

A chilling reminder of the rule of law's fragility

Tom Basting, President
State Bar of Wisconsin

November 7, 2007

"The first thing we do," one of Shakespeare's more cunning villains advised his henchmen in *King Henry VI*, "let's kill all the lawyers." Sadly, the conviction that the state of the realm would be improved if only those meddlesome lawyers could be done away with continues to find advocates, most recently in Pakistan, where President Pervez Musharraf has suspended the national constitution, shut down the Supreme Court and arrested thousands of Pakistani lawyers – all in the name of protecting his nation from the threat of terrorism. While few of us in Wisconsin are experts on the fine points of internal Pakistani politics, all of us should share a sense of outrage that the rule of law, overseen by impartial courts, has been cast aside in the name of expediency.

Over two centuries ago, in a time of uncertainty and turmoil, our nation's founders debated and affirmed the merits of a constitutional system that enshrines the rule of law, safeguarded by an independent judiciary, as the ultimate authority. This formula has served us well ever since. So well, in fact, that societies as distant as Pakistan have embraced it, to the betterment of all. Yet the assault on constitutional principles and institutions in Pakistan illustrates the fragility of this heritage.

Think about what is at stake. Courts that impartially apply laws duly enacted by elected representatives of the people are essential to lawful government and a prosperous society. President Musharraf seeks to justify his actions by citing the threat of terrorism. Yet shutting down the institutions that safeguard justice (the very institutions many terrorists seek to destroy) can only hurt, not help, the fight against terrorism.

Like many others across Wisconsin, I watched news broadcasts from Pakistan in disbelief as soldiers clubbed lawyers who had assembled to peacefully protest Musharraf's profound breach of the rule of law. As I write this, I know that thousands of my Pakistani counterparts sit in jails with no courts they can appeal to for justice. Would I have the courage to do what they did – risking arrest, detention, bodily harm and possibly death to defend the rule of law? I hope so. Would you? I hope so.

I will share my sense of outrage over these sad developments in Pakistan with my elected representatives. But even as I do so I know this is an insufficient response. As President of the State Bar of Wisconsin, which represents the aspirations of over 22,000 lawyers, I propose that all of us pledge to keep the rule of law (and the lawyers) alive and well so the beacon of democracy can continue to shine across America and around the world.

#