IN THE MATTER OF A SUBMISSION MADE BY "CONCERNED CITIZENS OF BERMUDA"

SUBMISSION TO MINISTER OF STATE HENRY BELLINGHAM MP, ON BEHALF OF DR. THE HONORABLE EWART F. BROWN

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1. The undersigned, as counsel to Dr. the Honorable Ewart F. Brown, note that certain unsupported allegations have been made against Dr. Brown by an anonymous body, calling itself "Concerned Citizens of Bermuda."

2. Whereas Dr Brown has no legal obligation to reply to baseless assertions made by nameless persons, he believes that all true citizens of Bermuda should know their former Premier's position in relation to some of these suggestions.

3. We first address a series of scurrilous and wholly unfounded personal allegations concerning property ownership and members of Dr. Brown's family. In relation to Dr. Brown's home in Bermuda, the "Concerned Bermudians" assert that this was partially funded by the taxpayer. This is simply a lie. The "Concerned Bermudians" have supplied no evidence because none ever existed. In relation to properties in New York, Martha's Vineyard and Turks & Caicos, all of which were purchased either wholly or substantially by Mrs. Brown, a successful African-American attorney and investment banker, they state: "it is our view that whilst his wife has worked previously, we find it difficult to believe that she was in a position financially to fund the purchase of the Martha's Vineyard property." The racist and sexist assumptions that underlie this view are pitiful, but very revealing. The truth of the matter is that all of these properties were purchased with personal assets acquired before and since Dr. and Mrs. Brown's marriage and had nothing to do with Dr. Brown's service in Government.

4. There is other innuendo that implies Dr. Brown did something untoward to support his son who required a $4million bond. The "Concerned Bermudians"' implications are wholly devoid of truth. While it is none of their business, the $4 million bond was met because of the loving support of approximately 20 family members and friends who unselfishly pledged their personal and real property to raise its security.

5. Then there is the unfounded allegation that Dr. Brown used government money to support an event sponsored by his son at Los Angeles' Playboy Mansion, a sought-after venue for many prominent charities and events. An airline and two Bermuda hotels donated stays for prize-winning attendees via the Department of Tourism, represented at the event by Dr. Brown who was accompanied by his wife. Dr. and Mrs. Brown were visiting Los Angeles for personal reasons at the time, so he paid for all of their travel and hotel costs personally. Not one dollar of government money was used in relation to this event.

6. It is ironic that these "Concerned Bermudians" criticize Dr. Brown's administration for awarding the advertising contract for tourism to the GlobalHue company. That contract was awarded through approved procedures. No other competitor complained of those procedures. The irrefutable fact is that tourism to Bermuda increased by an average of 16.6% *per year* for GlobalHue's first three years of operation, compared with the 15 years preceding their contract. This outstanding record led to their contract being renewed after review by the appropriate Government committee.

7. There are only two major differences between GlobalHue and firms previously awarded contracts to advertise tourism to Bermuda: GlobalHue significantly out-performed its predecessors; and GlobalHue was the first such company that was not white-owned.

8. The "Concerned Bermudians" go on to raise a number of issues concerning matters for which Dr. Brown never bore ministerial responsibility. In a scattergun approach, they re-hash old and unsupported allegations in relation to the Bermuda Housing Corporation, the Transport Control Department, and a variety of other matters.

9. It should be noted that:

    a. All allegations raised in relation to the Bermuda Housing Corporation were fully investigated by the appropriate authorities at the time and no investigating agency even called on Dr. Brown to provide any information, let alone accused him of any impropriety. In addition, the matters complained of in relation to Dr. Brown occurred at a time prior to his premiership and when he held no relevant ministerial position;

    b. The complaint in relation to the Transport Control Department contract for emissions control is based on the false and misleading premise that the Government was required to put the contract out to tender. This is not so where it appears that there is one single capable, imminently available contractor, as was the case here. The entire issue has been thoroughly investigated by the Auditor-General who found no evidence of any illegal or unethical conduct;

    c. With these and all other assertions relating to particular government contracts, the "Concerned Bermudians" have chosen to wait well over a year after Dr. Brown left office before seeking to smear him with baseless innuendo.

As stated at the outset it is not our intention to seek to answer every unsupported allegation. These are so lacking in merit, so devoid of factual foundation and so clearly motivated by malice, that it would be to provide

them with a credence they so patently do not deserve, were we to seek to address them in any way.

10. These "Concerned Bermudians" have called for a Royal Commission of Inquiry. Dr. Brown has nothing to fear from such an Inquiry because he has nothing to hide.

11. However, on this point Dr. Brown has stated publicly that he finds himself in agreement with Governor Richard Gozney's recent announcement that such an Inquiry is unwarranted because there is no evidence to substantiate calling for one. The Governor has also acknowledged that an Inquiry would constitute a substantial and unjustifiable expense to the people of Bermuda. On any objective view, establishing a Royal Commission would cause outside observers to draw unjustified parallels with the Turks & Caicos and would threaten a crisis of confidence in Bermuda in the current climate of international economic uncertainty. Anyone who wishes for that has no right to claim to be a concerned Bermudian.

12. Accordingly, unless and until these "Concerned Bermudians" come forward in public with proof of these baseless and vicious claims and character assassinations, instead of lobbying Governor Gozney and the British Parliament in anonymous communications, there is and can be no case for Dr. Brown to answer.

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Respectfully submitted,

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