



Pakistan's Lawyers

by John D. Whitaker

Talk about putting your money where your mouth is. The lawyers of Pakistan were in the front lines this last month physically fighting for the country's constitution. The television news was full of pictures of lawyers and judges being beaten, tear gassed and arrested for protesting the suspension of the constitution in Pakistan by President Pervez Musharraf.

Essentially, President Musharraf was afraid that the Supreme Court was about to issue a decision finding that his attempt to run for the civilian presidency while remaining as the military leader of Pakistan was unconstitutional. In a preemptive strike, he decided to suspend the constitution and order martial law. When seven members of the Supreme Court refused to support this action, he decided to arrest the chief justice and fire some of the other judges, replacing them with judges he could control. The imposition of martial law suspended all private news organizations from reporting on his activities and filled the capital city of Islamabad with soldiers to arrest anyone with the courage to object publicly. Martial law also prohibited any opposition party from mounting a serious challenge to handpicking the court that was deciding the legitimacy of his presidency. His new Supreme Court then quickly dismissed the legal challenges to his continued rule, paving the way for him to remain president for five more years.

President Musharraf claims that the Supreme Court was interfering with his ability to protect the country. He said that he saw himself as the only person who could prevent the country from committing suicide. In declaring martial



law and stacking the Supreme Court, President Musharraf single-handedly destroyed the legitimacy of Pakistan's democracy, and the lawyers of Pakistan were right to take to the streets to challenge him.

A constitution, when honored, operates as a check on official power. If the executive or legislative branch of the government acts in a way that violates the constitution, the Supreme Court has the authority to declare such actions void. This only works when there is an independent judiciary. The framers of the United States

Constitution designed our Supreme Court to be independent of politics so that they would not be making decisions which were influenced by political pressure. When he arrested the Chief Justice of the Supreme Court of Pakistan, President Musharraf sent a pretty strong message to the Supreme Court how he wanted the case against him resolved.

The Wyoming State Bar Association has now planned a rally in Cheyenne to support the lawyers of Pakistan. Bar President Gay Woodhouse sent an email to members of the State Bar in which she indicates, "All citizens should respect the rule of law. It is the foundation of a civilized society ... I am deeply disturbed by the recent events in Pakistan, and lawyers all over Wyoming and all over the country need to take a stand and express support for their colleagues across the globe." I am happy to do that.

Watching the lawyers and judges take to the streets to object to the government ignoring the rule of law in Pakistan was a proud moment for lawyers and judges everywhere. We should encourage and support them because in taking to the streets to defend democracy, they remind us of how fragile our own democracy has become.

The Wyoming State Bar does not certify any lawyer as a specialist or expert. Anyone considering a lawyer should independently investigate the lawyer's credentials and ability, and not rely upon advertisements or self-proclaimed expertise. This informative column is brought to you by John Whitaker who practices personal injury and criminal law throughout Wyoming. He can be reached at jw@wyoinjury.com or by calling his office in Casper at 265-6204.