

PRESS RELEASE

The Council of the Law Association of Trinidad and Tobago had hitherto refrained from commenting on the issues surrounding the selection and ultimate resignation of the recently appointed Integrity Commission. The extremely fast pace of developments that led to the resignation of the final member did not, till now, allow in dept analysis and opinion.

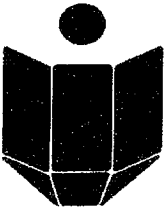
Moreover, the Council thought it necessary to await any statement that His Excellency the President may have wished to make on the matter in light of the intense public criticism directed at him, and the reported statements by persons concerned.

Having had the benefit of His Excellency's statement on the matter, the Council now states its views on the many issues that have arisen:

1. The appointment of members of the Integrity Commission is not, contrary to what has been reportedly stated by His Excellency, a prerogative act. Those appointments are made pursuant to an Act of Parliament - The integrity in Public Life Act. The notion of such a process carrying with it the "residue of the former prerogative" as suggested by His Excellency, is with the greatest respect, plainly wrong in law.
2. The Council is quite concerned that the highest office-holder under our Constitution has demonstrated in its view a fundamental misunderstanding of his constitutional role by asserting that such prerogative is "the foundation of the office". The Council will be remiss in its statutory duty to the public if it does not criticize, in the strongest way, that statement. Under our Republican Constitution the President must act only in accordance with the Constitution. The prerogative, or such vestiges that may have been left, have absolutely no bearing on the exercise of express constitutional functions. The Constitution is the Supreme Law.
3. His Excellency can, with respect, find no shelter in invoking the prerogative. In a modern, written Constitution such as ours, the Divine Right of Kings has absolutely no place.

Law Association of Trinidad and Tobago

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3rd Floor,
Henry Hudson Phillips Bldg.
33 St. Vincent Street
P.O. Box 534,
Port-of-Spain,
Trinidad, West Indies.

Tel/Fax:
1-868-625-9350
1-868-623-2478
E-mail:
lawassociationtt@gmail.com
Website:
www.lawassociationtt.com

President - Martin G. Daly S.C. • **Vice President** - Hendrickson R. M. Seunath S.C.
Treasurer - Kemrajh Harrikissoon • **Honorary Secretary** - Patricia Dindyal

4. The rule of law is one of the pillars of our Constitution, which every President swears to uphold. Access to justice is an important aspect of the rule of law. The Council finds it extremely distasteful that His Excellency reportedly sought to criticize the sending of Pre-action protocol letters directed at his office. While the Council expresses no view as to the merits of any threatened court actions in this regard, it is of the view that the office of President, despite its express constitutional safeguards, is not beyond criticism. In our modern democracy, it is every citizen's right to access the judicial system and to make out a case. No one should be criticized for attempting to do this. The Presidency is not a "sacred cow".
5. The Council is also disappointed by the fact that at least one selection for appointment was made in clear breach of the Integrity in Public Life Act. It is of the respectful view that the onus is on the President, who is solely responsible for making such appointments, to check on the legal eligibility of prospective appointees. Numerous appointments have been made in the past by His Excellency and his predecessors in office and the Council notes that this is the first time that an office-holder has expressed concerns about the lack of "investigatory facilities". That is, respectfully, no excuse. A cursory glance at the Integrity in Public Life Act will inform any layman as to the requirements to be observed. Even if His Excellency did not see the need to have the Trinidad and Tobago Gazette checked (all appointments to Boards are published therein), the Council feels that it would have been his duty to ask the prospective appointee the appropriate questions.
6. Moreover, to suggest, as His Excellency has, that nominees must be "more exacting in their self-assessment" or that those he must consult with should be "more forthcoming", is to unfairly shift the ultimate burden of his office unto others.
7. The Council is also disturbed by the reports that despite one nominee's admission of plagiarism to His Excellency, that person was still chosen, and indeed appointed as Chairman of the Integrity Commission. The Council notes that His Excellency's reported statement deliberately fails to address what in its view is, if reports are true, a serious lack of judgment.

8. Likewise, the reported issues surrounding retired Mr. Justice Zainool Hosein's appointment have not been demurred or even touched upon in His Excellency's reported statement. Again, if what has been reported is true, the Council regards it as fair to say that such conduct does not in any way inspire confidence in the office-holder, and in its view has brought the Office of President into disrepute.
9. The Council does not expect His Excellency to be intimately familiar with Canon Law. However, as Head of State and the responsible functionary, it is he who must stand accountable for making the choice that was found subsequently to be unsuitable because of the Church's requirements. To seek to deflect ultimate responsibility on his nominees by describing their having been undone by circumstances of "their own making" is, in the Council's respectful view, unbecoming of the holder of such high office. His Excellency cannot be said to have unreservedly accepted responsibility after having made such a statement.
10. The Council views His Excellency's statement in the main as deficient and unsatisfactory. Council is of the respectful opinion that His Excellency's recourse to the saying: "to err is human" is to trivialize a rather serious situation. The cumulative comedy of errors has resulted in the resignation of all appointees, and to date Trinidad and Tobago still awaits an Integrity Commission.
11. Lastly, the Council merely wishes to express its dismay that His Excellency, if what has been reported is true, chose to proceed on vacation overseas and not to return home, despite the sequence of resignations of his appointees.

The Office of President is given the power to perform certain acts in the deliberate judgment of the office-holder. Those functions include the declaration of a State of Emergency and the appointment of a Prime Minister. It is therefore critical that such functions are carried out with proper judgment and a robust sense of personal responsibility.

The Council is disappointed that this situation has, by all accounts, brought the Office of President into disrepute and has

seriously undermined public confidence in this key element of our constitutional structure.

In the circumstances, the Council, after much deliberation and with great regret, deems it necessary to endorse and join in the many public calls that have been made for His Excellency, Professor George Maxwell Richards to resign forthwith as President of the Republic.

Yours faithfully,



Patricia Dindyal
Honorary Secretary

May 22, 2009