

DOUGLASS CASSEL
CENTER FOR CIVIL AND HUMAN RIGHTS
301 NOTRE DAME LAW SCHOOL
Notre Dame, Indiana USA 46556
(574) 631-7895
Doug.Cassel@nd.edu

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“Pakistan: Listen to the Lawyers, Not to the Dictator”

Few stranger sights are recorded in the annals of street protests: Front page photos in newspapers last week showed middle-aged lawyers, suited up, ties flapping in the wind, heaving back tear gas canisters at Pakistani police, while hefting placards bearing such revolutionary slogans as: “We want Rule of Law.”

The lawyers were denouncing the declaration by Pakistani President Pervez Musharraf of a state of emergency. General Musharraf suspended the Constitution, dismissed the Supreme Court, shut down independent news stations, postponed elections, and arrested at least 2,500 opposition party activists, lawyers and human rights advocates, some of whom have been beaten or tortured.

One can understand why lawyers might be moved to protest this affront to their professional ethos. All the more, if one recalls that earlier this year they took to the streets to protest the removal of the President of Pakistan’s Supreme Court, and won – the judge was reinstated.

Still, the spectacle of overweight, under-athletic barristers going hand to hand with burly gendarmes was practically without precedent. It moved the American Bar Association, not normally given to physicality of expression, to schedule a protest on the steps of the US Supreme Court.

It also put the Bush Administration in a pickle. The Administration’s war on terror requires at least the appearance of a commitment to democracy. Hence President Bush called Musharraf and asked for early elections, which the General agreed to set for February.

On the other hand, Washington in recent years sees Musharraf as its main bulwark against an extremist Islamic takeover of Pakistan. The stakes are high: not only does Pakistan have a nuclear arsenal, but Osama bin Laden and other Al Qaeda leaders are believed to be hiding in the mountainous tribal areas of Pakistan’s northwest.

So the pressure from Bush came with one hand tied behind his back. Even as Secretary of State Condoleeza Rice called on Musharraf to lift the state of emergency, the Pentagon made no move to cut off the flow of massive U.S. military aid. Musharraf read the mixed messages, and smiled. Scoffing at Rice’s plea, he told the *New York Times*, “I totally disagree with her.”

The General’s defense of his state of emergency is laughable. Initially he justified it as necessary to deal with the extremist Islamic threat. But his real fear – transparent to most Pakistanis – is electoral defeat. He would likely lose to former Prime Minister Benazir Bhutto, recently returned to the country from exile in London. If, that is, Musharraf could even run: the Supreme Court may rule that he is ineligible to run for another term.

In other words, the state of emergency is not about saving Pakistan. It is about saving Musharraf.

More recently he claims that the state of emergency is needed to ensure that the elections “go in an undisturbed manner.” What he really means is that he wants elections undisturbed by any viable opposition. The General has no chance of winning a fair election. But with Ms. Bhutto under house arrest, her party barred from staging demonstrations, the press muzzled and the courts closed, he might just win a squeaker.

Bush is not the first occupant of the White House to face the dilemma of what to do about a dictatorial but strategically important ally. President Franklin Delano Roosevelt famously said of the Nicaraguan dictator Anastasio Somoza, “He may be an S.O.B., but he’s our S.O.B.”

But one can stick by an S.O.B. too long. Despite his professed commitment to human rights, President Jimmy Carter clung to Somoza’s son -- for fear of a communist takeover – until the younger tyrant lost his grip on Nicaragua in 1979. When Carter tried at the 11th hour to propose a democratic alternative, it was too late.

President Reagan, in contrast, was warned in 1985 that President Ferdinand Marcos of the Philippines had become a net liability. Reagan cut him loose in favor of a democratic uprising.

So what should Bush do now? In a *Washington Post* op-ed, three distinguished former US diplomats, including former Under Secretary of State Thomas Pickering, argue that Bush should follow Reagan’s example and make clear to Musharraf that unless he lifts the state of emergency, US military aid to Pakistan is in jeopardy.

Since the state of emergency is the only way the General can stay in power much longer, this would amount to jettisoning Musharraf, just as Reagan jettisoned Marcos.

What then? An extremist Islamic takeover? Not so, say Pickering and his co-authors: recent independent polls predict that moderate politicians would win the lion’s share of the votes.

Little is certain, and much is at stake. But the longer Washington is seen to stand by the sinking dictator, the greater the risk of discrediting pro-Western politicians like Ms. Bhutto in the eyes of Pakistani voters. Further delay could boost the extremist vote in any future election.

So, Mr. President, stand by the Pakistani lawyers and their call for the rule of law. Cut loose the dictator.

Doug Cassel’s commentaries are generally broadcast Wednesdays during the noon hour of the Worldview program on Chicago Public Radio, 91.5 FM, and rebroadcast at 9 PM in the evening. Views expressed are personal views of the author and not necessarily those of Notre Dame Law School, the Center for Civil and Human Rights or Chicago Public Radio.