

## **Bermuda's Immigration History: Race and the Quest for Votes**

The heightened tensions in our community precipitated by the Chief Justice's recent decision on the rights of current PRC holders to apply for Bermudian Status under Section 20B (2)(b) of the Bermuda Immigration and Protection Act 1956, has plunged our society into passionate and oppositional debate. As we read the various articles and oft times vitriolic blogs on this subject, it shows how strongly people feel about this issue, and how it also demonstrates a core misunderstanding of our past and how that plays out in our society today.

To understand the sensitivities around the issue a thorough understanding of slavery, segregation and post-segregation prejudice and discrimination must be examined to put into context today's passionate discourse around this issue. In understanding the connectivity between today's debate and the past, it hopefully will create empathy between the divided communities on this Island.

Bermuda's history of immigration is complex. It involved repeated efforts to reduce the Black population through multiple banishment/transportation of hundreds of free Blacks over the first 218 years of Bermuda's history; followed by concerted efforts post Emancipation to increase the white population through laws passed to encourage emigrants; and finally in the 20<sup>th</sup> century by racialized immigration policies and birth control.

## **HISTORICAL CONTEXT - IMMIGRATION**

In 1623, a mere 7 years after the first Black person was brought to the island in 1616, Bermuda gained the dubious reputation of being the first British Colony to pass an Act *To Restrayne the insolences of the Negroes*. (Packwood 7). Thereafter Bermuda was run by an institutionally perpetuated system of laws, exploitation and oppression initially controlling indentured servants including Blacks, Scots, Irish, and Native Americans. By 1626 ‘Chattel Slavery’ was formally introduced... with the decree of Governor Henry Woodhouse’s Council that the offspring of any slave-mother was itself to be considered a slave and to be treated as a chattel to be owned by the mother’s master, or to become property of the Bermuda Company.” (Robinson 312).

Thereafter, the predominant focus was on enslaved Africans. In 1847, a mere 8 years after Emancipation, poor people from Madeira, the Azores and Portugal were brought into Bermuda as cheap labour to create competition for Blacks and effectively hold wages down. Thereby creating a third ‘race’, a buffer group between whites and Blacks, and for years the people of Bermuda were referred to as Black, White and Portuguese. These actions were carried out in order to maintain and defend a system of wealth, power, class and privilege, i.e. white supremacy. For a detailed example of some of these laws please see Addendum at the end of this paper.

Bermuda's history from its very beginning as a settlor colony has involved immigration, originating with the first emigrants who came here to permanently settle in 1612 to the most recent person granted Bermudian Status. Laws and policies throughout the majority of Bermuda's history ensured one group remained in control and power and the other banished, punished, oppressed, disenfranchised and prevented from pursuing opportunities to better themselves.

### **1616 – 1834 Immigration/Banishment**

Since the first Black person stepped on this island in 1616 to Emancipation in 1834, the enslaved found themselves at the mercy of those in power, often shipped overseas to endure the hardships of working the salt cays in Turks & Caicos, as was Black Bermudian Mary Prince (born into slavery in 1788) who was sent to Grand Turk Island to work for her Bermudian slave owner Mr. D., who “often stripped me naked, hung me up by the wrists, and beat me with the cow-skin, with his own hand, till my body was raw with gashes.” (Prince 72-73). Mr. D. has recently been identified as being Mr. Robert Darrell, who owned a home in Bermuda and one on Grand Turk. (Maddison-MacFadyen 8).

Many of the enslaved Africans were brought to Bermuda as ‘prizes’ captured off of other slave ships en route to the New World in the first half of the 1600s. Linda M. Heywood and John K. Thornton in their book *Central Africans, Atlantic Creoles, and the Foundation of the Americas 1585 – 1660* tell the story of Captain John Powell a Bermuda-based privateer capturing in 1617, “undoubtedly from a Portuguese, prize, the first large group of African slaves shipped to

the island, whom Robert Rich believed would allow tobacco growing to take off.” (Heywood and Thornton 27).

They stated that “Bermuda... had a substantially higher number and proportion of Africans than was ever found in either Virginia or Barbados... because as the main privateering base for the English prior to 1635, naturally acquired a large number of Africans of the Charter Generation.” (Heywood and Thornton 255). The Charter Generation were Africans who were enslaved at this period and who originated from West Central Africa, many of whom came from Angola. “Those slaves who ended up in Bermuda after 1650 were... integrated piecemeal into a substantial and demographically expanding Charter Generation.” (Heywood and Thornton 255). “By the end of the 17<sup>th</sup> Century ‘Negroes, Mulattoes and Indians’ - made up 38 percent of Bermuda’s population.” (Bernhard 98).

Laws for crime and punishment also demonstrate that enslavement in Bermuda was not benign. Acts passed during this time included frequent banishment for free Blacks and extreme punishment for enslaved Africans, which could involve hanging, whipping, castration, cutting off of ears, beheading, even to the extent that two youths in one year had their heads put on spikes as a warning to other slaves as described in James Smith’s book *Slavery in Bermuda*, where he described the youth having his head “fixed upon a spicke upon the top of the Island to the terror of all slaves that shall attempt the like feat and offence” (Smith 36).

Sally Bassett's death by burning in 1730 (Burchall 25), the multiple hangings on Gibbet Island and the many harsh and punitive laws passed are all evidence of a white supremacist, punitive, colonialist society bent on controlling their property through law, fear and oppression.

James E. Smith in his book *Slavery in Bermuda* states,

“The rapid increase of the slave population created a new set of social problems, specific laws were devised to regulate their lives and curb irregular behavior.

Many of these laws were enacted immediately after the discovery of slave conspiracies, which were inevitably followed by periods of reprisal and repression ... Whipping, branding, mutilation, and even death were freely inflicted on petty offenders, on the strength of the flimsiest and most unreliable evidence.” (Smith 32).

Throughout this period immigration laws and policies were enacted to ensure power remained in the hands of the oligarchy. Acts were repeatedly passed to banish free Blacks from the island, one in 1806 stating “Whereas the black population of these Islands, has of late years increased, and is increasing, in a manner very injurious to the welfare of this Community; and whereas it is thought expedient to adopt all such proper and practicable measures as may be calculated to diminish the relative proportion of the black to the white population...”. (Robinson 13).

Banishment throughout this period of history was used to forcibly decrease Bermuda's free Black population, as is repeatedly evidenced by the legislation detailed in the attached Addendum.

### **Segregation codified in law and culture 1834 – 1971**

In 1833 the population of Bermuda was just over 9,000, consisting of just over 4,000 whites, and almost 5,000 enslaved Africans and free Blacks. "Indeed, it was, by that latter date, the majority portion of the country's total population. Since that majority had been attained by means of natural increases rather than by large and frequent eighteenth and early nineteenth century importations." (Robinson 187). These numbers would have been very different, and possibly far more similar to the other colonies in the West Indies, if it had not been for the enforced banishment of free Black Bermudians over the centuries.

With emancipation in 1834, the white oligarchy quickly moved to ensure the continuing oppression and disenfranchisement of Black Bermudians by fixing qualifications for voters, electors, jurors, candidates, and positions of trust, with the voting property qualification being doubled. As freedom was given with one hand, the other hand took away, ensuring power stayed with the white minority. It took almost 50 years before the first Black, William Joell, was finally elected to Parliament in 1883. Kenneth Robinson in his book *Heritage* commented "It was a cold blooded, retrograde piece of legislation which raised the qualifications for electors and candidates for the first time in fifty-five years..." (Robinson 197)

A mere 8 years after Emancipation, with the ability to banish Black Bermudians no longer an option, "...an Act was passed to encourage [white] Emigrants coming to these Islands from the United Kingdom. (The first post-Abolition endeavor to increase, instantly, the relative size of the white populations was launched.)" (Robinson 218).

Five years later in 1847 "... the Legislature voted £400 as bounties to vessels which brought in Madeira immigrants. Efforts to bring more Portuguese continued spasmodically throughout the century, to be accelerated in the 1920s.... The official importations came principally from the Azores, and the Portuguese were kept as much as possible to agricultural work." (Zuill 126).

"So oppressive were conditions in Bermuda that during the 115 years after Emancipation, workers were able to mount only three major demonstrations against exploitation of their labour in 1853, 1903, and 1945... The 1853 protest was against the government's plan to use taxpayers' money to import white Portuguese laborers to undercut wage rates demanded by Black workers. The Black people condemned that proposal as 'the last extreme of oppression' by a legislature composed totally of white employers to use taxes, to which Black people had contributed, to import to Bermuda competition that was clearly calculated to injure the Black workers." (Philip 3-4)

As was stated earlier, after 1650 enslaved Africans arrived from the West Indies and 'integrated piecemeal' into the African Bermudian society who were originally descended from the Charter Generation. In 1894 West Indians began migrating to Bermuda in larger numbers,

and between 1901 and 1906 they were specifically brought in by the Admiralty to help with the ongoing construction at the Dockyard Extension Works Project (Philip). The majority of these West Indians would have been children and grandchildren of enslaved Africans who had been transported to the West Indies in the previous 250 years. However, whites viewed them as trouble makers, fearful of the more radical ideas being brought in to the island, and encouraged Black Bermudians to see themselves as better than their West Indian ‘cousins’. This led to bad relationships between Bermudians and West Indians, which even today plays itself out in our community. The adage of “Divide and Conquer” had been successfully deployed.

In 1920 the Development Company Act enforced the widespread purchase by a private company of land owned by Black Bermudians since the late 1700s in Tuckers Town. Tucker’s Town was a community of predominantly free Black Bermudians who owned and worked hundreds of acres of land in Tucker’s Town at the eastern end of the islands. They were pilots, sailors, fishermen, farmers and artisans, who built two churches, a school, grocer shops and a village community, and they lived there for over six generations before they were ‘legally’ dispossessed of their land by Bermudian legislators who passed the legislation in order to create the equivalent of a ‘Palm Beach of Bermuda’ for wealthy Americans. The system of white supremacy was clearly used in the purposeful eradication and memory of Tucker’s Town, as “It required a majority of Black Bermudians to surrender their lands to a private company dominated by wealthy whites. The immediate gain was thus a private one.” (McDowall *Trading Places* 28), as “...the colony’s commercial elite equated the project with its own economic agenda.” (McDowall *Trading Places* 25).



In such a society, the outcome was a foregone conclusion, with black folk understanding all too well they had little choice but to sell. Thereafter the story of Tucker's Town's Free Black community was suppressed, with Blacks afraid to speak for fear of reprisals, and whites wishing the whole thing to be forgotten. (Winfield 9 – *White Privilege*).

In 1973 William S. Zuill published a history book entitled *The Story of Bermuda and her People* and briefly mentions Tucker's Town and its development, noting that "Bermuda was faced with the problem of supporting a rapidly increasing population, with 17,000 people in 1900 increasing by approximately 3,000 to 20,127 in 1921." (Zuill Jr. 158). However, in the 10 years following the Tucker's Town development the population increased by over 7,600 to nearly 28,000 in 1931 (Zuill 158). What is left unsaid is that the majority of those who arrived in Bermuda during this period were white, brought in to manage the burgeoning tourism industry, many of whom stayed on to eventually become Bermudians through marriage, through the ownership of property or by acquiring Bermuda status.

"Racism during the 1930's had become more rampant than ever. The oligarchy 'could not have cared less' about Black people of all strata. Poor whites and Portuguese were deemed an underclass, and Jews were despised. To ensure that none of those categories darkened the doors of their hotels, clubs, and playgrounds, the rulers enacted the *Hotel and Innkeepers Act of 1931*. It gave legislative sanction to a colour bar in the hotel and catering industry, effectively enabling owners and operators to refuse accommodation and service to Jews and Blacks, regardless of their social, educational or economic status." (Philip 20)

By 1930 a strong labour class existed in Bermuda made up of African Bermudians and descendants of Portuguese Bermudians. At that time Portuguese Bermudians were excluded from white society and suffered under many of the same oppressions as Black Bermudians. Since they first arrived on the island in 1847, Portuguese Bermudians and Black Bermudians had lived in the same working class neighborhoods, worked together, worshipped together, were friends and intermarried.

Sensing the growing power of this labour class, the government ensured the complete separation of the races by building separate schools for the Portuguese community (e.g. Gilbert Institute). Slowly over the years Portuguese Bermudians were ‘whitened’ in the eyes of the white dominant society and allowed access to the privileges of being white, providing access to loans, mortgages, and eventually education at the white private schools, which enabled a number of them to elevate themselves in Bermudian society. In order to facilitate their assimilation as ‘white’, a number of Portuguese changed their names in an attempt to be accepted. Sadly, this created a rift between the Portuguese and Black Bermudian communities, which was encouraged by the white oligarchy thus ensuring that many Portuguese would vote ‘white’. The adage of “Divide and Conquer” once again playing out all too well.

In 1940 The Colonial Development and Welfare Act of 1940 was passed in the U.K. following a “wave of strikes and social unrest that swept the Caribbean in the mid-1930s” (High 119).

The Act "...promised British territories extra funding for social and economic development. However to be eligible the colonies had to agree to a series of labor and social reforms. Despite tremendous pressure Bermuda refused to implement any of the social and labor reforms. There was no trade union act. No compensation for workplace injury. No minimum wages. No child labor laws. No pensions. No labor dispute conciliation. No reduction in the fifty-four hour work week... 'For a hundred years', concluded the American vice consul, 'a small group has made Bermuda its own paradise by controlling legislation and by seeing that taxation policy kept all but themselves in strict economic subjection. While they themselves accumulated fortunes subject to no taxes whatsoever...'" (High 119).

This Act would have helped not only the Black Bermudians who had suffered oppression for centuries but also Portuguese Bermudians who still experienced substantial ethnic discrimination on an ongoing basis and poor white Bermudians.

With the building of the American bases in Bermuda in 1941 racism and immigration reared its head again. "By agreement, all of the American civilians brought in to build the bases were white. In part, this was a result of Bermuda's effort to limit the growth of the colony's majority black population.... The commanding general of the U.S. Army's Fort Bell, for example, was told in June 1943 that the government "would object strongly to the importation of non-white labor and would be obliged to withhold the issuance of landing permits to any non-white Base worker." (High 121).

## **Birth Control 1937 – 1980s**

Based on Dr. Jolene Bean's research for her Master's degree, "the government released a paper in 1935 called 'The Report on Unemployment'. A few clauses in the report recommended that laws be passed to compulsorily sterilise certain segments (mostly Blacks) of the population. While the recommendation was never carried out, it did cause a public outcry from both Blacks and whites. What prompted the document was the Great Depression of the 1930s along with the realisation that the black population far outnumbered the white population." Dr. Bean carried out additional research on population control issues when doing her PhD, noting that, "in the mid-1920s the government, along with women like Gladys Morrell, set up the Bermuda Welfare Society, which kept tabs on the births of the black population, especially illegitimate births. Unfortunately, "population control" is a reoccurring theme throughout our history." (Bean).

In 1937 Margaret Sanger published an article concerning her invitation from the Bermuda Health Department to confer with its leaders about the possibility of organizing centers for the dissemination of birth control, with three meetings taking place at the House of Assembly with members of the Assembly, Legislative Council, representatives of the Board of Health, the Bishop of Bermuda and Colonel Dill, the Attorney General, in the chair. A curious group and location to discuss birth control!

Sanger noted that the population of Bermuda was about 30,000 having increased some 10,000 within less than ten years, and about 60% of the population was colored, with the birth rate being very much higher among the colored than among the white. Noting that in 1936, the

birth rate for the white population was 16.4, and for the colored 29.2. The death rates for the same year were 8.8 for whites and 9.6 for the colored, with an infant mortality of 45.8 and 52.9 respectively. She noted that as a result of these discussions, two clinics will be opened, one for the care of white women and the other for the colored, and the expenses of the clinics will be borne by the Colonial Government.

Jonah Goldberg's research published in an article in the National Review Online dated 24<sup>th</sup> June 2008 noted that Sanger supported the Nazi's eugenics programme. Goldberg goes on to state,

“One of Sanger's closest friends and influential colleagues was the white supremacist Lothrop Stoddard, author of *The Rising Tide of Color Against White World-Supremacy*. In the book he offered his solution for the threat posed by the darker races: ‘Just as we isolate bacterial invasions, and starve out the bacteria, by limiting the area and amount of their food supply, so we can compel an inferior race to remain in its native habitat.’ When the book came out, Sanger was sufficiently impressed to invite him to join the board of directors of the American Birth Control League.” (Goldberg)

This was the woman invited to discuss birth control and her beliefs in sterilization and eugenics proved of great interest to the House of Assembly.

The depth of racism in the Bermuda government was revealed in a file on illegitimacy found in the Bermuda Archives. A December 21, 1940 minute from the colonial secretary, one of the highest-ranking officials in the land, expressed his admiration for the sterilization orders being passed against European Jews. He cited, approvingly, the case of the Hungarian government that only permitted the oldest boy and oldest girl in any Jewish family to marry or have children. ‘However’, he lamented, ‘I doubt whether many people in Bermuda would go as far as that with regard to the coloured population.’ A written notation that followed nonetheless suggested that this matter ‘had better come up for further discussion’ in the Executive Council of the Colony.” (High 118).

Twenty years later in 1957 just a few years prior to desegregation, a family planning program was begun by the Bermuda government. Ten years later in 1967, Bermuda’s drop in its birth figures was hailed “as dramatic as any in the world” by the then Director of Health Services, advising that only 1,000 babies had been born in 1966 compared to an average of 1,141 births per year over the previous decade (*Bermuda Hails a Decade of Birth Control* 1967 UPI). Today it is argued that these programs were aimed primarily at Black Bermudian families.

### **Desegregation/Immigration 1959 - 1979**

Although we think of segregation as finishing with the peaceful protests of The Theatre Boycott in 1959, the last vestiges of segregation codified in law were not eliminated till 1971 when legislation was passed to finally desegregate the primary schools.

The concept of Bermuda status was introduced in 1954, prior to that there was the concept of deemed domicile (Immigration Act 1936), i.e. in order to be automatically granted status in 1954, you must have been deemed domiciled immediately prior to 1954.

The intensive rate of immigration in the 1920s foreshadowed the racialized immigration policies of the 1960s, 1970s, 1980s and early 1990s. These policies resulted in thousands of people, the majority white, coming to Bermuda, many eventually remaining in Bermuda and applying for Bermudian Status and later Permanent Residency. “A comparison of the 1950, 1960 and 1970 censuses reveals a remarkable increase in the number of non-Bermudians during the decade of the 1960s. In 1950, a total of 7,387 persons living on the island... were foreign born. By 1960 that figure had grown modestly, by 18%, to a total of 8,753. The following decade saw a significant escalation in the foreign born population, an increase of some 66%, to a total of 14,496 persons” (Brown 103).

Within a few years of the 1959 Theatre Boycott universal, but not equal, suffrage was finally achieved. In the 1963 Parliamentary Election Act, Bermuda’s rulers moved to ensure that the growing threat of Black Bermudian youth seeking change was nipped in the bud by raising the voting age from 21 to 25, at a time when most countries were dropping the voting age to 18. They also brought in a property vote that predominantly benefitted whites. It also included a section ensuring “all British subjects living on the island for a period of at least three years were given the vote... 83% were white... and more than half of these new residents (56%) were from

the British Commonwealth, [and] they were all entitled to vote after living in the island for a period of three years.” (Brown 103).

This part of the legislation stayed in place for 13 years until 1979, allowing thousands of Commonwealth citizens resident in Bermuda on work permits to vote in Bermuda over the years. Although this was no longer continued after 1979, all those given the vote and who remained in Bermuda were allowed to retain it, affecting voting patterns for years, with many arguing that it affected voting outcomes of elections in the 1960s, 1970s and 1980s.

The disenfranchisement of Black Bermudians continued with the creation of 20 electoral districts. Walton Brown states in his book *Bermuda and the Struggle for Reform: Race, Politics and Ideology 1944-1998* that “The 1967 Boundaries Commission creation of 20 electoral districts prior to the 1968 general election was a clear “attempt to make the white vote more significant than it might otherwise have been. This had already been condemned by a Select Committee as gerrymandering.” (Brown100-101). See *Report of Select Committee Considering the Parliamentary Election Act, 1945* pg 339. (Brown 193).

“The racially motivated immigration policy by the government caused the abrupt resignation of one of only two Black UBP parliamentary members, George O. Ratteray, in April 1967. After making a blistering attack on his party’s immigration policy he resigned from the Executive Council (Upper House) and the United Bermuda Party.” (Brown 104).



In the *Bermuda Civil Disorders 1968 Report of Commission & Statement* following the youth riots in 1968, Sir Hugh Wooding wrote:

We said ... that the roots of the civil disorders lie deep in the history of Bermuda's society. The society was typically white plantation in character and the history, in the years before the forties, was of accepted white supremacy with all the concomitant evils of segregation. (Wooding 63)

The Wooding Commission "found that virtually everything in Bermudian society was viewed in racial terms. Describing race as defining all facets of society: relationships between the Police and blacks, the banning of 'black' publications, the disputes between political parties and the attitudes of all Bermudians."

Following the 1977 Riot a Commission of Inquiry was called that resulted in the Pitt Commission Report. It is of note that Lord Pitt emphasized "The importance of substantially reducing *immigration* [author's italics] and assisting the promotion of Bermudians." This recommendation was in direct response to the rapidly increasing expatriate population and an acknowledgement of the detrimental effects it was having on the African Bermudian population.

## **1980 – 2014 Immigration policy**

Portuguese immigration continued after 1847 and by the 1940s there was a sizeable Portuguese community in the Island. However, “Bermuda’s government imposed strict regulations from the 1920s onwards aimed at banning the immigration of whole families and restricting those workers who were permitted to enter the country to farming and menial labour.” (Jones 119). The Portuguese endured ethnic discrimination for years, and “Employment freedom for Portuguese workers was restricted for decades, keeping many immigrants confined to jobs as farmers, cleaners or gardeners until later in the 20<sup>th</sup> Century. It was not until 1982 that the job-category restriction was lifted.” (Jones 119).

According to the Archibald Royal Commission on Drugs and Alcohol in 1985, institutionalized racism was so bad that it occurred “throughout Bermuda society, in Government, business, banks, churches, schools, Unions, political parties, clubs and courts, and generally seemed to be committed in the name of preserving business traditions and maintaining standards, a fact that made it no less destructive of human life and self-esteem.” (Philip 3).

In 1989 the government under pressure from the opposition made a change in the Immigration Protection Act 1956 by no longer offering discretionary grants of Bermuda Status. Concerns had been raised for a number of years that political favoritism was believed to be involved in a number of awards of discretionary status. Up till 1<sup>st</sup> July 1989, 40 discretionary grants of status were made per year, these were above and beyond those awarded to spouses/children of Bermudians. This was followed in 1994 by the Immigration Protection Act

1956 Amendment, allowing those who have close ties to Bermudian families to obtain status (Section 20B).

The recession at the end of the 20<sup>th</sup> Century saw the then government of the day refusing to renew work permits of Portuguese people in Bermuda, some of them having been resident for decades, with whole families being forced to leave.

In 2001 the government, recognizing that the 1994 Act caused some hardship to certain long term residents, made a further amendment to the Immigration Protection Act 1956 by providing Permanent Residence Certificates to those who had been on the island since 1<sup>st</sup> July 1989, thus providing safety of tenure and all rights with the exception of the vote. Alongside this piece of legislation the Term Limits policy was enacted, in order to no longer create the situation of long-term residents.

### **The legacy**

“Frequently those in power who commit the harm, end up shaping the narrative and build social structures and create laws, policies and regulations that justify their action and continue the marginalization. This is apparent in Bermuda’s history with laws and policies, having been created and written from a white supremacist, colonial perspective, effectively sustaining the dominant narrative and, by omission or suppression, denying and obliterating the counter narrative of Black people.” (Winfield 17 – *Are We There Yet?*).

“This untold history of banishment and permanent exile of Black Bermudians from their home and the racialized immigration policies following Emancipation has ensured that our society today still suffers from the impact of historical trauma. The stereotypes, biases, myths, ideas, perceptions and legacies of that past remain internalized by many and passed on to our children, creating multigenerational transmission of harm at both individual, community and societal level, and obstructing people’s ability to have a positive self-identity and view of their heritage.” (Winfield 22 – *Are We There Yet?*)

This past weighs most heavily on the Black Bermudian community with continuing economic disparity, higher incidents of incarceration (Royal Gazette 2<sup>nd</sup> April 2012) (International Center for Prison Studies – Bernews), stop and search (2012 Bermuda Police Service Statistics 18), education attainment (2010 Census 27), redundancies, and lower incomes (2010 Census 32, 42). (Winfield 1 – *White Privilege*).

As an example the Mincy Report clearly states that

- After accounting for differences in education, the racial differences in the predicted unemployment rates of Bermudian males were unchanged. **Race does account for 29 percent of the racial gap in predicted earnings** [author’s emphasis] between young Black and White Bermudian males. (Mincy iv)
- **14 percent of the racial gap** [author’s emphasis] in the predicted earnings of young Bermudian men was associated with higher levels of ***educational attainment*** [author’s emphasis] among the latter [young White Bermudian men]. (Mincy 26)

- Young Black and White Bermudian men have similar employment, enrollment, and labor force participation rates. The big difference is unemployment. The proportion of young Black Bermudian men who are looking, unsuccessfully, for work is 14 percent; while the proportion of White Bermudian men who are looking, unsuccessfully, for work is 8 percent. (Mincy 23)

Allan Doughty in his recent Letter to the Editor 9<sup>th</sup> July 2014 in the Royal Gazette evaluates the relevant legislation (Human Rights Act, 1981; the Bermuda Immigration Act, 1956; and the Bermuda Constitution, 1968) and opines that there is no “legally mandated pecking order” and that “Under the existing legislation, which predated the recent ruling of the Chief Justice concerning PRC holders and their ability to apply for Bermudian Status, such Permanent Residents have the same rights to compete for jobs as holders of Bermudian Status.”

This has caused even more concern to Bermudians, as for years they have been assured that there is a precedence, which is upheld by the recent Work Permit Policies 2013 published by the Government in April 2013, which clearly states a precedence required to be followed by employers, i.e.

“...it is expected that employers will fill jobs in Bermuda in the following order:

Bermudian

Non-Bermudian spouse (including the widow or widower) of a Bermudian divorced parent of a Bermudian.

Permanent Resident’s Certificate holder

Non-Bermudian with a qualifying Bermudian connection  
Other non-Bermudians”

However, there is one more unspoken hierarchy in place that is carried out all too often in the employment arena, i.e. the hiring of white Bermudians ahead of Black Bermudians. This often occurs through networking without any advertisement of positions.

## **ANALYSIS**

This paper details only some of the multiple examples of oppression and disenfranchisement codified in law, policy and culture that Black Bermudians have endured over centuries.

The exportation of free Black Bermudians throughout the centuries leading up to 1834; the post emancipation efforts to increase the white population codified in law and policy; the continual attempts to legislatively disenfranchise the majority of Black Bermudians from voting since 1834 to 1963; the efforts of birth control focused predominantly on the Black community (through the introduction of a woman recognized today as a supporter of Hitler's racialized eugenics program); the racialized immigration policies of the 20<sup>th</sup> century; the favoritism involved in a number of the early grants of discretionary status from 1956 to 1989; and the contemporary historic attempts to water down and disenfranchise the Black Bermudian vote, all too clearly point to ongoing and sustained attempts to reduce the Black population and increase the white population.

In parallel to the ongoing oppressions and disenfranchisement, systematic attempts were made to spread disunity in the working class through the encouragement of the myth that West

Indians were troublemakers, and Black Bermudians were better off and better than their cousins from the West Indies. This continued with the creation of Portuguese schools in the 1930s, a calculated attempt to separate the races, followed by the raising up of some of the Portuguese ethnic group, which put the Portuguese in the unknowing position of being a buffer group between Blacks and whites. In many cases the oligarchy was successful, ensuring an eventual separation and disunity of the Black and Portuguese working class community. Through the use of ‘divide and conquer’ tactics, a class system based on race was created, successfully dividing Bermudians based on the colour of their skin, their ethnicity and their social standing.

It is clear there was and always has been a pattern throughout Bermuda’s history, to not only enslave, suppress, and punish Blacks prior to Emancipation, but also a sustained and systematic effort to minimize and expunge their contributions to society. Historically, white supremacy ensured that Black Bermudians were suppressed, punished, controlled, demeaned, mistreated, and banished. Later legislation ensured they could not vote in any great numbers; birth control policies focused on the Black majority; and Acts to encourage emigrants and later racialized immigration policies ensured an increase in the white population. All of this resulted in the control and minimization of the Black vote. Most of this codified in law to ensure power and wealth stayed in the hands of the few, whilst subjugating Black Bermudians, the Portuguese ethnic group and poor whites.

Through stereotypes, biases, prejudice, and discrimination being passed down generationally, the ongoing trauma of character assassination of Black folks continues to be maintained not only on the vitriolic media blogs, but also supported by the most recent Census

figures showing Black Bermudians being more frequently made redundant, more likely to be out of work, less likely to be hired, earning less, and more likely to not only be stopped and searched but also making up the majority of our prison system (Census 2010).

Given this factual history it is understandable that Black Bermudians view the current attempt to give Bermudian status almost immediately to approximately 1,500 PRC holders as just one more attempt to ‘whiten’ the community and once again disenfranchise them. Past white supremacist legislation and policies, combined with the racialized immigration policies of the 20<sup>th</sup> century and the 3-year residency vote for Commonwealth citizens, it is highly likely that this fear will be realized and the majority of applicants will be white. NB disenfranchise does not only mean the inability to vote, but also means to reduce. Therefore, the immediate increase of 1,500 votes plus spouses and children, all of whom are likely to be predominantly white, will once again reduce the value of, or water down, the vote of people of colour.

CURB believes that the intent of the current legislation was clear, and that all parties, including Immigration, lawyers and the majority of PRC holders have understood that intent. However, the recent successful challenge in the courts has shown that the wording is open to a wider interpretation, thus the sudden rush to be naturalized and to obtain status.

CURB believes that this matter is not a human rights issue, but an immigration issue. We note that all countries in the world have immigration policies and Bermuda is not unusual in this regard.



The right of abode by place of birth is called *Jus soli* (Latin: *right of the soil*), i.e. the right of anyone born in the territory of a state to nationality or citizenship. However, only 30 out of almost 200 countries grant citizenship at birth. Whereas, almost all states in Europe, Asia, Africa and Oceania grant citizenship based on *Jus sanguinis* (Latin: *right of blood*), a principle of nationality law in which citizenship is inherited through parents rather than by birthplace, or a restricted version of *jus soli* in which citizenship by birthplace is not automatic for the children of aliens. The International Monetary Fund advise that among advanced economies, only Canada and the United States observe unconditional birthright of citizens, a legacy of their history to encourage immigration. Therefore, it is misleading to imply that birthright is an automatic right to citizenship, as this is predominantly not the case worldwide.

Lord Pitt's remarks in the Commission of Inquiry following the 1977 riots continue to echo over the last 36 years,

“The importance of substantially reducing *immigration* [author's italics] and assisting the promotion of Bermudians.”

Lord Pitt's recommendation was in direct response to the rapidly increasing expatriate population and an acknowledgement of the detrimental effects it was having on the African Bermudian population.

CURB strongly opposes any kind of anti-PRC or anti-foreigner rhetoric, and understands the desire of many PRCs to obtain Bermuda Status and is sympathetic to their hopes. However, based on Bermuda's history, we believe the route to status for PRCs must occur only after a full

evaluation of Bermuda's immigration policy is carried out, and be guided by a process which is fair and equitable to PRCs, while taking into account the needs of Bermudians and the small size of the country. Moving ahead without a fully collaborative and considered approach is ill-advised and will likely alienate the community further and precipitate unrest.

**CURB calls on the government to urgently put on hold all status applications and carry out a comprehensive bi-partisan immigration reform, taking into account Bermuda's past oppressive and discriminatory history with regard to racialized immigration legislation and discriminatory voting rights. We call on government to listen to people's increasing concerns of further marginalization and disenfranchisement of the Black Bermudian community.**

Attachment 1: Addendum of past legislation/policies

Attachment 2: Bibliography

**NB This position paper has been academically peer reviewed.**

## ADDENDUM

*Examples* of laws specifically focusing on the punishment, banishment, oppression, and disenfranchisement of Black Bermudians are as follows:

- 1623 - Act of the Second Assembly #12 to suppress Black people entitled “An Act to Restrayne the insolences of the Negroes”. Bermuda has the dubious reputation of being the first British colony to pass an act suppressing Black people.
- 1623 – Act “against the ill keeping of the fferrie” made it illegal to row anyone between Bailey’s Bay and St. George’s on Sunday. Those who were caught committing this crime would be whipped. Since many Blacks used this... crossing to earn extra money, this law had the effect of further limiting the amount of financial freedom enjoyed by Black Bermudians. (Burchall 12).
- “By 1626 ‘Chattel Slavery’ was established in Bermuda... with the decree of Governor Henry Woodhouse’s Council that the offspring of any slave-mother was itself to be considered a slave and to be treated as a chattel to be owned by the mother’s master, or to become property of the Bermuda Company.” (Robinson 312).
- 1656, 1661 and 1673 – Multiple slave rebellions, following which numbers of Free Negroes suffered banishment under emergency legislation. (Smith 53)
- 1664 proclamation by the Governor that **all able-bodied free Negroes** were to leave the islands immediately, with a return to slavery being offered as an alternative. (Smith 54)
- 1677 – An Act to prohibit the importation of slaves. [Concerns about the number of Black Bermudians on the island.]
- 1698 – An Act to prevent the stealing of oranges and other fruit with slaves being severely whipped on the naked back throughout the parish where the crime took place. [Three lashes at every 30 paces]. (Smith 303)
- 1700s – Slave Rebellions - Ten recorded uprisings, with two being “major violent events” in the eighteenth century (Maxwell 38).
- 1704-94 - Multiple laws passed to control slaves, e.g.

- 1704 - Act ‘against the Insolency of Negroes and other Slaves for attempting or getting white women with Childe, and for furnishing all such white women’ (Robinson 1). This Act included a clause for castration as a punishment, however Whitehall quickly acted to disallow that clause. (Robinson 292)
- 1705 – Following a period of unrest all **free** Negroes, mulattoes, and Indians, were forced to leave. (Smith 68)
- 1706 – An Act to impose a tax of forty shillings a head on all Negroes or slaves who were brought to the island (Smith 67) [An attempt to restrict the number of Black being brought into the island]
- 1728 An Act laying on an Imposition on Negroes Imported into these Islands. (Smith 303)
- 1728-29 – An Act to prevent any person or persons allowing and encouraging any Negroes or other Slaves from rioting and meeting at unreasonable times in his or their houses and possessions. (Robinson 3)
- 1730 – An Act for the further and better regulating Negroes and other Slaves (controls/reprisals following the Sally Bassett conspiracy). (Robinson 2).
- 1730 – An Act expressing concern at the “great quantities of Negroes and slaves” on the island, levying £5 on all imported Blacks to the island “except those that may be imported from Africa.” (Smith 67-68) [An attempt to control numbers of Blacks being brought into the island].
- 1730 – An Act for the security of the subject, to prevent the forfeiture of life and estate upon killing a Negro or other Slave. (Robinson 2) [Protecting slave owners from death or loss of property if they killed a slave].
- 1730 – An Act extirpating all **free** Negroes, Indians and Mulattoes. Those remaining were to be sold. (Smith 303) [Extirpation: to destroy or remove [something] completely. Miriam-Webster dictionary].
- 1743 – An Act to Prevent Buying, Selling or Bargaining with Negroes and other slaves. (Smith 84)
- 1755 – An Act stated that striking a white person could result in death, loss of an ear or ears and banishment (Packwood 132-133).
- 1761 An Act for the speedy Tryal of divers Slaves, (etc.) charged with Conspiracy and Rebellion. (Enacted following one of Bermuda’s several contemporary slave rebellion scares.) (Robinson 2)
- 1761 – Following another slave conspiracy, the Council and Assembly enacted legislation to banish free Negroes and mulattoes from Bermuda. Those who did not leave to be sold. (Smith 71)
- 1764 – An Act for better Government of Negroes, Mulattoes & Indians, bond and free; and for the more effectual punishing Conspiracies and Insurrections of them. (Robinson 2).

- 1779 – An Act to prevent Negroes, Mulattoes or Mustees [an individual one-eighth Black), whether bond or free, from retailing any goods wandering up and down throughout these Islands. (Packwood 119)
- 1806 – An Act to Regulate the Emancipation of Slaves and to disable Free Negroes and Persons of Colour from Being Seized of Real Estate. The verbiage of this Act indicated a fierce and aggressive antagonism towards Black people on the part of the Legislature. (Robinson 4). Here was an Act, not just to stop Blacks from possessing land, but to make it impossible to inherit land as well. (Packwood 120).
- 1806 – The Act imposing duties upon free Negroes and free persons of colour exercising certain of the mechanics trades. [A counteraction to the dominance which black men held on carpentry, joinery, coopering, masonry, shipbuilding and other ‘mechanic arts’ – as is evident from the fuller introductory... preamble which read “An Act for granting Bounties to white person and imposing duties upon Slaves exercising certain of the Mechanic Trades.” **“Whereas the black population of these Islands, has of late years increased, and is increasing, in a manner very injurious to the welfare of this Community; and whereas it is thought expedient to adopt all such proper and practicable measures as may be calculated to diminish the relative proportion of the black to the white population....”** (Robinson 13).
- 1834 – Emancipation in Bermuda. Slave owners paid £20M (40% of UK’s annual budget). Bermuda’s population 4,297 or 47% white; 3,612 or 39% slaves; 1,286 or 14% Free Black. Slaves provided the majority of Bermuda’s workforce until freed in 1834.
- 1834 – Segregation continues and is supported by law and codified in culture.
- 1834 – An Act to fix qualifications for jurors, voters, electors and candidates, and positions of trust. Voting property qualification double. This effectively disenfranchised the majority of Blacks for years. Due to the increased qualifications it took 50 years till 1883 before Bermuda’s first Black, William Joell, won a seat in Parliament.
- 1842 – An Act to encourage [white] Emigrants coming to these Islands from the United Kingdom. (The first post-Abolition endeavor to increase, instantly, the relative size of the white populations was launched.) (Robinson 218).
- 1847 - The Legislature voted £400 as bounty for the owner of the first vessel that brought in Portuguese settlers. [There was Black objection to this initiative, as many Blacks were out of work and it was anticipated that the Portuguese settlers would undercut Black

Bermudian wages. The Portuguese were later used as a buffer group between white and Black Bermudians].

- 1881 – Only 800 registered voters in Bermuda, a statistic which underscored the fact that the franchise was restricted to a privileged few. (James Smith).
- 1894 – West Indians begin their relocation to Bermuda [many bought in by the Admiralty to help with the ongoing construction at Dockyard].
- 1920 – Development Company Act that enforced the widespread purchase by a private company of land owned by Black Bermudians since the late 1700s in Tuckers Town.
- 1920 - After failing to encourage white Bermudians to join the police force, the Governor instructed the Commissioner of Police to recruit White police officers from the UK. [Up until that time the island police were predominantly Black except for a senior officer who was usually from the UK]. This led to the increased ‘whitening’ of the then named Bermuda Police Force, which broke down relationships between the police and Black Bermudians due to increasing racial profiling by the police, the legacy of which continues today.
- 1930 – Hotel Keepers Protection Act which enable any hotel keep to “refuse to register any person as a guest of the hotel of which he is the keeper if he sees fit to do so.”
- 1930 – Govt. assisted the complete separation of the races by building separate schools for the Portuguese community (e.g. Gilbert Institute). Up till then Portuguese and Black Bermudians lived in the same neighborhoods, worked together, were friends, worshipped together and intermarried.
- 1940 – The Colonial Development and Welfare Act of 1940 (UK) which promised British territories extra funding for social and economic development. However to be eligible the colonies had to agree to a series of labor and social reforms. Despite tremendous pressure Bermuda refused to implement any of the social and labor reforms. There was no trade union act. No compensation for workplace injury. No minimum wages. No child labor laws. No pensions. No labor dispute conciliation. No reduction in the fifty-four hour work week.... For a hundred years, concluded the American vice consul, ‘a small group has made Bermuda its own paradise by controlling legislation and by seeing that taxation policy kept all but themselves in strict economic subjection. While they themselves accumulated fortunes subject to no taxes whatsoever..’ (High 119)

- 1957 - 1967 It was reported in a 1967 UPI article entitled *Bermuda Hails a Decade of Birth Control* that Bermuda's drop in birth figures was hailed "as dramatic". Research continues to see how long this particular family planning programme continued.
- 1959 – The Theatre Boycott. Peacefully achieved over six weeks.
- 1960s/70s/80s/90s – Racialized Immigration Policies - Following the Theatre Boycott and desegregation, Government began a concerted effort to encourage white Immigration from Commonwealth nations during the 1960s, 70s, 80s and 90s, with legislation being passed to provide them with the vote after only 3 years' residency. These policies resulted in thousands of people, the majority white, coming to Bermuda, many eventually gaining Bermudian Status or Permanent Residence. "A comparison of the 1950, 1960 and 1970 censuses reveals a remarkable increase in the number of non-Bermudians during the decade of the 1960s. In 1950, a total of 7,387 persons living on the island... were foreign born. By 1960 that figure had grown modestly, by 18%, to a total of 8,753. The following decade saw a significant escalation in the foreign born population, an increase of some 66%, to a total of 14,496 persons. A small proportion of this was black, only 15%, while 83% were white. More than half of these new residents (56%) were from the British Commonwealth, they were all entitled to vote after living in the island for a period of three years. (Brown 103).
- 1961 – Universal, but not equal, suffrage achieved. Landowners received a plus vote. Voting age raised from 21 to 25.
- 1963 – Parliamentary Election Act. Bermuda's rulers... moved to ensure that all British subjects living on the island for a period of at least three years were given the vote; this was made possible by a section included in this legislation. (Brown 103) Lasted 13 years until 1979.

### **Contemporary History**

- The 1965 Belco Riots.
- 1966 – Trade Union Act [an act not to support Trade Unions but to restrict their actions].
- 1967 – Boundaries Commission set up to devise 20 electoral districts for the 1968 general election. This was "an attempt to make the white vote more significant than it might otherwise have been. This had already been condemned by a Select Committee as gerrymandering (Brown100-101). See *Report of Select Committee Considering the Parliamentary Election Act, 1945* pg 339. (Brown 193).

- 1967 “The racially motivated immigration policy by the government caused the abrupt resignation of one of only two Black UBP parliamentary members, George O. Ratteray, in April 1967. After making a blistering attack on his party’s immigration policy he resigned from the Executive Council (Upper House) and the United Bermuda Party.” (Brown 104).
- 1968 – Bermuda Youth Disturbances.
- 1968 - New Bermuda Constitution.
- 1968 – Sir Hugh Wooding Commission following the Bermuda Youth Disturbances.
- 1971 – Primary schools formally desegregated.
- 1977 Riots – last major riots to occur in Bermuda following the hangings of Larry Tacklyn and Buck Burrows.
- 1978 Lord Pitt Commission.
- 1981 General Strike lasted 6 weeks. [Although called a general strike, the unions did not in fact call a general strike. Hospital workers were striking and across the island hundreds of union members went out on strike in sympathy. This was considered by many to be a grassroots protest movement against the slowness of change and the continuing failure of government to improve the lot of Black Bermudians].
- 1989 - Immigration Protection Act 1956 – change in policy no longer offering discretionary grant of Bermuda Status. (Up till then 40 discretionary grants of status were made per year above and beyond those awarded to spouses/children of Bermudians).
- 1992 – The Tumin Report called to investigate the criminal justice system in Bermuda.
- 1994 – Immigration Protection Act 1956 Amendment, allowing those who have close ties to Bermudian families to obtain status (Section 20B).
- 2001 – Immigration Protection Act 1956 Amendment, providing Permanent Residence Certificate to those who had been on the island since 1<sup>st</sup> July 1989, providing safety of tenure and all rights with the exception of the vote. Alongside this piece of legislation the Term Limits policy was enacted, in order to no longer create the situation of long-term residents.



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