

Andean Report by Javier Almario

Colombia legalizes drugs

Colombia's New Age Constitution is premised on the "pain and pleasure" principle, instead of natural law.

Despite the recent polls which say that 85% of the Colombian people absolutely rejects drug legalization, the Constitutional Court legalized personal possession of marijuana, hashish, heroin, cocaine, and any other drug one might imagine. The court is a creation of the Constituent Assembly convoked by President César Gaviria in 1991.

Thus, the Constitutional Court, by a vote of 5-4, imposed what the country's leading drug traffickers—from the jailed Carlos Lehder to the late Pablo Escobar—have long sought, only this time without having to bother with presenting a bill to Congress that would have triggered a heated debate and most likely a backlash within the population.

The court's argument in legalizing drug possession could not be more absurd. The five magistrates argued in their majority finding that the national drug law which punished drug possession and consumption "goes against Article 16 of the Constitution," according to which "every person has the right to self-development, without any more limits than those imposed by the rights of others and the legal order." To these magistrates, then, drug consumption is part and parcel of "self-development."

The Benthamite criteria of these magistrates demand that drug consumption not be penalized because "it is a behavior which in itself only concerns the one who observes it." That is, there is no higher principle guiding the human being than the primary instincts of pleasure and pain. If society becomes inundated with drug addicts

incapable of rational thought or decision-making, it is the problem of the individual and not of the state.

This is not the first time that the Constitutional Court has dictatorially imposed norms, supplanting the role of the Executive and Legislature. In 1993, the court ordered a teacher returned to her job after the families in the traditional Catholic town in which she taught had forced the school to fire her for teaching pornography to their children, disguised as "sex education."

Further, the court had ordered the Education Ministry to make a sex-education curriculum mandatory in all Colombian schools. That curriculum, one of the most pornographic on the Ibero-American continent, is officially premised on the concept that sexual pleasure is "the inalienable right" of the infant, the youth, the elderly, and so on.

In the drug legalization case, the origin of the court ruling was a request for court protection on the part of an individual of Indian origin named Alexandre Sochandamandou, who claims to be the leading philosopher in Colombia of the "New Age" and who runs a center of "metaphysics" in the capital city of Bogotá. Sochandamandou presented a suit for court protection of his right to freely consume his drug, and the judges, the majority of whom also belong to the New Age current, did not hesitate to accept that guardianship, without concerning themselves with the opinion of 35 million Colombians, the majority of whom are *not* drug addicts.

Two days after the court ruling,

thousands upon thousands of Colombians spontaneously gathered in front of the Constitutional Court to protest its decision, forcing President Gaviria and the leading contenders in the May 29 presidential elections to denounce the ruling and to announce plans for a plebiscite that could facilitate its revocation.

Former presidential candidate Carlos Lemos Simmonds commented in a May 10 newspaper column that the court ruling "was no accident, but the consequence of a pernicious evolution from earlier on. Since 1990, when the state began to conduct a dialogue with the drug traffickers and turned into their interlocutor, the country has pursued a slow but steady process of concessions in which the traffickers and their clients always come out on top."

According to press reports, prisoners being held on drug possession charges are already being released from jail in many parts of the country, and drug abusers are walking up to policemen and taunting them by blowing marijuana smoke in their faces. Social workers report that consumption especially of *bazuco* (highly addictive cocaine base) among children and adolescents has soared in recent weeks, and that pressure for legalizing the drug trade is building again as a result.

While the vast majority of Colombians reject the legalization ruling, and the Catholic Church among other institutions has denounced it, there is a prevailing sense of impotence toward it, because it is a court decision against which there appears to be no legal remedy. The fact is that the entire Constitution from which the ruling draws its "legitimacy" was imposed through an illegally convoked Constituent Assembly, and as such should be thrown out and replaced by a code premised on God's own natural law.