

**JANET JAGAN  
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December 15, 2004

Mr. Charles Parkinson  
Junior Dean  
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Dear Mr. Parkinson

I am in receipt of yours of November 28, 2004. There is little more I can add to your problem of why Dr. Jagan inserted the Bill of Rights into the 1961 Constitution. To me, it is no problem. He was largely influenced by the UN Declaration of Human Rights. In my view, and knowing and working with him, this decision just flowed from the way he thought. To me and his colleagues, there was nothing unusual in this decision. As I mentioned previously, I'm sure we discussed it at the Executive Committee and/or parliamentary level. There would be no record of this.

You also have to remember that Dr. Jagan had a great deal of respect for the US Constitution and had read deeply of early American history and was influenced by these. He was a very complex person and the hullabaloo about his communism overshadows who and what he was and how he thought. If you can remove some of the highly dramatised masking and demonising of the real Dr. Jagan, made mostly by evangelists of the Cold War, you come to a person for whom there is absolutely no mystery as to why he introduced a Bill of Rights for the 1961 Constitution.

I hope these remarks will help you.

Yours sincerely

Janet Jagan

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28 November 2004

Dear Mrs Jagan,

Thank you very much for your letter dated 1 November 2004. It was extremely kind of you to respond to my enquiry personally. I am grateful for the information you have provided.

Unfortunately information about the origins of British Guiana's 1961 bill of rights is very limited. Dr Jagan noted in his autobiography, *The West on Trial* (at page 232), that the decision to insert a bill of rights into the 1961 Constitution was taken on his initiative. The Colonial Office files indicate that Governor Sir Patrick Renison supported the proposal for a bill of rights because he thought that it would protect 'against the dangers of communism and racialism'. The British Guiana Attorney General was also in favour of a bill of rights, on the ground that its insertion in the pre-independence constitution would make it less likely that the bill of rights would be repealed after independence. At this time there was a Colonial Office policy to give colonies a bill of rights *only* at independence.

The Colonial Office files also include an interesting minute about a meeting held in the Colonial Office on 16 August 1960 between Dr Jagan and W.F. Dawson and Gordon Smith. This was several months after the 1960 Constitutional Conference at which it had been agreed that a bill of rights would be inserted into the 1961 Constitution. The minute records:

Jagan expressed his great concern that the British Guiana Legislature would not, as he put it, be absolutely 'sovereign' under the new constitution but would, in fact, be 'subordinate' to the judicature; and he wondered why a colonial constitution should create a position different from that in the United Kingdom. With the help of Gordon Smith we explained to him that British Guiana in this matter will be following the path of Nigeria and Malaya and that the basic reason lay in the fact that these countries, unlike the United Kingdom, enjoyed a written constitution wherein, to make the provisions of the 'Bill of Rights' bite, there must be opportunity for

recourse to the Courts by any person believing himself to be aggrieved by any enactment of the legislature he considered to be ultra vires the Constitution. Gordon Smith pointed out that provision for judicial review for the enactments of the Legislature had existed in other Commonwealth countries such as Australia for a long time, and that the written constitution of an independence country normally laid down a special procedure for its amendment so that if the existing constitution was found to fetter the process of the Legislature unreasonably recourse could be had to this procedure and ultimately the will of the people, if sufficiently united, would prevail. Until independence the power to remedy a defect in the new British Constitution would rest with the Queen in Council. After further discussion in which I pointed out to him that the report of the Conference provided in paragraph 23 for the Governor to assent or refuse assent to bills in accordance with the advice of ministers, Jagan said he had arrived at a better understanding of the position. While he appeared tacitly to accept that the new constitution should not be tampered with, he did say that he and his party would consider the provision of arrangements on the USA model after independence. From the way the talk went on, and from what you reported previously, we have the feeling that Jagan has miscalculated the consequences of his original gesture in bringing forward the motion for the adoption of a Bill of Rights. Until independence, the Bill of Rights now represents a Boomerang; not only does it stand between Jagan and whatever measures he might have in mind, for the future, against land holders but, as he forcibly complained to us, it appears to him to perpetuate the position obtaining in 1953 when, as he put it, 'the Constitution was suspended because they thought we were out to destroy the trade unions'.

Unfortunately there are few other sources available in England that directly pertain to Dr Jagan's motivations for proposing a bill of rights. You mention that the issue may have been raised either in Parliament or at the People's Progress Party's Executive Committee. I do not have access to either of these sources; any information contained therein would be extremely useful. Any further reflections you may have would also be greatly appreciated.

Many thanks once again for your letter and I look forward to hearing from you soon.

Yours sincerely,

A handwritten signature in black ink, appearing to be 'C Parkinson', with a long horizontal flourish extending to the right.

Charles Parkinson

Junior Dean  
Trinity College  
Oxford