

# Chávez power grab setting precedents

## Venezuelan President Hugo Chávez is likely headed to a referendum victory -- and what may be unprecedented power.

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CARACAS --

No president in the history of Venezuela has accumulated as much power as Hugo Chávez. And if his plan to revise the constitution is approved in a Dec. 2 referendum, his control will be almost absolute.

"This much power? I don't believe anyone has ever wielded it," said historian and former Foreign Minister Simón Alberto Consalvi.

"Even [Juan Vicente] Gómez, the great Venezuelan dictator of the 20th century, who governed for 27 years, maintained the formalities," Consalvi told The Miami Herald. "But Chávez has no respect at all for formalities."

After taking office in 1999, the former army lieutenant colonel moved immediately to change the constitution. Through an elected assembly dominated by his supporters, he scrapped the upper chamber of the legislature, introduced immediate presidential reelection and reshaped all branches of government.

If he wins the coming referendum -- as seems likely -- he will enjoy the prospects of indefinite reelection and a raft of strong new powers, including total control of the central bank.

The 1999 constitution contains many progressive features, among them recall referendums for all elected offices, including the presidency. It also features five autonomous branches of government, adding an electoral branch and a "moral" branch - - consisting of an ombudsman, public prosecutor and state auditor.

### **FAILED TO WORK**

But these additional checks and balances mostly failed to work in practice, analysts say, because the government took advantage of the transition from old to new constitutions to appoint loyalists to all key positions.

Later, when the electoral authority or the Supreme Court showed signs of independence, the government ignored inconvenient decisions, fired disobedient officials and replaced them with unconditional supporters.

When the electoral authority, known as the CNE, scheduled a referendum in 2003 on whether Chávez should stay in power, the Supreme Court ruled it unconstitutional and the CNE members were replaced.

After the electoral branch of the Supreme Court later ordered the new CNE to schedule a recall referendum, its ruling was ignored and then overturned by the court's constitutional branch. Some of the independent-minded justices were later sacked.

Although the recall referendum was eventually held in 2004, polling data suggest that the delay helped ensure that Chávez won it.

The law governing the Supreme Court was also rewritten by the pro-Chávez majority in the legislature in 2004, adding 12 new justices -- all Chávez loyalists -- and making it easier to fire members of the court.

But it hasn't been just Chávez grabbing power. The opposition has often contributed to the consolidation of presidential power.

An opposition boycott of the National Assembly elections last year gave Chávez control of every seat in the legislature. A military coup in 2002, which briefly ousted Chávez, allowed him to purge the armed forces of suspect officers.

A shutdown of the vital oil industry later that same year, designed to force Chávez out of power, gave him the excuse to fire 18,000 employees of the state-owned oil company, *Petróleos de Venezuela S.A.*, and assume total control of the country's oil income.

"What was the result of the coup-plotting tactics of 2002?" Teodoro Petkoff, editor of the anti-Chávez daily *Tal Cual*, asked in an editorial this week. "To reinforce Chávez and hand him the armed forces and *Petróleos de Venezuela* on a silver platter. The guns and the money."

But even when the opposition abides strictly by the constitutional rules, it still often ends up playing into the president's hands.

The names of the more than three million people who signed the petitions for the 2004 recall referendum were used by the government as the basis for what is now known as the "Maisanta list" -- used to deny public jobs, services, loans and contracts to opposition voters.

The Maisanta list, along with the fingerprint machines used for voter identification at the polls, have convinced many Venezuelans, both pro- and anti-Chávez, that the vote is not secret, even though foreign and local election observers have concluded that it is.

## **WON'T TURN OUT**

Nonetheless, lack of confidence in the CNE means part of the opposition will not turn out to vote on Dec. 2, handing another likely win to Chávez.

Despite the CNE's insistence that its electronic voting system is "foolproof" and that the results are as reliable as anywhere in the world, skeptics point to the stunning growth in voter rolls since Chávez came to power.

From 11.9 million voters in 2003, the rolls swelled to nearly 16 million in 2006.

That is largely because of a registration drive, aided by Cuban advisors, that the government says extended voting rights to formerly excluded sectors, such as Venezuelans too poor to obtain national IDs and foreigners living illegally in Venezuela for years.

The opposition complains that a large percentage of registered voters cannot be traced for lack of addresses, and that the rolls contain an inordinate number of voters who are more than 100 years old -- presumed to have died and never been removed from the rolls.

"This system is the most audited in the world," responded CNE director Sandra Oblitas. ``All the studies have concluded that the electoral register is fit for holding the referendum."

Barring unforeseen circumstances, and whatever the complaints, it seems South America's most powerful politician is about to become more powerful still.