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The Need for a Constitutional Convention

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The Congressional Deputies accuse the President of trampling the Constitution, while the President charges the Congress with thwarting the will of the people and trampling the Constitution. Neither side dares to speak the truth that their actions are driven by a lust for power. Behind the half-truths, rewritten history and insincere advocacy for democracy and market reform, each side maneuvers to acquire authoritarian power to exclusively control Russia's vast wealth.

In recent months the Deputies have tried to portray the present Constitution as a sacred democratic document of unquestionable authority - when in reality it has neither sanctity nor authority. A constitution enacted by a dictatorial and discredited political party, amended hundreds of times and filled with material contradictions has no legitimacy in a democracy. No amount of emotional appeal or glib verbiage can transform an authoritarian document into the cornerstone for a democracy.

The power of a Constitution derives from the will of the people. The theory of democracy postulates all human beings have certain inalienable rights and the exclusive power and authority to protect those rights. For reasons of individual security and prosperity, the people of a nation join together in a contract, called a constitution, that transfers a limited portion of

their individual power to a government of their own choosing. The government is obligated to use its delegated power to protect the peoples' rights to life, liberty and the pursuit of happiness.

In a democracy, only the will of the people can create a constitution because only they have the power and authority that can be granted to a government, thereby legitimizing that government. The Communist Party, nomenklatura and bolshaya shyshka cannot create a constitution because they do not have the power or right to grant a government authority over the people. Authoritarian organizations can, of course, usurp power from the people through deception, intimidation and violence and then draft any document they want and call it a constitution, but it would be a constitution in name only because it did not express the will of the people - only the will of the rulers.

The Executive branch also resorts to fallacious arguments of democratic legitimacy when it says that a nationwide election brought the President to power therefore he embodies the will of the people. The Deputies also gained office by an election held throughout the country. Although no deputy received votes from the entire country, voters did elect Deputies from all over Russia. Another disingenuous argument of the Executive states that since the Deputies' elections occurred under Communist rule, the Deputies lack legiti-

macy, but that argument also applies to the President who also was elected when the Communists ruled Russia. Further, the media in Russia and America often condemns the Deputies for their past Communist affiliations (this is called redbaiting in America), but the same media conveniently forgets to mention that the members of the Executive branch also belonged to the Communist Party and in some cases at a higher level of authority than many Deputies. Consequently, neither side has any more credibility than the other in their claims to legitimately represent the will of the Russian people.

Recent events have clearly shown that greed drives the warring political factions and not their professed desire for political freedom and prosperity for the Russian people. The Executive and Congress both consist of former nomenklatura and bolshaya shyshka who still believe they - not the people - own Russia and that they - not the people - have the sole right to profit from Russia's riches. Each side wants the entire mountain of gold, which is enormous even in the present depressed economy. Over one billion dollars leaves Russia every month for overseas bank accounts. Last year alone, an estimated \$17 billion of Russia's wealth disappeared overseas. With so much wealth at stake, no wonder both factions are willing to risk chaos and destruction for the chance to obtain a piece of the mountain of gold. The only

democratic solution to the present political crisis and wholesale looting of Russia is to let the Russian people - not the Executive or the Congress or the Constitutional Court - decide the form of government, the separation of powers and the type of electoral system. All the uncertainty and danger caused by the greed of pretenders to the throne and their false arguments of legitimacy can be swept aside with a constitutional convention. The will of the Russian people, uninhibited by an oppressive Communist party, can be freely expressed by electing delegates on a district basis to attend a constitutional convention. Candidates running for election to a delegate's position will have to compete for votes. The candidates whose positions on the major tenets of a new constitution most closely matches the majority of the voters will win the election. Each delegate, therefore, will carry to the convention the positions approved by the majority of voters in his district.

At the convention, the delegates will draft a constitution consistent with positions held by a majority of delegates. All the voters of Russia will then vote on whether to accept the draft constitution or have the convention draft another one. In the end, the will of the Russian people will have created a Constitution that provides them with a government of the people, by the people and for the people. ■