



**CAYMAN ISLANDS  
LEGISLATIVE ASSEMBLY**

**OFFICIAL HANSARD REPORT  
ELECTRONIC VERSION**

**2018/19 SESSION**

**3 April 2019**

*First Sitting of the Fourth Meeting  
(Pages 1-39)*

**Hon W McKeeva Bush, OBE, JP, MLA, Speaker**

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PRESENT WERE:

**SPEAKER**

Hon W McKeeva Bush, OBE, JP, MLA  
Speaker of the Cayman Islands Legislative Assembly

**MINISTERS OF THE CABINET**

Hon Alden McLaughlin, MBE, JP, MLA	<i>The Premier</i> , Minister of Human Resources, Immigration and Community Affairs
Hon Moses I Kirkconnell, JP, MLA	<i>Deputy Premier</i> , Minister of District Administration, Tourism and Transport
Hon Juliana Y O'Connor-Connolly JP, MLA	Minister of Education, Youth, Sports, Agriculture and Lands
Hon Dwayne S Seymour, JP, MLA	Minister of Health, Environment, Culture and Housing
Hon Roy M McTaggart, JP, MLA	Minister of Finance and Economic Development
Hon Joseph X Hew, JP, MLA	Minister of Commerce, Planning and Infrastructure
Hon Tara A Rivers, JP, MLA	Minister of Financial Services and Home Affairs

**EX OFFICIO MEMBERS OF THE CABINET**

Hon Franz Manderson, MBE, Cert. Hon.	<i>Deputy Governor</i> , ex officio Member responsible for the Portfolio of the Civil Service
Hon Samuel Bulgin, QC, JP.	<i>Attorney General</i> , ex officio Member responsible for Legal Affairs

**ELECTED MEMBERS**

**GOVERNMENT BACKBENCHERS**

Hon Bernie A Bush, MLA	<i>Deputy Speaker</i> - Elected Member for West Bay North
Capt A Eugene Ebanks, JP, MLA	Elected Member for West Bay Central
Ms Barbara E Conolly, MLA	Elected Member for George Town South
Mr Austin O Harris, MLA	Elected Member for Prospect
Mr David C Wight, MLA	Elected Member for George Town West

**OPPOSITION MEMBERS**

**INDEPENDENT MEMBERS**

Hon D Ezzard Miller, MLA	<i>Leader of the Opposition</i> - Elected Member for North Side
Mr Alva H Suckoo, MLA	<i>Deputy Leader of the Opposition</i> - Elected Member for Newlands
Mr Anthony S Eden, OBE, MLA	Elected Member for Savannah
Mr Christopher S Saunders, MLA	Elected Member for Bodden Town West
Mr Kenneth V Bryan, MLA	Elected Member for George Town Central
Mr V Arden McLean, JP, MLA	Elected Member for East End

**OFFICIAL HANSARD REPORT**  
**FOURTH MEETING 2018/19 SESSION**  
**WEDNESDAY**  
**3 APRIL 2019**  
**11:00 AM**  
*First Sitting*

*[Hon. W. McKeeva Bush, Speaker, presiding]*

**The Speaker:** Good morning.

I will call on the Honourable Premier to say prayers.

### PRAYERS

**The Premier, Hon. Alden McLaughlin:** Let us pray.

*Almighty God, from whom all wisdom and power are derived: We beseech Thee so to direct and prosper the deliberations of the Legislative Assembly now assembled, that all things may be ordered upon the best and surest foundations for the glory of Thy Name and for the safety, honour and welfare of the people of these Islands.*

*Bless our Sovereign Lady, Queen Elizabeth II; Philip, Duke of Edinburgh; Charles, Prince of Wales; and all the Royal Family. Give grace to all who exercise authority in our Commonwealth, that peace and happiness, truth and justice, religion and piety may be established among us. Especially we pray for the Governor of our Islands, the Premier, the Speaker of the Legislative Assembly, the Leader of the Opposition, Ministers of the Cabinet, ex-officio Members and Members of the Legislative Assembly, that we may be enabled faithfully to perform the responsible duties of our high office. All this we ask for Thy great Name's sake.*

Let us say The Lord's Prayer together: *Our Father, who art in Heaven, Hallowed be Thy Name. Thy Kingdom come, Thy will be done on earth as it is in Heaven. Give us this day our daily bread, and forgive us our trespasses, as we forgive those who trespass against us. Lead us not into temptation, but deliver us from evil. For Thine is the Kingdom, the power and the glory, forever and ever. Amen.*

*The Lord bless us and keep us; The Lord make His face shine upon us, and be gracious unto us. The Lord lift up the light of His countenance upon us, and give us peace, now and always. Amen.*

**The Speaker:** Please be seated. Proceedings are resumed. This honourable Legislative Assembly is now in session.

### ADMINISTRATION OF OATHS OR AFFIRMATIONS

**The Speaker:** None

### READING BY THE HONOURABLE SPEAKER OF MESSAGES AND ANNOUNCEMENTS

#### HONOURABLE CHIEF JUSTICE'S RULING ON SAME-SEX MARRIAGE

**The Speaker:** Honourable Members, there is a grave and most serious matter that will give rise to a statement by the Honourable Premier this morning, and a request for adjournment of this honourable House to debate a Motion that bears on the matter of our constitutional position as honourable Members of this House.

I am herewith proposing that we do not proceed at this point with the Order Paper as is, because this matter is such one of national importance, we should deal with the Premier's statement, take it from there to deal with the Motion that I have been made aware of. That will be done after I have delivered this message.

Honourable Members, since Friday last, in the most basic form, questions were asked of me which really only required three options: Yes, no, or ignore. I've had many of those same kinds of sentiments and numerous messages sent to me during the ensuing days, and I chose not to respond then; not because I was comfortable with any belief, but more of me analysing the gravity of the Honourable Chief Justice's decision.

Did his decision change me, when I woke up yesterday or today? No, it didn't. It also meant that my core principles and beliefs, to which I was brought up to believe, did not change either; that is, that marriage is between a man and a woman.

*[Applause]*

**The Speaker:** That is my constitutional position, as an elected Member, to make laws and change laws. It is only and only the purview of this Elected Body— this Legislative Assembly.

Personally, I do not support a lifestyle that says marriage can be between man and man or woman and woman, and I won't pass judgement on anyone that do, but also, do not castigate me because I indicated this belief. Neither am I here to hurt any family's feelings. I have moms and dads who are my genuine friends; I too, have family that I love. If I know that one of my kids or any family member or my friends were in an alternative lifestyle, it would not allow me to love them any less than I do now but the lifestyle itself, would not be something I would support.

Honourable Members, this ruling to allow marriage of any sex, is dividing our country, our family and our friends. We, as honourable Members of this House, cannot allow that to happen, as while there should or might be legislative changes to be made, can be made, to further ensure or buttress our position that marriage is between a woman and a man, AND is the Law, made by the Legislative Assembly of the Cayman Islands.

I don't think the honourable Court can legislate at all but, particularly so, it cannot legislate my intent, or the intent of any legislator, so the Law passed by the Legislative Assembly is the Law of the land, and we must respect it.

*[Applause]*

**The Speaker:** Throughout my political career, spanning at least 50 years of solid knowledge—and be careful what I am saying and be careful of what you are hearing. I am not saying that I have been elected for 50 years, but I have been involved for that or longer. These social issues have been knocking around. In those years when I had executive authority as leader of the government, this matter, this issue, was shoved in my face, and I was threatened and warned, by the then Minister, Chris Bryant, that I should be supporting the UK in keeping its international obligations on Human Rights, to what is expected of them, and that, as a UK overseas territory, I was obligated to do so. Well, I told him: “Only over my dead body!” His response: “There are many dead political bodies and I had better understand that I would not stand in the way of the UK.”

In June or July 2012, I was pushed by the then Minister, Mark Simmonds to support Beneficial Ownership and the social issue of same-sex marriage and civil unions and finalise the law to give the UK FCO [Foreign and Commonwealth Office] powers over government projects—three things. I refused and told him and the Treasury Minister, that I would not support the change of our laws to allow the social issues; and, as far as beneficial ownership was concerned, they didn't have any legislation themselves nor did I know of any of our competitors who had any. And, “I had left my pen home.”

I also told Mark Simmonds, that I would support the law on projects, finally, but I was going to put in an amendment that said that if the UK gave me a decision that ended up with the Cayman Islands losing business or costing us money, the UK would have to stand the cost. Well, that only incensed the Minister, Mark Simmonds.

The Minister said, and I quote: “I was a stubborn, trouble making Premier and I would put my government in more problems and things would be bad for me. The United Kingdom”, he said, “would not be dictated to by its overseas territories!” [UNVERIFIED QUOTES] Well, I was determined as sworn Premier, to protect this country, and I knew then, that “the Die was cast” for McKeeva Bush. That was Thursday, and the next Tuesday morning they walked into my house, my living room at 7-ish a.m. with a trumped up charge of theft. They were the ugliest people I saw in my life, at my front door. My grandson was discombobulated as he came out of his bedroom, my wife fell on the floor and they went through my wife underclothes in our bedroom, and threw them on the floor, searched and searched until 4 pm that evening and only carried away books, with a trumped up charge of theft, and honourable Members, you know the rest.

There were those who said, *Lock him up, kick him out, because he want independence and is disrespectful to the United Kingdom and only want to cause trouble.* There is today, still circulating messages to me; misinformation, even this morning, 7:23 a.m., telling us that this House is seeking independence today. This is the kind of misinformation that we must quell today.

I have been in politics a long time and the “wanna-be's” out there has smelled blood. I have recounted that horribleness this morning, to tell those of my adversaries who have now been saying over the last few days, since Friday, that it is McKeeva and Alden's fault. I'm here to tell them: “Oh no, you don't!” Not because I'm the Speaker, am I going to sit back in this Chair and allow the wanna-be MLA to spread the gossip and tell more lies on me, or the Premier, or any Member that I can swear for, of this honourable House, but above everything else, I won't sit back, as an Elected Member because I am the Speaker and ignore the matter before us.

If you're looking at rights, well, I have my rights too. I have fought for my country when I thought our way of life—as we know, we were raised by parents; me, by my mother and the Premier by his mother and father—was being threatened and our financial industry stood to be severely curtailed. I fought then, I stood up then, and I will do no less now.

As it is proposed, you will hear from the Honourable Premier and the senior Members of this honourable House; the Member for East End and the Member for Savannah very shortly. Later, I can guarantee that you will hear from those who oppose me,

who get on the radio shows and say that I don't do right as the Speaker. But I have a right, as a duly elected representative of the people specifically, from the constituency of West Bay West, to have my say. That is a real human and constitutional right. And no one or any law, or otherwise can take that position from me, until the people of West Bay West say so. You can move me as Speaker, but only one of you in this House can vote for me—two.

These are matters of grave importance and we must deal with them now. The matter, honourable Members is in our hands and, may I tell the so-called constitutional experts on everything, on radio shows, the biased press, if you can call the blogs that, they do not enjoy the will of the people as an elected representative, and they never will. They don't know of the nuances of being the Speaker and won't ever enjoy being criticised of being The Honourable Speaker of the Legislative Assembly. So,

*[Inaudible interjection]*

**The Speaker:** Correct.

Better than that; they can be like the castrated ram cat that sits on the fence all the time, every night, only to give advice, which all know to be invalid. Honourable Members, this is a matter of grave importance.

I will call on the Honourable Premier to move suspension of Standing Orders.

#### **Suspension of Standing Order 14(1)**

**The Premier, Hon. Alden McLaughlin:** Mr. Speaker, I beg to move a motion that the Business of this House as set out on the Order Paper of the day, be rearranged in order that I may make an important statement in connection with the judgment of Honourable Chief Justice; and that, following that, we are able to permit a Private Member Motion to be brought by the Member for East End and seconded by the Member for Savannah to be dealt with.

Mr. Speaker, we would also then require the suspension of Standing Order 24(5) in relation to waiving the notice normally required for Private Members' Motions to be dealt with.

Mr. Speaker, for clarity, if I might, put the first Motion, which is, that the order of business be rearranged to permit the making of a statement immediately following your address and then proceed to deal with the other Standing Order thereafter.

Mr. Speaker, I move that in accordance with Standing Order 14(1) that the order of business be rearranged on the Order Paper to permit a statement being made by myself, followed by the taking of a Private Member's Motion in precedence to the other business on the Order Paper.

**The Speaker:** The question is that the Standing Order 14(1), firstly, be changed to allow the business to proceed that we have recommended.

All those in favour, please say Aye. Those against, No.

**AYES.**

**The Speaker:** The Ayes have it.

**Agreed: Standing Order 14(1) suspended.**

**The Speaker:** Honourable Premier.

#### **Suspension of Standing Order 24(5)**

**The Premier, Hon. Alden McLaughlin:** Mr. Speaker, I now move the suspension of Standing Order 24(5) on order that a Private Member's Motion to be moved by the Member for East End and seconded by the Member for Savannah, be dealt with today and in precedence to other business.

**The Speaker:** The question is that the [Order] Paper be changed to allow Standing Order 24(5) to come in to play, to allow the Private Member's Motion.

All those in favour, please say Aye. Those against, No.

**AYES.**

**The Speaker:** The Ayes have it

**Agreed: Standing Order 24(5) suspended.**

**The Speaker:** Honourable Premier.

**The Premier, Hon. Alden McLaughlin:** Thank you, Mr. Speaker.

Yesterday April 2, 2019, the Cabinet of the Cayman Islands instructed the Honourable Attorney General to pursue an appeal against the judgment of the Honourable Chief Justice, Anthony Smellie, Q.C.,—

*[Applause and desk thumping on desks]*

**The Premier, Hon. Alden McLaughlin:** —handed down on 29th March in CIVIL CAUSE NO. 111 OF 2018 AND CIVIL CAUSE [184] OF 2018, otherwise known as the Same-Sex Partnership case. The Honourable Attorney General was also instructed to seek a stay of execution of the judgment pending the outcome of the appeal.

Mr. Speaker, as you have indicated, you, like me, and indeed all of us in this House, received many telephone calls, WhatsApp and text messages in the days following the handing down of the Chief Justice's

judgment, asking what Government intended to do regarding the judgment. Mr. Speaker there were those who sent messages stating that they feel the outcome was right. There were many more that sent messages stating that they feel wronged by the decision and made clear in no uncertain terms their view that marriage should remain the exclusive domain of heterosexual couples. And there were also those who, regardless of how they feel about the concept of same-sex marriage, expressed shock and disbelief that the Court could have made such a fundamental public policy change in a matter as important as the institution of marriage without reference to this Legislative Assembly.

Mr. Speaker, we were also peppered and still are being peppered, with requests from the press asking for a statement. However, as the Honourable Attorney General stated after the judgment was handed down—"the ruling required careful consideration by Government", and so, the Government has taken the time to consider in its Caucus and the Cabinet to take legal advice and to discuss this most important matter and its implications.

I want to add here that I and my entire Government have great respect for the Honourable Chief Justice and indeed the independence of the judiciary, but even the best judges get it wrong from time to time. Hard cases make bad law. None of us who are human are infallible.

Mr. Speaker, the Government believes that in his determination to right what he has described as injustice and indignities suffered by the petitioners in the same-sex partnership case, the Honourable Chief Justice may have exceeded the scope of the powers conferred on the Court by the Constitution, and in doing so, some have argued, assumed the role of this Legislative Assembly in deciding on what should be public policy and then legislating for it.

Mr. Speaker, the Government is cognisant of the provisions of section 5(1) of the Constitution and the mandatory requirement imposed by that section that all existing laws shall be read and construed with such modifications, adaptations, qualifications and exceptions as may be necessary to bring them into conformity with the Constitution. But we believe that introducing the entirely new concept of same-sex marriage into the existing Marriage Law goes way beyond any reasonable interpretation of modification or adaptation. This, we believe, might be inconsistent with the separation of powers by trespassing on the constitutional remit of this Legislative Assembly.

Mr. Speaker, I spent much of the first eight years of my political career on both sides of this House engaged in the efforts to get us a modernised constitution. The previous Constitution Order was made in 1972 and we had outgrown its provisions and a new constitution was desperately needed to catch up with our growth and development as a country.

As early as 2001 the United Kingdom Government made it clear to us that no constitution would be agreed that did not contain a Bill of Rights. On the other hand, many stalwarts in this in this community and especially religious leaders were concerned about the implications for the traditional institution of marriage of a Bill of Rights and, in particular, what is now Section 16 of the Bill of Rights in our current Constitution, which prohibits discrimination on a number of grounds, including sexual orientation.

Mr. Speaker, it was plain to the government at the time, that we would never get the new Constitution approved by referendum unless we were able to satisfactorily address these concerns. So, Mr. Speaker we invited representatives of the Cayman Ministers Association and the Seventh Day Adventist Conference to not just discuss the proposed new Constitution with us, but to actually be part of the negotiating team, not just here in Cayman but at the final round of negotiations at Lancaster House in London, as well.

Mr. Speaker, the genesis of section 14 of the Bill of Rights in the Constitution, which was described by Sir Jeffrey Jowell, who led the Government's team in the case, as the "rock" of the Government's case, was the concern by the religious community in Cayman to ensure that the institution of marriage, which Christians believe to be God ordained, remained available exclusively to persons of the opposite sex. Thus section 14(1) provides: "**Government shall respect the right of every unmarried man and woman of marriageable age (as determined by law) freely to marry a person of the opposite sex and found a family.**" These words are deliberate and were intended to provide the necessary assurances to the Caymanian community, but in particular the Christian community, that the institution of marriage would retain its traditional definition as the union between one man and one woman. To ensure that there was no question about this, in tandem, this Legislative Assembly amended the Marriage Law in 2008 to define marriage as "the union of a man and a woman as husband and wife".

Mr. Speaker, I have no doubt, given my intimate and lengthy involvement with these issues during the constitutional discussions, negotiations and amendments, that without the assurances of section 14 of the Bill of Rights regarding marriage and the amendment to the Marriage Law in 2008, that the 2009 Constitution which we now operate under, would never have been approved on referendum. I also know that the constitutional discussions and drafting did not contemplate that sections 9, 10, or 16 of the Bill of Rights that deal with private and family life, conscience, religion and non-discrimination, would apply to marriage, hence the reason why marriage is in its own separate place, in section (14), in the Bill of Rights.

As the Government submitted to the Honourable Chief Justice during the hearing of the case, section 14 is the constitutional provision that specifically provides for the right to marry. It is what lawyers call the “lex specialis” which is the part of the law that governs the specific subject matter of the institution of marriage.

Mr. Speaker, the current Constitution is a comprehensive, negotiated document, the result of eight years of extensive consultation across the various demographics of the Cayman community, often bitter political differences and very difficult negotiations with the Foreign and Commonwealth Office. It was then approved by the democratic process of a referendum. It is not something that was dreamed up by the Cayman Government. The document strove to represent the strong feelings of the Caymanian community, in particular, as regards the institution of marriage. Given the highly controversial and landmark ruling by the Honourable Chief Justice on March 29<sup>th</sup>, if left unchallenged, the implications for the Cayman Islands Constitution are significant and potentially far-reaching and go well beyond the rights of same sex couples.

While a challenge to the ruling is certainly not a decision to be taken lightly, given the important human rights concerns raised in the case, the ruling of the Honourable Chief Justice has brought about significant ambiguity surrounding the Constitution and Bill of Rights and the interpretation of, and ability of the Court to amend other laws should similar applications be made.

Based on the Executive Summary of the Court’s judgment there are three main points of concern which we have identified and the Government, as well as many in this House, I know, share those concerns at this initial stage. I should add, Mr. Speaker, that, the full judgment has not yet been published and there may well be other grounds that raise concerns once we have had a chance to analyse the full judgment itself. But thus far Mr. Speaker, firstly, the implications of the Court’s decision for other types of marriages (for example, polygamous marriage), and whether Government would now be bound to give effect to or recognise such marriages if an application for a marriage licence is made for a man to marry multiple wives.

Mr. Speaker, the second concern relates to the extent of the powers of the Court under section 5 (1) of the Constitution to modify legislation on matters such as the right to marry, bringing into question the appropriate separation of powers under the Constitution and whether by exercising these powers under section 5(1), the Court has exceeded its mandate under the principle of separation of powers.

A third concern is whether, given the language in section 14(1) of the Constitution, it was open—that is the section, Mr. Speaker, that carved out

marriage as an institution between a man and a woman of marriageable age only—to the Court to find that the right to marry and found a family, could be located in other rights within the Bill of Rights, namely, sections 9 and 10 of that document.

After very careful consideration of the three main points previously mentioned, the Government is of the view that the issues are of fundamental constitutional importance and therefore, it is in the public interest to have them considered and determined by an appellate court. For clarity, I will add that the appeal will not be pursued in the name of the Governor, but as is usually the case in actions by or against the Government, in the name of the Attorney General, and the actual office that made the decision.

Mr. Speaker, let me say here, that in appealing, the Government is cognisant that there is no guarantee or certainty as to how the Court of Appeal will rule. However, we believe it is critical that the country has the benefit of clarification on these very important constitutional issues.

I wish to note that I am painfully aware that the issue of same sex marriage is an emotive one in our Is-lands. I am also very conscious that this is an issue with real people who have real lives and there are emotions and feelings involved and that this is not merely some text book case. I and the Government have no intention of causing any harm or hurt to the petitioners, but we must ensure that in seeking what they deem protections and rights under the law, that a door is not opened that may impinge upon other pro-tection and rights.

As Premier, I will state again, what I have said many times before: I have no doubt that the feelings of the majority of Caymanians are that marriage should retain its traditional and religious definition and meaning; the union of one man and one woman. I recognise that many of the younger generation of Caymanians have differing views on this issue and it is quite likely that in years to come the majority view of Caymanians may change but such a majority is not evident to any of us here today.

*[Applause]*

However, I equally want to make it clear that no matter what my own religious beliefs, or indeed the beliefs of the other Members of my Government or of this Parliament, as Premier, I also have an obligation under the Law and the Constitution, and indeed given my religious upbringing under the teachings of Christ, to ensure that all people, but especially any minority group, regardless of differences, are treated fairly and with respect.

Mr. Speaker, I close by saying, I implore those of us in this House and outside of it, to discuss their views freely, but respectfully. At all times we should keep in mind that those in our community who are in

same sex relationships, or have family members who they love in such relationships, are like us; made of flesh and blood with feelings and emotions and are not merely stone objects.

Thank you, Mr. Speaker.

[Pause]

**The Speaker:** I call now on the Member for East End.

**Mr. V. Arden McLean, Elected Member for East End:** Thank you, Mr. Speaker.

Mr. Speaker, on a procedural matter, do you wish for me to beg that this Motion be read under Standing Order 12?

**The Premier, Hon. Alden McLaughlin:** Thank you, Mr. Speaker, if I may assist,

The Motion I moved, asked for it to be treated as a Private Member's Motion, so that would not be necessary.

**Mr. V. Arden McLean:** Okay.

**The Speaker:** Honourable Member, all that is necessary, is for the Motion to be distributed for Members to have a copy just before you move.

#### PRIVATE MEMBERS' MOTIONS

##### PRIVATE MEMBER'S MOTION NO. 18/2018-2019— SAME SEX MARRIAGE COURT RULING

**Mr. V. Arden McLean:** Mr. Speaker, I beg to move Private Member's Motion for the purpose of discussing a definite matter of urgent public importance.

**The Speaker:** So ordered.

Honourable Member for East End.

**Mr. V. Arden McLean:** Thank you, Mr. Speaker.

Mr. Speaker, the Motion reads: "WHEREAS the Chief Justice, the Honourable Anthony Smellie, delivered an EXECUTIVE SUMMARY OF JUDGMENT in a civil matter brought by CHANTELE DAY AND VICKIE BODDEN BUSH as PETITIONERS against THE GOVERNOR OF THE CAYMAN ISLANDS, THE DEPUTY REGISTRAR OF THE CAYMAN ISLANDS GOVERNMENT REGISTRY AND THE ATTORNEY GENERAL OF THE CAYMAN ISLANDS as RESPONDENTS, seeking redress, through a judicial review, on their rights to marry as a same-sex couple.

"AND WHEREAS the Chief Justice declared a change to the definition of "marriage" in the Marriage Law from "marriage" means the union between a man and a woman as husband and wife to "marriage" means the union between two people as one another's spouses, on grounds that "the definition of marriage in law as being be-

tween a man and a woman, while it is in conformity with section 14(1) of the Bill of Rights, is not in conformity with the rights of the Petitioners under section 9 of the Bill of Rights, to private and family life and under section 10, to their right to freedom of conscience and freedom of expression of their belief in the institution of marriage, by being allowed to marry.

"AND WHEREAS this declaration has evoked extreme consternation throughout the Cayman Islands and the legal fraternity.

"AND WHEREAS it is believed by many that this ruling and declaration by the Courts does not accord with the letter and intent of THE CAYMAN ISLANDS CONSTITUTION ORDER 2009 wherein the Chief Justice chose to ignore section 23 of the Bill of Rights which prescribes that if a law contravenes the Bill of Rights, a judge can make a declaration of incompatibility but leave it to the legislature to amend the legislation.

"AND WHEREAS it is widely believed that by changing the definition of marriage in the Marriage Law it effectively repealed both sections 14(1) and 23 of the Constitution enacted by the United Kingdom of Great Britain and Northern Ireland.

"AND WHEREAS if judges are left to arrogate unto themselves the authority to change laws based on their interpretation, this diminishes the supremacy of the Constitution and of the legislature to so do.

"AND WHEREAS the Governor himself, a respondent, who enjoys unfettered responsibility for the appointment of the Attorney General, another respondent, all judges including the judges of the Court of Appeal, has weighed on the decision of the Chief Justice before a public pronouncement on whether or not the respondents will appeal, interferes and possibly prejudices the right and ability of an appeal.

"BE IT THEREFORE RESOLVED that this Legislature record its support and recommendation for the Government (that is the political directorate) to appeal the said ruling to the full extent of the appeal process on behalf of the people to ensure that the tenets, and the veracity of the Cayman Islands Constitution Order 2009 is upheld in accordance with the wishes of the people of the Cayman Islands.

"BE IT FURTHER RESOLVED that this Legislature records its disappointment in the Chief Justice's and the Governor's lack of action to recognise or respect the Doctrine of Separation of Powers that is enshrined in the Cayman Islands Constitution.

"AND BE IT FURTHER RESOLVED that this Legislature asserts its competence under section 59 of the Constitution of the Cayman Islands as



**the only institution with the power to enact legislation and that such power can only be exercised through Bills enacted by the Legislature either as principal legislation or by way of amendment.”**

*[Applause]*

**The Speaker:** The Honourable Member for Savannah.

**Mr. Anthony S. Eden, Elected Member for Savannah:** Thank you, Mr. Speaker.

It is my distinct honour and privilege to second the most important Private Member's Motion that will ever be debated in this Legislative Assembly.

Thank you.

*[Applause]*

**The Speaker:** The Motion has been moved.

BE IT THEREFORE RESOLVED that this Legislature record its support and recommendation for the Government to appeal the said ruling to the full extent of the appeal process on behalf of the people to ensure that the tenets and the veracity of the Cayman Islands Constitution Order 2009 is upheld in accordance with the wishes of the people of the Cayman Islands.

AND BE IT FURTHER RESOLVED that this Legislature records its disappointment in the Chief Justice's and the Governor's lack of action to recognise or respect the Doctrine of Separation of Powers that is enshrined in the Cayman Islands Constitution.

AND BE IT FURTHER RESOLVED that this Legislature asserts its competence under section 59 of the Constitution of the Cayman Islands as the only institution with the power to enact legislation and that such power can only be exercised through Bills enacted by the Legislature either as principal legislation or by way of amendment.

**The Speaker:** Honourable Member for East End.

**Mr. V. Arden McLean:** Thank you, Mr. Speaker.

I am just waiting on the young gentleman to bring me the podium.

**Mr. V. Arden McLean:** Mr. Speaker, the Honourable Premier, a few weeks ago, called on this country to be brave and bold going into the future with regards to making decisions on how we want the landscape to look.

I say to the Premier, this honourable House, and my fellow Caymanians, those words were never truer spoken. Today is the day, for the 19 duly-Elected Members of this Legislature to be bold and move forward.

*[Applause]*

**Mr. V. Arden McLean:** Mr. Speaker, I did not think up this Motion with the intent of embarrassing anyone.

To the contrary, I brought this Motion because I thought it was time to debate this matter and have recorded the position of this country, for current and future generations to come; that they will understand and appreciate what the people of this country believe and uphold.

*[Applause]*

**Mr. V. Arden McLean:** Mr. Speaker, regardless of my persuasions, there is a need to lay the record straight. It was brought, so that each Member of this Chamber can express their individual views as representatives of the people of this country.

Mr. Speaker, we are not here on our own. Many will answer that call, few will be chosen and the few chosen, are chosen in faith by the people, that they will govern them in the interest of their historical past and culture. I encourage my colleagues today, to take this opportunity to let their voices be heard.

Mr. Speaker, this real estate does not belong to me or, for that matter, to either one of us. Long before we came along, this real estate was here. Long before we came along, it was occupied by those whom the people thought and trusted to be their leaders. I just happen to occupy the real estate of East Enders for the time being. Long after I am gone, others will occupy it. This seat is an institution and if it is disrespected, we as leaders, must reassure the people of this country that we are putting it back on track.

*[Applause]*

**Mr. V. Arden McLean:** Mr. Speaker, this is not a political gimmick. As you said, sir, this is a serious matter. This matter, like the Premier said, extends beyond same-sex marriage. When we negotiated the Constitution during the period 2008 and early 2009, I recall the difficulties we had with that Bill of Rights, in particular, the insertion of the Bill of Rights. Because England wanted one thing and we wanted the other and, like the Premier said, that is why we included the Seventh Day Adventist and the Cayman Ministers Association. Mr. Speaker, we fought many battles during those negotiations to ensure the Christian culture of this country was represented therein.

*[Applause]*

**Mr. V. Arden McLean:** We eventually prevailed and brought that back, despite the opposition from some quarters and the much support from other quarters, and we presented that to the people of this country. The people of this country believed us, and, Mr.

Speaker, I see at least seven of us in here that participated in those talks. The people believed us then because we said to them, this is how your country is going to govern you. They took their leap of faith and went to the polls on the 20<sup>th</sup> day of May, 2009 and voted in the majority for the contents of this Constitution. And Mr. Speaker, I submit, that those people, my people, this country, the people who were eligible to vote in 2009, took that leap of faith trusting that is how the future was going to be governed. Included in that, was the written expression that marriage was between a man and a woman.

Mr. Speaker, the Chief Justice said that somewhere in his executive, our reluctance to change it is what caused him to go this way because we would not change it—*surprise, surprise*; there was no reluctance on our part. That is what it was intended to be.

[Applause]

**Mr. V. Arden McLean:** Mr. Speaker, you were part of those talks and so was the Minister for Education. So, if you remove my good-self and the Premier for a minute from this equation, who, incidentally, led the Government into this (he got MBE for it too), the country need only look at the two of you, because it was the two of you who were standing up fighting in there with your Bibles in your hands.

Mr. Speaker, I said before, regardless of my persuasions on this matter, the law is the law. And that, Mr. Speaker, is what I will defend because the people of East End, in particular, and the people of this country, in general, expect me to uphold the Constitution that they voted for in 2009.

[Applause]

**Mr. V. Arden McLean:** I voted for it, but I was only one person; there were many others. At that time we were somewhere around 15,000 registered voters out of a population of some 50-odd thousand. But those were the ones who were eligible too. Only they can determine the future of this country. So, when they decide that they want a particular person in here to represent them, it is our sworn duty to uphold their wishes.

[Applause]

**Mr. V. Arden McLean:** Mr. Speaker, this is not something that I trumped up this morning. The Constitution is very specific and, Mr. Speaker, we are going to get to all of it. One of the provisions in the Constitution that has not changed since 2009 that the people voted for says: **“Section 59: There shall be a Legislature of the Cayman Islands, which shall consist of Her**

**Majesty and a Legislative Assembly”**. Her Majesty is represented right there, in the form of that Mace.

Section 59, sub-section 2 states: **“Subject to this Constitution, the Legislature may. . .”** We do not have to. We do not have to! We **“may make laws for the peace, order and good government of the Cayman Islands”**.

Now, Mr. Speaker, when we received this from the drafters in England, we should understand that we are not the architect of this Constitution. The architect of this Constitution happens to be Her Majesty's Government and signed off by the Privy Council on behalf of Her Majesty. We merely suggest insertions into the Constitution. If there are areas that they do not want, they will not put it in the Constitution.

A classic example: at the time, Mr. Speaker, we proposed that the Governor no longer sits as president of the Cabinet. We wanted the Premier, Chief Minister or whatever we were going to get, to be chairing the Cabinet with his/her Ministers and they rejected it. They said they wanted their representative in there. Do you know who sits there as president now?—the Governor. That is how this works. So when they allowed us to put section 14 into the Law, which says: **“Government shall respect the right of every unmarried man and woman of marriageable age (as determined by law) freely to marry a person of the opposite sex and found a family.”** Opposite sex! At the time, England was going through the same issues, but they allowed us to put it in ours, and the Chief Justice is going to say that we were reluctant to change it? There was no reluctance on our part as we had no intention of changing it!

[Applause]

**Mr. V. Arden McLean:** Mr. Speaker, I have the utmost respect for the Chief Justice. I want the country to understand that and, as the Premier said, we are all human beings and so is the Chief Justice. We all are prone to mistakes. Mr. Speaker, my further thoughts on that is, as humans, we cannot set out with a predetermined outcome and go back and justify it. We can't do that. I am not saying that happened in this instance, but it is very familiar to that. We cannot do that. We are not in the business of second guessing the wishes of the people of this country. If we are representatives and we do not know what they want, then we should not be representatives.

[Applause]

**Mr. V. Arden McLean:** Mr. Speaker, I digress here a little bit. A few days ago one of the preachers called me and said they were getting together to discuss this matter and asked if I could attend. Of course, I attended. It must have been 9, 10, or 11 of them when I got there; all of the senior and junior Ministers and the

like. Whilst those people did not have a good grasp on the technicalities that 18 years taught me being a Member here, they nevertheless understood what was going in their country! And I am to come here where they sent me, whether they voted for me or not. It matters not to me who voted for me, it just so happened I was first past the post. So, I must come here and report to this honourable House, *Well they say this, but I do not want to do that—really? Is that how this works?* No, no, it does not work that way. I had a very healthy discussion with them, Mr. Speaker, and at the conclusion, one of my young cousins, who has been very quiet all her life, said she wanted them to gather as prayer warriors. Mr. Speaker, please do not crucify me for not understanding all the different things that we do in church. I am God-fearing, but I do not go many times.

All of those women came and laid their hands on me to pray for me. Mr. Speaker, I cannot tell you what got into my young cousin, but I can tell you she was seriously powerful in her delivery; something that I had never seen in my cousin. Pastor Marquiss, Oral, Minister, Blair, in East End, and others were there. And, Mr. Speaker, something came over me that I never experienced.

[Applause]

**Mr. V. Arden McLean:** I heard of the expression “Divine Intervention” but I did not know what it was until Monday night.

[Applause]

**Mr. V. Arden McLean:** Mr. Speaker, when the Chief Justice ignored section 23 of the Bill of Rights, which says: **“(1) If in any legal proceedings primary legislation is found to be incompatible with this Part, the court must make a declaration recording that the legislation is incompatible with the relevant section or sections of the Bill of Rights and the nature of that incompatibility.**

**“(2) A declaration of incompatibility made under subsection (1) shall not constitute repugnancy to this Order and shall not affect the continuation in force and operation of the legislation or section or sections in question.**

**“(3) In the event of a declaration of incompatibility made under subsection (1), the Legislature shall decide how to remedy the incompatibility.”**

[Applause]

**Mr. V. Arden McLean:** Mr. Speaker, one of the things your good-self, the Minister of Education, and the Member for Savannah, in particular, who were here when I arrived, taught me, was, *You see that building*

*out there, you do not go out there and tell anybody what to do.* That is the simple expression of the separation of powers. And if you go over there, you could be called in contempt of Parliament because you, Mr. Arden McLean, is now in the leadership role. Mr. Speaker, you taught me that, you know. To stay away from that building. Of course, my good friend that I came in here with, the Premier, may have understood that from his tenure as a law student, but he got a lesson in learning about it after we got in here too. Stay away from it. However, I was also taught that it is not their place to come over here and tell us what to do.

Many years of study—because I like to think of myself as a scholar of politics—taught me that the people who elect you, has enabled everybody else. They enable us to make the laws, we enable the Cabinet, and they are enabled by this Legislature; it all comes back to this Legislature. The appointment of judges is expressly outlined in this Constitution. Who approved this? The people! So, in essence, the judiciary is enabled by the people and it is their money that pays them. However, that separation must be respected and for those of us who do not know, and those who know from the outside, let me remind them the meaning of the separation of powers.

Mr. Speaker, the doctrine of separation of powers dictates that when there are three arms of government, they are separate branches, each of whom have defined abilities to check the powers of the others—to check them. It is about balance. They are independent of each other but hold responsibility that crosses at some time. The Constitution clearly defines how those separations are to be treated. It gives the Judiciary the right to enforce the law, but when it finds the law is in contravention of the rights of someone, because we are all human, then the judiciary must let us know—these Hallowed Halls. Mr. Speaker, the Chief Justice has failed in that regard.

Now, Mr. Speaker, lest someone says that I am here taking liberties and further eroding the line that is drawn between those separations of powers, let me explain what I found: The Chief Justice’s ruling seems to be a stunning departure from what the courts have ruled in the past, as recently as 2013.

In a judgment by Henderson (this is the law records) in 2013, Re: Nairne 2013 (1)CILR 345. He ruled: **“Our new Bill of Rights does not give to any judicial officer at any level, the power to set aside any legislative provisions. Even after a declaration of incompatibility, the impugned provision continues in force. The task of bringing primary legislation into compliance with the Bill of Rights is left to the legislature and not the courts”.** [2013 (1)CILR 345]

[Applause]

**Mr. V. Arden McLean:** Now, that is Judge Henderson. You all remember Judge Henderson?

*[Inaudible interjections]*

**Mr. V. Arden McLean:** Okay, good. Some may have their own opinion of him but I am referring to this one case.

Mr. Speaker, in furtherance of that ruling to justify such ruling, he referred to a Privy Council case of *DeFreitas v the Agricultural Ministry's Permanent Secretary* in 1990—<https://swarb.co.uk/de-freitas-v-the-permanent-secretary-of-ministry-of-agriculture-fisheries-lands-and-housing-and-others-pc-30-jun-1998/>—in which the Privy Council observed that an enactment construed by severing, reading down or making implications into what the Legislature has actually said, should take form, which it could reasonably be supported that Parliament intended to enact.

The Privy Council in *DeFreitas*, quoted with approval from *Osborne v Canada Treasury Board 1082 DLR (4<sup>th</sup>) at 347*, to the effect that, after a wholesale reading down, a law may bear little resemblance to the law that Parliament passed, (such as is the case now), which gives rise to an interference that is simply incompatible. In such cases, the task of bringing the legislation into conformity with constitutional guarantees is best left to the legislative branch of Government, as it will have access to relevant information and expertise not available to the courts.

*[Applause]*

**Mr. V. Arden McLean:** Now, Mr. Speaker, you tell me, if the Privy Council can say that, what are they going to say about this one? I want to know.

Mr. Speaker, you have been here longer than me and you know more about it than me, but in my little time here, as I recall, one of the books that we should all read is the Legislative Process written by Bilika H. Simamba, wherein, it explains the legislative process to get laws enacted. It comes here as a Bill and starting from that point, we go through all the readings—us, not them. We go through two readings and we go through a committee stage where we can possibly change that Bill and we report back to the House, and then the third reading, which is done. So we have approved it with the amendments at that stage, or without.

This Legislative Assembly's administrative staff compiles that into vellum copy and sends it down to the Attorney General who reviews it to see whether it conforms with the Constitution before he forwards it to the Governor to sign it for enactment into Law.

*[Inaudible interjection]*

**Mr. V. Arden McLean:** My good friend reminded me about the public consultation before but I wanted to start here. That is before we even get here. It takes years to get legislation in place.

Now, the, Attorney General, is the only person authorised to give advice to the Governor. I wonder how we are going to get this one into law. I want to know how the Chief Justice is going to get this one into law. He cannot order nothing and no enactment. What about the consequences of changing one word in a law? It is the Attorney General who has access to that information so that he can ensure it conforms to the Constitution. Now, this one cannot conform to the Constitution. Do we understand now that the Chief Justice has no place to make law?—him nor anyone else. He has taken that right from the people who sent us here to do it.

*[Applause]*

**Mr. V. Arden McLean:** He has no authority to do it.

Mr. Speaker, we then turn to the Governor. And it matters not to me who occupies that position. The fact is: that too, is an institution which I must respect, just like this; however, there is a human being in it, and we are prone to mistakes; did we not say that?

Now, Mr. Speaker, I want to know, him being a respondent, why he comes out here making such statement now too.

*[Applause]*

**Mr. V. Arden McLean:** And Mr. Speaker, I know, my good friends over there may get up on a Point of Order because, you know, you got more lawyers over there than here, but I shall bring to their attention the Standing Orders which says—

*[Inaudible interjection]*

**Mr. V. Arden McLean:** This is a substantive Motion. Mr. Speaker, 18 years gave me something, you know, okay.

Mr Speaker, this man comes out here encouraging tolerance. Nobody has been troubled. The only people troubled have been the people of this country. And he talks about “**This judgement provides equal rights for everyone, a point which I and former Governors have previously emphasised.**” Really? You think it bothers me what they emphasised? What bothers me is what the people emphasise. It does not bother me!

I have been here many years. I understand that I have spent more than I can hope to spend, but it is only those up in East End that I have been listening to. That is who I represent. The Governor should also understand, and if he does not, I implore the Attorney General, whom he takes legal advice from, to tell him that he makes up one part of the third arm of governance in this country and he must not cross those lines.

*[Applause]*

**Mr. V. Arden McLean:** Mr. Speaker, do you know what happened with the last king that tried entering the House of Commons? They still mark the spot where his head was chopped off. That is a fact! It was because of interference with the legislature by the common people. What does it say?—"House of Commoners". This is the House of Commoners. This is the House of Commoners! That is why there is no educational prescription to come in here. The people decide who they want. That is why it is only \$1,000 to register. Because you cannot put it out of the reach of those, of all others who would, otherwise want to run. That is why it is! It has nothing to do with the Governor down here. He comes down here once a year and l-o-o-o-o-n-g may that continue. This is our House. This is ours, this is the peoples' House; this is their real estate. We enact what they tell us to enact. This has nothing to do with them. And if we are wrong, bring it back to us.

**The Speaker:** Honourable Member.

**Mr. V. Arden McLean:** Okay, sir.

**The Speaker:** Perhaps that is a good time to take our lunch. We will suspend proceedings until 2pm.

**Proceedings suspended at 12:30pm**

**Proceedings resumed at 2:23 pm.**

**The Speaker:** The Assembly has resumed its sitting, please be seated.

Before I call on the Member for East End to continue, I want to intimate to the House and members of the Gallery that we normally do not allow clapping, as you all know, but try to keep it down as much as possible so that Members cannot be distracted in what is being said.

The Member for East End.

**Mr. V. Arden McLean:** Thank you, Mr. Speaker, and I thank you for that but, you know as they say, we are all human and we got to react.

**The Speaker:** I understand the exuberance.

**Mr. V. Arden McLean:** Yes, Sir.

**The Speaker:** It is just that I want to be within law of rules.

**PRIVATE MEMBER'S MOTION NO. 18/2018-2019—  
SAME SEX MARRIAGE COURT RULING**

*[Continuation of debate thereon]*

**Mr. V. Arden McLean:** Yes, Sir.

Mr. Speaker, when we took the break, I was further looking at some of the provisions and thoughts surrounding what the decisions of the last week has brought forth in this country. I thought about and looked again at some of the writings and concerns that had been coming to me from the legal fraternity and I could not help but think that the entire fraternity does not one lawyer make, thus it is a mere interpretation of one that can be opposed successfully by another.

The Chief Justice spoke to a number of countries that have jurisdiction over change in the Law and in particular, he referred to the case in Trinidad on capital punishment. He quite nicely did not say that, whilst the Constitution of Trinidad properly reflects in some way or the other, our section 5 of the Human Rights, it does not include section 23, anything in the arena of declaration of incompatibility by the courts when they find that there is non-conformity. So, I think he may have used that quite cunningly and did not understand or deliberately so, to arrive at the conclusions that he chose.

Mr. Speaker, I said earlier that I wonder who is going to declare this is constitutional and it confirms with the Constitution. The only person to do that, of whom I am aware of in all of these institutions, happens to be the Attorney General, to advise the Governor to assent thereto. Now, if the Chief Justice feels that he can change the Law, I think it is only fair that he should also, since declaring the change in the Law, draft the amendments to the Constitution and send them to the United Kingdom for inclusion in our Constitution too. That is fair! Since he is a drafter, I know that is a specialised job, I don't know if he is proficient in it, I know I am not.

Mr. Speaker, I am sure, that one will fall on deaf ears. I know that will fall on deaf ears, because, I am now being facetious, you see?

Mr. Speaker, the fact that in some quarters, there are jurists in this country . . . 'lawyers' you may wish to call them. I believe they call each other 'my learned friend'. As I said, a lawyer does not the fraternity make and there are those who have a different view. There are as many lawyers as there are opinions, or there are as many opinions as there are lawyers, whichever way you want to put it, on the same subject. Many of them will tell you what you want to hear and what you need to hear, but they will never agree. Not one of them will agree that a judge should arrogate unto themselves, the authority to change laws; not one of them will agree to that. They recognise, and their teachings tell them, that laws are made by the legislature. So, when the Chief Justice takes it upon himself to change our laws, it is necessary to challenge it amongst other lawyers. And I know that one of the things most lawyers or judges do not like, is to be overruled by a higher court.

Mr. Speaker, we talked about the European Court of Appeal. The most recent ruling by the European Court of Appeal on this matter says that member states should not be forced (and I am paraphrasing) to allow same-sex marriage if they have same-sex partnership or unions in place. Yet, we make that giant leap and say that this Legislature did nothing to facilitate that, therefore, it is the duty of the courts and they are duty bound to take over the responsibility that the people of this country has given us; that is in essence what has happened.

Mr. Speaker, I submit to you that they are wrong. They are wrong! The supremacy of this Parliament has been diminished as a result of that ruling last Friday.

I understand there are three arms of Government, and any one of those that go outside the provisions of governance, for peace and good order, the other two need to at least try to appease the people that there is not anarchy or a constitutional crises; because in this democracy, or any democracy as we cannot afford to have a constitutional crises. We are seeing one in Venezuela right now; we are almost—those of us who are following it—touching a constitutional crisis in the United Kingdom right now. However, Mr. Speaker, that is within one institution of those three pillars. It is only on one side of it. So, if we have a constitutional crisis here, where we are chasing down and knocking on that door, may I say, Mr. Speaker, that has been caused not by this arm of the government of democracy; that has been caused by other arms due to the lack of respect for this arm of democracy.

Mr. Speaker, the people out there are confused. They do not know what is happening, but they know something is happening that is not in their best interest; they know that. Do not underestimate the ability of our people to think. The day we do that, we have lost sense of the jigsaw puzzle, we have lost sight, and we have lost the central piece of this puzzle. Every jigsaw puzzle is made up of pieces interwoven to create one picture. Many of us as kids owned jigsaw puzzles and we know the day one piece was lost we did not get the full picture. That is what is happening to the country that we all love and we purport to defend, and we took an oath to defend.

Mr. Speaker, I have made many friends in these hallowed Halls, in the other arm of Government which includes the civil service, the executive, and, may I dare say, within the judiciary, but one friend does not make Arden McLean, I promise you that. My country means more to me than one friendship. And, if I must lose that friendship, then so be it. The last time I saw a slice of bread on my doorstep, the bag that I was carrying it in broke; no one brought it there. If I have to lose one, two, three or even four friendships, and Mr. Speaker, maybe even five, to defend my country, and the future of my children and the future

generations, then they have to go. Those friends are going. I have always told my children, if you are getting nothing out of the friendship, cut it. If you are giving all the time and they are taking, cut that friendship. And here I am today, doing exactly what I have preached. It matters not to me, Mr. Speaker.

Each of us in here has given our lives to the betterment of this country. Each of us could have been doing something else. Every election 40, 50-odd people run for these 19 seats, only 19 are chosen and that is for a reason. Do not underestimate the value of your election to govern the people. The first thing is you are in advocacy of your people. Stand and be counted. In my case, I prefer to die on my feet looking every human being straight in the eye, than to be on my knees begging from anybody. That is who I am and that is who I will remain, long after I am gone from here.

This is a matter that is very sensitive but when we say that, we like to say that it is sensitive to our people, it is sensitive to me too, I am a part of those people too. It is sensitive to me too. And when one person, in one fell swoop, takes my responsibility and ability to advocate on behalf of the people, unto themselves, then I think it is time to stand and deal with that.

Mr. Speaker, for over five decades, I have walked the streets of this country free—free of any concerns about my safety, and I will walk out of here today with the same thing. I have opened my mouth in this country, I have stood up, and I will continue to do that, whether I am here or not. That is how it works. This is the country of my birth and like the Premier likes to say, the one I hope I will be buried in as well. There is plenty sand up in East End in that graveyard. I cannot leave, and all those who have made this their home have no place to go, at least those in East End, I know that. There are many who came here and made it their home; I trust that they will also be offended when the very people they go and vote for, when that Premier defended extending the enfranchisement of voting on this Constitution; Mr. Speaker do you remember that? At the time, you had to be naturalised to vote. He advocated for Caymanians by virtue of the Immigration Law. That is how that was done, him, him right there. Don't worry, he has his eyes closed, but he is listening.

*[Laughter]*

**Mr. V. Arden McLean:** Mr. Speaker, they too, must understand that they can't rejoice because the hole is in my end of the boat. Their feet will get wet too. They too need to come together and let us plug this hole. There is a hole and, Mr. Speaker, I will show you where that hole is going to wet all of us.

I had audience with the Governor recently, and I said to him that I thought he was taking the

FAC's [Foreign Affairs Committee] Report to the House of Commons too lightly and we must all take note, because I believe we dismissed them as just a committee. They are not just a committee, Mr. Speaker. That is the same institution that shut down Turks and Caicos. That is the same one that recommended that Turks and Caicos be shut down. I was fortunate, or unfortunate, to have friends on that one; at least one friend, and now, one on this one too.

At the time, in 2007, they made a fact-finding trip to this country and they had us in Cabinet for one whole day asking some very probing questions. One of those questions I will never forget; it was: How do we dispose of government's property? Do you see where it was going, Mr. Speaker? Poor old Arden, you know I am not as smart as people think because it went right over my head. My friend came into my office as a Minister and started to further question me about the then Premier (not here but over there) and that was when the lightbulb went off in my head. Of course, you know that I started playing dummy, because that was my colleague too. Three weeks later, that same friend called me in at office and said, *I want you to be the first to know in Cayman that we are going to recommend taking it over*; that is, the Turks and Caicos Islands. Mr. Speaker, I went to the then Leader of Government Business, my good friend, Kurt Tibbetts, and Kurt confirmed it within minutes. That is what FAC means.

Now, let us turn to us. In this FAC report, they are saying that we should remove anything called "belonger" and anything similar to it. In our case, that would be Caymanian status, so that people from England can come here, and, I guess within a prescribed time, be able to run for Office. Do you all remember what the Elections Law says, which is reflected in the Constitution? At least one of your parents, at the time of your birth, had to be Caymanian. For a minute, this country needs to think about this; just for a minute, and tell me what we have come up with as a result of this ruling. And this is, Mr. Speaker, if we arrogate unto the judges that they can make and change laws. For the minute, there are many English people, and people from the Commonwealth who reside here, who have status, and the extent of their political involvement is getting on the platform with us and supporting one of us and voting as Caymanian. But, what if one of them decides that they want to run and apply to the courts on a judicial review, on the basis that it is against their right to participate in this country, pay taxes, pay this and that, have their children and not be allowed to run? I want this country to think for a minute; to forget and park for a minute the same-sex thing and understand what could happen in this country if a judge decides on doing that, and change our Elections Law!

Now, Mr. Speaker, let me explain to you, and mind you, I am no lawyer and there are plenty of them

over there and outside too. The basis on which the Chief Justice says that he used section 5 of the Constitution is because it says "existing laws". You know the Elections Law was in existence when this Constitution came into place. What are we going to do? We must appeal this until we do what my father used to say, "Appeal until you peel every bottle and every plantain."

[Laughter]

**Mr. Anthony S. Eden:** Amen.

**Mr. V. Arden McLean:** Mr. Speaker, I know, and if we missed this, we need to start thinking about it. You see that one, the appointed judge the other day that came here with honey running out the corner of his mouth, until he could get appointed permanently? His utterances on Monday are not different from how some in England feel. You hear what I told you, Mr. Speaker? And I would not be surprised if we get surprised. But you know what? Mr. Speaker, since being here, and say what you want about McKeever Bush but since being here, I sat here and heard McKeever Bush on that side, saying that it would be over his dead body, and he is suing everybody in England and the first court of instance as well. He was taking it to Strasbourg. Mr. Speaker, that is what needs to happen now. Regardless of the outcome, we must reassure the people in this country that we have responded in their best interest.

Now, I do not know the legal terms and that is why we appointed the Attorney General and why he has the responsibility to advise the Legislature, the Governor, and the Government in general. They must have those legal terms but we must not miss the fact that we are straddling a constitutional crisis. And yes, I know some of my colleagues from the other side have come over and said that we have a responsibility to bring it down. Bring down? Bring down? I don't know where we going any lower. How low do they expect us to go? That is all I am asking. I know as a leader in this country, Mr. Speaker, individually and collectively, we all have a responsibility to do that, but we did not start it though.

Corbyn didn't start it either and today he and May will be gone before April. I guess we will see the end of May before we see the end of April. But today they are sitting down talking. Mr. Speaker, I do not have a problem with compromise. Let us sit, talk and compromise but let us respect each arm of this democracy which manages us. We are not here as a token and no one should expect me to sit down and be taken as a token! The people of East End expect me to stand on their behalf and that is what I will do, cause it what it may! And if it means that my life must be lost because of it, then so what? I was going anyhow.

We talk about this FAC; it says “**Belongship and its equivalents are wrong. While we recognise that the OTs are small communities with unique cultural identities . . .**” Really? Really? That is the biggest lie in this. “**We do not accept that there is any justification to deny legally-resident British Overseas Territory and UK citizens the right to vote and to hold elected office.**”

Mr. Speaker, Brexit was caused not by the politicians, not by the Brexiteers; it was caused by the people in the street. The ordinary people who were fed up with the way their country was going and their lack of recognition. Okay? That is what caused it. You think politicians can cause you to do anything? I have always said there are three words that can define politics: tangibility, measurability and visibility. And if you do not give it to your people they are going to revolt on you. Brexit was a revolt against the politicians in England; that is what it was. Now, it has caused a constitutional crisis. Do you know what they are going to do? Call for election and remove everybody. That is what people will do. If you do not reassure them that something is in it for them, in their country, they are going to revolt. What are you going to do then? And we are talking about temper it down? It’s been lukewarm; it is into coldness now.

Mr. Speaker, this democracy is skidding on thin ice and the cracks are starting to show, and the only thing under ice has to be cold water which is the only thing that can support thin ice. We need to stop it now! We need to (pardon the pun) arrest it.

I implore my colleagues to do what is necessary for us. I know the Government has already said that they have instructed the Attorney General to appeal. I hope that we can appeal it through all of the processes. I will tell you why, Mr. Speaker: the same money that they used to fight this case is the same money they are going to use to appeal it; the people’s money, not mine!

Mr. Speaker, earlier in my presentation I talked about the Governor making such speeches, pronouncements. I want to go back to that for a bit but not to the same thing.

Mr. Speaker, today, if someone sues you or anyone for that matter, through the courts, if you so wish to acquiesce, there is no need to mount a defence. I have always learnt not to go looking for lawyers unless you are accused of something. That is the only time you need a lawyer. I do not need you if I am going about my business. So, the Governor, the Attorney General and the Deputy Registrar were accused of something. This Attorney General, Governor and Cabinet decided to fight it. The only reason you fight somebody is to beat them. The only reason you fight someone in court is because you think that they are wrong and you are right. The only reason somebody brings something to court is if they think that you are wrong and they are right. This is the court of first

instance. First, we have the Appeals Court, Privy Council, and the European Union Court. Do you know how long it takes to get through them? Donkey years! But before that front bench of the political directorate who are enabled by this Legislature where they are duly elected, can make a decision on behalf of their people, this Governor comes out and acquiesces on my people’s money! Tell him to find somewhere else to go!

**Mr. Anthony S. Eden:** Preach it, preach it.

**Mr. V. Arden McLean:** Why did he take up the fight on behalf of the people to defend section 14? Tell him to answer that!

I must hush? No, I am not hushing. No, no, no, no, no.

*[Laughter]*

**Mr. V. Arden McLean:** Mr. Speaker, when he has unlimited monies that does not belong to him and he can fight with. The front bench knows that all and sundry in here is going to support them in spending what?—the people’s money to defend them. And I know that the majority of the people outside are going to agree for that front bench and that Attorney General to find the best lawyers in the world to defend them, with their money.

*[Desk thumping]*

**Mr. V. Arden McLean:** And I must worry about losing one, two, three, four or maybe five friendships—really?

Mr. Speaker, I am reminded that this morning you asked me if you should discuss this matter with someone else and I said to you, that I could pull my shirt up and show you that there are no scars on my side, I was not born as a Siamese twin; I am here alone and I stand alone.

I have always, always, always, believed that wherever there is injustice, there is injustice everywhere. I have always said that wherever there is injustice, and in particular, against my people, you are going to find Arden McLean with a clenched fist. So, those who do not like that, stay out of my way. If you visit injustice on my people, understand, I am going to use the place that they gave me to advocate for them, which are these hallowed Halls, to take you on. I do not care who you are. If it is one of my colleagues in here, I will take you on; and you can speak afterwards, you know that doesn’t make any difference to me. I would have said what I had to say. That is how politics works.

I keep telling you all that I came in here on the 15<sup>th</sup> day of November, 2000 and I am yet to see a steeple out there. I did not sign on here as anything



other than a politician. This is the House of politics; understand that! And the political directorate of East End has told me to defend them, in particular, and this country in general, and no one, no one, is going to stop it!

Mr. Speaker, I will soon rest my case and let all of my colleagues speak for themselves. According to my good friend, the Premier, this is the time to be bold, be brave. If there is anything we need to be bold and brave with is the defence of our people who own these seats. They own this, not me. I have one little piece of land in Savannah Acres and a little piece on Queen's Highway. I own those, the people of East End own this and they put me here. They had no business to do that. They knew what I was. They knew that I will stand and die for what I believe in. So, all those who wish to do such, whether it is figuratively or literally, please be my guest.

Thank you very much, Mr. Speaker.

[Applause]

**The Speaker:** Does any other Member wish to speak? [pause] Does any other Member wish to speak? [pause] Does any other Member wish to speak?

The honourable Member for Savannah.

[Pause]

**Mr. Anthony S. Eden, Elected Member for Savannah:** Be not afraid.

[Pause]

**Mr. Anthony S. Eden:** Thank you, Mr. Speaker.

As the Secunder of this Motion, I thoroughly enjoyed listening to my colleague, the Member for East End. I can tell the audience enjoyed that very much but I am going to bore you a bit this afternoon, because I think it is important that I give the people of the Cayman Islands some warnings and most of my colleagues in here would know what we are facing.

[Pause]

**Mr. Anthony S. Eden:** My good friend, and I do not know if he is still up there, but he shared with me, a verse from Ephesians 6:12 and it says: "**For we wrestle not against flesh and blood, but against principalities, against powers, against the rulers of the darkness of this world, against spiritual wickedness in high places.**"

[Pause]

**Mr. Anthony S. Eden:** First of all, Mr. Speaker, I would like to thank those who have taken time out of their busy schedule, the people up there. The efforts

they have put into this; the petitions, the signatures, they have been able to gather. The last count I saw was close to 4,000 and it was just in a short period of time. I must take my hat off to the pastors and Katina; I think it is Captain Eugene's family member up there, I cannot remember her name.

**Hon. Julianna Y. O'Connor-Connolly, Minister of Education, Youth, Sports, Agriculture and Lands:** Jackie.

**Mr. Anthony S. Eden:** Jackie. The effort they have put into this as just laypersons. You see, when God is in here, efforts mean nothing. They have sweated and I have watched them up at 2, 3 and 4 o'clock in the morning, still sending out encouragement to all of their friends.

Mr. Speaker, last Friday when the Chief Justice released his ruling, I will say to this House and the Listening public, what President Delano Roosevelt said on the 7<sup>th</sup> December 1941, a date which will live in infamy. This happened when the United States was suddenly and deliberately attacked by naval and air forces from the Japanese Union. President Roosevelt went on to say: "We will gain the inevitable triumph, so help us God." And they did. Thank God, that is why we are a free world today because of strong people standing up.

Mr. Speaker, I had much euphoria this morning when I heard you, an old colleague of mine for 27 years, many battles we have fought together. I know the efforts and long, long, hours that our Premier, you, Mr. Speaker, my colleague for East End, the Minister of Education, the Pastors; Pastor Shian O'Connor and others, (especially my very close departed friend Pastor Al Ebanks), have put into our 2009 Constitution. I have travelled with you guys. I want to thank you, Mr. Premier, and Mr. Speaker, for the effort that was put into this and I will remind you of another saying: "**Man's laws cannot make moral, what God has declared immoral.**"—Dallin H. Oaks.

It does not matter how I feel about this situation. What matters to me is I believe in this Book. I am just a messenger.

Mr. Speaker, with your approval, I want to read a number of short parts from this indicating it's not, me, Anthony Eden, not Arden McLean, not you, or the Premier, what this says about the sin. It is not me! I hear some of these people saying on the television: *Oh God wouldn't do this, God wouldn't do that.* When looking at 1<sup>st</sup> Corinthians 6:9-10, which I will read, it says that God was the judge, he was the jury and he will be the executioner, because he says in this Book, this type of lifestyle will keep you out of heaven. Not me! Read it, it is in here, read it!

The first one that I want to read, Mr. Speaker, is Leviticus 18:22: "**Thou shalt not lie with mankind, as with womankind: it is abomination.**"

Leviticus 20:13 says: **“If a man lies with a male as with a woman, both of them have committed an abomination.”** That is from the Old testament. Some people will say, *Oh, it is in the past. Let us talk about things in the New Testament; is it there?*

I go now, Mr. Speaker, to Romans, Chapter 1.

[Pause]

**Mr. Anthony S. Eden:** Romans 1: 24-27: Verse 24 says: **“Therefore God also gave them up to uncleanness, in the lusts of their hearts, to dishonour their bodies among themselves;**

Verse 25: **“Who exchanged the truth of God for the lie, and worshiped and served the creature rather than the Creator, who is blessed forever.**

Verse 29: **“Being filled with all unrighteousness, sexual immorality, wickedness, covetousness, maliciousness, full of envy, murder, strife, deceit, evil-mindedness; they are whisperers,**

Verse 32: **Who, knowing the righteous judgment of God, that those who practice such things are deserving of death, not only do the same but also approve of those who practice them.”**

My favourite one, Mr. Speaker, as I alluded to earlier, is 1<sup>st</sup> Corinthians 6:9 and onwards: **“Do you not know that the unrighteous will not—will not—inherit the kingdom of God? Do not be deceived. Neither fornicators, nor idolaters, nor adulterers, nor homosexuals, nor sodomites.”** He goes on to say that at some time, certain people had the problem but then he shows encouragement, Mr. Speaker, Verse 11 says: **“And such were some of you. But you were washed, but you were sanctified, but you were justified in the name of the Lord Jesus and by the Spirit of our God.**

Verse 18 says: **“Flee sexual immorality. Every sin that a man does is outside the body, but he who commits sexual immorality sins against his own body.”**

The last one my friend referred to is in Revelations. The Member for North Side and I were talking about it. Revelations 21:8 which says: **“But the cowardly, unbelieving, abominable, murderers, sexually immoral, sorcerers, idolaters, and all liars shall have their part in the lake which burns with fire and brimstone, which is the second death.”** There will be no coming back from that second death, Mr. Speaker. So, we see, throughout God’s word, He talks about what is wrong and the sin.

I just want to leave one more with you. I leave this for those that are bearing this burden down at us at this time and to all of us that sit in these Chambers and all that may be listening—Luke 17:1-2 are the words of Jesus to his disciples: **“It is impossible that**

**no offences should come, but woe to him through whom they do come!”** That is, if we change this Marriage Law to what it is being advocated at the high levels. He says: **“It would be better for him if a millstone were hung around his neck, and he were thrown into the sea, than that he should offend one of these little ones”.** So anyone, Mr. Speaker, that portrays this thing, indicating that it is something we need to be tolerating, I feel sorry for them because he himself says he will deal with them.

Mr. Speaker, some time ago when I brought the Motion, talking about gay marriage, and I still do not quite understand how this has not reached to the certain heights. I quoted from the European Court of Human Rights on the 25<sup>th</sup> of July, 2014, which is in the Hansards, Mr. Speaker: **“European Court: Gay Marriage is not a Human Right. The highest Human Rights Court in Europe shattered hopes that it would judicially impose same-sex marriage when it told a male to female transsexual and his wife that a Civil Union should be good enough for them.**

**“European Human Rights Law does not require countries to ‘grant access to marriage to same-sex couples,’ according to a judgment of the European Court of Human Rights in a case that tests the remote boundaries of possibility in law and fact.**

**“The Court confirmed that the protection of the traditional institution of marriage is a valid state interest—implicitly endorsing the view that relations between persons of the same sex are not identical—*are not*—to a marriage between a man and a woman, and may be treated differently in law.”**

**“The judgment says that European Human Rights Law recognises the ‘fundamental right of a man and a woman to marry and to found a family’ and ‘enshrines the traditional concept of marriage as being between a man and a woman.’ It explains how no European consensus on same-sex marriage exists, as only 10 of the 47 countries bound by the treaty allow such designations.”**

Why in the world do we here, in this little population of 50,000 or 60,000, allow them to ram it down our throats, something that we have lived by, Mr. Speaker, for the past 500 years? We have a leader here that came lately and want to change things that we put in place here, to which we lived by all our lives! It brought us unparalleled success in the world; do you think it was by accident? We were blessed by God and we can continue, but He has warned us, He has warned us.

Remember, with Gilbert, Ivan, and Paloma, there was no loss of life. If we get off on the wrong track, Mr. Speaker, and I need not tell you and my colleagues here, and those of us that believe in the Bible. If you do not believe in the Bible just turn off

listening to me. But trust me, the Father in heaven that I serve is a man of justice, and He will not turn and He will not allow us to go down.

What is the difference between the Cayman Islands and Sodom and Gomorra? Do you think He is going to make an exception? He is not going to do it! It may not happen now and they tell me that now in Sodom and Gomorra, you can go there and find this place bare, with just ashes and stuff. This is what we are facing, Mr. Speaker. You do not have to listen to me; it is up to you. It is my responsibility, my God has given me the responsibility to talk and share with people to wake up! We see what is going on. I have a couple more articles I wish to read. What is happening?

When we look at the great United States, it is now becoming the cesspool of the world; anything goes there! In Canada and in the United States, four year olds are being taught about homosexuality! When are we going to sit down and . . . Do you think it is going to make any difference if this thing goes through here? What comes after? What follows on? That is what scares me. I have grown children and I have a little four year old granddaughter and God have mercy if anyone was to go and trouble her, I feel sorry for them. My colleagues know about my Betsy. Do not come around my family with this nonsense!

[Pause]

**Mr. Anthony S. Eden:** I found this one interesting, Mr. Speaker. **“The US Federal Government has made the school laboratories for a social experimentation. In May 2016 the Obama Administration, through the Department of Education . . .”** I know a lot of people hold him up as the greatest thing ever on earth, but listen, listen, see what is happening to the United States now, it is falling apart **“. . . issued a directive requiring public schools to allow transgender students to use bathrooms and locker rooms consistent with their ‘chosen sexual identity’.”**

Colleagues, can you imagine that happening in our Cayman Islands? Please, just vision and look down the road. Just put our children in place of what I am reading here.

**“In other words, a boy who thinks of himself as a girl can now legally enter a girl’s bathroom (some would scare the hell out of those young ladies) and vice versa. But nothing in this ruling protects the rights of the vast majority of children who want privacy in bathrooms and locker rooms and who might rightfully be shocked by this behaviour.”**

**“Declining US birth rate? Quite interesting! “Though not widely publicized, America’s birth rate has dropped below . . .”** I know my friend and colleague here to the left for Bodden Town West

would find these figures interesting— **“. . . replacement rate.”**—whatever that means. **“As Forbes reported in early 2015, the official US birth rate per 1,000 women aged 15-44 dropped to 62 per 1,000, the lowest ever recorded, with a fertility rate of 1.87 children over the course of a woman’s lifetime.”** **“US birth rate falls again”**). The widening acceptance of gay and lesbian couples, which cannot produce children . . .” (wow, wow) **“. . . causes some observers to question if this will eventually further slowdown America’s declining overall birth rate.”**

**“Blurring of male-female gender identity”:**

Once again, **“The Department of Education’s directive on unisex bathrooms casts the spotlight on the transgender movement unlike anything before it. For most, the fight boils down to the obvious embarrassment most children will face seeing someone of the opposite sex in their bathroom.**

**“But has it been considered what the move to gender-neutral bathrooms does to gender identity during the crucial early years when children become aware of their sexual identity?”**

**“As reported in the July-August 2016 issue of Beyond Today (<https://www.ucg.org/beyond-today-magazine/whats-behind-the-transgender-movement>), a Johns Hopkins University study found that 70 to 80 per cent of children who reported transgender feelings ‘spontaneously lost their feelings’ as they grew older. They simply outgrew them. (‘Transgender Surgery isn’t the Solution.’)**

**“This was especially tragic for young people who had undergone transgender surgery. Does it make sense to give young people the radical treatment of puberty-delaying and gender-reassignment hormone therapy in preparation for eventual surgery when the chances are that they will come to see themselves as they were originally born?”**

The last article, Mr. Speaker: **“Much research has revealed just how perilous and destructive this lifestyle can be. For example, on March 9<sup>th</sup> 2016, the Centre for Disease Control and Prevention of the United States Department of Health and Human Services placed the following on its website: “Sexually transmitted diseases (STDs) have been rising amongst gay and bisexual men, with increases in syphilis being seen across the country. In 2014, gay, bisexual, and other men who have sex with men accounted for 83% of primary and secondary syphilis cases where sex of sex partner was known in the United States. Gay, bisexual and other men who have sex with men often get other STDs, including Chlamydia and Gonorrhoea infections”.** These are things that we get on a large scale when the gates are opened and the horses are out. Let us face the reality.

On April 5, 2018 the U.S. Department of Health Services posted this statement on its website: **“In the United States, gay, bisexual and other men who have sex with men (MSM) are the population most affected by HIV”** (Human Immunodeficiency Virus) which causes aids. **“According to the Centre for Disease Control and Prevention (CDC), about 67 per cent of people diagnosed with HIV in 2015 in the United States were gay and bisexual men.”**

In addition, Mr. Speaker, HealthLine.com reported in July, 2016: **“Depression affects LGBT [lesbian, gay, bisexual and transgender] people at higher rates than the heterosexual population, and LGBT youths are more likely than heterosexual students to report high levels of drug use and feelings of depression.**

**“According to the Centres for Disease Control and Prevention, suicide . . .”** (we have seen that, not only here but rampant in the United States now) **“. . . is the third leading cause of death among people aged 10 to 24 in the United States.”** Listen to this: **“Lesbian, gay and bisexual youths in grades 7 to 12 are twice, as likely to attempt suicide, than their heterosexual peers.”**

Mr. Speaker, this is why you heard me ranting and raving for the last five years when this started to surface.

Mr. Speaker, I came across a book which someone told me about and I ordered it. The title is *“The Marketing of Evil”* by David Kupelian. I just want to read a couple of comments from people who have read the book:

“Praise for David Kupelian’s *“The Marketing of Evil”*. It is often said that marketing is war-fare and in *The Marketing of Evil*, David Kupelian clearly reveals the stunning strategies and tactics of persuasion employed by those engaged in all-out war against America’s Judeo-Christian culture. If you really want to understand the adversary’s thinking, and help turn the tide of battle, read this book.

“Every parent in America needs to read this book. David Kupelian skilfully exposes the Secular Left’s rotten apple peddlers in devastating detail. From pitching promiscuity as freedom, to promoting abortion as choice, the marketers of evil are always selling you something destructive with catastrophic results. Kupelian shines a light on them all. Now watch the cockroaches run for cover.

“David Kupelian dares to tell the truth about the overwhelming forces in our society, which takes us far away from our original American concept of freedom with responsibility, happiness with commitments and traditional values. *The Marketing of Evil* is a serious wake-up call for all who cherish traditional values, the innocence of children and the very existence of our great country.

“David Kupelian’s research brings into sharp focus what many have sensed and suspected for a

long time. The effort to change America’s mind on issues like abortion, homosexuality, Church/State separation and more, is a well thought-out strategic campaign that uses the method of Maddison Avenue to market rank lies. But the good news is that the truth will eventually win out and Kupelian’s important and ground-breaking book makes enormous progress towards the end.” [UNVERIFIED QUOTES]

Mr. Speaker, basically, what it indicates is how this started out 25, 30 years ago on a small scale. How they employed the experts from Harvard University to draft a way to develop these false thoughts and to sell them. Mr. Speaker, it has got to the stage now where these very same people that were a minority are now calling us the criminals. We are the ones that are breaking the law. We are the ones that they want to prosecute. Mr. Speaker, I am just saying this as advice to my people here in the Cayman Islands: be forewarned!

Mr. Speaker, we are not dealing with Sunday’s School children or people. These people do not mean us well. Take warning!

Mr. Speaker, I pray that my people understand. And, I will give the Premier my commitment that, if necessary, I will come up with \$5,000 to \$10,000 to help defray the costs, but let us appeal this to the bitter end, as Mr. Arden McLean would say.

Thank you all and God bless these Cayman Islands, as we have seen his first prayer answered this morning, when our Premier shared with us what he evidently did from yesterday, for our way forward in the Cayman Islands. I pray for you all.

**The Speaker:** Does any other Member wish to speak?

The Member for North Side.

**Hon. D. Ezzard Miller, Leader of the Opposition, Elected Member for North Side:** Thank you, Mr. Speaker.

Mr. Speaker, I shall not be long. I just wish to endorse, support, and agree with everything my colleague for East End said.

Mr. Speaker, certain matters necessary to be presented and dealt with in this House, cannot be done by other Members currently in-house, any better than how the Member for East End would deal with them. And he certainly did a sterling job this morning.

[Applause]

**Hon. D. Ezzard Miller, Leader of the Opposition:** I would like to add, Mr. Speaker, that, the Government needs to begin considering what they are going to do in case the Appellate Court, all the way up to Privy Council, upholds the ruling of the Chief Justice. Mr. Speaker, my fear is that given the current environment and political climate in which we are operating, that that is a very likely possibility. One of the things I

would propose that the Government (and I would be willing to assist, wherever I can, and join them) is that we take a long look, at particularly section 5 of the Constitution, since it has been, in my view, given an extraordinary interpretation and what appears to be the section of the Constitution that the Chief Justice, and therefore the courts, have used to bring onto themselves, the powers that the Constitution intends should remain in these hallowed Halls.

Mr. Speaker, I fear that there are many other things in this country and there are forces within this country that would like to change many of the things that we as a people have put in place in these laws and through our activities in legislation, that they would like to change, to give many of them who already have economic advantage over the average Caymanian. And they certainly would like to have the judiciary carve out and change certain laws to give them what they know this Chamber and the people in this country will never agree to, which is to give them the political authority to sit in these Chambers and make laws against the people of this country in their own favour.

Mr. Speaker, I know that given the turmoil existing in the House of Commons in the United Kingdom and the pressures under which the Cabinet and the Government . . . well, we do not know about the Cabinet there. It seems like that which is supposed to hold a Cabinet together, the doctrine of collective responsibility seems to be completely eroded and forgotten about in their Cabinet up there, in terms of the activities and actions they are taking and voting in the House of Commons on various matters concerning Brexit; that we are maybe difficult to get the executive arm through the Foreign and Commonwealth Office (FCO) and the Minister, to look at amending our Constitution, particularly to prevent any judge being able to ever, in the future of this country gather unto himself, the authority to make laws.

What I found very interesting, Mr. Speaker, is that they not only changed the Law, but they appear to have exercised authority that we do not have, in them bringing it into effect in one stroke of a decision. We could vote unanimously down here for legislation and we still cannot do anything about it until the Governor assents thereto on behalf of the Secretary of State. But it appears that the decision that was handed down, not only, in my view, took the authority to write legislation, but it took the authority to bring it into effect as well. And the only way (I am not a lawyer or a constitutional expert) but, like the Member for East End, I have spent a few full moons in this hallowed Chambers and I have the grey hairs to prove it.

We need to make sure, Mr. Speaker, the only way that decision can be changed, is if a Higher Court changes it. In the very likely scenario, for many of the reasons explained by the Member for East End, because we have an old saying in Cayman "He, who

pays the piper, calls the tune". If I am given a job and making sure that I get paid, while it may not be a normal process for you to instruct or encourage or intervene, if you choose to do so, it is likely to be obeyed. And I must tell you, Mr. Speaker, that I was rather disappointed in the body language of the Governor on national television, in his joyous exuberance of the decision of the court.

*[Inaudible interjection]*

**Hon. D. Ezzard Miller, Leader of the Opposition:**

One of the things I believe that office should carry with it, is a certain level of dignity which, I believe, would discourage that kind of joyous exuberance, in particular, when knowing they are going against the majority wishes of the people of this country.

Mr. Speaker, I contend that if we do not find a way, and, if we are not assisted by the Court of Appeals and do not find a way to correct and change our Constitution to prevent this ever happening in the future, it is the greatest danger to our democracy that has come along in a long time, because remember, we Caymanians are outnumbered in the work place now. We are outnumbered in the society. Most of us, many of us, are outnumbered on the street we live on. And, it is a good possibility they can get a judge given this decision, to change our Election Law.

I agree with the Member for East End on the Foreign Affairs Committee. I think that report is a report that this Parliament should discuss on a motion and make deliberate recommendations and decisions on their recommendations and send a bipartisan support and position for the things that we object to which are in that report. The day that these people outnumber us and can sit in this Parliament, is the day Caymanians get put on that reservation and we can change the title from Caymanian to North-American Red Indian. The Millers will be one tribe; the Whit-takers will be another tribe and the Kirkconnells will be one tribe, and the Ebanks are going to be another tribe. . .

*[Inaudible interjection]*

**Hon. D. Ezzard Miller, Leader of the Opposition:**

Yes, you will be a tribe as well.

*[Laughter]*

**Hon. D. Ezzard Miller, Leader of the Opposition:**

There is an old adage in North Side which says that the Millers and the McLeans were the worst devils in Scotland that came down from the highlands. The motto of the Chisholm Clan in Scotland is "Feros Ferio"—'We are fierce with the fierce' but—

*[Inaudible interjection]*

**Hon. D. Ezzard Miller, Leader of the Opposition:**

Mr. Speaker, I like your assurances, but the problem is that we are still under an administrating power and none of whom really have our interests and longevity at heart. The success of the Cayman Islands is in spite of the administering powers' objections and lack and support for us. It is because of the hard work and industriousness of the indigenious that built this country, not them. Our success is not related to any magical constitutional position with the UK, and you know what my position is. I have declared from 1972 that we, the people of this country, must set the date of departure and work incrementally thereto, and not wait for something like this to happen and they throw us out and we are not ready. They will be the first to point at us and say, *See, we told you, you could not manage this little country without us.* We need to prepare for those eventualities and this decision, Mr. Speaker, if we do not find the way to arrest it, stop it, and prevent any other judge from taking such action again, our beautiful Islands, Cayman's future will be dim.

Thank you, Mr. Speaker.

**The Speaker:** Does any other Member wish to speak?

The Honourable Minister for Health, the Member for Bodden Town East.

**Hon. Dwayne S. Seymour, Minister of Health, Environment, Culture and Housing:** Thank you, Mr. Speaker.

Mr. Speaker, I think I have a right to stand up as the representative with the largest district. I am quite aware that I am a Member of the Government and I am using my conscience for this national importance. Kings 1:3-9 said: **"Give therefore thy servant an understanding heart to judge thy people, that I may discern between good and evil for who is able to judge this thy so great a people"**

Mr. Speaker, there is a disruption in our norm. There is confusion, animosity, stress, at some point dizziness, about this ruling. It is very concerning, Mr. Speaker. Where is my right? I need my right to choose what I believe is to be right. In politics, if I have more votes than the competitor, it means I win and it confirms the will of the people. If we vote in this honourable House, we all know the deal, the most 'Ayes' win. So what is wrong with me thinking, Mr. Speaker, that more people in this country are against this ruling, than those who are for it. This has disrupted the way of our life in the Cayman Islands. I have personally received more calls and text messages— all night long, early morning— about what people say as a surprise ruling and, in their view, an overreach from the Judiciary to the Legislature.

Mr. Speaker, for me this is not about who is gay and who is not. No, it is not. People will do what-

ever they want in their own bedrooms and do their own likings, so let us not get confused about our Mandate. Our responsibility is to protect the children of this wonderful country. Let our children grow, Mr. Speaker, free from being forced to read textbooks in schools about Fred and Ned and Ann and Fran. We should continue to let them know about Jack and Jill. Our children should be able to grow and make decisions on their own in whatever direction they want to take their lives when they become adults. It would be silly of me to say that I am here to stifle freedom of choice, because that is your business and I am also mindful that even though if a person is doing something that we believe is wrong, the Good Book also teaches us that the thief on the cross asked for forgiveness and was given so before he died. I do not judge.

Some will say much manner about our appeal, but why do we have to follow the world with everything? In the EU it is said, as similarly mentioned before, that marriage is not a right, Mr. Speaker. The European Court of Human Rights said same-sex marriage is not a human right. On June 29, 2016 the European Court ruled that same-sex marriages are not considered a human right, making it clear that homosexual partnerships do not, in fact, equal marriages between a man and a woman. This ruling was a response to an unlawful same-sex wedding conducted in June 2004, by the Mayor of the French city Bègles and a member of the Green Party at the time. They explained the decision by saying, **"Marriage is a social construct and procreation is no condition of its validity, otherwise we would need to render unions without children null."**

Most couples whether same-sex or not, wants a family; this includes a child, so where will this child come from, from a heterosexual couple? Where will this child come from?

I went to church on Sunday, Mr. Speaker, and did not get the same blessing as my good friend.

*[Laughing]*

**Hon. Dwayne S. Seymour:** They would not even allow me to come out of the pews, Mr. Speaker. The phrases were such as *I know this is not the right place, but we have to appeal this ruling.*

Mr. Speaker, you may recognise me as a Government Member but yes, I am still the voice of the voiceless and the face of the faceless. No one in Bodden Town East instructed me to do this on their behalf and until they do, I will fight for them and all the people of this country.

*[Inaudible interjection]*

**Hon. Dwayne S. Seymour:** I got a little bit more blessing but, ha, ha, ha—

[Laughter]

**Hon. Dwayne S. Seymour:** —but thank you for your compliment, Member.

[Inaudible interjections and laughter]

**Hon. Dwayne S. Seymour:** Oh, oh. Sorry, my apologies.

[Inaudible interjection]

**Hon. Dwayne S. Seymour:** Mr. Speaker, this is not about hating anyone. I do not have any hate in me; we still have to love our people. These are all Caymanians and we do not want to breed hate. I never heard about any hate crimes against gays or otherwise before this ruling came about. This is about trying to make choices for adults. This is about loving us. This is about not rolling over and playing dead to something that is non-emergency. What is the rush? Why can't people respect our views and culture? Is the Mandate to change the whole world into Sodom and Gomorrah? Well, Mr. Speaker, not our Cayman Islands.

Mr. Speaker, we were elected to perform or act on behalf of the will and the wishes of our people. So, I submit this to this honourable House: this lacks the mandate of our people. We had a choice to do this in Cabinet and we refused to do so, and it went to the Court. I represent the common man and woman and we must protect them from this bullying of imported views. As my good friend told me earlier, morality and social issues must be done by the people themselves or by a referendum. We are talking about the over-reach.

In closing, some people may be disappointed in us, or in me, near and far, but my people are not. They now feel comforted that we are listening to their cry.

Mr. Speaker, I want to applaud the good Premier and also my good honourable friend for the District of East End, for their contributions. I am proud of the Premier for the stance he took and the way he listens to his Caucus, listens to his Cabinet. I am really privileged to be amongst a government that listens and cares what the people think.

Mr. Speaker, I thank you and may God bless these Cayman Islands.

**The Speaker:** Does any other Member wish to speak?

The Member for Newlands.

[Laughter]

**Mr. Alva H. Suckoo Jr., Elected Member for Newlands:** Thank you, Mr. Speaker. I knew it would not

be long before I got a little taste of the Premier's stand-up routine. I was looking forward to that all day.

Mr. Speaker, this is a serious discussion that we are having here today, and while there can be some levity, I do not want to take away from how important it is, I think, for all of us to weigh in on this issue. This is not just another Private Member's Motion that we can choose to support or not. As my colleague for Savannah said, this is probably going to be the most important Private Member's Motion to ever be discussed here in this Parliament.

I woke up on Saturday morning and I wondered if there had been some restructuring of our democracy that I was not aware of. When I went to bed on Friday, it was under the presumption that I was elected as a lawmaker and that my principal role was going to be a lawmaker for this country. I woke up on Saturday morning to find out that was not the case anymore but nobody chose to inform me.

Mr. Speaker, I heard a lot of arguments and will try not to be repetitive, but it is important that we understand the legal principle behind this decision by the court which not followed. It is quite clear to me that they were not followed, and while I did not bring my Bible with me today, I knew Mr. Eden will have his (the Member for Savannah), I did bring a textbook with me. I guess everybody knows now that I am studying law; that is no longer a secret. I have seen a lot of comments being made on the Cayman inquirer about that today.

[Inaudible interjection]

**Mr. Alva H. Suckoo Jr.:** No, not Marl Road, CNS [Cayman News Service]; let me clarify.

**Mr. V. Arden McLean:** Unna got to stop reading those comments.

**Mr. Alva H. Suckoo Jr.:** Well, I do not let those comments bother me, but what I find ironic about it is, yes, I did chose to study law while being a Member of Parliament (please bear with me a little bit Mr. Speaker, I think I need to clarify that) but only for the benefit of being a better representative. So far, I think it has given me that ability based on the grades I have been getting. Even the Leader of the Opposition asked me to do a press release on it, because he thought it would raise my stature in the community but I chose not to because it is a personal thing. All of a sudden now, I am neglecting my constituents because I study 2 to 3 in the morning. When other people are out partying and smoking cigars or what not, I choose to study, but that is the tabloids; that is how they operate.

Mr. Speaker, I brought one of my constitutional books with me and just to provide some clarity, based on the rule of law and what would constitute the



principles or characteristics of a good constitutional system. To just quickly summarise what my textbook says and this is *Public Law* by Andrew Le Sueur: “The law must be accessible and so far as possible intelligible, clear and predictable. Questions of legal right and liability should ordinarily be resolved by application of the law and not the exercise of discretion. The laws of the land should apply equally to all, save to the extent that objective differences require differentiation.

“Ministers and public officers, at all levels, must exercise the powers conferred on them in good faith, fairly, for the purpose for which the powers were conferred, without exceeding the limits of such powers and not unreasonably. The law must afford adequate protection of fundamental rights. The means must be provided for resolving without prohibitive costs or undue delay bona fide civil disputes which the parties themselves are unable to resolve. Adjudicated procedures provided by the State should be fair. The rule of law requires compliance by the State with its obligations in International Law as in National Law.” [UNVERIFIED QUOTES]

Mr. Speaker, the book also goes on to talk about the role of the Judiciary and it identified three main functions: articulating Common law fundamental rights, applying the law of tort against public office holders, and interpreting legislation. Nowhere in there did it say the role of the Judiciary was to make law.

The Parliament has the power, through legislation, both to protect and promote the rule of law, but, in some cases, also to undermine it, consciously or inadvertently. This whole principle of parliamentary supremacy leads us to where the Parliament and not the courts have the final say on the validity of the laws that are in effect. The Parliament decides whether or not our laws violate the rule of law; remedy that, any violations.

Mr. Speaker, I actually came across a case that is used quite often when studying Constitutional Law—*R v Davis*—where an individual was accused of shooting two people and the witnesses to the murder were scared and the judge actually made an order to hide the identities of the witnesses so they could testify. The individual was convicted and appealed, saying that his right to face his accusers had been denied. The House of Lords held that his right had been taken away. The only way to fix that problem was for a Bill to be rushed to Parliament to allow for the making of Anonymity Orders. There are numerous cases, Mr. Speaker, where similar incidents have occurred, where the court has found that the law was inadequate in some way, shape, and form and the Parliament is where those problems were fixed.

We are currently fighting for the survival of our financial services partly due to an overreach by the UK and what has effectively happened here, is that we have a domestic overreach where our courts have

crossed the line and come into this honourable House.

I have tried to be very respectful because, as a legislator, I have to respect the separation of powers. I understood that from the day I came here. Some of us, who are relatively new, did not really appreciate that until we got here and some of the Members who been here a little bit longer explained it to us, how careful we have to be not to thread on that line. But it has to be reciprocal, Mr. Speaker. The arms of government must operate separate from each other, and respect those boundaries.

Mr. Speaker, I will not bother to read section 5 of the Constitution because I think it has already been done here today, but that clearly defines how we deal with instances where the court may find that a law is not in accordance with the Constitution and in the case of section 14(1) of the Bill of Rights, this judgement basically declared that it was incompatible with sections 9 and 10. I had a number of people come to me and not quite understand why the politicians are so upset about this ruling. I explained it to somebody this way: if you have in a law a section that says it is legal to spit but in another section it says it is illegal to spit on the sidewalk, you cannot take the general section and override the specific section and that is what has been done here. In very non-technical terms, that is what happened. It is the wrong application of the law. So, that created what some people are calling “a constitutional Crisis”. But I would go further to say that it could be argued that the judgement is unconstitutional.

Mr. Speaker, there is a much bigger issue here and I know some Members have touched on this. The Member for Bodden Town East has definitely voiced what I think all of us believe. We know that we have Caymanians who are part of the LGBT community. Nobody here today is advocating for anybody to do anything to those individuals for their sexual orientation; to punish anybody for that. If we are firmly going to hold on to Christian principles as enshrined in our Constitution, we should not hate anyone, and I think we all believe that. But what I noticed, and as I listened to the Member for Savannah read the Scriptures, is that there is a growing sentiment to ridicule people of faith. And I can predict tomorrow what some of those headlines and comments will be about the Member for Savannah talking about this imaginary fairy in the sky and all sorts of stuff. Mr. Speaker, one of these days, they are going to wish it was imaginary. But this is a much bigger issue.

We are not here to destroy anyone, to stop anyone from loving who they want to love. We are politicians but we have to protect our Constitution, our country, and our democracy. We have a duty to do that and what I have seen done here, is totally undemocratic. We have witnessed a decision made, which is totally contrary to how it is supposed to work,



and I cannot find one qualified lawyer out there who will tell me they agree with this decision; not one!

I hear comments that we should not be legislating morality. Mr. Speaker, every single law on our books has a foundation in the ethics and the morals of the society that those laws apply to. That is the origin of laws, where they come from. Back before we had courts and lawyers, somebody decided it was unethical for me to steal, for me to hit someone. They did not have to write it down but it was understood. This is the accepted behaviour in this society. Those things became laws over time.

*[Inaudible interjection]*

**Mr. Alva H. Suckoo, Jr.:** So, I do not buy into the argument that we do not have a responsibility to legislate morality because the laws that we pass must reflect the morals and the ethics of our people. We do have that responsibility. And Mr. Speaker, marriage is enshrined in our Constitution as a Christian act between a man and woman. Somebody did not just think that up; that has origin in our Christian beliefs, which are also enshrined in our Constitution.

I heard the Member for Bodden Town East speak about 'referendum'. If you think about it, we have already had a referendum on this subject. When this Constitution was put in place, we had a referendum on the Constitution which clearly says what we define marriage as. So, when people went out and voted for this Constitution, they were participating on a referendum on same-sex marriages. There were many other sections of the Constitution they were thinking about as well, but that was one of them. So, there is no need for a referendum; the People already spoke. There were Members in this honourable House who were against the Constitution, but at that point they could not stop it. The people decided what they wanted to see.

Mr. Speaker, I am getting really concerned because in the heat of all of this, I am seeing attacks on Members of this Legislature and I am going to speak about that a little bit today. As a Member of this Legislature, I cannot condone those sorts of behaviours, but I think some of them are engineered and designed to drive fear into us, to scare us into not doing what we know is right. I heard comments made about Members of this Legislature and their sexual preferences, all sorts of stuff. Mr. Speaker, just like it is none of my business what the public does in their bedroom, it is none of their business what any of us does in our bedroom, however, we are elected representatives. But it is disgusting, some of the things I hear and see, and coming from our own people, we have to practise what we preach. We cannot be out there tearing each other down. I have to stand with the Members in this honourable House on this particu-

lar issue because I have witnessed and heard some really horrible things.

It is clear, Mr. Speaker, that some of those who are propagating those horrible things, have an agenda, and I will go back to the same tabloid publication I mentioned earlier, CNS. I know what will happen now, you know. I am going get about a million articles written about me and what a bad guy I am but like the Member for East End, I do not care. I know, at the end of the day I am doing what is right and when I am finished speaking about that publication, they clearly have an agenda, Mr. Speaker, for whatever reason.

I will tell you this, everybody knows I am no longer Deputy Leader of the Opposition; I resigned. I did not give any reasons when I resigned, I just simply resigned after the Leader and I had a conversation. I was asked for comments and refused to give any. The first story they wrote about that, Mr. Speaker, what they did was to bring LGBT into this, in that, I am resigning because Mr. Miller and I have a difference of opinion over that. And they also had to mention that that is how I won in Newlands. Mr. Speaker, we have to be very careful because some of these people have an agenda to get involved in our politics and certain individuals in this Legislature are in the way and they will do their best to remove us; I am one of them. So, I do not rely on CNS to do anything for me. I do not need the publicity that badly that I will sell out and conform to what it is they want me to say and do.

Mr. Speaker, I noticed they mentioned that the only how I could beat Wayne Panton was because he was for LGBT and I was against it. Neither of us campaigned on that issue but that is how they wrapped this up quickly. When I confronted them on it, I was told, well because I chose to stay silent, they were going to draw their own inferences and people needed to be guided.

*[Inaudible interjection]*

**Mr. Alva H. Suckoo, Jr.:** No, I will beat them right here. This is where I was put to talk.

Mr. Speaker, I am not accusing the courts of being a part of this agenda, but I am saying that we need to be very careful because there is an agenda at play. As the Member for George Town Central and I were talking about it, we do not want to come across as paranoid and overly sensitive about things, but sometimes we just have to look at it and say no, that there is something more to this. The things I see happening in this country, there is an agenda. Mr. Speaker, back to the court's decision, as I said, I am not linking the courts to that agenda, I am simply saying, there is an agenda, and we are not just paranoid. I think the decision was wrong.

We have to think about why all of us are here, Mr. Speaker. Why do we fight so hard to come here? We go out and campaign until we are almost drop-

ping, because some of us do drop. And those that are trying to get in here and campaign against us and so forth, it is because this Legislature is the supreme law making body in this country, and we have to think about how serious that is. I had to explain it to some young students the other day because they were asking me what I did and I was trying to put in terms they would understand, because these were primary school kids. I said, everything you do in life—*everything!*—there is a law connected to that. If you go fishing, what you can eat in a restaurant, if you drive a car, whatever it is, there is a law and we make those laws. That is as simple as I could put it to some primary school kids and they understood. But when we think about how important and serious that is, and how powerful that makes us, it is no wonder that it is so hard to get in here, because the people have to choose very carefully who they give that power to.

We speak for those people, Mr. Speaker, the people who put us in here, as the Member for East End said, whether they voted for us or not, we are here now and our responsibility is to represent what those individuals want—what laws they want passed, what they want changed; that is why we do consultations. So, when I see a judgement come across that basically cuts this Legislature out of the process, and one person, one man, gives himself the authority to not just make a small change, but a major change, that really concerns me, because we could draw parallels to the term “directorship” and that, Mr. Speaker, is what we have to be careful of.

There are 19 of us here for a reason. There are checks and balances in here. That Cabinet can only do what the rest of this Legislature empowers it to do. I learnt that earlier, in 2013, when I was doing a little research on exactly what my role was. And my role was not to sit on the Government bench and backbench and fight with the Opposition. My role was to keep my executive in check. That is how it works. That is what a government back bencher does; it is not just to sit and beat up on the Opposition; you’ve got to keep an eye on your Cabinet. Mr. Speaker, when I see all of that wiped away and one person takes on the role of this entire Parliament, that is cause to worry; and this is no longer a gay marriage issue. This is a Constitutional issue. And if we (every single one of us) do not stand firm, we are going to pay a heavy price down the road. We might as well shut down this Parliament and go home.

Mr. Speaker, it is an honour for each and every one of us to serve in this Legislature. We know why we worked so hard to get here, it is not for personal gain, but because we know in here is where we can make a difference in the lives of our people. And for anybody to try to take that away, we have to defend our Parliament. If we do not do that, we are failing our people. This Legislature is protected by the Constitu-

tion. There are no elected judges in here. We are the ones given that responsibility.

Mr. Speaker, the Member for East End, talked about moment of divine intervention, and I will talk about mine. I think it was the week before last. Before I even knew that this judgement was going to be delivered, I got a call from my Pastor as he was checking up on me because he had not seen me in a while. I explained to him that because I am studying now, Sunday is probably the only day that I find a couple of hours that I can rush and get my assignments done and turned in, since I am so busy otherwise. But I said to him that that is no excuse so I am going to make the effort to be there this Sunday. I know neither of us knew what was going to happen, and it so happened, this judgement came out on Friday. I am so glad that I took the time to go to church on Sunday because like the Member for Bodden Town East, I got quite a few of, *I know this isn't the right place but . . .* Mr. Speaker, our people are concerned.

**The Speaker:** Honourable Member—

**Mr. Alva H. Suckoo, Jr.:** —Yes sir.

**Moment of interruption—4:30 pm**  
*Suspension of Standing Order 10(2)*

**The Speaker:** By the clock, we have reached the hour of intervention.

Honourable Premier.

**The Premier, Hon. Alden McLaughlin:** Thank you Mr. Speaker.

Mr. Speaker, I move the suspension of Standing Order 10(2) in order that the business of the House may continue beyond the hour of interruption.

**The Speaker:** The question is that Standing Order 10(2) be suspended in order for the business of the House to continue after the hour of 4:30.

All those in favour, please say Aye. Those against, No.

**AYES.**

**Agreed: Standing Order 10(2) suspended.**

**The Speaker:** The Ayes have it.

Honourable Member for Newlands continuing.

**Mr. Alva H. Suckoo, Jr.:** Thank you, Mr. Speaker.

I knew, as I was saying and was so glad I went to church on Sunday. It was not a regular Sunday, it was a Youth Sunday; the youths were leading the service. The Pastor did get a moment to speak on this matter, and it reminded me when I looked at the faces of a lot of those people in that congregation, of

an experience I had when I was first campaigning in 2013. I do not know, Mr. Speaker, if all of us go through this but I went through moments of where, you know, you are such a long shot, according to a lot of people, your chances of getting elected are so slim, and then you do get there and wonder what the purpose is. Why was I appointed? We all are appointed, if we believe in Christianity and in God. Why was I appointed and what is my purpose in politics?

I remember campaigning when we were running for the whole of Bodden Town, and down in Newlands, I went to a house and knocked on the door and this lady who was not on the voter's list opened the door, greeted me and said (it might sound strange) "come in, I have been expecting you". Now, you can imagine what went through my mind. I said, "Well, you did not know I was coming". I went in and was polite and the lady sat me down and told me that she just wanted to do one thing. I did not have to say anything, she knew why I was there and why I was coming, and it was because I needed to be blessed. I had the same experience as the Member for East End. She held my hand and she prayed a powerful prayer.

Mr. Speaker, that was when I realised all of us come here for different reasons and purposes, but I had similar experiences along the way, that reminded me why I am here. The first thing I have to remember every time I get a little doubtful, is that we need to stand for the principles, values, and foundation that made this country as great as it is and that is our Christian heritage.

Mr. Speaker, we always hear them saying, *Oh well, you know they are a bunch of hypocrites, they do not go to church or they are out doing this and that.* We, all of us still have that obligation, but some of us may be given a bit more of a responsibility to carry, and while we try to live our lives the best we can, we are not going to be perfect, only God is perfect, but our role and job is to always remember that. The Constitution says we are a Christian country and we cling to Christian values. So, that is our responsibility and we should not be ashamed, bullied, or scared into saying that.

Mr. Speaker, we have to think about what is next. If this process continues and we heard the Member for East End talking about it; what comes next? What else will be taken away from this Legislature? Commandeered? What else will be allowed into this society? What else will come along, that can weaken it or destroy it?

We cannot be afraid. Our people are behind us if we stand firm; I have no doubt in my mind. Since Friday, the amount of people that have texted me, called me, seen me out and talked to me, I have no doubt in my mind that supporting this Motion and continuing to defend this Parliament and our democracy, is the right to do. Even when we get attacked and they try to intimidate and scare us, we know what those

tactics are about, when they say, *Oh, I know something about this Member of the LA.* It is to shut that Member up; it is to scare them into shutting their mouths because they do not want to be attacked. But if all of us stand behind each other and say we will not allow it and will not tolerate it, then those people have nothing to use against us. But they are out looking, digging, trying to find something to divide us. We have to be resolute. We have to stand together on this one.

I have not been here that long but I have been here long enough to know that what I see developing, scares me and it should scare a lot of people too. Again, Mr. Speaker, this is not about LGBT, it is about traditional Christian marriage and protecting our democracy, our country, and future generations. So, I am urging every Member, even if you do not speak here tonight, to say one thing: 'AYE'.

Thank you.

**Mr. Speaker:** The Honourable Deputy Premier.

**Hon. Moses I. Kirkconnell, Deputy Premier, Minister for District Administration, Tourism and Transport:** Thank you, Mr. Speaker.

Mr. Speaker, I rise to make a short contribution on the Private Member's Motion: "Same-sex Marriage Court Ruling".

I will quote from a couple of the lines here: "WHEREAS it is believed by many that this ruling and declaration by the courts does not accord with the later intent of the Cayman Islands Constitutional Order 2009, wherein the Chief Justice chose to ignore Section 23 of the Bill of Rights, which prescribes that if a law contravenes the Bill of Rights, a judge can make a declaration of incompatibility but leave it to the Legislature to amend the legislation".

I also note, "BE IT THEREFORE RESOLVED that this Legislature recorded support and recommendation for the Government to appeal the said ruling to the full extent of the appeal process on behalf of the People, to ensure that the tenets, the veracity of the Cayman Islands Constitution Order 2009, is upheld in accordance with the wishes of the People of the Cayman Islands. Moved by Mr. V. Arden, McLean, JP, MLA and Seconded by Mr. Anthony Eden, OBE, JP, MLA."

Congrats!

Mr. Speaker, I also want to mention—

*[Inaudible interjection and laughter]*

**Hon. Moses I. Kirkconnell:** Congrats—*[chuckle]*.

The Premier, in his opening contribution, and I quote from his statement, Mr. Speaker: "Yesterday, April 2, 2019, the Cabinet of the Cayman Islands instructed the Honourable Attorney General to pursue an appeal against the judgement of the Honourable Chief Justice, Anthony Smellie, QC, handed down on

the 29<sup>th</sup> of March in CIVIL CAUSE NO. 111 OF 2018 and CIVIL CAUSE NO. [184] OF 2018, otherwise known as, the same-sex partnership case. The Honourable Attorney General was also instructed to seek a stay of execution of the judgment pending the outcome of the appeal.”

Mr. Speaker, the previous Members who spoke, have done an excellent job of bringing out many points. The Leader of the Opposition made mention to the Member for East End, in that, he was at his best in his contribution and I would agree with that. I think he was passionate and he certainly believed everything, and he was well versed and prepared as he brought his Motion.

As he spoke to, each one of us in this honourable House have an obligation to bring our constituents’ feelings to the forefront as we occupy their real estate and their seat in this house. I can tell you that I, like the other Members in this House—being home, Cayman Brac West, Little Cayman and as my colleague and I do, we go East and West in Cayman Brac—feel that there is a major concern in the Sister Islands. I heard the Member for Savannah, Mr. Eden, talked about the petition. Well let me assure him that there are a few signatures from Cayman Brac and Little Cayman on that petition. So, that was certainly the topic of conversation and as they offered advice in no uncertain terms of what should be done, I was able to tell them our way forward was to have a presentation in Caucus on Monday as the Attorney General gathered information that he could share, as the Premier had a look at the information and prepared that the discussion would take place.

Mr. Speaker, what was extremely interesting that I was able to share, I believe that when we talked about the law of the land and the Constitution, there will never ever be a time in the history of this country when a Constitution as the law of the land that the framers of that Constitution—one, two, three, four, five, six, seven, eight—eight actual framers of the Constitution who led by the Premier and yourself knew the spirit that every law was made in, that the interpretation is not available for somebody to interpret the Constitution, because it is fresh with the framers right here in this room, of what was meant by this Constitution. I refer to the Cayman Islands Constitution Order 2009, section 14(1) of the Bill of Rights which clearly denotes that a marriage is between persons of the opposite sex. How could you —

*[Inaudible interjection]*

**Hon. Moses I. Kirkconnell:** In the Constitution, section 23(1) says: “**If in any legal proceedings primary legislation is found to be incompatible with this Part, the court must make a declaration recording that the legislation is incompatible with the rele-**

**vant section or sections of the Bill of Rights and the nature of that incompatibility.”**

In subsection (2) it says: “**A declaration of incompatibility made under subsection (1) shall not constitute repugnancy to this Order and shall not affect the continuation in force and operation of the legislation or section or sections in question.”**

Now, I know the Member for East End, in his Debate, brought this up. I wanted to bring out the fact that when the judgment was made, it was said to be discretion made by one person. In my humble opinion, I do not think discretion was available to him because the spirit of the Constitution and what the Constitution meant, is defined by the framers of the Constitution and the majority of the framers are in this room today. This is what it said and it was not what the judgement was. It has been ably brought up before that it is a time when a lot of decisions have to be made. The way forward today has been brought by the Government in the Premier’s Statement; the appeal process and supported by a Motion from the Member for East End, the Opposition. I do not think there could be a clearer display of unity among the Members of this House today, Mr. Speaker.

*[Applause]*

**Hon. Moses I. Kirkconnell:** The Leader of the Opposition says we might disagree, but it does not take a lot to unite us either, so, hats off to you.

Mr. Speaker, those are the points that I wanted to make, that where we are today, we should not be here. We are doing everything we can as each government Member and as the leaders, to move forward and deal with the problem. I can assure the people of Cayman Brac and Little Cayman—and my colleague, I am sure, will speak after me or shortly—that we are working extremely hard and thank them for their continued representation, text messages, phone calls and we will continue to keep them updated. I will be supporting the Private Member’s Motion and we have already voted in Cabinet, for the appeal process.

Thank you, Mr. Speaker.

**The Speaker:** The Member for West Bay North.

**Hon. Bernie A. Bush, Elected Member for West Bay North:** Thank you, Mr. Speaker. I too, will be very brief.

Mr. Speaker, the honourable Member for East End has already explained the separation of the powers; in fact, other Members have also touched on this. Another point that was reasonably in my notes is that the Constitution was voted on by the People, and the majority won.

For the last three days, my phone, whether it was by WhatsApp or by calls, has been very busy with

my constituents and also the constituents of others. I only had one person say to me, out of the many, and I will quote his words: "You all will be on the wrong side of history". I said to the individual: "If that is the case, I have no problem with that".

*[Inaudible interjection]*

**Hon. Bernie A. Bush:** Mr. Speaker, what I would like is for a lot of the listening public to understand because they feel that how the Chief Justice said it or how they heard it, that this is set in stone. I am so happy and hats off to Cabinet, that they instructed the Attorney General from yesterday to go ahead with the appeal, not even waiting for today. And I say hats must be taken off to the Government for this issue. But I want the people to know—

*[Inaudible interjection]*

**Hon. Bernie A. Bush:** —that I will just name two or three. For those who do not remember, Shamaya Grant was the young man kicked out of school when I was the PTA President at the time. The same Chief Justice ruled and the Privy Council said he was wrong. Let's remember the Streeter deportation; once again, that was also wrong. So, to the listening public: he is human, he can be wrong and he is wrong on this one.

Mr. Speaker, on April 13<sup>th</sup> on the steps of this LA from 4:00 pm to 6:00 pm, you gave permission this morning for the people to gather there, to let the country and the powers that be, know how we feel. The group chat that has been going on with all of the Ministers and so forth has been something amazing to sit, watch and read. Even at two and three o'clock in the morning, these people are digging up information—*Look at this, and look at that.* Also spoken to, was the fact that the influences from outside, already the FCO is saying they are displeased. I do not know how many people in this country pay attention to the FCO. My first time with the FCO, Mr. Speaker, was when sitting with you in England and they used the people from Harvard to try to put down our Islands, I saw you ably take them apart on our banking because of them trying to make us look bad. This is just a continuation.

We have watched the hiring of people from their country who are not qualified. There is a big case in the courts right now. The FCO have their fingers in everything and this is another spot. The fact that we are standing here, the 19 of us united is an awesome day to remember.

*[Desk thumping]*

**Hon. Bernie A. Bush:** Mr. Speaker, like I said, I will keep it short because a lot of things have been covered, but I want to quote something that was sent to

me by a 16 year old who was a member of this [Youth] Parliament. It is a beautiful quote and I sent him back this one—

*[Inaudible interjection]*

**Hon. Bernie A. Bush:** Sorry, yeah, Youth Parliament, one of the young members.

He sent it to me and it says: "Welcome, you came here from there because you did not like there and now you want to change here to be like there. We are not racist, phobic or anti-whatever you are. We simply like here the way it is and most of us actually came here because it is not like there; wherever there was. You are welcome here, but please stop trying to make here like there. If you want here to be like there, you should not have left there to come here and you are invited to leave here and go back there at your earliest convenience." [UNVERIFIED QUOTE] I sent back to him an African proverb which says: "The best way to fight an alien and oppressive culture is to embrace your own."

It is like what Pastor Gary Haylock said in one sermon one day, "No matter how much the financial industry and the tourism industry will try to claim credit for the success we have had, the success we have had has been because of God seeing our godliness." [UNVERIFIED QUOTE]

*[Applause and desk thumping]*

**Hon. Bernie A. Bush:** Mr. Speaker, I too will be supporting this Bill. Thank you very much.

**The Speaker:** The Honourable Minister of Education.

**Hon. Julianna Y. O'Connor-Connolly, Minister of Education, Youth, Sports, Agriculture and Lands:** Thank you, Mr. Speaker.

Mr. Speaker, I am sure it will come as no surprise to all and sundry that I rise to support the Bill now before this honourable floor, the Private Member's Motion by the learned Member for East End. I wish to congratulate all of my colleagues who have contributed thus far, and I wait with eager and anticipation to hear the remainder of my Honourable colleagues here today. I can concur that indeed this is not just a jubilant day, but for those of us who believe in the power and value of prayer, this is front seat, VIP witnessing of God Almighty answering prayer and fasting for those of us who have been doing no less.

Mr. Speaker, in the Motion itself, I will just skip and give a background where the Member thought it was necessary, because we were coming up to Easter which we refer to as Black Friday, but I think we got ours early last Friday, the 29<sup>th</sup> day of March, and will be long remembered in this jurisdiction when the Honourable Chief Justice delivered and executive

summary of his judgment in the civil matter which was seeking to redress, through judicial review, on their rights to marry the same-sex Caymanian couple.

The Chief Justice declared that marriage in the Marriage Law meant a union between a man and a woman as husband and wife, to not really mean that, but instead, through an overreach, I respectfully submit, he said that marriage now means 'a union between two people as one another's spouse' flying in the face of Almighty God. I make no apologies for the statement.

Mr. Speaker, the Motion has three resolves, two of which I can concur with. The first one being the Legislature records its support and recommendation for the Government to appeal the said ruling to the full extent of the appeal process on behalf of the people to ensure that the tenets, and the veracity of the Cayman Islands Constitution Order 2009, is upheld in accordance with the wishes of the people of the Cayman Islands. I am happy to be a part of the Government that took the decision in Cabinet this Tuesday to instruct our Honourable, the most capable Attorney General to file a Notice of Appeal, take the time to put together the reasons and justifications of appeal and to seek a stay of execution of this madness.

Mr. Speaker, the Member for East End, seconded by my honourable Member and friend for Savannah, also wish to have it resolved, that this honourable Legislature asserts its competence under section 59 of the Constitution. I will read for the benefit of our constituency what section 9 of the Constitution duly states. I quote with your permission section 59(1): **"There shall be a Legislature of the Cayman Islands which shall—not "may" but "shall"—consist of Her Majesty and a Legislative Assembly."**

Subsection (2) says: **"Subject to this Constitution, the Legislature may make laws for the peace, order and good government of the Cayman Islands."** There is no mention of power given by delegated, direct or indirect to the judiciary to make any laws whatsoever. That is my first submission, Mr. Speaker.

Secondly, if I could just look at some of what I believe is the most pertinent part of the Executive Summary by his Lordship, the Honourable Chief Justice, Smellie, in his ruling of Friday last. In paragraph 116 where he purports that **"the definition of marriage in Law is being between a man and a woman, while it is in conformity with section 14(1) of the Bill of Rights . . ."** I concur with. Where I believe he went off rail, was when he continued to say that it **". . . is not in conformity with the rights of the Petitioners under section 9 of the Bill of Rights to private and family life under section 10, to their right to freedom of conscience and freedom of expression of their belief in the institution of marriage, by being allowed to marry. Nor, therefore, is the defect in conformity with the right to freedom**

**from discrimination in the enjoyment of those other rights as mandated by section 16 of the Bill of Rights."** I will deal with why I do not agree with that section in due course.

Mr. Speaker, his Lordship went on to say in paragraph 119 of the Executive Summary that there were three different ways of amending section 2 of the Marriage Law to bring it into the Law in conformity with the Bill of Rights, but he took the decision to use what he thought was the most suitable and purported by precedent in the *Goodwin and DeRoche* case which he proceeded to order as follows; that marriage, in his view, means a **"union between two people as one another's spouses"**, as if we were not becoming fast the minority in Cayman. If this was without theological reasoning, where would we get our future Caymanians from?

In paragraph 120 he went on to declare that, **"the law is amended accordingly by the substitution of the foregoing for the existing definition of marriage in section 2."** Paragraph 121 of his judgement says that, for the sake of completeness, counsel for the Petitioners also brought to his attention, section 27 of the Law, which proscribes the Marriage Declaration and, as if, Mr. Speaker, the overreach were not enough, reaching from the Court House across to the Parliament building, he then purported to redefine the Marriage Declaration as follows: "I, VB, do take or have now taken thee, CD, to be my lawful wife or husband" is what now obtains, well, before Friday. He has changed that now to say that "wife" or "husband" should be substituted by "spouse" and that was also ordered and declared.

Mr. Speaker, this morning, quite early, like other Members . . . well, I was in New York when it actually happened, trying to celebrate my birthday when I got the news of this judgement; needless to say, I spent the whole weekend reading the judgement and preparing for the inevitable. And I might say, without any fear of contradiction, the last time I marched in this country, and the Leader of Opposition will well remember, was the advent of Motion 390, so, my marching shoes may be a bit tight, but I am still prepared to march for what I think is right, and what God Almighty expects me to do as a Christian, and also as a representative in this country.

I received this morning, Mr. Speaker, a WhatsApp which was purporting to be the Marriage Notice of this couple, and, as in all things, I read it sometimes more than once and sometimes back to front, to make sure that I could wrap my mind around it, and am fully cognisant of what the intent is. I was delighted to be reminded that the Public Notice, dated the 2<sup>nd</sup> of April, 2019 went on to say that the marriage is expected to take place by the Marriage Officer, Mrs. Joy Basdeo, on the 10<sup>th</sup> of April, 2019, but at the very bottom, it gave pretty much seven days' notice for objectors so, do not become complacent because of

what you see here today. There is still an opening, there is still an opportunity for the people of the Cayman Islands to object to this marriage, seven days from the 2<sup>nd</sup> and you can add those up. However, if you miss that . . . at least, when I did my marriage, and I am sure it has not changed that much since, except perhaps, from last Friday, when we wonder whether there is marriage or marriage.

When the marriage proceeding is ongoing, the person who is marrying you, usually, pauses to ask, "Does anybody have any objection or does anyone have anything to say?" If you miss the seven-day window, please attend the marriage, because it has been a very public display and you have an opportunity to object. Make sure your objection is reasonable and I am sure, Mrs. Basdeo, being a very learned, experienced woman, will listen to your objection. Certainly, if it does not do anything more, it will give the Attorney General's Chamber some more time to file that 'Stay of Execution Request' before our Grand Court.

Mr. Speaker, some people may feel that we are getting excited and Caymanians are ignoramus, and we are fundamentalists and religious bigots and all of the other adjectives that they may choose to throw at us, but, we see the recent publication of the House of Commons Foreign Affairs Committee entitled- "**Global Britain and the British Overseas Territories: Resetting the relationship—Fifteenth Report Session of 2017-2019**". I refer to it as a public document, Mr. Speaker, to paragraph [63] which says: "**It is time for all OTs. . .**" (that is us) "**. . . to legalise same-sex marriage and for the UK Government . . .**" (our dear Mother) "**. . . to do more than simply support it in principle. It must be prepared to step in, as it did in 2001 when an Order in Council decriminalised homosexuality in OTs that had refused to do so.**" Cayman was one. "**The Government should set a date. . .**" (that is the UK Government) "**. . . by which it expects all OTs to have legalised same-sex marriage. If that deadline is not met, the Government should intervene through legislation or an Order-in-Council.**"; that is Paragraph 63. Of course, they have some other gems in here which are not relevant for the purposes of this debate, but what I found most interesting, was that Lord Ahmad, the Minister for the FCO, said publicly, that the UK would not force same-sex legislation on this jurisdiction. So, which is it?

*[Inaudible interjection]*

**Hon. Julianna Y O'Connor-Connolly:** Which is it, Mr. Speaker? When we hear that there was jubilation and celebration at the outcome of our Black Friday here in Cayman, are they forcing the OTs to do same-sex? God forbid!

Mr. Speaker, with your kind permission, I wish to refer briefly to some of the comments that were

made, and I know he is not liked by some perhaps even in this Chamber but my grandfather always told me that even with foolishness you can take some sense out of it, if you took time to read it. Bilika said in section 14(1) [of] our Constitution, that it gives the definition of marriage as "**Government shall respect the right of any unmarried person and woman of marriageable age (as determined by law) freely to marry a person of the opposite sex and found a family.**" That is entrenched in our Constitution and for those of us who were there and assisted in the negotiations knows that this section was a non-negotiable section. The Pastors' Association, to whom we are eternally grateful, ensured that there was a preamble setting out what our religious, cultural, and Christian heritage was. There was no one, I dare say without fear of contradiction, who failed to deal with this topic.

*[Inaudible interjection]*

**Hon. Julianna Y. O'Connor-Connolly:** I remember several years ago, when I was chosen by the Caribbean and African countries to go up for the Chairmanship of the CPA in Cameroon, I was approached by one of the English MPs, whom I had never met in my life and, after saying, *Hi, Mrs. Speaker*, he just proceeded quickly to say *I want to support you, Julianna, for the Chairmanship, but where do you stand on LGBT?* Well, you know he had not been properly briefed, because he got a response he never anticipated and needless to say, I did not get the vote and I lost by two— one being a spoiled ballot, because they wrote my name on it and one not voting.

After having done all, Mr. Speaker, we still stand and that is, in fact, what the Member for East End, the Member for Savannah and all of our honourable colleagues are purporting to do today: make our best efforts, from the spring board that we are an Overseas Territory, we do not write our Constitution, despite what some people think and the propaganda that they are spreading, trying to blame the Members of this Parliament for it, but we can take avenues and this is but one avenue which I am very grateful that the Government and all Members are taking.

I believe the majority of Caymanians, if not all, will be extremely pleased to see that when they went out to vote, two years ago, it was not just sending paper men and women in this Parliament, but men and women that Cayman has been renowned for, with back-bone and stamina, who have the courage, audacity and temerity, to stand up even if it costs our very life. Evil prevails, Mr. Speaker, when good people, men and women, boys and girls, sit down and do absolutely nothing. The time has come to stand, and stand we will, Mr. Speaker.

The gentleman goes on to say that the Chief Justice's holdings, he felt was wrong in a number of areas. The first one was the power to make adapta-

tions or modifications. In section 5, the Chief Justice said that the Constitution allowed him to make necessary adaptations. He cited the Trinidadian case in Rhodell.

In paragraph 1(13) of the Chantelle case in which he says that it conferred a wide power to make substantive change and precedent is of limited relevance at best, Mr. Speaker, with a quick read, the case appears to have been dealing with a more straight-forward case of whether provision prescribing a mandatory death sentence could survive the abolition of the death penalty. In the case at hand, Mr. Speaker, the issue was a far more difficult and complex case. There were specific provisions stating that marriage is only between a man and a woman. Now, the Chief Justice goes to say that the word “only” is not therein. I leave that for my learned friend, the Attorney General, in his appeal, to take that up but I will say this: I do not agree with that aspect, either.

Mr. Speaker, we also will note that there is second problem: one part of the Constitution invalidating another part of the Constitution. What do I mean by that? The Chief Justice is speaking to section 14, which deals with the definition of marriage in Caymanian context; this is a very specific definition of marriage and he is saying it contravenes with some of the more general provisions, for example, sections 9 and 10 of our Constitution Order.

Mr. Speaker, the writer of what I am referring to, he elevated that to the height of absurdity. I will not go that far, but I would say that I do not concur that you can take a general provision of the Constitution and make it more predominantly more important than a specific area, and one that everybody who has been in Cayman for one day, knows that Caymanians believe that a marriage is between a man and a woman. Even Blind Bartimaeus knows that.

*[Inaudible interjection]*

**Hon. Julianna Y. O’Connor-Connolly:** And the children in Africa, too. Thank you for the intervention.

Problem three with the ruling, Mr. Speaker, I respectfully submit is that the Honourable Chief Justice whom I have the highest regard, respect being a friend; have played tennis, et cetera, with him, and travelled together, but he does not have legislative power nor the right to draft laws. He seems to have first arrogated himself to the function of being a moral court and even a legislator, which is unfortunate, Mr. Speaker.

A new provision cannot be legislated and drafted as it is being purported to do. In Cayman, we adopted a much-softer provision where only a declaration of incompatibility could be made. What the Chief Justice has done, in my opinion, is to render this provision (that is, section 23 of our Constitution) totally negation, so that, according to him, a court in Cayman

even has power to amend legislation which, the courts under more drastic powers, to declare a law void, do not have. This is what one UK Lord once said: “. . . is a naked usurpation of power under the thin guise of interpretation”.

Mr. Speaker, we will see also that in the case Lord Denning and Lord Simmonds were referring to, I would like to just refer to that briefly if I can put my hand on it. Yes, here it is. I quote what Lord Simmonds said in the case of *Magor and St Mellons Rural District Council v Newport Corporation*, Court of Appeal in 1950: **“In the construction of a statute, the duty of the court is limited to interpreting the words used by the legislature . . .”** (that is us in this honourable House) **“. . . and it has no power to fill any gaps disclosed. To do so would be to usurp the function of the legislature.”** Referring to the speech by Lord Denning, Lord Simmonds said: **“It appears to me to be a naked usurpation of the legislative function under the thin disguise of interpretation.”**

Lord Simmonds went on to say, Mr. Speaker: “The duty of the court is to interpret the words”, and, up until last Friday, that is what our Judiciary has done. Look at the words that the Legislature used. Those words may be ambiguous, but, Mr. Speaker, even if they are, the power and duty of the court to travel outside them, on a voyage of discovery, are strictly [limited]. I could not have said it better, Mr. Speaker. If a gap is disclosed, the remedy lies in amending the legislation which is what we anticipated; not in writing and drafting the legislation at the judiciary level and enacting it, or purporting to enact it under the thin disguise they are interpreting.

Mr. Speaker, herein lie 19 honourable Members, and the accountants in here can add up the summation, or aggregate number of years and experience of writing laws over several decades. The Honourable Premier was given a very commendable and distinctive honour from Her Majesty the Queen for drafting this same said Legislation. Are you telling me that all of the intellectual capacity that occupies FCO and Her Majesty’s Court, did not see the intent? And that they somehow in their blind discovery and reliance in judicial tyranny and breach of democracy were content to let the Premier get an award?

What about the common sense of our Caymanian people? Not all of us might had the opportunity to go to university, but I can tell you, there is no other nationality that you can attempt to get foolishness across that will be picked up quicker than a Caymanian. Go door to door and the tales they will tell you and it is not just Africans that have proverbs, Caymanians do as well. They saw the future, and the Pastors Association, Pastor Al [Ebanks] of blessed memory, Pastor Shian [O’Connor] from the Adventist movement, Reverend Sykes, Pastor Bob Thompson, and others went to battle and we felt that we had the



foundation of what is “He hath founded it upon the seas” when the Premier and your good-self and others went forward to Eagle Room to draft this.

We knew it was a process of negotiation but one thing was not negotiable and it became entrenched, cemented, bound, steadfast, unmovable, in section 14 of our Constitution. How dare anybody come to change our way of life in the Cayman Islands? And you know, Mr. Speaker, the good thing and perhaps the unintended consequence of this judgment last Friday is this; it causes us to unite and find the commonality that we as Caymanians have to stand up and defend our people regardless of who the opponent is. So, that is a positive outcome, Mr. Speaker, and it will give our young and adolescent children a hope in the parliamentary process, and the parlance that occurs within this honourable Parliament and belief that every vote counts.

Election is in a mere two short years. Can you imagine us going to face our constituents having opted out with doing nothing? I am grateful to be a part of a Government and a legislature that saw the wisdom of standing up. Caymanians have been renowned to go beyond the realm of expectations and life. Let us not be timid or afraid to stand up.

Mr. Speaker, but the beautiful thing is, and as we celebrate—and there is a bit of irony in this—our Coat of Arms, we are reminded for those who are tempted to forget, that the ‘He’ isn’t FCO. It is not even His Excellency the Governor. The ‘He’ is Almighty God. He is the Captain of the host, He never lost a battle yet and He said that in the last days—and for those who are going to print all of those negative anti-religion things, you can start typing just about now—that what we saw happen in Sodom and Gomora we will see happening now. And for those who do not read the Bible, let me just pause and tell you what happened. Two Angels came from God himself, visited in Sodom and Gomora, started to tear down Lot’s door to get after, not his girls because Lot offered the girls when the door was being pounded down, but to get after the boys in his house. That was the type of mess that Sodom was in. Are we going to sit down as Caymanians and allow this to invade our country? God forbid!

*[Inaudible interjection]*

**Hon. Julianna Y. O’Connor-Connolly:** Mr. Speaker, we were reminded in the Good Book that when we see these things happening, to look up, because our redemption draws nigh. Cayman, let all men be a liar, but let the Word of God stand because it has been tested, tried, and proven. It has delivered us. When other persons forgot us in Ivan and CNN was reporting that we were nine feet submerged in water, we did not say “Oh, FCO”; we did not even say “Oh, Her

Majesty”. Most of us said “Oh, God”, even those who hereto before, were agnostic.

I have been here long enough to witness a whittling down of our beliefs but I stand here today, on behalf of those within my constituency and within the Cayman Islands generally, to associate the words that Paul the Apostle said in Romans 1: “But is the power of God”. I am not ashamed, because it is the power of God that has taken us here and, in fact, it is as Zachariah said: “It is not by might, it is not by power but it is by the Will of God”. I am totally convinced that the stance we are taking today, heaven paused because, as one Member read, I think it is the Member for Savannah, it is a demonic attack. There are principalities in high places and if we say we are Christian, it is not good enough say it two weeks, two days before election. We must stand and let all those hear what we believe and why we believe it.

We also see, Mr. Speaker, there is another problem with the ruling. The Chief Justice on his own previous ruling makes this ruling of last Friday contrary. In fact, there was a case called the “Seven Mile Beach Resorts Planning Appeals Tribunal” in 1997 where the learned Chief Justice, His Lordship, had to deal with a generalised provision of the Grand Court Rules which were in conflict with a more specific provision of the Planning Appeal Rules. He ruled that the provision in the Planning Appeal Rules prevailed, or stood, since it was specific. So, what has happened since then, Mr. Speaker, is that a more specific section could not be found than our section 14 of the Constitution, yet, it was totally ignored and he used section 5 of the Constitution to go to the Marriage Law and say that, because it was existing, he could exercise a new-found unconstitutional power to write the law.

What I want to find out, Mr. Speaker, is, and section 78 of our Constitution reads as follows: “**A Bill shall not become law, until- (a) the Governor has assented to it in Her Majesty’s name and Her Majesty’s behalf and has signed it in token of his or her assent**”. Certainly, what the judge did last Friday does not fall within that ambit.

Secondly: “**Her Majesty has given her assent to it through the Secretary of State and the Governor has signified her assent by Proclamation.**” I have received no notice as a Member of Cabinet, nor as an MLA for Cayman Brac East, or a Member for Parliament, that either of the two of these has been done. Somebody please get up, write and tell me through WhatsApp or Twitter—which seems to be the mode of communication these days—how is it that the ruling by the Honourable Chief Justice last Friday, has become law. Has an amendment been drafted to the Marriage Law? If so, by whom, and what mandate? If it has not been drafted, how does it take immediate effect? And if it has been drafted, will the Chief Justice also take upon him the power to draft

the regulations to ensure that the two amendments he made are implemented, and what is the commencement date?

Mr. Speaker, the next problem, I believe, and respectfully submit, is that the Chief Justice has arrogated himself legislative power. Under section 59 of the Constitution it is, as I said, and it bears repeating, this legislature, the Queen, the Governor and the LA that has the power to make legislation. Now, it did not say “only”, so I put that proviso in that, perhaps, there may be another judicial review and an interpretation that, because the Constitution did not say “only”, then they can hijack the right to legislate.

Mr. Speaker, we will see that even in section 23, as my colleague from Cayman Brac West intimated earlier, which allows a declaration of incompatibility to be made, states in subsection (3): “**In the event of a declaration of incompatibility made under subsection (1), the Legislature** (not the court or the judiciary) **shall decide how to remedy the incompatibility.**” So, even under this express power, a court is just supposed to make the declaration; it cannot, it should not, it must not, go ahead and even suggest specific wording.

The next problem, Mr. Speaker, as I see it: the EU cases, I believe, respectfully, would not support the Chief Justice’s ruling of Black Friday last. In the European Court of Human Rights, in the Schulz case and the Oliari case—*[Oliari and others v Italy]* which were mentioned quite frequently by our learned QC, Sir Jeffrey—

**An Hon. Member:** Jowell.

**Hon. Julianna Y. O’Connor-Connolly:** —Jowell. It says: “in effect, marriage is a right but . . .” and “but”, for those of us who studied English, this is a conjunction meaning what comes afterwards is related to what came before. But each country must decide for itself what the definition of marriage is. Is the Honourable Chief Justice saying that Cayman is not considered a country or does not have the competency to make its own decision on what marriage is? I think not.

*[Inaudible interjection]*

**Hon. Julianna Y. O’Connor-Connolly:** How then, can the Honourable Chief Justice say that it is not justifiable? What then does he mean by justifiable discrimination?

Mr. Speaker, another problem is that there is no provision under the Law in terms of the regulations. And I skirted around that before. I could not find it and if somebody can find it, I will sit down and give way for you to enlighten me on how to affect same-sex marriage. So, if he is taking on the responsibility to now write and legislate, has he also now declared himself

to be the drafter of the regulations, and if he has, where can I get a copy of them?

*[Inaudible interjection]*

**Hon. Julianna Y. O’Connor-Connolly:** Mr. Speaker, there are also some general contradictions, I respectfully submit. I believe that there are many, from what I have read in the Executive Summary and the Draft Judgement thus far.

One is found in paragraph 1(16), where he admits that marriage is in conformity with section 14 of the Constitution, but in the same paragraph, Mr. Speaker, he hastily goes on to say it is not in conformity with his far-fetched interpretations of the other, more generalised provisions. How can you take a specific provision, Mr. Speaker, and use it to get the outcome that a minority in this country wants?

*[Inaudible interjection]*

**Hon. Julianna Y. O’Connor-Connolly:** Democracy, I beg to submit, Mr. Speaker, not only was on trial and still is on trial, but it was hung on Black Friday. It is left to us as legislators and parliamentarians to resuscitate democracy in this country and I believe that this Motion is an appropriate avenue. It is but one option, but is a relevant and appropriate avenue to send the message loud and clear, that the Legislature was not made null and void last Friday.

Mr. Speaker, a Pastor whom I hold the utmost respect for, was one of the very valuable contributors to our Constitution back in 2009; Pastor Shian O’Connor, who is not in the jurisdiction currently, but we have been corresponding, and that is another unintended consequence, Mr. Speaker. After the death of Christ, Pilate and Herod became friends, and Members can interpret that how they want to do, but even with enemies, when seeing something just and moral, will come together for a common cause. And you would relate to this, Mr. Speaker, in the Holiness Church, as we sing a song, and I don’t sing so you may have to do it at some stage.

Is there not a cause? Certainly, if the question was asked today of: Is there not a cause? every warm-blooded Caymanian would get up and say, Yes, *there is a cause to fight for the democracy of this country.* Every Member in here fought hard, spent much time, invested much money and sweat and tears and sleepless nights to ensure that democracy was preserved and that we even had independent observers who said that elections in the Cayman Islands were fair and equitable and with the stroke of a pen and one judgment, that becomes null and void and of no importance? God forbid!

Mr. Speaker, Pastor Shian gave me permission to share this as he wrote to me this morning. He said: “I thought I would share this with you Julie. This

is my official response to the whole thing.” I am referring to the Chief Justice’s ruling. He said: “I do think that the decision of the Chief Justice is fundamentally wrong in Law. As one who was personally involved in the framing and negotiation process of the current Constitution, it is my view that the ruling of the Chief Justice violates both spirit and letter of our Constitution. It violated the spirit, because it was the collective intent of the framers of the Cayman Islands’ Constitution to protect Cayman from this very act of the Judiciary today. This intent was purposely expressed in the preamble.” [UNVERIFIED QUOTE]

Although the preamble is not considered Law, Mr. Speaker, it certainly intimated the intent. It was purposely drafted to protect the moral and religious values that define our beloved Cayman Islands. This was completely violated by the Chief Justice’s decision. Caymanians take time tonight and reread that preamble of our Constitution.

Secondly, he said: “It violated the Law, because section 14(1) of the Bill of Rights interprets marriage as between opposite sex. Government shall respect the right of every unmarried man and woman of marriageable age, as determined by law, freely to marry a person of the opposite sex.” [UNVERIFIED QUOTE]

We are not denying them a right to marriage. We’ve put a condition precedent that they had to be of an opposite sex. So, there is no infringement of a right, Mr. Speaker. “A person of the opposite sex” are words specifically and purposefully chosen that were clear, unambiguous, and subject to no interpretation. Therefore, Mr. Speaker, the right to marry is constitutionally limited to members of the opposite sex.

Hence, he continues: “The Chief Justice’s position is, in itself, unconstitutional and can only take effect if the current Constitutional Order 2009 is amended, which would require a vote of the Caymanian people. The decision is clearly a judicial overreach and can only be explained as an attempt to make law, rather than to interpret law. If that is the direction that the country wishes to go, then the appropriate way is to have constitutional amendment to the votes of the people.” I could not agree more, Mr. Speaker.

“It is left to the Legislative Assembly (that is us) to resume its constitutional authority and check the powers of the court by turning to the people for a verdict.” [UNVERIFIED QUOTES]

Mr. Speaker, I am happy, as previously said, that we, in this honourable House today, are retaking our constitutional right as a legislature to fight what we saw occurring on Black Friday.

Mr. Speaker, we have this principle that is well known to those of us who are attorneys, called “the separation of powers”. There are three branches of Government, Mr. Speaker; those being the Executive which is formed by the Governor, the Official Mem-

bers and Members of Cabinet; the Legislature that includes all of us here; and the Judiciary across the street. We respect each other. We have provisions that force us to do it even when we do not feel like doing it.

So, Mr. Speaker, I refer your kind attention to Standing Order 35(7) which says: “**The conduct of Her Majesty, members of the Royal Family, the Governor, the Presiding Officer, Members, Judges and other persons engaged in the administration of justice or of Officers of the Crown may not be raised or impugned except upon a substantive motion; and in any amendment, question to a Member of the Government or debate on a motion dealing with any other subject any reference to the conduct of any such person is out of order.**”

So, there we have it, Mr. Speaker. We cannot get up here and just say, oh, the Chief Justice is la, la, la, the Governor is la, la, la unless we bring a substantive motion of no confidence and that is not what we are aiming to do today. But if it takes that to preserve and to protect the people of the Cayman Islands, we, as a legislative body, must have the back-bone to stand up and do it and say what we mean and mean what we say, Mr. Speaker!

*[Inaudible interjection]*

**Hon. Julianna Y. O’Connor-Connolly:** Mr. Speaker, as I intimated, there is a grave risk of this democracy. We are the gatekeepers as legislators, and our people are expecting—in fact, our people have a legitimate expectation that we will do everything we can, that we should and, after having done all, we will still stand. And I am glad to be a part of a Government legislative body with the Premier, who is willing to do just that.

I just cannot find words to adequately describe the tsunami—spiritual, social and otherwise—that has been going through this country since last Friday. People that I know who did not even vote for me, found it important to come and speak and say we are praying for you and other members of this country. We heard the divine experience of my friend and colleague for East End. We heard from the Member for Newlands and other Members would have been inundated with concerned citizens. Cayman Brac, Little Cayman and here, but not just here; I can tell you that the Eastern Caribbean Ministers Association and Pastor Shian as well in California, they were listening and are listening even now. The Caribbean is watching and why? Because Cayman has been the trailblazer in so many aspects of our development and they are realising that, as Overseas Territories themselves, what is coming down the line for them and are going on talk shows and are preparing to do what we are doing here today.

Do not get timid, weak, and do not feel that when the bloggers, the naysayers and the propagan-

dists come and say what they want to say, we are Caymanians, not just today, but we were Caymanians from the time we entered this beautiful jurisdiction and when we die we will be Caymanians as well. We have opened our territory to over 130 plus different nationalities here that blend, co-habit, have their being and well-being. What we will not tolerate, Mr. Speaker, is the intrusion of foreign disciplines by minority of people with an agenda being endorsed by those principalities in high places and that we must just lay down and say how high, how fast, bring it on. No, Mr. Speaker, not under our watch!

*[Applause]*

**Hon. Julianna Y. O'Connor-Connolly:** Mr. Speaker, this stance that we take today is not an easy one. We are going through all sorts of black eyes, grey list, white list, black list and every other list that they can find. We are a jurisdiction that offers services and we do it very well. We are a reputable, well-regulated financial centre which has attracted much professional jealousy. We fought that all the way to the European Court. Let us engage and empower ourselves with the same degree of passion as we see democracy going down to its grave.

There was Black Friday and I will conclude on this, as other Members wish to speak. There, yes, was Black Friday and Saturday seemed as if it all had been a finality but thank God, resurrection Sunday came and, I believe, that the commencement of resurrection Sunday has been started here in this honourable Parliament by your speech earlier, Mr. Speaker; by the speech of the learned Premier and by the Motion brought by the Member for East End, seconded by the Member for Savannah. Resurrection means that there is a continuation, there is ad infinitum. Let us not stop here Members; let us go to our constituencies, explain to them what happened last Black Friday and give them optimism for hope, that resurrection tsunami started in this Parliament and we will not stop until we can truly say, He is risen!

May it please you, Mr. Speaker.

**The Speaker:** Does any other Member wish to speak? *[Pause]* Does any other Member wish to speak? *[Pause]*

The Honourable Member for Bodden Town West.

*[Pause]*

**Mr. Christopher S. Saunders, Elected Member for Bodden Town West:** Thank you, Mr. Speaker.

Mr. Speaker, one of the things that I promised my mother when I got into politics is that I would not do anything to embarrass her. My mother also reminds me that she is a voter—

*[Laughter]*

**Mr. Christopher S. Saunders:** My wife also reminds me that she is a voter.

*[Inaudible interjection]*

**Mr. Christopher S. Saunders:** And peppers.

Mr. Speaker, I do not hold myself out to be any paragon of virtue. I try my best to behave as well as I can. I am surrounded by a lot of bad influences in life, but, Mr. Speaker, I can say to you that as a parent, I try my best to ensure that my three kids do not pick up some of my bad habits.

**Mr. V. Arden McLean:** Vices.

**Mr. Christopher S. Saunders:** No, they are bad habits, not vices.

Mr. Speaker, I seriously thought long and hard about this subject and I can tell you that my time spent in New York gave me, to some extent, a very liberal view on many things. But, Mr. Speaker, I do have family members also divided on this issue, but what I say to people is that my personal opinion means nothing in this honourable House.

Mr. Speaker, this is a House of laws, we are a country of laws and the funny thing is, I went back to the Constitution, which is supposed to be the highest document in this country and the Constitution of the Cayman Islands starts out by saying: “**The people of the Cayman Islands . . .**” I want to repeat that: “**The people of the Cayman Islands, recalling the events that have shaped their history and made them what they are, and acknowledging their distinct history, culture and Christian heritage and its enduring influence and contribution in shaping the spiritual, moral and social values that have guided their development and brought peace, prosperity and stability to those islands, through the vision, forbearance, and leadership of their people, who are loyal to Her Majesty the Queen;**

**Affirm their intention to be -**

- **A God-fearing country based on traditional Christian values, tolerant of other religions and beliefs.”**

It goes on to say, Mr. Speaker:

- **“A caring community based on mutual respect for all individuals and their basic human rights.**
- **“A country committed to the democratic values of human dignity, equality and freedom.**
- **“A community that practises honest and open dialogue to ensure mutual understanding and social harmony.”**

This Constitution, on Part IV, speaks about the Legislature and section 59(1) says, Mr. Speaker: **“There shall be a Legislature of the Cayman Islands which shall consist of Her Majesty and a Legislative Assembly.”**

Section (2) says, Mr. Speaker: **“Subject to this Constitution, the Legislature may make laws for the peace, order and good governance of the Cayman Islands.”**

Mr Speaker, I want to look back at that section. I want to break it down a little bit. “Peace”—the definition of peace is freedom from disturbance, tranquillity. A state or period in which there is no war or a war has ended.

The definition of order: the arrangement or disposition of people or things in relation to each other according to a particular sequence, pattern or method.

Good government: this deals with how public institutions conduct public affairs and manage public resources in the preferred way. I want to say that one more time, Mr. Speaker—this deals with how public institutions conduct public affairs and manage public resources in the preferred way.

Mr. Speaker, the preferred way that the public expects us to manage their affairs is laid out in this Constitution. It is not open for debate. I want to remind members of the Judiciary of one thing: we live in a democracy. Right now, Mr. Speaker, the United Kingdom is in turmoil because of a Referendum. Fifty-two per cent of the UK people said they want to leave Europe. Forty-eight per cent said they want to stay and, despite that 4 per cent difference, the majority rules. This is a democratic country. It is as simple as that. Majority rules, and if you do not like it, there are other places you can go. This is what democracy is about. It is not about the minority having their way; it is about what the majority in a country wants and this is what we inside here, as a majority represents for the people.

Mr. Speaker, people may not like it but I can tell you upfront that when I really sit down and think about this issue, it is not about the young ladies who are brave enough to challenge the system because, at the end of the day, democracy itself was built on the current system being challenged and I accept that. There is nothing wrong with that. The system we replaced was monarchy, where a king decided what it was they wanted and the people had to fight to get what they wanted from the king. And nothing is wrong, with anyone wanting to challenge the system; as a matter of fact, we encourage it, in this system. But at the end of the day, once we go to the ballot and the people have made a decision, it is what it is. Part of having free and fair elections also acknowledges that we must respect the result of what the majority wants.

Mr. Speaker, every one of us inside here is part of the governmental process. We derive our power, not from any willy-nilly, but from the people who

give it to us. Our ability to govern comes from the consent of the governed. Contrary to popular beliefs, there is a way for members of the Judiciary to make laws in this country and I can tell you that way. Go and put your thousand dollars up, go and face the public and get elected, that is the way in which you do it. There is no other way in which you can sit down and say you want to represent the people, force something on the people without facing the people. Our system requires a certain amount of check and balances and this is what we need and this is what it means to live in a democracy.

Mr. Speaker, the Governor said he asked us to be tolerant and that they were disappointed in the position the Cabinet took with regards to appealing this decision. I do not know if many people in this House have ever heard of a guy named Alan Turing. He was one of the few people who were employed by the UK Government during the Second World War to break the German Enigma Code that saved millions of lives by a war ending a little earlier than usual.

Mr. Turing was a homosexual, and despite the works that he did in saving lives and winning the war for Britain, he was chemically castrated as opposed to a prison sentence. Nobody in the Cayman Islands has ever chemically castrated anyone. Nobody in the Cayman Islands has ever sat down and victimised anyone. So I do not understand what tolerance they are asking for, when for years we had members of our own family, friends, community, that we accept have maintained an alternative lifestyle. That has not changed.

Mr. Speaker, I look at the United States. During the Civil Rights Movement there was a gentleman by the name of Bayard Rustin. He was instrumental in organising the march in Washington during the Civil Rights Movement. Mr. Rustin was also a homosexual and despite the black people, at the time, fighting for civil rights, they were also at that point, not accepting of gay rights that Mr. Rustin was also pushing for. He was basically pushed in the background but later on received his presidential medal of freedom long after he passed, for the work that he did.

When I look at the United States, Mr. Speaker, the first Congress met in 1789 and in June 2015, 226 years later after the formation of the American Republic, they legalised gay marriage. The first Parliament in the United Kingdom, the House of Lords, was in 1215; and the House of Commons first met in 1341. In July 2013 the UK legalised gay marriage; 798 years since the first parliament met. That is how long it took for them from their parliament started to almost 800 years; eight centuries, Mr. Speaker. The thing about this is that both the United States and the UK’s Legislative bodies have to take an oath before any of their members in Congress can sit and start their jobs. In the United States their legislative representatives are required to make the following before they can

take their seats in the United States Congress, and it says: "I swear that I will support and defend the Constitution of the United States against all enemies, foreign and domestic; that I will bear true faith and allegiance to the same; that I take this obligation freely without any mental reservation or purpose of evasion; and that I will faithfully discharge the duties of the office on which I am about to enter. So help me God."

In the United Kingdom, similar to right here in Cayman, the oath that we make and the oath that the UK legislators also make is: "I swear by Almighty God that I will be faithful, and bear true allegiance to Her Majesty Queen Elizabeth, her Heirs and successors, according to law. So help me God." [UNVERIFIED QUOTES]

Mr. Speaker, it therefore behoves me that legislators in both the United States and the United Kingdom, who have championed this cause, that to this day, less than 25 per cent of the countries around the world, of over the 200 countries we have, recognise same-sex or gay marriage. We are now trying to push the Cayman Islands when just last week, in the country if Brunei, they basically put this thing where they want to basically stone homosexuals to death. Now, that is very draconian, but here we are in 2019 where Brunei is proposing that— but you know what Brunei has? Brunei has oil and when you have oil, you can live by your own rules. That is clear.

If we look at Saudi Arabia, again, once you have oil you can kill journalist, dismember them and do anything you want because you have oil. So, when these very countries get up and talk about the Cayman Islands this and the Cayman Islands that; the hypocrisy of them, Mr. Speaker, that once it is in their own best interest—their own financial interest— they can turn a blind eye to everything else, while we in this legislative body have the responsibility to ensure that we build a Cayman Islands that maintains a certain amount of peace, order and good government.

Mr. Speaker, my friend the Member for Savannah spoke about the fertility rate in this country . . . well, he spoke about the United States. The fertility rate in the United States, he said, is 1.87. Cayman's fertility rate is actually 1.86 and I am going to explain to you what the fertility rate is. Basically, it takes two people to make one person, a man and a woman. I think everyone can accept that. So the natural rate—

*[Inaudible interjection]*

**Mr. Christopher S. Saunders:** Most of the times. The natural fertility rate then, Mr. Speaker, is two. It means that when two people expire, they have passed on and they leave two people behind to take their place. So, two people pass, they leave two kids behind and two— so, you maintain your population. In order to grow your population, you need a fertility rate of above 2.0 and the number that they use is 2.1. So, in order

to grow your population, your fertility rate has to be 2.1. No country has ever come back from a fertility rate of below 1.4; it just means that it is just a matter of time between 80 to 100 years that the population would have pretty much been gone or become a minority. And right now, we see Japan, and even our sister Overseas Territory of Bermuda, struggling with the replacement population.

We have a fertility rate of 1.86, so we are still even below the natural. The issue is, Mr. Speaker, when you do consider and this is the one part of the number that is missing for Cayman, is because we have such a large transient population, we have yet to break out what portion of that is Caymanian versus non-Caymanian. And if the average Caymanian family today is having more than two kids, we can probably say, fine. But many of us in this legislative body can look around and see that in many cases, most of the families that we do know are not having two or three kids. It is not like in the days when people were having seven, eight, nine, ten like it was nothing. That is not happening again.

*[Inaudible interjection]*

**Mr. Christopher S. Saunders:** Yes, 17 in some cases. And this is the kind of long-term planning, Mr. Speaker, which we really have to be concerned with in terms of what it is we want for our people. Right now, these are the kinds of things we have to consider, even the future development of the country in the sense of, do we have sufficient people to replace us when we are gone? Do we have enough kids coming up? So, there is a lot of stuff we need to directly look at.

Mr. Speaker, like I said, I recognise and I have a chat group with a lot of my cousins in it. And they are very liberal-minded, many of them are liberal minded, and at the end of the day, Mr. Speaker, this is not about people's rights or trying to take anything from any one. This is about standing up to what makes the Cayman Islands unique and I can tell you, what my fear is in this, and yes, I do have fears. Once we open this door, where does it stop?

Right now, Mr. Speaker, there is a movement in the United States to claim that paedophilia is a kind of mental sickness. Yep, it is a disease. Then we have the polygamists; they have the transgender who is going to want to go and use the same bathroom that little kids are going into and then, the one issue that really bothers me the most is abortion. Abortion is legal in the United Kingdom and the United States. And when we look, since *Roe v Wade*, where the US has come, the State of New York has just recently passed a law that just prior to a baby being born, it can be aborted. I mean, once this door opens, where do we close it? At what point do we say *enough is enough*?

Mr. Speaker, when we think about a community, one of the things the Minister who is the Member for Cayman Brac East had touched on when she mentioned Ivan and Gilbert, those were two events that brought Caymanian people together and if we understand human nature, it says that in order for people to come together, there has got to be some common purpose.

*[Inaudible interjection]*

**Mr. Christopher S. Saunders:** Yeah, okay.

One of the things I say when we look back at Ivan and Gilbert and other natural disasters, is they had a tendency of bringing people together. They say that in order for a country to move forward, they must have a common purpose. Unfortunately, Mr. Speaker, most of the time, in order to have that common purpose, you must have that common struggle. The Cayman Islands is in its infancy compared to many other countries around us. The United States is over 200 years old. Every country in Europe is more than a 1,000 years old. Our neighbour, Jamaica is 57 years old, Trinidad is 57 and I believe Barbados would probably be around 46 or thereabouts, or Bahamas. And Bermuda, Cayman, BVI, Turks, Anguilla, and other overseas territories, we are still in the belly.

This point first popped up to me back in 2013, when I was speaking to a very seasoned Caribbean politician and I asked him about an idea that I think maybe could work in Cayman. He gave me those stats of different countries and their ages and he said to me, *You know the Caribbean has produced some of the brightest politicians. Where we made our mistake is that most of them were educated in first world and developed countries and they tried to take those principles in those countries and apply them to a populace that was not ready for it.* He said, *Start with where your people are; go with your people, grow with your people. Do not try to drag policies and principles of other countries that are 1,000 years old. Every country goes through their-own development.* The United States has their own with their Civil War and their issue of slavery and Britain and Europe have been fighting since the birth of their existence; just fighting. We are not at the stage those countries are and to try and take the principles and the policies of what it took countries 1,000 years to reach and try to force it on a people overnight, will not work.

Even if you like something, Mr. Speaker, nobody likes to be forced-fed. Even if it is something that you enjoy eating, the minute someone says *I want you take this and eat it*, you have a natural propensity to rebel and this is what is happening in Cayman at this point where people are trying to take issues from other countries that it took them 1,000 years to get to, it takes them over 200 years to get to, and say to the Cayman Islands, because we did, you must now suck

it up and do it. This is not how we maintain the peace in the Cayman Islands, this is not how we maintain order and this is not what good government is about.

*[Pause]*

**Mr. Christopher S. Saunders:** So, from that standpoint, as I sit back and look at this overall Motion, like many people, I really could not care less what anybody does in the privacy of their homes. And, it is like I said, at the end of the day I am no paragon of virtue and we are not running a theocracy but this is a democracy, and the principle of a democracy is that majority rules. The UK, right now, with all their stresses and all their problems, is going through it because of majority rule.

The 48 per cent that wants to stay in Europe and wants that EU passport means nothing because 52 per cent of the people said we are leaving and you are coming with us, whether you like it or not. Mr. Speaker, I say to the minority of the people, I accept where you are coming from, I feel your pain and I understand where you are coming from, but the majority of us, the majority of the electorate, the people who put us here and who we speak on their behalf, said this is what we want and, like with any village, as we started out, and any town, some people did not like what was happening in the village, they did not like what was happening in the town and they had two choices: stay, or go. Some people wandered off elsewhere. The prodigal son did that and he had to come back. But this is what it is about; this is democracy, this is what we are about and, as much as I hate to say it, The Bill of Rights is there to protect the minority. I can say for any one sitting on this side of the Legislative Assembly, we understand what it feels like to be a minority but, at the same time, the rules are also there to allow us to become the majority, if we can make the case to the public. And I will say to anyone in a minority position, there is a way for you to do it, but this is not the way.

I say to the Chief justice, I am really disappointed where he would look to overreach because this is a person that holds a position whom I respect. And I can tell you, Mr. Speaker, if the Members of this House saw the first draft of that Motion, you have no idea what the wording was and if you think this draft was really drastic, I can tell you we had a very spirited conversation on it.

I can tell you, Mr. Speaker, we are disappointed with the approach that the Governor took, especially, in light of the fact that he holds a constitutional position where he appoints the Attorney General, the Chief Justice and the Members of the Court of Appeal. He should not have inserted himself in this process.

Democracy is about maintaining the will of the people. That is why we have elections and it is the

only way in which we can determine the will of the people, either via election or referendum. The people have already spoken via a referendum on this issue. The people have already spoken via an election because I do not think anyone in this House got elected on championing any kind of same-sex marriage or gay marriage or anything. The people have spoken.

I really wish the young ladies and many others well in this challenge and in terms of what it is that they are doing. I do not want the society to look at them differently because, what really bothered me and I sent out a message over the weekend, is that one gay gentleman known to many in the community called me and he said, *You know Chris, this is the first time people started bashing me in Cayman. They started blaming me for this decision and I had nothing to do with it.* He said, *As a matter of fact, I do not even support it. This is my lifestyle, I chose this lifestyle and I do not bother anybody with it; I jump on my plane, go to Miami and have my good time and now people are attacking me and bashing me.* This goes against the peace and tranquillity that we want in this country. When you try to take a minority position and shove it on the majority, this is the cause.

Mr. Speaker, I will close by quoting one section of the Bible that my mother always instilled in me.

*[Inaudible interjection]*

**Mr. Christopher S. Saunders:** I do recognise that you want to wrap up. I do not want to hold anybody back, but for now, I will close with one Bible verse that my mother has always instilled in me, it is from II Corinthians 7:14 says: **“If my people, which are called by my name, shall humble themselves, and pray, and seek my face, and turn from their wicked ways; then will I hear from heaven, and will forgive their sin, and will heal their land.”**

*[Inaudible interjection]*

**Mr. Christopher S. Saunders:** — Okay, I will finish up too or I can finish up tomorrow.

*[Inaudible interjection]*

**Mr. Christopher S. Saunders:** Oh. Oh, sorry.

Mr. Speaker, I made a pledge to the people of Bodden Town West, in that, within our young democracy, there are very few institutions we have. The church is one of the only institutions we have that withstood the test of time which brings Caymanians together and brings many people from all walks of life together. We cannot, we should not and we must not sit down and watch the one institution that brings people from every single divide in this country together be eroded and destroyed because of the wishes of a few and have the church lose its meaning. I will—

*[Inaudible interjection]*

**The Speaker:** The honourable Member is not completing his speech at this point?

**Mr. Christopher S. Saunders:** No.

**The Speaker:** Thank you.  
Honourable Premier.

**The Premier, Hon. Alden McLaughlin:** Thank you, Mr. Speaker.

Mr. Speaker, this is an unusual situation where we had a full day of Private Member's Motion debate but the debate is not complete and, tomorrow being Thursday, is the day reserved under the Standing Orders for Private Member's Motions.

So, Mr. Speaker, if it is the will of the House, I will move a motion that the debate on this current Motion continue tomorrow, followed then by the other Private Members' Motions should we complete this debate tomorrow, and I so move, Mr. Speaker.

**The Speaker:** The question is that this honourable House do now adjourn until 10:00 am tomorrow, the 4<sup>th</sup> of April.

All those in favour, please say Aye. Those against, No.

**AYES.**

*[Inaudible interjection]*

**The Speaker:** Sorry?  
Premier, are we moving ahead of ourselves?

**The Premier, Hon. Alden McLaughlin:** Sorry. Yes, yes, Mr. Speaker. I think, Mr. Speaker, we need to vote on the Motion I proposed, which was that we continue the debate on the current Private Member's Motion tomorrow followed then, upon its completion, by the other Private Members' Motions.

**The Speaker:** Okay, I was thinking all in one.

**The Premier, Hon. Alden McLaughlin:** And I—

**The Speaker:** I was thinking that it was a given that we would do that tomorrow.

The question is that the debate on Private Member's Motion No.18/2018-2019 be continued tomorrow morning along with other Private Members' Motions.

All those in favour, please say Aye. Those against, No.

**AYES.**



**The Speaker:** The Ayes have it.

**Agreed: Debate on Private Member's Motion No. 18/2018-2019 and other Private Members' Motions, to be continued on Thursday, 4<sup>th</sup> April, 2019.**

## **ADJOURNMENT**

**The Premier, Hon. Alden McLaughlin:** Mr. Speaker, I now move the adjournment of this honourable House until 10:00 am tomorrow.

**The Speaker:** The question is that this honourable House now stands adjourned until 10:00 am tomorrow, the 4<sup>th</sup> of April.

All those in favour, please say Aye. Those against, No.

**AYES.**

**The Speaker:** The Ayes have it.

**At 6:23 pm the House stood adjourned until 10 am, Thursday, 4<sup>th</sup> April, 2019.**