**Memorandum**

**To**: His Excellency the Acting Governor

**From**: The Hon. Leader of the Opposition

**Subject** Letter to the Editors, dated July 26, 2018

**Date**: July, 27, 2018

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

This is regarding your letter to editors of July 26, 2018, a copy of which the Governor’s Office emailed to me on the same date.

I write to communicate to you a number of concerns raised by your letter and how it was communicated:

1. First, I am disappointed that the letter to the editors seemed to have been copied to the Premier, members of the Cabinet, and Legislators, without the courtesy of prior consultation.
2. On the letter itself, I am unclear as to the author of this letter, as the comments regarding you and your service are stated in the third person, including referring to you in the disrespectful tone as “Franz Manderson.”

I note that it was signed jointly by you and the Chief of Staff of the Governor’s Office. I would have understood your copying the Chief of Staff, but it is entirely inappropriate for a junior officer to be commenting on the roles and continued service of the Acting Governor, who is the ultimate head of all officers in the civil service, including all staff in the Governor’s Office.

In passing, I ask for clarification on the title of the post held by the co-signer. The letter indicated he was “Head of the Governor’s Office”. It was my understanding that the Governor was head of the Governor’s Office.

1. Second, I note that in the opening paragraph the letter proposes “to provide an update” on the “investigation”. However, the letter proceeded to say the opposite—that no update could be given now or in the foreseeable future. Aside from the letter’s attempt to offer a misleading palliative to the public, it has raised grave concern among Caymanians about the protractive nature of the “investigation”, and the public interest is not served by issuing empty statements.
2. Third, I similarly note the comment regarding the FCO’s “robust policies” to protect the confidentiality of staff, “including Mr. Choudhury”. This raises a number of concerns:
3. The logical deduction from these references to staff under FCO policy suggests that the complaints have come from the Governor’s Office, given that the FCO does not have disciplinary jurisdiction over local staff.

That in itself raises as a matter of principle the concern about the exercise of power of junior staff over a governor of the Cayman Islands. In addition, I have heard nothing about an opportunity for both the Governor and those making the allegations to be questioned together. This would have obviously provided for greater assurance of a truthful and fair conclusion to the investigation.

1. Given that the logical deduction is that FCO staff here were the originators of the complaint, it is safe to assume that the “Chief of Staff”, the co-signer of the letter, would naturally be a party to the complaints, if only in terms of facilitating them. I am nevertheless asking for confirmation of whether the Chief of Staff is also the chief complainer, as it cannot possibly be appropriate for a complainant to be party to communication on an investigation that was triggered by him or her. This would be a clear suggestion of bias and would seriously undermine the public’s confidence that the investigation will lead to a trustworthy outcome.
2. I also observe that nowhere in this process or in this letter is there any notion that similar confidentiality is being accorded to the governor, in line with the stated FCO’s “robust” disciplinary policies. Instead, we have heard for six weeks that the Governor is being “investigated”, opening him to all sorts of public speculation and aspersions. A failure to accord confidentiality to anyone at the workplace, much less someone in the sensitive position of governor, is a serious concern.
3. Fourth, the letter speaks volumes in what it did **not** say – you raise the matter of the death of the Governor’s mother as the reason for the delay, but nowhere do you express condolences. In addition, nowhere do you express continued confidence in the absent Governor, at least until the completion of the investigation. The conspicuous absence of these normal courtesies reflects on the prestige and eminence of the Governor’s Office.
4. Fifth, I am mystified as to why six weeks after the FCO’s original forecast of four to six weeks, the FCO should now not find it “possible…to provide a clear assessment of the time it will take to complete” the investigation. At this point the FCO should be in a better position to assess the time needed to complete the process.
5. Sixth, elevating to a status on a par with the governor the person whom we now deduce from your letter to be at least a facilitator if not the chief complainer paints a bleak picture about the fair outcome of the investigation.

If indeed the “Head of the Governor’s Office” is also the chief complainer, the signing of the letter would amount to a one-upmanship over the complainee that would all but concede that the complainer was justified. This would fly in the face of your letter’s assertion that the FCO was committed to an “investigation…that is fair to all”.

1. In the larger picture, this whole spectacle, as underscored in your letter, creates further alienation in UK/Cayman relations and trust.

I take this opportunity to also raise my concern about the widely circulating rumour that former Governor Helen Kilpatrick is being considered as interim governor. I would appreciate confirmation as to whether there is any truth to this rumour.

If this is the case, I would be grateful to be informed of the policy that would provide for a return of a departing governor as interim governor, especially in such rapid succession. It is my understanding that the practice has been that a minimum of three years should expire before a former Governor could return to the country of last posting.

Respectfully yours,

D. Ezzard Miller

cc Hon Premier

 Editors local media

 Lord Ahmad