

The radical liberal roots of the Constituent Assembly

The Constitution which is about to be replaced in Colombia was written in 1886 by the great Colombian patriot and statesman, Rafael Núñez. At that time, the Núñez's Constitution had succeeded in putting an end to the horrors of more than 70 civil wars that took place between the 1850s and 1886, when the radical liberals of the last century imposed a series of constitutions (1853, 1858, and 1863), each of which outdid its predecessor in its espousal of philosophical and economic liberalism.

The common thread of all of these radical constitutions was juridical positivism, to the detriment of natural law—precisely the same destructive approach being taken today. They all sought to premise constitutional law on the fashions and whims of the moment, as if these could serve as the solid pillars of society. The intent was, of course, in vain, since the only thing these liberal reforms achieved was the intensification of war and the generalized impoverishment of the population.

The program of the radical liberals of the last century, many of whom were Masons (such as Ezequiel Rojas, Santiago Pérez, Manuel Murillo Toro, Aquileo Parra, José María Rojas Garrido) is nearly identical to that of their contemporary successors Alfonso López Michelsen, Carlos Restrepo Piedrahita, Jaime Castro, Ernesto Samp-

er Pizano, and César Gaviria, and can be summed up as follows:

Free market economics. With the reforms of radical liberals in the nineteenth century, Colombia's economy underwent a "free trade opening" of such magnitude that the incipient manufacturing industry disappeared completely, through unfair competition with all kinds of foreign goods which flooded the country when import tariffs were eliminated. There were internal tariffs between the different states, making it easier to bring potatoes to Bogotá from New York, transporting them by steamship up the Magdalena River, than it was to bring them into the capital from the south of the country. Instead of modernizing, industry disappeared, in a way not unlike what will happen today with the "economic opening" program that President Gaviria is imposing on the country.

Parliamentary and federalist politics. In the nineteenth century, the authority of the Executive branch was undermined by increasing the power of regional political chieftains. Every time Tomás Cipriano de Mosquera or someone else disagreed with the policies of the government, he would advance on the capital with his private army, overthrow the government, and install a new regime. So today, ex-President Alfonso López Michelsen and his friends want the Constituent Assembly to draft a new Constitution that will reduce the powers of the President and grant greater powers to the Congress, with an eye towards establishing a parliamentary system of government, such as exists in the unstable Social Democratic regimes in Europe, which frequently fall over a simple vote of no-confidence. They fear that a competent and

a separate movement. In third place, with 6.43% of the vote, was former Conservative President Misael Pastrana Borrero, a member of the "Notables" group which has served as a mediator in the negotiations between the government and the narco-traffickers. On the Liberal side, the slate receiving the greatest number of votes was headed up by Horacio Serpa Uribe, leader of Ernesto Samper Pizano's pro-drug legalization movement, and Jaime Castro, fully backed by former president Alfonso López Michelsen, known as the drug mafia's political godfather.

As a result of the election, the M-19 has 19 seats in the Constituent Assembly which will write the new Constitution. Alvaro Gómez has 11, Misael Pastrana 6, and the several Liberal groups 24. Juan Gómez Martínez, the former mayor of Medellín and now editor of *El Colombiano* newspaper, who was chosen by the Extraditables as their spokesman and mediator with the government, won two seats. So it is clear that the M-19 will face little or no opposition to their central objective of *de facto* legalization of drugs.

An unconstitutional coup

This sorry state of affairs was brought about by a virtual unconstitutional coup d'état by President César Gaviria against the Supreme Court, in alliance with the narco-terrorist groups EPL, ELN, FARC, and M-19.

The operation began back on Nov. 7, 1985, when the M-19 staged a savage assault on the Justice Palace in Bogotá and murdered 12 of the Supreme Court magistrates who were examining the cases of drug traffickers whose extradition had been requested by the U.S., thus carrying out longstanding threats against the justices by the drug traffickers. On the eve of the fifth anniversary of the Justice Palace massacre, the Gaviria government put enormous political pressure on the Supreme Court to get it to approve as constitutional Executive Decree 1926, issued this year, authorizing the convening of the Constituent Assembly to rewrite the Constitution.

An early-October *EIR* survey, subsequently confirmed by other reporters' investigations, revealed that the majority

honest man might somehow become President, and that he would adequately utilize his legitimate presidential authority to convert Colombia into a true industrial and agricultural power.

Confrontation between church and state. The radicals of the nineteenth century not only expropriated the goods of the Catholic Church, but unleashed religious persecution. The Masonic lodges were enthroned in power. The influence of the Church was eliminated from education, and everyone felt they had the authority to do whatever they felt like. In a country where the majority of the population is Catholic, the Gaviria government is proposing to eliminate the Concordat—which harmoniously regulates relations between the Colombian state and the Vatican. The majority of legal experts who surround Gaviria, active practitioners of Masonry, seek to expel the Christian God from the Constitution and from education.

Dismantling the Armed Forces. Under the various free-trade regimes of the past century, the national Army of a century ago came to have, at its best, about 1,000 men. Private armies were vastly superior in number and advanced on Bogotá at the whim of regional chieftains. The radical liberals urged the constitutional elimination of the Army. Now these same circles intend to reduce the size of Colombia's Armed Forces, and seek to use the Attorney General's office—which has been converted de facto into a branch office of Amnesty International—to alter the role of the military through a denunciation campaign against supposed "human rights" violations.

of the Supreme Court magistrates in fact opposed Decree 1926. Their arguments were: a) that the decree was issued under a state of siege, which is presumed temporary—i.e., the government cannot legislate through said decree except for the period for which the state of siege lasts; and b) that the Constitution does not empower the President to convene a Constituent Assembly, since only the Congress can change the Constitution.

Nonetheless, Gaviria publicly charged on several occasions that the Supreme Court would "jeopardize the possibility of peace" if it declared the decree unconstitutional. He stated that at no time would the "the country's hopes for change be frustrated" because of the Court. Gaviria's decree also authorizes the President to name two representatives of the terrorist groups currently negotiating a demobilization of their forces to the Assembly. At that time, the EPL was already talking to the government, and it was expected that the ELN and the FARC would join in.

These groups sent letters and messages threatening the

justices with death if they declared the decree unconstitutional. The outcome was that the Court voted 14-12 in favor of the Constituent Assembly. The proposal's most outspoken defenders were the same terrorized justices who survived the M-19's Justice Palace takeover in 1985.

The conclusion of the 14 justices did not conform to the Constitution in any way. Their ruling argued that the political necessity of the moment forced the Court to change its jurisprudence, and that the latter must "interpret the people's desire for change and renovation of the institutions." The political necessity for "peace" was one of the arguments used to favor the presidential decree. The Court also ruled that the Constituent Assembly's decisions will not come under the Court's purview, given that the people who elected it "can be subject to no other restrictions than those which they impose on themselves."

The 12 magistrates who rejected the majority decision of the Court stated that "none of the standing precepts of the Constitution endows the President of the Republic with the right to convoke the electorate in its capacity of sovereign constituent." They added that the Court's ruling "seriously ruptures the State of Law." In other words, the Gaviria government delivered a coup d'état against the national institutions themselves.

Colombians reject the Assembly

Despite all the propaganda of the Gaviria government, the narco-terrorists, and of the communications media, most Colombians rejected the Constituent Assembly.

On Dec. 9, fewer than 4 million voters went to the polls. In the March 1990 congressional elections, more than 8 million voted, out of a total of 13 million eligible voters. The huge abstention rate triggered an intense two-day debate inside the Congress over whether the Congress has more legitimacy than the Constituent Assembly, because the Congress was elected by more votes than the Assembly. The debate has left unresolved the question of whether Congress will ignore as illegitimate the resolutions of the Assembly. The Gaviria government, on the other hand, has given total legitimacy to the Assembly, despite its rejection by the "sovereign constituent," that is, the Colombian electorate.

Thus, the first result of the Constituent Assembly is that the two bodies are already preparing to do battle over which carries the ultimate authority. Instead of being the mechanism for achieving "global peace," as Gaviria would have it, the Constituent Assembly could well become the means for triggering an interminable war of all against all. Meanwhile, the vote garnered by the M-19 and the ongoing negotiations with the drug traffickers is sending a fatal message to Colombians that the only way to achieve effective participation in Colombian politics is to be a criminal, have one's own private army, or practice genocide. Whoever fails to meet these conditions cannot be a member of the political class, much less expect his voice to be heard.