

Colombia's new Constitution eliminates rule of natural law

by Javier Almario

Colombia's new Constitution, promulgated by President César Gaviria on July 4, establishes the law of the jungle as a constitutional principle, and eliminates the concept of *natural law* contained in the previous Constitution and associated with the 19th-century Colombian statesman Rafael Nuñez. The convoking of a National Constituent Assembly, whose 70 delegates were elected by less than a third of Colombia's voting population, was the principal demand of narco-terrorist forces seeking to parlay their violent blackmail of the nation into political power. It would appear they have succeeded.

Colombia's new Magna Carta includes an enormous list of human and civil rights, making it the second longest national constitution in the world. However, this is mere window-dressing for what is, in essence, a constitutionally guaranteed dictatorship which will serve to ensure that few, if any, of those rights are ever exercised.

Extradition barred

Article 35 of the new Constitution, one of the most controversial of its 397 articles, establishes as a constitutional norm the prohibition of "the extradition of Colombians by birth." Far from corresponding to the interests of a nation ravaged by drug criminals for over a decade, this article was conceived and ultimately rammed down the throats of the Colombian people through sheer intimidation. In fact, on June 19, just three hours after the Constituent Assembly approved the ban on extradition, the country's number one "Extraditable," the murderous Pablo Escobar, "surrendered" himself to a luxurious bunker made to his specifications in his hometown of Envigado, a bunker under the total protection of the state.

"I trust in the word of President César Gaviria," said Escobar in a July 4 interview, referring to the President's pledge not to extradite members of the Medellín Cartel who surrender. Noting that the Constitution was promulgated that same day, Escobar added, "but now it is not just a matter of words, because it is consecrated in the Constitution."

Much remains to be told about the supposed "surrender"

of Pablo Escobar and his negotiations with former President Alfonso López Michelsen and current President César Gaviria. For example, Justice Minister Jaime Giraldo Angel, key to the negotiations with Escobar, was the Supreme Court magistrate who in 1987 headed up a faction within that institution which successfully declared the Extradition Treaty with the United States unconstitutional, precisely the key demand of the so-called Extraditables. Giraldo joined the Supreme Court shortly after the narco-terrorist M-19 assassinated half of the high court's magistrates, during the bloody Nov. 6-7, 1985 siege of the Justice Palace whose principal purpose was to force an end to extradition.

Jorge Pataquiva, the director of the "five-star jail" where Escobar is currently on retreat, was the director of the Modelo prison in Bogotá during the period when Escobar henchman John Jairo Velasquez Vasquez, a.k.a. "Popeye," somehow managed to escape. Popeye, known as the head of Escobar's assassination squads, "surrendered" to Colombian justice on June 19 along with his chief, and is undoubtedly delighted to see his old friend Pataquiva once again.

The Constituent Assembly adopted the accusatory system of justice of the United States, as a defense against charges that its vote on extradition legitimized impunity. Such a system, touted for its great efficiency, has actually proven to be disastrous in the United States, for not only has it failed miserably to wage war against the drug trade, but it has been used as a political weapon by the state against persons and organizations who do not fit into the political consensus of the moment.

However, it would be too simplistic to argue that these constitutional "reforms" solely correspond to the pressures, threats, and bribes to which members of the Constituent Assembly were undoubtedly subjected by the Extraditables. President César Gaviria, who, along with the narco-terrorists, is a leading sponsor of the Constituent Assembly, gave the illegal body life through a presidential decree, while using his presidential influence to force the Supreme Court to declare it constitutional. Gaviria belongs to Freemasonic networks which seek to impose the ideology of the French En-

lightenment on a country where 92% of the population, according to the latest polls, embraces the Roman Catholic religion.

According to this ideology, natural law, or a purpose superior to the nation, does not exist; instead, there must be a "democratic consensus" or "social contract," whereby the law simply consecrates the political pact of the moment, or of the majority. In the specific case of Colombia, the drug traffickers and their terrorist allies were the majority in the Constituent Assembly.

A triumvirate of evil

The Assembly was presided over by a triumvirate which included Antonio Navarro Wolf, chief of the M-19 and one of the intellectual authors of the 1985 murders of the Supreme Court justices as well as of the 1988 kidnaping of political leader Alvaro Gómez Hurtado. Gómez Hurtado has come to be known in certain circles as "Alvaro Hearst," because it is suspected that the M-19 brainwashed him during his captivity, just as heiress Patty Hearst was kidnaped and brainwashed by the Symbionese Liberation Army in the United States. He is an Assembly co-president with his former kidnaper Navarro Wolf, in his capacity as head of the National Salvation Movement, a split-off from the Social Conservative Party. The third co-president, Horacio Serpa Uribe, is closely associated with the liberal faction of Ernesto Samper Pizano, long-standing lobbyist for drug legalization in Colombia.

The Constituent Assembly altered the preamble of the 1886 Constitution, which read, "In the name of God, supreme source of all authority, and for the purpose of guaranteeing national unity, one of whose premises is recognition by the political parties that the Apostolic and Roman Catholic religion is that of the nation . . . the Colombian people decree. . . ." The 1991 Constitution eliminates recognition of Catholicism as the majority religion in Colombia, and of God as "supreme source of all authority." Instead, it establishes that "the people" are sovereign and that there is no superior entity. The new preamble reads: "The people of Colombia, in exercise of their sovereign power, represented by their delegates to the National Constituent Assembly, invoking the protection of God. . . decree the following political constitution of Colombia."

"The new charter opted for replacing national sovereignty, or the invocation of God as supreme source of all authority, with popular sovereignty," wrote Gustavo Gallon, member of the Colombian section of the Andean Commission of Jurists, an organization that has always defended the legalization of the drug trade, in the journal *Cien Dias Vistos por CINEP*. This, wrote Gallon, is a crucial step in the fight against "authoritarianism." He also complained that the Constitution did not take on the Colombian Armed Forces, which for him represent "latent authoritarianism."

However, Gallon retains the hope that the Gaviria government's ongoing "negotiations with the Guerrilla Coordi-

nator will lead to that." That is, that the "peace pact" the government desperately seeks to conclude with the still-illegal narco-terrorist Revolutionary Armed Forces of Colombia (FARC), National Liberation Army (ELN), and a portion of the People's Liberation Army (EPL), will produce what even the Constituent Assembly didn't dare attempt: the dismantling of the Colombian Armed Forces.

'Religious freedom' versus morality

"We drafted the preamble to the Constitution, everything referring to God, to religious freedom, and 80% of the articles on the economy," said Jaime Ortiz Hurtado, one of two delegates to the Assembly from the Unified Evangelical movement, to *EIR*. He did not comment on the irony that two Protestant fundamentalists wrote the Constitution for a nation of 33 million people, 90% of whom are Roman Catholics. How ironic that the Catholic Church, out of respect for separation of Church and State, had no representation on the Constituent Assembly.

Colombia's new Constitution, under the pretext of "religious freedom" and "guaranteed freedom of worship," now gives constitutional protection to any and all cults, including Satan-worshippers and the many aberrations which have been spun from the Gnostic heresies. "All religious confessions and churches are equally free," says the new Constitution, while the old clearly established that "all worship that is contrary neither to Christian morality nor to the law, is guaranteed freedom under the law."

A monetarist dictatorship

In regard to the economy, the new Constitution establishes George Bush's free market ethos as the law of the land. "Free economic competition is a right of all. . . . The state, by law, will prevent any obstruction of economic freedom," says Article 333 of the 1991 Constitution. And yet, the only free trade the majority of the constitution's drafters have in mind is that of drugs, precisely the same "economic freedom" sought by the international banks which hold Colombia's debt and which depend on the profits of the international drug trade to keep them afloat. Alongside the Gaviria government's anti-extradition pact with the drug cartels, the economic articles in the new Constitution are intended to guarantee the unobstructed flow of drug money into Colombian coffers, to pay the debt.

The Constituent Assembly also elevated to the status of a constitutional precept the concept of free trade zones along the model of Mexico's infamous *maquiladora* strip, where foreign companies bring semi-manufactured products to be assembled by cheap, virtually slave, labor, and then sold at an enormous margin of profit in its country of origin. This went under the obscure phrase: "the law may establish special economic and social norms for border, land and maritime zones, designed to promote their development."

Privatization, another demand of the multinational com-

panies and of the international creditor banks, was also consecrated as a constitutional norm. "The government will sell or liquidate state companies, and grant to third parties the development of their activity, when they do not comply with efficiency requirements," says Article 336. The sale of such critical state enterprises as Ecopetrol, Carbocol, and Telecom, and their transfer to the creditor banks, thus now has constitutional backing.

The Bank of the Republic, Colombia's central bank, is now codified in the Constitution. The bank was created in 1923, under the colonial designs of the so-called Kernerer Mission, as a rough imitation of the U.S. Federal Reserve—that is, as a private bank which controls, in the name of the private banks, the nation's currency, management of international reserves, and credit. During the 1960s, following a battle by the productive sectors which were demanding nationalization of the Bank of the Republic and the development of physical production, the state limited the bank's role to issuing currency, and created the Monetary Council, upon which sat various ministers such as those of development and agriculture, having to do with the productive sector of the economy.

The 1991 Constitution eliminates the Monetary Council as a way of guaranteeing that agriculture and industry have no means of pressuring for credit issuance for productive ends. The board of directors of the Bank of the Republic will again control all credit, just as it was intended in 1923. That board will be made up of the finance minister, the president of the bank as named by the board, and a group of five monetarist experts presumably educated at Harvard or at the London School of Economics, and chosen by the president for a four-year term.

The idea was to give the bank the power to restrict credit and money in circulation for productive ends, Article 373 establishes that the Bank of the Republic "cannot establish credit lines, except when serving as intermediary for foreign credit." To prevent the Congress from changing this norm, Congress is explicitly prohibited from ordering "lines of credit in favor of the state or of individuals."

The Congress, while now endowed with the power to topple ministers as a means of forcing the President to rule by political consensus on everything not dealing with the economy, will have no power to alter the economic programs prepared by the Finance Ministry. The Constitution establishes that the President can impose a National Investment Plan without the prior approval of Congress.

"Congress cannot increase any budget allotments without the government's approval," says Article 351. "Congress can eliminate or reduce expense allotments, with the exception of those required for servicing the public debt and other contractual obligations of the state." The foreign creditor banks couldn't ask for anything more, now that refusal or failure to pay usurious debts is a violation of the national Constitution!

Now, should any Colombian President determine to abandon the murderous strictures of the International Monetary Fund and promote a truly sovereign program of economic development—necessitating suspension of foreign debt service and issuing money for productive purposes—he will have to violate the national Constitution.

Perhaps it is for this reason that Venezuelan President Carlos Andrés Pérez, Bush's leading agent in Ibero-America, told Colombia's Constituent Assembly delegates during an address to that body that they were "an example for Latin America, to accommodate its constitutions to the new political and economic realities."

Ecology and racism

The 1991 Constitution goes much further in its efforts to satisfy the demands of Bush's "new world order," which seeks to eliminate science and technology from the Third World through imposition of "technological apartheid." Colombia's new Constitution practically prohibits the use and development of nuclear energy, and establishes environmentalism as a constitutional norm.

Thus, Article 81 prohibits "the fabrication, import, possession and use of chemical, biological and nuclear weapons, as well as the introduction of nuclear residues and toxic wastes onto the national territory." On its list of articles that could be considered "chemical weapons," the Bush administration includes fertilizers and other chemicals commonly used in agriculture.

At the same time, nuclear energy—especially when complete development of the nuclear cycle has not yet been achieved—necessarily produces nuclear wastes, so the article implies a virtual constitutional prohibition on the development and use of this technology.

Environmentalism, a cult which essentially views the human being as a despoiler of nature, permeates the entire Constitution. "It is the duty of the state to protect the diversity and integrity of the environment, conserving areas of special ecological importance," says Article 79. "Property is a social function. As such, it has an inherent ecological function," says Article 58. The Attorney General's office has the obligation to "defend collective rights, especially, that of the environment," says Article 277. In effect, every government authority is expected to serve an ecological function.

Nearly every Constituent delegate has confessed that the constitutional reform process is far from complete; indeed, the new Constitution declares that the law of the land may be overturned by referendum, plebiscite, or other means. Once the remaining narco-terrorist forces in the country are amnestied and given their political quota, Colombians can expect to be subjected to new outrages, all in the name of "democracy."

Curiously, among the innumerable rights consecrated in the new Colombian Constitution, there is no guaranteed right to rebel against dictatorship.

Colombians comment on their new Constitution

The following are excerpts from a July 3 interview with Colombian Foreign Minister Luis Fernando Jaramillo, regarding national policy toward the Vatican and the Catholic Church, in light of the new Constitution which approved divorce and determined that Catholicism was no longer Colombia's official religion.

Jaramillo: First of all, the vote the Evangelicals [Protestant fundamentalists] represented in this [Constituent] Assembly proves that there are other religions in the country, and that it is no longer exclusively Catholic. That reality should be extended to the Holy See. Secondly, the Constituent Assembly did not approve the divorce of Catholic marriages. This is something internal to the Catholic Church, and is the province of the individual. What was approved is that the state legislates the civil aspects of marriage, and thus the civil aspects of its dissolution.

In view of the sovereign decisions of the Assembly, the government will present the Holy See with this new political fact, so that the Holy See can study the necessary reforms of the Concordat. In light of the new Constitution, a new concordat should be signed.

The following is a brief interview with former Government Minister and Constituent Assembly delegate Carlos Lemos Simmonds, on July 3, 1991.

EIR: What is your evaluation of the new Constitution?

Lemos Simmonds: I believe that a good job has been done. A revolutionary constitution is not going to emerge here, nor are the structures of the state going to be fundamentally changed. Improvements were made to some of the public entities. . . .

EIR: At one point, when you were government minister, you said that the main political success of your life had been preventing a linkage of constitutional reform, which was being promoted before the congress, with a ban on extradition. In this case, the Constitution consecrates no extradition. Do you consider this your failure?

Lemos Simmonds: My failure? No: a failure of the country.

A serious error was committed here, because extradition is a necessary juridical instrument for fighting international crime. When a country does not fight crime, it suffers the consequences of the criminals.

Alfonso Palacio Rudas, former finance minister under Julio César Turbay Ayala, a radical liberal, and columnist for the daily El Tiempo, granted this interview on July 4, 1991. He was elected delegate to the Constituent Assembly on the slate of the Liberal Alternative movement, headed by drug legalization advocate Alberto Santofimio Botero. Because of his renowned radical liberalism, Palacio Rudas was named by the Quintín Lamé and People's Liberation Army guerrilla groups, "commander in chief of the demobilized guerrilla forces."

EIR: How do you historically analyze the new Constitution?

Palacio Rudas: What I would say is that this is the first liberal constitution the country has had in over a century.

EIR: So you don't think [Rafael] Nuñez [author of the 1886 Constitution] was a liberal?

Palacio Rudas: No, no way that he could be a liberal.

EIR: But he belonged to, and was educated in, the liberal radicalism of the past century.

Palacio Rudas: Ah, well, but that doesn't mean anything. In Colombia, for example, there are many who call themselves conservatives who are the most important liberals.

EIR: What is the most important change that has been made that makes this a liberal constitution?

Palacio Rudas: The institutions have been fundamentally changed. Excessive presidentialism has been weakened. Congress's authority has been returned to it. . . .

The following comments were made to EIR on July 4, by Constituent Assembly co-president Antonio Navarro Wolf, the amnestied former head of the M-19 guerrillas.

EIR: Which of the Constitution's articles do you consider most important?

Navarro Wolf: Article 397 ["The 1886 Constitution and all its reforms has ceased to exist"], because it closes one constitutional era and opens a new one.

EIR: Which do you think is next in importance?

Navarro Wolf: The bill of rights, the reform of Congress, the anti-corruption norms for Congress.

EIR: What percentage of the M-19's proposals was accepted in the Assembly?

Navarro Wolf: Eighty percent of what we proposed was approved.