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## Chronology of a Narco-Terrorist Coup

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# The Colombian government illegally dissolves Congress

On June 8, 1991, the Colombian National Congress was illegally dissolved by a joint act of President César Gaviria Trujillo, former President and power-broker Alfonso López Michelsen, and the three co-presidents of the narco-terrorist-dominated National Constituent Assembly. The act was in blatant violation of Colombia's *magna carta*, constituting a coup d'état against the national institutions of that country. The de facto assumption of full legislative powers by President Gaviria and a coterie of "advisers" from the Constituent Assembly, has effectively swept aside the old political elite of Colombia, and established in its place a new one composed of guerrillas, drug-runners, and their political allies from within the "old guard," such as ex-President López Michelsen.

The irony of this illegal coup is that it has been carried out in the name of "democracy," and on behalf of "democratic reforms" demanded and promoted by the Bush administration, for Colombia and all of Ibero-America. Under the banner of democracy, Bush is insisting on the destruction of all of the institutions standing in the way of his new world order, especially the armed forces, the Catholic Church, and the national congresses across Ibero-America. Bush's "democracy" campaign has thus initiated a process which, if unchecked, will lead to the establishment of narco-terrorist dictatorships across Ibero-America, and eventual civil wars. Such developments, and the Bush policy behind them, constitute a security threat to the entire Western Hemisphere.

The direct roots of the illegal dissolution of the Congress in Colombia go back to 1984. On April 30 of that year, Colombia's Medellín-based cocaine cartel ordered the assassination of its leading foe, Justice Minister Rodrigo Lara Bonilla, who was dedicated to the capture and extradition of the cartel leaders and to the dismantling of their political power base in the country. One week later, on May 6, 1984, former President Alfonso López Michelsen secretly met with the leaders of the cartel in Panama, where he discussed the possibility of their political amnesty. When the fact of the meeting was revealed, López went public in a July 29 interview with a full-scale attack on the very concept of morality in politics, and called for a thorough "reform" of Colombian society, including the rewriting of its century-old Constitution.

Asked to comment on the moral implications of his meet-

ing with the cartel even before the murdered corpse of its victim had grown cold, López told the daily *El Tiempo* that the traffickers had not yet been indicted for the murder at the time of the meeting. Insisting on a separation between morality and law, López argued that "liberal thought's greatest conquest, five centuries ago, was to establish *positive law* as a rule of coexistence for citizens, where each judge or each citizen cannot say, "This is so, but morally it's otherwise."

Seven years later, the same López Michelsen expressed his "satisfaction" with the illegal dissolution of the Congress, as executed by President Gaviria and the outlaw Constituent Assembly.

In the chronology that follows, we document each of the principal steps taken—and their incontrovertible illegality—in the formation of the Constituent Assembly and the dissolution of the legitimate Congress.

### May 27, 1990

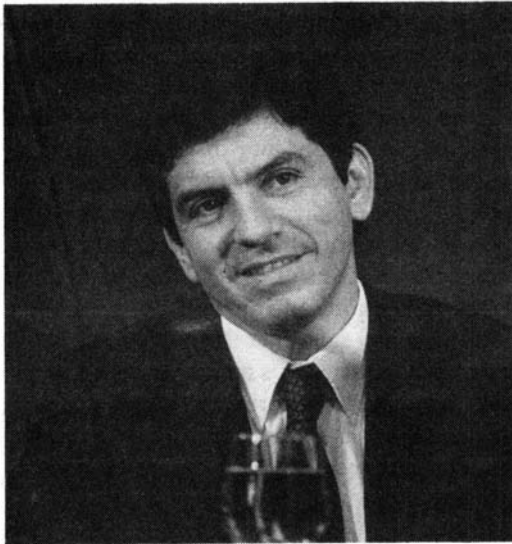
On the initiative of a "student movement" backed by presidential candidate César Gaviria Trujillo, the Colombian electorate is illegally offered a "yes/no" vote alongside the presidential ballot, on the need for constitutional reform. The yes/no vote is in strict violation of the Constitution, which reserves to Congress alone the right to reform the Constitution, by two successive majority votes of Congress. The decision to violate the Constitution and go ahead with the illegal yes/no plebiscite vote is universally viewed as part of a deal that had been struck between Gaviria and the amnestied M-19 narco-terrorists, as one of their conditions for "reincorporation into civil life."

Disgusted with years of weak government and a corrupt political elite, the voters overwhelmingly choose "yes." They also overwhelmingly elect Gaviria, successor to the assassinated anti-drug candidate Luis Carlos Galán and the only candidate who had *not endorsed* the legalization of drugs as a solution to Colombia's problems.

The national Congress had been elected two months earlier, in March 1990, with a voter turnout of nearly 8 million Colombians.

### Aug. 2, 1990

In the week preceding President-elect Gaviria's inauguration, a pact is signed between his Liberal Party and three



Stuart Lewis



El Espectador

President Gaviria (left) and drug-runner Pablo Escobar have clinched a dirty deal, under the sponsorship of the U.S. State Department.

opposition parties—the Social Conservative Party, the Movement of National Salvation, and the M-19 Democratic Alliance—to convoke a plebiscite election later in the year, for the purpose of forming a National Constituent Assembly that would rewrite the Constitution. Such a plebiscite to elect an unauthorized Constituent Assembly is strictly prohibited by the Constitution itself.

**Aug. 24, 1990**

The multi-party pact is revealed to the public by President Gaviria, in a press conference in which he announces that, by means of Executive Decree 1926, he is officially convoking a plebiscite election for a National Constituent Assembly on Dec. 9, 1990. He announces that the election of the 70 delegates to the Assembly would be conducted in the same vote.

He also announces that participation of the country's various terrorist groups in redesigning the nation's political institutions through the Constituent Assembly would be made conditional on their willingness to lay down their arms and "join the peace process," as the amnestied narco-terrorist M-19 had already done. Decree 1926, in that it establishes an elected body that will unconstitutionally modify the Constitution, is illegal.

**Aug. 27, 1990**

Former government minister Jaime Castro, a close protégé of López Michelsen and ardent proponent of legalizing the drug trade, publicly warns that the National Congress will try to defend its prerogatives against the Constituent Assembly, and will try to impose conditions on the Executive Branch—including refusal to consider legislative proposals from that branch of government—as a means of defending those "prerogatives." As a delegate to the Constituent Assembly, Castro will formally propose legalization of the drug trade as a "constitutional amendment," in June 1991.

**September 1990**

The Constitutional Panel of the Supreme Court initiates deliberations on the constitutionality of the move to convoke a constituent assembly. In so doing, they cite Article 218 of Colombia's Constitution, which strictly prohibits reform of the *magna carta* by any body except the National Congress. Numerous elected congressmen also warn of the government's effort to create a "third legislative" chamber, parallel to the existing Senate and House and in explicit violation of the law.

**Oct. 4, 1990**

By unanimous secret vote, the Constitutional Panel finds that Presidential Decree 1926 is in violation of Article 218 of the Constitution, which allows for reform of the Constitution only by the Congress. Its ruling is leaked to the press.

The Bogotá daily *El Tiempo* warns that if the full Supreme Court endorses the finding of its Constitutional Panel, the government's ongoing amnesty negotiations with the People's Liberation Army (EPL), and planned peace talks with the FARC and ELN narco-terrorists, would collapse, since "return to civil life was a condition for their participation in the Assembly." *El Tiempo* reveals, however, that "those favoring the Assembly are confident that . . . a thesis capable of overturning the ruling of its constitutionalists will surface within the Court."

**Oct. 5, 1990**

The daily *La Prensa* reveals that various justices of the Supreme Court have been receiving death threats because of their ruling against the convoking of a Constituent Assembly.

**Oct. 9, 1990**

The full Supreme Court splits right down the middle in its vote on the constitutionality of Decree 1926. After an

extensive, public pressure campaign by the Gaviria government, the necessary votes were swung to produce a slim majority of 14 votes in favor, with 12 justices opposed to the decree as unconstitutional. Among those justices favoring the Constituent Assembly are several terrorized survivors of the 1985 holocaust visited upon the Justice Palace by the then-illegal M-19 narco-terrorists, during which half the members of the Supreme Court were assassinated.

During the course of a marathon arm-twisting session, the 12 dissident justices threaten to resign *en masse*, to protest the “farce” to which the Constitution was being subjected. They charge that a favorable finding on Decree 1926 would be equivalent to a coup d’état by the Supreme Court itself.

Nonetheless, the final ruling finds Decree 1926 to be constitutional, by majority vote. Further, it rules that the agenda of the Constituent Assembly is unlimited and unrestricted. “The Constituent Assembly,” says the ruling, “can do anything it considers appropriate. It can alter the institutions, change the institutions, everything depends on the decisions, the agenda it adopts.” The Supreme Court ruling does, however, specify in regard to officials elected in 1990 (Congress, the President, etc.) that “the current terms of those officials . . . will not be affected” by any decisions of the Constituent Assembly.

It is to be noted that this ruling by the Supreme Court is itself illegal and unconstitutional: Through it, the Supreme Court in fact ruled that *it* had authority to alter the constitutional provision for self-reform—a power reserved exclusively to the Congress by the Constitution itself.

### **Dec. 9, 1990**

Three and a half million Colombians, less than half the 8 million citizens who voted in the May 1990 presidential and congressional elections, go to the polls to vote in the referendum on the formation of a Constituent Assembly, which is approved. In the same election, 70 persons are chosen delegates to that Assembly—with the largest bloc of votes (27%) going to the M-19 Democratic Alliance, and the next (25%) to the ruling Liberal Party. The third political force is split between two factions of the Conservative Party, with the remaining 10 seats reserved for Indian, Evangelist, and other “people’s” movements.

### **Dec. 17, 1990**

In his address closing the session of Congress, President Gaviria declares: “The Constituent Assembly has the responsibility of reforming the Constitution, but it does not have the responsibility of governing, nor carrying out administrative, judicial, or legislative duties.”

### **May 1, 1991**

The State Council—a magisterial oversight body on constitutional matters—responds to a citizen’s appeal of the Constituent Assembly’s actions, by reiterating the limita-

tions imposed on the Assembly by its originating Decree 1926. Those limitations implied that the Supreme Court and State Council had final oversight over the actions of the Assembly. In response, the Assembly votes up an unprecedented “internal reform,” with only four dissenting votes, according to which the Constituent Assembly declares itself “sovereign, absolute, and omnipotent.” According to the daily *El Siglo*, the decision “ruled out the possibility of any body interfering with its decisions. It thereby became the gravitational axis of power in Colombia.”

Further, the Assembly rules that Decree 1926 ceases to exist, meaning that the Assembly is no longer answerable to the government, but only to the “primary constituent,” “the people.” Finally, the Assembly rules that its constitutional reforms would go into immediate effect, by simple majority vote and requiring only 24 hours advance notice.

### **May 3, 1991**

The National Congress, and several Constituent Assembly delegates, reject the Assembly’s newest “reform,” declaring it a coup against the country’s legal order. The Gaviria government itself issues a warning that the Constituent Assembly is not allowed to “issue laws, modify or repeat decrees, or make decisions that are the province of the judiciary.” Government Minister Humberto de la Calle Lombana reminds delegates that the Constituent Assembly was not expected to replace Congress, or the judiciary.

### **May 4, 1991**

The Bogotá daily *El Espectador* refers to the declaration of the Constituent Assembly as “autonomous and omnipotent” in its lead editorial, warning that this could lead to “political, social, and economic instability. . . . Should Congress’s mandate be eliminated and new elections called, in an end run around the norm prohibiting Assembly delegates from running as congressional candidates, it could prove an episode of very serious consequences, causing unwelcome divisions in public opinion and translating into confrontations that could be anything but peaceful.”

### **June 8, 1991**

In a pact between President Gaviria, the three co-presidents of the Constituent Assembly, and former President Alfonso López Michelsen, the National Congress is formally dissolved. Under this version of the pact, President Gaviria arrogates full executive and legislative powers to himself, and a body of 18 advisers to the President, hand-picked by the Constituent Assembly, is to be formed. With slight modifications designed to soften the “dictatorial” image of the measures, the pact is formally approved by a majority of the Constituent Assembly on June 14. New congressional elections are scheduled for Oct. 27, 1991, with President Gaviria to rule by decree until the new Congress is seated in February 1992.