do this not only for yourself but in true service to your community and the pursuit of social justice and transformation. Do the great work that you know you can do. Do not settle for less! The love of your work will keep you going during the difficult times. You have every right and enormous capacity to define and shape your journey in law, your journey in life. And beware of the noise in the market place and the noise in your head that pressure you to settle for less.

I would like to encourage you to think of The Bahamas, the Caribbean region and the world as sources of inspiration for your life's work. Look at Sir Burton Hall performing as a judge at the United Nations International Criminal Tribunal for the former Yugoslavia. I was particularly pleased to read of Kristina Wallace-Whitfield's internship at the Caribbean Court of Justice. She says with conviction: "My experience at the Caribbean court of Justice was second to none; it was rigorous and enriching. While at the court I had the opportunity to interact with various Judges of the CCJ and I was exposed to a wide spectrum of legal activities. Based on the intellect of the Judges, the technology and progressive thinking within the Court I am without a doubt that the CCJ should be the final appellate court of all countries within the region". A year one student, Theominique Nottage, upon her selection as an intern in the Office of the General Counsel at the Caribbean Community Secretariat stated: "At the end of the internship, I hope to return home equipped with such skills that would support The Bahamas' role in CARICOM and benefit other students of the Eugene Dupuch Law School".

In your lifetime at the Bar, graduates, you will be called on, rather you must be proactive, in stating the case and enlarging the public discourse in regard to The Bahamas not only joining the CCJ but also the Bahamas' deeper engagement with CARICOM. In my view, it is only a question of time for each of these events to occur. And you are poised to make significant interventions by dint of your training at the Law School.

The mission of each generation is necessarily new and at the same time built on the ground of the generation before. Given your exposure and training at this Law School, it is highly likely that you conceive of law as a tool of social change and that you see yourself as agents of change, as belonging to a new generation of lawyers with a mission and a regional and global vision.

There are many new and exciting areas of law opening up and expanding in the Bahamas, regionally and the world concerning such issues as the environment and sustainability, taxation, maritime law, information technology and cyberspace, sports and entertainment, fashion. There are also many social and legal issues that require your attention. I was keen to learn of the Law School's initiative through the legal aid clinic with the United Nations High Commission on Refugees on the issue of statelessness of persons and the acquisition of citizenship. Pro bono work on behalf of

persons unable to pay for legal services ranks high in the best of the traditions of lawyers.

As you are all aware The Bahamas is now engaged in the process of Constitutional reform. This work will continue for perhaps two decades or more. You have a special role as lawyers in this process. There is much need for public education on our Constitution. Regrettably, we as citizens do not have an organic relationship with this document. We have not yet developed the public language, in my view, to talk about our Constitution in a meaningful way showing its substantive and strategic importance to the maintenance and advancement of democracy and its critical import and relevance to the lives of ordinary people. There is a profound need for education on all aspects of the Constitution and, in particular, Articles 15 through 31 which comprise Chapter III entitled "Protection of Fundamental Rights and Freedoms of The Individual". You must be on the cutting edge of this process due to your legal training. In addition, you have a responsibility as lawyers to inform yourselves of the treaties and international conventions that our Governments have ratified that further elucidate these fundamental rights and freedoms.

I think that a major responsibility of a lawyer is to protect, preserve and advance constitutional rights and human rights. These rights are an integral part of the rule of law. In regard to the rule of law, The Honourable Mr. Justice C. Dennis Morrison, JA, addressed this Law School's graduating class of 2012 (New Paradigms, Old Principles, page 8) as follows:

"The first, and perhaps the most important, is the protection of fundamental rights. Unforgettably, slavery remained in existence in this hemisphere as late as 1899 (in Brazil); the Holocaust was a creature of the 1930s and 1940s; apartheid in south Africa survived into the 1990s; and oppression and genocide are still, lamentably, features of the world landscape. The principle that the law must secure adequate protection for human rights, although a relative newcomer, must surely rank highest among the many great achievements of the 20th century. Now, the Universal Declaration of Human Rights and later international instruments explicitly link the protection of human rights to the rule of law. The constitution of the commonwealth of the Bahamas, in common with other Commonwealth Caribbean Constitutions (through, naturally, with some differences in emphasis), secures to persons in the Bahamas the basic guarantees of fundamental rights and freedoms now universally recognized as essential concomitants of the rule of law".

Truth be told it was not my legal studies or law practice that drove me to read the Universal Declaration of Human Rights. It is not a long declaration; I encourage you to read it. It was my intense engagement with the documents of the Women's Suffrage Movement of The Bahamas (1948-1962) that compelled me to read not only the United Nations Declaration of Human Rights of 1948 from beginning to end several times but

also, the Magna Carta of 1215, the British Bill of Rights of 1689, the American Declaration of Independence of 1776, the Atlantic Charter of 1941, Churchill's Iron Curtain Speech also known as Sinews of Peace of 1946. The leaders of the Suffrage Movement knew of and referred to all of these documents in their struggle for the right to vote. I could not accept that I did not know first-hand these ground breaking documents. It was, indeed, a game changer for me to learn that Bahamian women from the 40s and 50s had the political savvy and audacity to employ international Declarations and Conventions to advance their cause for, inter alia, the civil and political rights to vote and to stand for election in Parliament. These suffrage women led by Mary Ingraham, Mabel Walker, Eugenia Lockhart, Georgiana Symonette, Dr. Doris Johnson and Althea Mortimer also referred to the writings of John Locke, John Milton and Sir Edward Coke, the famous British jurist, as planks in the establishment of the principle of fundamental rights and freedoms. These women were not lawyers; only two of them had tertiary education. Yet, they used all of the resources at their disposal to stage a public education programme to facilitate citizens of The Bahamas of the 50s and 60s in their understanding of fundamental rights, freedoms and human rights. And remember that there was no constitution encoding these rights during this period. It is your task, graduates, to self-educate and then share your knowledge in the service of your community and social transformation.

At the 60th anniversary of the celebration of the Declaration of Human Rights in 2008, the Honourable Louise Arbour, CC, GOQ, former UN High Commissioner for Human Rights, says this of the Declaration:

“It is difficult to imagine today just what a fundamental shift the Universal declaration of Human rights represented when it was adopted 60 years ago. In a post-war world scarred by the holocaust, divided by colonialism and wracked by inequality, a charter setting out the first global and solemn commitment to the inherent dignity and equality of all human beings, regardless of colour, creed or origin, was a bold and daring undertaking, one that has led to an extensive infrastructure of protection of all the fundamental freedoms we are all entitled to is a tribute to the vision of the drafters of the Declaration and to many human rights defenders who have struggled over the last six decades to make that vision a reality. This struggle is far from over, and therein lies the power of the Declaration: it is a living document that will continue to inspire generations to come”.

The leaders of the Women's Suffrage Movement of the Bahamas were, indeed, inspired by this Declaration. I quote from the speech presented by Dr. Doris Johnson to Parliament in January 1959 petitioning for the right to vote.

“We women of The Bahamas have lined up on the side of the United Nations and justice and democracy, and do hereby reaffirm our faith in the equal rights of men and women and are prepared to perpetuate these ideas to our children. In the preamble to the Universal Declaration of Human Rights it

reads ‘whereas the peoples of the United Nations in the Charter have in the Charter reaffirmed their faith in fundamental human rights, in the dignity of and worth of the human person and in the equal rights of men and women, the General Assembly proclaims this Universal Declaration of Human Rights’.

We quote Articles 1 and 2 of the Declaration:

Article 1 – All human being are born free and equal in dignity and rights.

Article 2 – Everyone is entitled to all the rights and freedom set forth in This Declaration without distinction of any kind such as race, colour or sex”.

You are aware that **first** on our constitutional reform agenda are the amendments in regard to gender equality and the conferment of citizenship on spouses and children. We have to be aware of and know the international treaties and conventions our successive Governments have signed that affect and speak to these amendments. For example, the International Covenant on Civil and Political Rights of 1976, the International Covenant on Economic, Social and Cultural Rights of 1976, the Convention on the Elimination of all Forms of Racial Discrimination of 1969, the Convention on the Elimination of all Forms of Discrimination Against Women (CEDAW) of 1979, the Convention on the Rights of the Child of 1990. All of these conventions affirm, inter alia, the principles of equality between women and men and non-discrimination on the basis of sex.

In addition, The Bahamas has ratified the OAS Inter-American Convention on the Prevention, Punishment and Eradication of Violence Against Women of 1994 (aka the Convention of Belem do Para). This Convention based on the Universal Declaration of Human Rights and the American Declaration of the Rights and Duties of Man also affirms the principles of equality between women and men and the principle of non-discrimination on the basis of sex. The Bahamas has not yet signed the OAS American Convention of Human Rights of 1969 that also affirms these two principles.

The Convention on the Elimination of All Forms of Discrimination Against women (CEDAW), in particular, has fundamental significance for us in this process of gender equality under the Constitution. It is dubbed the Women’s Bill of Rights. The Bahamas ratified this convention in 1993, one of the last Caribbean countries so to do. Nonetheless, CEDAW has been the clarion call for legal reform throughout the Caribbean, in particular, in regard to the strengthening of sexual and domestic violence offences. Women in the Bahamas have yet to make full use of this Convention to demand state action and accountability concerning, amongst other things, issues of equality, violence against women, conferment of citizenship. I recommend that you read this Convention and commence to galvanise support around it for the success of the pending referendum.

In my view, we need to use the language of human rights to frame our case for equality of women and men under the constitution and before the law. In other words, the twin principles of equality and non-discrimination on the basis of sex are basic human rights that ought to be enshrined in our Constitution. I am aware that the language of human rights is often seen and construed as being limited to political and civil rights, in particular, the death penalty, arbitrary arrest and detention, free and fair elections, that is, the freedom-based rights. It is true that these civil and political rights as set forth in our constitution have been privileged over social, cultural and economic rights such as the right to housing, health care, employment, education.

The violation of women's human rights and the access to socio-economic rights have not been in the forefront of human rights activism. It is true that political and civil rights are traditionally seen as more urgent. However, since the UN Conference on Human Rights in 1994 where women's rights were declared as human rights, the conference established firmly the recognition of the indivisibility and interdependence of all human rights as well as the recognition of particular violations which women experience because of gender.

Graduates, I commend to you this area of law of constitutional rights and human rights as one begging for your time and effort. I invite you to join those of us who are currently working on the constitutional amendments in regard to gender equality.

In addition to my work on the suffrage movement providing me with a new lease on life, I would like to share with you another defining moment in my practice of law. It was the hanging of a young man named Dwayne McKinney in 1996. He was 24 years old on the date of his execution by the State. At the age of 18 Dwayne was charged with murder. He became a Rastafarian a year later while on remand. On death row for just under five years, he religiously read the King James Bible and actively rejected the religious platitudes of the prison chaplaincy.

Glenys Hanna Martin, another attorney, now a Cabinet Minister, and I had founded a movement in the early part of 1995 called "Citizens against the Death Penalty and other forms of violence". This was a period of a series of hangings and constitutional motions in regard to inhumane and cruel punishment of inmates on death row.

Glenys and I decided to represent Dwayne at the insistence of his mother. We met him for the first time on the evening of Monday, March 11, 1996, some thirty-seven hours prior to his first state appointment with death. He was communicative, alert, resigned to his destiny, and certain that he did not want any further legal action on his behalf. I was deeply interested in his story. He told us that he had been on the street since the age of ten. He had owned four handguns including a .357 magnum. By his own admission he was a terror on the streets. He said he needed to protect himself from bigger boys who would threaten and tease him. Dwayne said that he could not be sure

that it was his gun that killed Brian Ferguson. During the incident there had been a shootout with other armed young men.

As we left him that evening, Dwayne insisted on his absolute readiness to die and that he had made peace with Jah. He was ready to be in Jerusalem Wednesday morning. We got a stay of execution hours before Dwayne was to be hanged.

Later, our constitutional motion was heard and denied. Dwayne's second date for execution was set for March 28, 1996. During the last two weeks of his life Glenys and I spent many days with him on death row. During our last hour with Dwayne, the afternoon before the execution, we sang Rastafari songs, as we had done on other visits, 'Redemption Song', 'By the Rivers of Babylon', 'Because Jah Lives' & 'I'll Fly Away'.

At 8a.m. on Thursday, March 28 Glenys, I and several other persons stood outside of Fox Hill Prison as witnesses to the day of the execution of Dwayne. He walked swiftly and bravely, I was told, the short distance between Babylon and Jerusalem.

A year later in 1997 I was on my way to the Bunting Institute at Harvard University where I was offered a creative writing fellowship for twelve months. It was a time of needed respite and reflection. I was shaken by the execution of Dwayne. I literally had taken off my wig and gown, I thought, for good. The story of Dwayne McKinney and his life had and continues to have an enormous impact on my life.

I will read a poem for Dwayne McKinney, nicknamed Dee Dee, that I wrote while on my fellowship.

Swing Low, Sweet Chariot

DeeDee get swing
DeeDee get swing
low low
long before the trapdoor
fall free
he did swing
for heself and me
three days before I rush
waving junkanoo palms
on the road to Jerusalem
in triumphant victory

DeeDee a lion cub
unlicked unlicked
I sent to the street
kalikin a gun

no cowbell no drum no conchshell
my forehead still cross with ashes
and sweatin up lenten passion
I give him blue denims
starch and new
and just just enough rope

DeeDee gone fast now
quick quick
wasn't no homemade
guinep tree swing
the rope of redemption
swing high high
the rod of his manhood
a hoodless hangman get a hard-on
stiff salute
to the junkanoo gallows

Is alright now DeeDee gone
quick quick
a Foxhill quickie carnival style
as praises I to Jah popped
in his throat
Rastafari manchild marchin to Zion
and still his life was shorter
than a snap
dying at breakneck speed
as he done did
and still
his still life
stillborn
was still
less savage
than his death.

This is an unconventional way to end a commencement speech, ie, with death. True to my roots, I have literally lived with death all of my life. You see, I am the daughter of a funeral director and mortician. I grew up surrounded by caskets, phone calls in the dead of the night, funeral arrangements, human beings in perpetual mourning. My father, who founded the business in 1943, died at the age of 47. I was 14 and at boarding school in Toronto. Even then at the age of 14, I thought my father had a double immunity from death. Fathers just don't die and especially not in a plane crash. And for certain, funeral directors do not do the dying act; they do the burying part. My mother

then managed the funeral business for the rest of her natural life and succumbed to the ailment of alzheimers in 2010. And so death is not new to me. I suspect many of us here have had our share of loved one's dying or have faced death ourselves.

Just a week and half ago, however, on Sept. 10, I received the shocking and sad news of the death of my adopted mother. I adopted her when I was ten years old. She was a Canadian woman of Irish and Scottish descent whom I first met when I was ten years old many autumns ago. I was entering boarding school in grade 7 in Toronto. Elizabeth White became my surrogate mother. She was then thirty-one years old and living a very active and purposeful life with her husband, Ian and four young children aged 4 to 9 years. My loss of the home I knew and my adjustment to boarding school seemed insurmountable. Liz's care and attention, her love for me, kept me whole in the midst of enormous longing for my parents and siblings whom I had left behind in Nassau.

Liz and I later turned our maternal, filial relationship into a fierce and loyal womanly friendship. Liz was a primary example for me of a person who followed her heart and paid attention to her intuition and lived out her life's deepest longings.

We are all subject to loss through death; and we are all destined to die. In the face of death, our loved ones and our own, our focus sharpens. And so my deeper message tonight is really about love, life and living. You are more than a lawyer. You will be called on to perform when the curtain rises; you will have to show up, be prepared and advocate as a lawyer in the presence of loss of many kinds. Our time is limited. So be yourself. Live your own life according to your own longings and desires. Live fearlessly and courageously. It is your life. Love yourself fiercely, no matter what; even moreso when you make mistakes and meet failure. Live from your heart, that great physical muscle of love. Enjoy your life. Use all of the tools that the Eugene Dupuch Law School has given you. You are ready.

As I move forward to celebrate the life of Elizabeth White next week in Toronto, I wish for you my colleagues, fellow Bahamian citizens, fellow Caricom citizens the very best that law and life have to offer. I look forward to meeting you, my fellow Bahamians at the Bahamas Bar.

I leave with you the words of a poem by Derek Walcott. You did not think for a minute that I was finished with poetry, did you? Not on your life!!! This is a poem that my friend, Liz, also cherished.

Love After Love
Derek Walcott Seagrapes 1976

**The time will come
when, with elation,**

you will greet yourself arriving
at your own door, in your own mirror,
and each will smile at the other's welcome,

and say sit here. Eat.

You will love again the stranger who was your self,
Give wine. Give bread. Give back your heart
to itself, to the stranger who has loved you

all your life, whom you ignored
for another, who knows you by heart.
Take down the love-letters from the bookshelf

the photographs, the desperate notes,
peel your own image from the mirror.
Sit. Feast on your life.
