

LETTER FROM AMERICA

Republicans encounter the turbulence of Donald Trump

FAKHRUDDIN AHMED

JUST as the von Trapp family expressed their exasperation attempting to tame the free spirited Maria through a memorable song in *The Sound of Music*, the Republican Party is confronting the same dilemma with the irrepressible Donald Trump. (Subbing Trump for Maria, the lyrics of the song go: "How do you solve a problem like Trump? How do you catch a cloud and pin it down?")

Wharton graduate, billionaire real estate mogul, and the host of reality television show *The Apprentice*, Republican presidential candidate Donald Trump has gone on an insulting spree lately. He labeled illegal Mexican immigrants to the US as drug dealers, criminals and rapists, demanded that Mexico pay the US \$100,000 for every illegal Mexican immigrant, and finance the building of a wall along the Mexican-US border.

As the other 15 Republican presidential candidates blushed and ran for cover, Trump's message resonated perfectly with the Republican base, and catapulted Trump to the top of the Republican presidential preference polls. (The Republican base consists of deeply conservative, elderly Christian white males who live mostly in the South.)

circulating that Brigitte McCain, Senator McCain's Bangladesh-born adopted daughter, was actually the Senator's love child with a black prostitute!

When establishment candidate Mitt Romney's nomination was threatened by former Speaker of the House, Newt Gingrich in 2012, Republican newspapers began reporting how disrespectful Gingrich was to the Republican icon, President Ronald Reagan. Jeb Bush, former Florida Governor and the younger brother of President George W. Bush, is the GOP's establishment candidate for 2016.

Donald Trump is the Republican establishment's nightmare nominee, because he is considered more of an entertainer than a serious candidate, who is yet to enunciate serious policy positions, and who lacks presidential timber. In a national election, it is generally believed that the controversial Trump would be trumped by any Democratic nominee, let alone Hillary Clinton.



Donald Trump

PHOTO: AFP

However, turning the cannon on a loose cannon like Donald Trump will not be easy. Although rich, both McCain and Romney were dependent on outsiders to finance their campaigns. Trump is not. As he is quick to remind anyone who would listen, he is worth \$10 billion. Already he has threatened the Republican establishment that unless he is treated nicely, he will not rule out running as a third party candidate – the Republicans' ultimate catastrophic scenario!

Conventional wisdom has bought into the Republican narrative that the reason sitting Republican president George H. W. Bush lost to Democrat Bill Clinton in 1992 was the third party candidacy of Texan business tycoon Ross Perot, who garnered 19 percent of the vote. Republicans are afraid that just as a Clinton (Bill) had defeated a Bush (George H.W.) because of a third party candidate (Ross Perot) in 1992, another

Clinton (Hillary) may trounce another Bush (Jeb) because of another third party candidate (Donald Trump) in 2016!

The Republican narrative for their 1992 defeat is flawed. Bill Clinton led President George H. W. Bush wire to wire. For the couple of months that Ross Perot quit the presidential race in the summer of 1992, Clinton actually increased his lead over President Bush. Ross Perot never ran as a Republican; from the get go, he ran as an Independent. Perot was conservative on some issues, and liberal on others. Election day exit polls revealed that had Perot not run, his supporters would have split evenly – 38 percent each – for Bush and Clinton (the other 24 percent would have stayed home). Therefore, Perot or no Perot, Bill Clinton would have defeated George H. W. Bush in 1992. (Final popular votes from 1992 presidential election are: Clinton: 43 percent; Bush: 37.5 percent; Perot: 18.9 percent.)

Although just like Ronald Reagan,

Donald Trump, too, was a Democrat in the past, currently he is a conservative Republican. He is a top "birther" (one who insists that Barack Obama was not born in the US; thus his presidency is illegitimate) and ferociously anti-immigrant – issues wildly popular among the Republican base.

Like Ross Perot, Donald Trump can easily finance his third party candidacy. Unlike Perot, Trump has a huge loyal following among the Republican base. Were Donald Trump to mount a third party candidacy, it is unlikely that most of his fans in the Republican base would desert him – possibly handing the Democrats their third consecutive presidential victory. Clearly, in the confrontation between Donald Trump and the Republican establishment, Donald Trump, excuse the pun, holds the trump card!

The writer is a Rhodes Scholar.

The limitations of ICT and Cyber Security Acts

MEER AHSAN HABIB

THE Cyber Security Act is now open for virtual consultation on the ICT ministry's website. Little was known about this development until the law minister, at a seminar, revealed that the government was working on a befitting cyber security law. However, the ICT ministry neither transmitted any information about its availability nor invited any expert opinions. The move seemed to be an off-putting one to many, as they considered it a measure to further curb freedom of expression, especially on different social media platforms.

The present government has amended or enacted a few laws and policies on ICT. These are the Bangladesh Information Security Policy Guideline 2013, the much debated National Broadcasting Policy 2014 and the Information and Communication Technology (Amendment) Act 2013. The first ICT Act, enacted in 2006, awarded a maximum of 10 years imprisonment and fine of BDT 1 crore for crimes (Section 56 and 57) like hacking and displaying false and vulgar information online. It also gave ample power to the law enforcing agency to confiscate (Section 77-2) any related hardware including but not limited to computers, discs, network equipment etc, though it limits their authority to confiscate (Section 77-4) any such government property. Experts feared that this was done to provide indemnity to government agencies and individuals involved in internet, communication and computer network surveillance.

Interestingly, during the last couple of months, a few tele-conversations mainly of politicians surfaced. Though its sources are still unclear, it is an undeniable fact that without a well-equipped surveillance system such conversations cannot be tracked. Needless to mention, any such surveillance is a clear violation of the ICT Act. The Act also provides indemnity (Section 86) to public servants involved while implementing this Act, as any action against them will be punishable under this Act.

Section 18 and 18-1 of this Act regarding the appointment of controller, deputy controller and assistant controllers were amended in 2009. Maximum prison sentence was increased to 14 years from existing 10 years, after the Act was amended in 2013. Besides, offences under Section 54, 56, 57 and 61 were made cognisable and non-bailable.

Abundant scope of misuse by law enforcing agencies was also created after Section 80 was amended, as it empowered them to arrest anyone, anywhere without any warrant. Despite strong criticism from stakeholders, the government moved forward with these amendments in the name of ensuring transparency and accountability in the ICT sector.

Then came the National Broadcasting Policy 2014. The various clauses of the law (for example, 3.2.1, 3.2.2) either contains 'broadcasting don'ts', which are against constitutional rights of freedom of expression. This, too, faced backlash from the media, civil society and individuals as it appeared to be yet another regulating tool curbing the independence of broadcasting media in the

country. They advocated forming an independent commission which would work on the policy. In the face of strong criticism, the information ministry tried to calm down the situation by tabling the idea of the National Broadcasting Commission within the next six months that would work on a media friendly broadcasting policy. Looks like the government backtracked from its stance, as we are yet to see any visible step toward forming the commission.

The latest of this kind is the Cyber Security Act, which has no qualitative difference apart from further extending the definitions of cyber crimes, awarding more power to law enforcing agencies and extending imprisonment. Imprisonment for crimes done under Section 13 has been extended to the maximum sentence of 20 years in prison from 14 years. Crimes done under Sections 9, 10, 11, 12, 13, 14, 15 and 16 are now cognisable and non-bailable. Furthermore, the proposed Act has awarded law enforcing agencies to search any place, even arrest anyone if s/he believes a crime has been committed or planned.

According to available newspaper reports, in the last three years, 136 cases have been filed under the ICT Act. Verdicts of only 47 such cases were given. Many such cases have been filed under the ICT Act by law enforcing agencies or by party loyalists for defaming the prime minister or her family members. This scenario unveils two different dimensions - a) the misuse of the Act for undue favour and b) a possible gridlock in cyber crime related cases.

Recently, the Anti-Corruption Commission's website was hacked and the authority is yet to track down the wrongdoers involved. Till date, no one has been brought to book for hacking government websites. Under these circumstances, the draft Cyber Security Act stands defenceless. Do the Law and ICT ministries have any shield to defend their move? If yes, both should immediately table it for discussion, if not they should backtrack immediately and amend the ICT Act, as demanded by stakeholders, to guarantee freedom of expression.

In March this year, the Indian Supreme Court scrapped Section 66A of the Information Technology Act that empowered police to arrest people for Facebook and Twitter comments. The Supreme Court observed that it curbed people's right to express freely and it was in direct conflict with democratic values of India. "Section 66A is unconstitutional and we have no hesitation in striking it down. The public's right to know is directly affected by Section 66A," said Justice R F Nariman in court. Immediately after the verdict, #Sec66A started trending on social media. Let us wait a bit to see what happens in Bangladesh – the Honourable High Court in July 26, 2010 directed the then Ministry of Information Communication Technology, among others, to show cause as to why Sections 46 and 57 of the ICT Act 2006, allowing for the blocking of websites and electronic communications, and providing for prosecution of certain offences, should not be held to be ultra vires (beyond the authority) of the constitution.

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CROSSWORD BY THOMAS JOSEPH

- ACROSS
- 1 Traditional dog name
- 5 Legislative holdup
- 11 Manual reader
- 12 Longtime Hawaiian senator
- 13 Hari
- 14 Pulled in
- 15 Canines
- 17 Gear tooth
- 18 Crossed the creek
- 22 The Jetsons' dog
- 24 Last letter
- 25 King of France
- 26 Way off
- 27 Roof feature
- 30 Fragrance
- 32 Wasn't thrifty
- 33 Compass drawing
- 34 Drains
- 38 Local resident
- 41 Water bearer
- 42 "Scandal" role
- 43 Tied up
- 44 Conical abodes
- 45 Future flower

DOWN

- 1 Be enraged
- 2 "By Jove!"
- 3 Poirot, for one
- 4 Stump figure

- 5 Script bit
- 6 Boxing combo
- 7 New York nickname
- 8 Project
- 9 Supporter's vote
- 10 Dr's field
- 16 Sense of self
- 19 Flawed
- 20 Actor Richard
- 21 Move quickly
- 22 Warring god
- 23 Shower need
- 28 Salad green
- 29 Wonder of music
- 30 Pitcher Maglie
- 31 Fancy flapjacks
- 35 Baby food choice
- 36 Fencing sword
- 37 Transmit
- 38 Negating word
- 39 Brewed drink
- 40 Pointer

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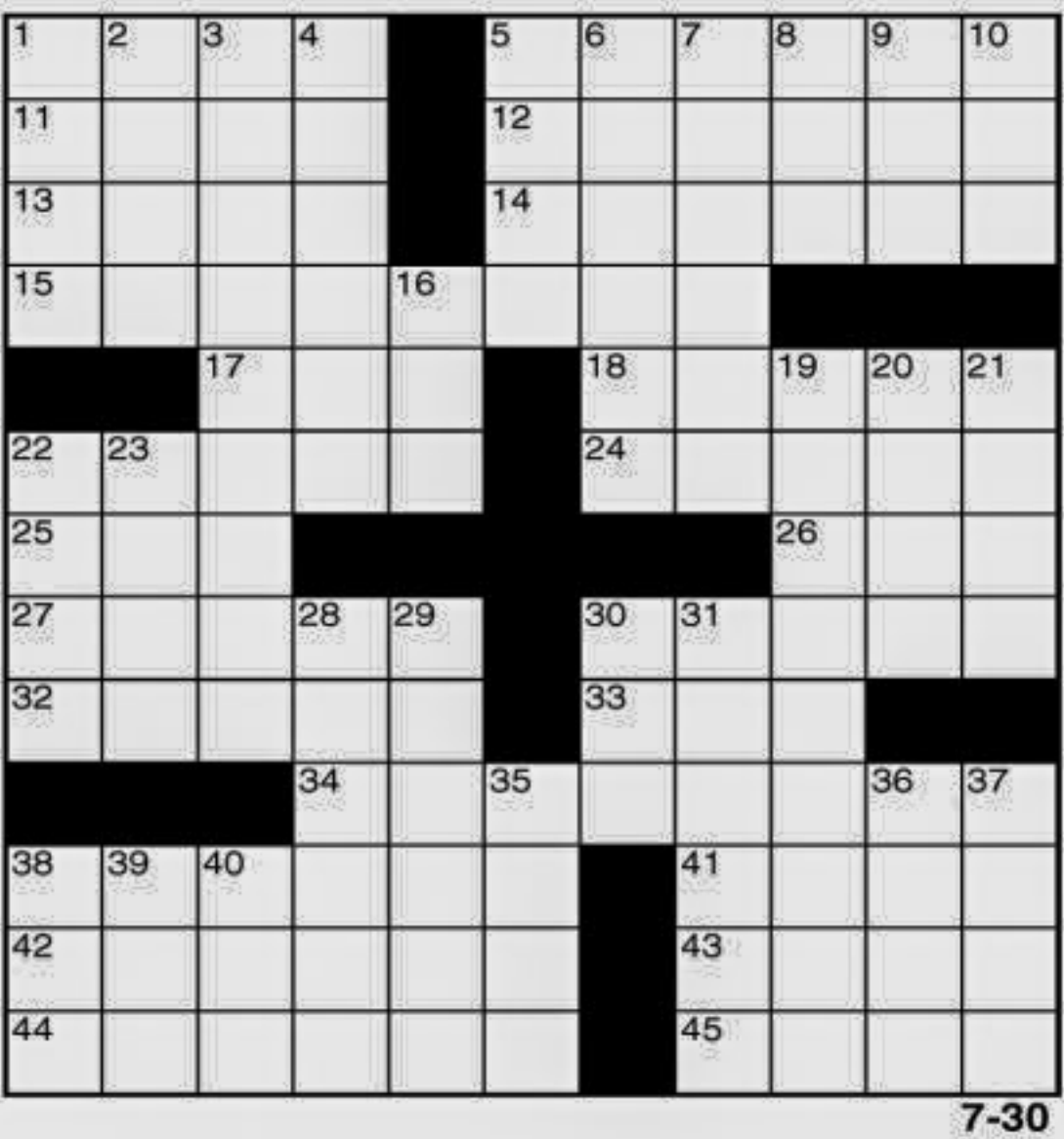
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7-30

YESTERDAY'S ANSWER

K	A	T	O		C	A	R	A	T	S
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