

## The loss of a legend

*Galileo, you will be missed*

IN the early hours of yesterday, we lost Aly Zaker, an extraordinary actor, valiant freedom fighter, progressive cultural activist, successful businessman, long time columnist of *The Daily Star* and an icon of Bangladeshi arts and entertainment. After battling cancer for the last four years, the thespian was admitted to the hospital on November 17 for cardiac issues, where he was also being treated for Covid-19 at the time of his demise. We mourn the death of the maestro whose loss will be felt not just by his family and friends but by the nation at large, though he will no doubt live on in people's memories and the vast and diverse body of work he leaves behind.

Aly Zaker mesmerised audiences for almost five decades with numerous memorable performances, from Nuruldin to Galileo, from Dr Asgor to Farid mama, and his remarkable skills, magnetic presence and boundless charisma lit up not just the stage but the small screen and silver screen as well. His troupe, Nagorik Natya Shampraday, was an integral part of developing Bangladesh theatre post-Liberation and brought in a whole new generation of actors on to the stage. He believed in the power of theatre as a tool to challenge oppression and bigotry, and many of the memorable plays he acted in and directed highlighted important social and political issues of the times. For his contribution to Bangladesh theatre, he was awarded with the state award of Ekushey Padak in 1999.

His unflinching belief in a brighter future for Bangladesh was reflected in his insightful columns for this newspaper, many of which focused on how to build the nation through innovative thinking, especially among the youth. While deeply submerged in the world of literature and theatre in which he was regarded a mentor and an icon, he was also very much in touch with contemporary thinking regarding the development of the country. He was a true Renaissance man—not only did he excel at everything he did but he did them with the utmost conviction.

As a freedom fighter and founding trustee of the Liberation War Museum, he also played a really important role in preserving Liberation War history. He always said with great pride that he was honoured to be a part of a fully people-funded museum which upheld the pro-people values of 1971. He believed in a secular, liberal Bangladesh and he was at the forefront of cultural movements that promoted tolerance, equality and democracy. We can only hope that his legacy will guide us towards a future that is every bit as egalitarian and secular as he had dreamt of.

## Blatant disregard for workers' safety

*When will workers' lives matter?*

A photo published in this paper on November 26 of two men working on a high-rise building without any safety gear or protective measures depicts the vulnerability, precarity and disposability of our construction workers. Only last month, three construction workers met their demise falling from a 10-storey under-construction building in the capital. On November 2, a construction worker died after falling from the sixth floor of an eight-storey under-construction building. But no one—not the errant employers, contractors, building owners nor the relevant government agencies—are ever held to account for these unwarranted and unacceptable deaths.

Despite the construction sector playing a major role in our economic development, we are still lagging behind miserably in creating safe workplaces for our construction workers. Many a time, we have brought the issue of safety of construction workers to the attention of the authorities concerned, but to no avail, and there continues to be a lack of significant measures to ensure the occupational safety and compensation for workplace injuries, namely in the construction sector. According to Bangladesh Institute of Labour Studies (BILS), at least 131 construction workers died in 2019.

The construction workers—one of the worst hit by the pandemic, as they hardly get any government aid or other assistance—precariously toil on sites, risking their lives to make ends meet on a daily basis. We simply cannot turn a blind eye to their rights and well-being. The Labour Act, unfortunately, covers only the formal sector and the construction sector, still being an informal one, does not get the necessary attention that has long been due. We need to address their hazardous situation with due diligence and leave no stones unturned to end our apathy towards the safety of construction workers. We urge the authorities to take note of the shortcomings that are putting people's lives at risk, and to address them immediately as there can be no substitute to ensuring the safety of workers first.

## LETTERS TO THE EDITOR

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### Air pollution on the rise

Without effective measures in place, our country's air is becoming poisonous day by day. When the quality of the air becomes poor, the chances of suffering from respiratory diseases and infections are significantly higher. Even more so during the ongoing pandemic, when people are more prone to such sufferings.

Brick kilns, exhaust fumes from vehicles and dust from construction sites are some of the main causes behind the deterioration of the quality of air that we breathe. I urge the concerned authorities to look into the matter with urgency. We have lost many to the pandemic already. We simply cannot afford to continue losing more because of reasons that can be brought under control if we remain diligent.

Sadia Afrin, Chattogram



BLOWIN' IN THE WIND

ON a day like this, 33 years ago, I became a man. To be precise, on November 28, 1987 at 12:10 pm in the emergency ward of Dhaka Medical College Hospital (DMCH), I became a man. On that day, I changed my phrasal verb status from "growing old" to "growing up". Just ten minutes before that the Indian opening batsman Dilip Vengsarkar had hit a century in a test match against Pakistan, receiving a standing ovation from the TV audience full of doctors at the DMCH canteen. Ten hours earlier, I was memorising the question bank for the forthcoming medical college test, while my mother was attending to my father's pain. He was on the fourth stage of his cancer, undergoing chemotherapy. Three more bottles to go, as prescribed by his doctors from Nanavati Hospital in Mumbai. The doctors in India had tried to arrest the tumour of "half the size of a cricket ball" that grew in his pancreas with radiotherapy, and told us to mentally prepare for the eventuality with a predicted life inning of seven to eight years. I wanted to make my father proud by joining a profession that would save the lives of many others. He himself had been ill-fortunate to suffer not only from the malignant growth in his personal body but also from the dangerous growth in our social body that lacks empathy.

Just two weeks earlier, on November 10, 1987, one of the most known pro-democracy martyrs Noor Hossain was shot dead at a place near DMCH. There was a nationwide curfew to arrest the spread of political violence. While Bangladesh was battling against a cancerous dictator, my father was engaged in his personal battle. The doctor in Mumbai was surprised that his counterpart in Dhaka did not remove the tumour when he had the chance to do so while operating on my father for his gallbladder stones. A very renowned surgeon of Bangladesh saw the tumour, touched it with his knife expediting its spread—but did not remove it as it was not part of his "treatment package". During a post-operative session, while handing us a bundle of black stones wrapped in surgical gauze, the surgeon suggested that

## EDITORIAL

# On being 'silly'

we should take him to India for further check-up if we could afford it.

And the doctors at Nanavati screamed, "Is he a real doctor or what? How can you open a body, touch a tumour and not remove it? He has simply limited our option." First ray, then chemicals. So, on that fatal morning, following a series of other complications over the next six months, my father had his intestinal obstruction. My mother woke me up early in the morning stating his discomfort. I went to the oncologist's house through

There was no monitor or anything—just the stethoscopes of some intern doctors hovering around "a man" who would soon become "a body" with no BP. I did not cry. I kept on staring at the man who said, why did you bring such a silly case? Meanwhile, there was a guy whispering in my ears, "please buy the shroud and coffin from me. I will give you discounts."

To cut a long story short, I did not become a doctor. That was the last day I stopped learning the names of the chemical components of human cells or



ILLUSTRATION: LUKE BEST

the alleys amid curfew; he told me to take my father to DMCH for an enema. And my younger brother, who was 15 at that time, ran to the Rajarbagh barrack, with police guns being pointed at him during a shoot-to-kill curfew, to get an ambulance. And when we took my father to the DMCH, the intern doctors chided us saying, "Do you really need to bring a silly enema patient during this emergency?" Then the only senior doctor started getting busy demonstrating the CT scan plates of my father to the juniors which was an unknown technology in Bangladesh in 1987.

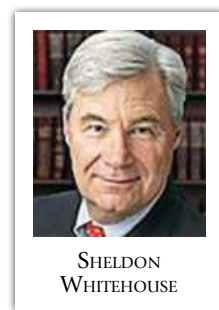
After a while my uncle took me to the canteen, while the ward boys started preparing him for the enema. The doctors in their white aprons celebrating sports in such close proximity to death made me aware of the greatest paradox of life, and of death too. By the time we returned to the ward, it occurred to me that my father was in the process of breathing his last.

labelling the parts of human bodies. You can call me a quitter. But on that day, I realised how helpless the doctors were in the grand scheme of things. I also realised how inhuman the system could be. For most of us, we find comfort in raising our hands to the divine almighty thinking that the soul has passed on to a better place. The suffering body has come to an end. We pray for the soul's journey to the next level to shift focus to an earthly journey involving the others who depended on the man who had just died.

I am sorry to bore you with personal details of something "silly" that had happened so long ago. Every day, my Facebook newsfeed is being flooded with such "silly" death news of people or relatives of the people I know or don't know. There is a viral hearse, an endless procession of funeral news during this pandemic. Some touch us like feathers, some hit us like stones. Losing a loved one is never easy. Trying to comfort someone

## PROJECT SYNDICATE

# America's captured courts



SHELDON WHITEHOUSE

Leader Mitch McConnell will do nothing but confirm outgoing President Donald Trump's appointees to the federal judiciary. It's strange behaviour.

The explanation is a special-interest lobby operating largely out of public view—a political creature that has stalked America's judiciary for generations and is determined to capture as much control as it can, while it can.

In fairness, McConnell is not the only one acting strangely. In the fall of 2016, Republicans invented the convenient "principle" that the Senate shouldn't confirm Supreme Court nominees in an election year, and blocked President Barack Obama's nominee, the well-respected Merrick Garland. Senator Lindsey Graham was unequivocal about the precedent: "If an opening comes in the last year of President Trump's term, and the primary process has started, we'll wait till the next election."

"Hold the tape," Graham added. Fast-forward to Justice Ruth Bader Ginsburg's death in September—a mere six weeks before the election—and Republicans ignored the tape. Within 80 minutes of the announcement of Ginsburg's passing, McConnell signaled that the Senate would ram a Trump nominee through the confirmation process and onto the Court. Republicans quickly fell into line. Some members even declared their total support for the nominee before a nominee had been named.

From there, Republicans cast aside one norm after another in the mad rush for the open seat. They ignored Ginsburg's wish that the president elected in November pick her replacement. They violated the normal process and timeframe for confirming a Supreme Court nominee, compressing months of consideration into a few weeks. They ignored a raging pandemic and positive Covid-19 tests among their own members (the result of a White House super-spreader celebration for the nominee). And, of course, they hypocritically reversed their own "Garland principle," holding the Barrett confirmation hearings even as early voting in the presidential election was underway.

The force behind these blown norms and bare hypocrisy can be difficult to

spot. But if you find hypocrisy in the daylight, look for power in the shadows.

Decades ago, a wealthy group of corporate interests and right-wing ideologues hatched a plan to influence US courts in systematic fashion. They recognised that the unpopular policies they sought—reducing voters' access to the polls, flooding elections with unlimited corporate money, and unwinding vital environmental protections—faced steady headwinds in the elected branches of government. But courts, stocked with amenable judges and presented with the right cases, could reliably deliver political wins without answering to the voting public.

At the instruction of soon-to-be Supreme Court Justice Lewis Powell, the group set about building an influence machine to pack and manipulate the courts. This work culminated when Leonard Leo, an entrepreneur of conservative politics, constructed a pipeline for judicial nominees through the Federalist Society, the organisation Trump "in-sourced" to the White House to handle his judicial selections.

The group operating the Federalist

platform to deliver to the judges the donors' programme—all while keeping their role concealed. In fact, corporate interests have run a covert operation against their own country.

Dark money is the lifeblood of this sprawling scheme. Enormous quantities of anonymous funding mask the special interests behind the court capture machinery and obscure the coordination that sustains it. According to the *Washington Post*, Leo's network of front groups accounts for at least USD 250 million.

Consider the Judicial Crisis Network, which coordinates public-relations efforts and runs campaign ads for right-wing judicial nominees. It received anonymous donations of USD 17 million in the fight over Justice Antonin Scalia's Supreme Court seat; USD 17 million for Brett Kavanaugh's troubled nomination to the Supreme Court; and USD 15 million to help confirm Amy Coney Barrett as Ginsburg's successor. If it was the same donor, then one person spent nearly USD 50 million to influence the makeup of the US Supreme Court. And we have no idea who that person is, much less what



PHOTO: AP/JON ELSWICK

Society pipeline also orchestrated political-style campaigns to ease nominees' confirmation, including attack ads against senators who might stand in their way. It backed organisations that troll for plaintiffs of convenience to bring forward cases that advance the big donors' agenda. And it propped up flotillas of supposedly independent nonprofit groups to lobby the courts as amici curiae ("friends of the Court"), filing legal briefs to signal judges on how to rule.

This gave a small group of anonymous donors effective control over Republican judicial appointments, and a lobbying

business he or she may have before the Court.

Then there are the flotillas of coordinated amicus filers. The right-wing influence machine channels funds through identity-laundering organisations, such as DonorsTrust and Donors Capital Fund, to groups which then submit a hail of briefs supporting the donors' preferred outcome. We saw this in the Consumer Financial Protection Bureau case this year: a watchdog group found that a handful of identity-laundering organisations had funneled more than USD 68 million to fund 11 amicus briefs, which naturally all argued for weakening the CFPB, a

who has lost her or his loved one is even worse. Trying to make sense of death is probably the worst of the lot, especially in a country like ours where death is silly, seeking medical services is sillier, and falling ill is the silliest!

Imagine a father going to the Supreme Court with an ambulance carrying his twin newborns because three city hospitals refused to admit them for treatment. On November 2, the wife of court staff Md Abul Kalam Azad's wife Saira Khatun gave birth to two babies in a CNG-run auto-rickshaw on her way to Islami Bank Hospital in Mugda. The hospital authorities informed the couple to take the babies to Dhaka Shishu Hospital. They got an ambulance and went to Dhaka Shishu Hospital only to learn that the ICU was occupied and that the newborns would have to be admitted for normal beds costing Tk 5,000 per child per day. A lawyer from his office advised him to meet the director of Bangabandhu Sheikh Mujib Medical University Hospital with his reference. The director, however, was busy attending a meeting and later went home, forgetting to attend to Azad's children waiting in the ambulance. By the time a doctor inspected the newborns inside the ambulance, the children were dead. The news of an aggrieved father showing up on the court premise with his two dead children appeared on the TV scroll bar like a snake crawling under the news of the world. I would have cried had it been Priam holding the body of Hector in an episode of a Greek epic. The snaky news can be easily ignored.

There is bliss in ignorance. Not knowing, not feeling the pain of the others, can be blissful. Such bliss is for hypocrites like me who did not take up the challenge of knowing the medical mystery and trying to heal the world; instead, finding comfort in hurling criticism every now and then. The 'Dr' prefix I have before my name makes the irony even more acute. Then again there are the others, the real 'Drs.', who took the oath of Hippocrates stating that they will abstain from all intentional wrong-doing and harm. How can a doctor intentionally endanger the life of a patient sending him on a wild hospital search without giving primary attention?

Silly! Life is silly. Death is sillier. Our existence is the silliest.

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nettlesome adversary of corporate special interests.

The result of this scheme is a disturbing record of decisions favouring an array of special interests. Over the course of Chief Justice John Roberts's tenure, the Court has delivered 80 partisan 5-4 decisions that benefit identifiable Republican donor interests. Some of the more flagrant and damaging decisions—like the infamous 2010 *Citizens United* ruling that paved the way for unlimited dark money spending in elections—drew public ire. But most have gone unnoticed, as when the Court quietly undermined Americans' access to civil juries or weakened the independence of regulatory agencies.

Left unchecked, the list of partisan victories at the Supreme Court would grow, possibly even faster with the Court's new 6-3 Republican-appointed majority.

One measure to counter this clandestine, corrupting machinery is sunlight. Exposing its workings and funding will lead to informed public scrutiny and overdue introspection within the US judiciary. The public will be able to demand change, and the courts will be able to safeguard themselves from future special interest intrusion.

Of course, those financing the court capture operation will spare few resources to defend it. But the more light we can shine on their creature, the less able it will be to operate in the shadows.

Sheldon Whitehouse is a member of the US Senate from Rhode Island.  
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