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## The 1985 Constitutional Crisis in Greece

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RICHARD CLOGG

1981 SAW THE ELECTION of the first socialist government in Greece's history, with an impressive forty-eight percent majority of the popular vote. The orderly handing over of power by a right that had enjoyed a virtually unbroken monopoly throughout the post-war period to a radical left-wing government seemed at the time to indicate that the Greek political system had acquired a new legitimacy. It appeared that Konstantinos Karamanlis' efforts since the *metapolitefsi* of 1974, first as prime minister, and since 1980 as president, to create, perhaps for the first time since the formation of the independent Greek state, the framework of an authentic pluralistic democracy, had been crowned with success. The events of March 1985, however, by raising the spectre of regime instability which has been one of the principal bugbears of Greek political life in the twentieth century, have given rise to the gravest political crisis in Greece since the forced resignation of Georgios Papandreou as prime minister in July 1965, an event that was to pave the way for the establishment of the Colonels' dictatorship in April 1967. The principal opposition party, the conservative New Democracy (ND), refused to accept the legitimacy of the election of Christos Sartzetakis, a judge of the *Areios Pagos*, or Supreme Court, as president of the republic. This ensured that the elections of June 1985, held some four months before the expiry of parliament's full four-year term, took place in a climate of political polarization as acute as at any time since the elections of 1946. Moreover, although Andreas Papandreou's Panhellenic Socialist Movement (PASOK) has won an impressive mandate for a second term, losing in 1985 only a two percentage share of the popular vote it secured in 1981, the constitutional crisis of March 1985 is likely to cast a long shadow over the Greek political firmament.

The constitutional crisis was as severe as it was unexpected. Virtually all observers had predicted that the reelection of the seventy-eight-year-old Karamanlis as president for a second five-year term would

prove to be a mere formality, since his candidature would enjoy the backing of both the ruling PASOK party and of ND. ND's support was a foregone conclusion for Karamanlis was the acknowledged leader of the conservative *parataxis*, that untranslatable word whose nearest equivalent in English is perhaps "camp," and had, until his elevation to the presidency, been the leader of ND, of which he was also the founder. It was widely assumed that Papandreou would not wish to disturb what George Mavrogordatos has aptly described as the "charismatic tandem," with Karamanlis in the presidency, enjoying substantial reserve powers under the 1975 constitution, and Papandreou in the premiership, which had manifestly worked to Papandreou's advantage in the 1981 election.<sup>1</sup> Wavering center voters, whose support had been crucial to PASOK's success in 1981, had undoubtedly been reassured that, with Karamanlis in the presidency, they could risk voting for Papandreou's *sui generis* brand of populist socialism, with its promise of radical domestic transformation and a major reorientation in the country's external relations, secure in the knowledge that the president could be relied upon to curb any major threat to the established bourgeois order. Moreover, although Karamanlis, as a firm proponent of Greece's western orientation and as the chief architect of her accession to the European Community, must have found much of Papandreou's anti-American, anti-NATO and anti-EC rhetoric unpalatable, there can be little doubt that he derived a certain satisfaction in 1981 from presiding over a peaceful handover of power from right to left, an orderly transition that constituted, or so it seemed, tangible evidence of his success in reshaping the Greek polity since 1974.

Within a short time of the 1981 election it became apparent that a good working relationship had been established between president and prime minister, by far the two most charismatic figures on the Greek political scene. Indeed, despite their manifest political differences and earlier fierce rivalries, it appeared that there was some personal affinity, deriving from their political style. For Karamanlis, when prime minister, had exercised much the same kind of autocratic control over his party that Papandreou has exercised over PASOK. There was no indication that Karamanlis, any more than his predecessor as president, Konstantinos Tsatsos, would seek to use any of the substantial prerogatives vouchsafed to the president under the 1975 constitution. There was certainly no sign that he intended to use these powers in a 'Gaullist' fashion, as a number of observers had speculated when the constitution was originally promulgated in 1975. Karamanlis, at the age of

<sup>1</sup>George Mavrogordatos, *Rise of the Greek Sun: The Greek Election of 1981*, Center of Contemporary Greek Studies, King's College, London, Occasional Paper 1 (1983) 20.

seventy-eight remained in good health, and, outside the far left, there was no serious suggestion that the "charismatic tandem" should not continue with the reelection of Karamanlis to a further five-year term. Such a move, in the opinion of many observers, could only have been of benefit to Papandreou in the elections to be held in 1985. Indeed Papandreou himself, on a number of occasions, had publicly praised Karamanlis' handling of the presidency and had stated that he would be happy to see him continue in office. He sometimes qualified this by stating that this was his own personal view and that it did not necessarily reflect the view of PASOK, but this was essentially a meaningless qualification in that Papandreou was, and is, PASOK, with an absolute and unchallenged grip on the party. As for Karamanlis, he never spoke publicly of his aspirations for a second term in office but it was common knowledge that, provided his candidacy was not contested by either of the two main parties (and it was inconceivable that ND would put forward any other candidate), he would allow his nomination to go forward, with the election of the presidency due to take place in parliament in 15 March.

On 6 March the parliamentary group of ND duly and unanimously agreed to support Karamanlis' candidacy for a further five-year term. On the same day the Communist Party of Greece (KKE), with 13 seats in the 300 seat parliament, announced that it would be putting forward its own candidate, who was not named, on the grounds that Karamanlis symbolized the establishment, that he had created the authoritarian constitution of 1975 and that he had fashioned a controlled two-party system. The general assumption in the press, whether pro- or anti-government, was that Papandreou would announce PASOK's support for Karamanlis' candidacy at a meeting of the 140 strong Central Committee of PASOK on 9 March. Instead, to the manifest surprise of even some of his own ministers and of much of the rank and file of the party, he announced, to tumultuous applause, the nomination, not of Karamanlis, but the fifty-six-year-old Christos Sartzetakis. Sartzetakis was a judge of the Supreme Court widely respected for his role in bringing to justice the assassins of the United Democratic Left (EDA) deputy, Gregorios Lambrakis, in 1963 and for his courageous opposition to the Colonels' dictatorship between 1967 and 1974. Papandreou had apparently not consulted Sartzetakis in advance to secure his agreement but this was readily forthcoming.

At the same time, while acknowledging that neither Karamanlis nor his predecessor as president, Tsatsos, had ever sought to deploy the substantial reserve powers vouchsafed to the president in the 1975 constitution, Papandreou announced proposals for constitutional reform. The fact that the presidential prerogatives had not so far been invoked,

he said, did not preclude the possibility of their being used in the future by a politically motivated president to thwart the political will of the people as expressed in parliament. Announcing the need for "political self-sufficiency" and rejecting "political regulators," Papandreou, in a characteristically opaque speech to the Central Committee, declared that it would be illogical to ask Karamanlis to serve as president under a revised constitution, when the 1975 constitution had been very much his own brainchild. At a subsequent meeting of the PASOK parliamentary group he declared that the move was an answer to all those who claimed that PASOK had been assimilated by the old system. Papandreou, in proposing a substantial curbing of the powers of the president, was, in effect, reviving his earlier demand for a "socialist" constitution as an essential precondition of socialist transformation. In 1975 he had denounced the new constitution as totalitarian and PASOK together with the then principal opposition party, the Center Union—New Forces (EK-ND), had boycotted its promulgation. In the run up to the 1981 election, however, as political power came within his grasp, he had tacitly abandoned, without ever formally renouncing, his original demand for a "socialist" constitution.

Karamanlis, who had celebrated his seventy-eighth birthday the day before Papandreou's sudden change of mind, promptly withdrew his candidature and, on the following day, Sunday 10 March, announced his resignation "in the light of future developments," to which he could not be a party, two weeks before the expiry of his term of office. He was replaced as acting president by Yannis Alevras, the president of parliament and a PASOK deputy. At the same time PASOK's proposed constitutional amendments were further clarified. These essentially involved a major curtailing of the reserve powers vested in the presidency. The decision to hold a referendum on matters of major national importance could, in future, be taken only on the advice of the cabinet. Restrictions were to be placed on the president's power to proclaim a state of siege, to establish extraordinary courts and to suspend articles of the constitution. Amnesty for political crimes was in future to be a parliamentary rather than a presidential prerogative. It was also proposed to restrict the president's freedom of initiative in the event that parliament was unable to form a government. Only if none of the party leaders, chosen in order of their strength in parliament, were able to form a government could the president ask the chief justice to put together a government of national unity. The president, in future, was to have the right to dissolve parliament only when it was incapable of forming a government and not, as hitherto, also when he deemed that parliament no longer reflected the will of the people. The most controversial aspect of the proposals concerned the intended simplification

of the procedure for the amendment of the constitution. Article 110 of the 1975 constitution provides that its non-fundamental provisions can only be amended following the approval of a majority in two successive parliaments. A minimum majority of three-fifths (in two separate sittings separated by at least a month) is required in the first instance, a simple majority in the second. The new proposal envisaged that constitutional amendments could be introduced within the term of a single parliament, on condition that they enjoyed the support of at least a three-fifths majority, confirmed in a second ballot a month later. It was also proposed to remove the stipulation that a minimum of five years had to elapse before new amendments could be made.

The leader of ND, Konstantinos Mitsotakis, was quick to accuse Papandreou of engineering a constitutional crisis to remove Karamanlis from office and to prepare the way for the imposition of a totalitarian constitution. He was particularly critical of the proposal to enable the constitution to be amended within the lifetime of a single parliament. Arguing that the only way out of the impasse was to hold new elections, he called for the postponement of the presidential election until a new parliament had been elected. The forthcoming parliamentary elections, he claimed, would constitute the "battleground for the final confrontation between a liberal democratic regime and the anti-democratic pseudo-socialism of PASOK." Papandreou, in his turn, agreed that the next elections, whenever they were held, would be the most significant in recent decades. In contrast to ND, the Communist Party (KKE) came out strongly in favor of Sartzetakis' candidature and of the proposed constitutional amendments. The much smaller "Eurocommunist" Communist Party of the Interior (KKE-es), however, while it broadly supported the proposed constitutional amendments, was critical of the precipitate way in which Sartzetakis' candidature had been announced. Although PASOK claimed the authority of a number of professors of constitutional law for the proposed revision of article 110 so as to simplify the process of constitutional amendment, the proposal was soon abandoned. For, in the words of a government spokesman, it had given rise to "misleading statements and perfidious interpretations."

Attention was now principally focussed on the election in parliament of Karamanlis' successor. Although ND declined to nominate an alternative candidate, the election of PASOK's nominee, Sartzetakis, was by no means a foregone conclusion. The 1975 constitution provides for up to three rounds of voting. In the first two rounds a successful candidate must secure a minimum of two-thirds of the votes (200 out of a 300 seat parliament). In the third a three-fifths (180) seat majority is required, failing which new parliamentary elections must be held. The arithmetic of parliament ruled out an election on the first

two ballots and made an election even on the third highly problematical. PASOK could count on the support of its 165 deputies (although it was by no means certain that all of these approved of Papandreou's precipitation of the crisis), of the 13 deputies belonging to the KKE and of the votes of two deputies, Georgios Mavros, the former leader of the Union of the Democratic Center (EDIK), and Manolis Glezos, the secretary general of the left-wing EDA, both of whom had been included on the PASOK ticket in the 1981 election. More doubtful was the position of some half dozen deputies elected on the PASOK ticket but who had subsequently been expelled or, as the PASOK jargon has it, had subsequently placed themselves "outside the Movement." A number of these, who had emerged as bitter critics of Papandreou, were expected to align themselves with ND but at least one, Stathis Panagoulis, who had founded his own minuscule socialist grouping, declared his support for Sartzetakis' candidature and for the proposed constitutional revisions. ND, on the other hand, could count on the loyalty of its 112 deputies, while a further three elected as state deputies on the ND ticket, were expected to align themselves with ND. These were Panayiotis Kanellopoulos, Karamanlis' successor as leader of the precoup ERE party, A. Kokkevis, formerly a prominent centrist politician, and Spyridon Theotokis, a noted royalist who had been leader of the ultra-right *Ethniki Parataxis*, which had secured five seats in the 1977 election. It was obvious that if only two or three PASOK deputies broke ranks then Sartzetakis might not receive the necessary 180 votes.

At an early stage it was clear that the outcome might well be so close as to hinge on the vote of Yannis Alevras, who, as president of parliament, had automatically become the acting president. The opposition argued that, as acting head of state, he was precluded by the constitution from voting and exercising his rights as a deputy. In this view they were supported by a number of constitutional experts. Professor Nikolaos Saripolos, for instance, maintained that only a Constituent Assembly was empowered to declare as to whether Alevras was eligible to vote. PASOK, on the other hand, argued that the constitution did not make provision for the case of a non-elected president and determined to submit the matter of Alevras' eligibility to vote to parliament, where its overall majority could be relied upon to ensure a favorable decision. PASOK cited in favor of such a move the opinion of Professor Grigorios Kasimatis that not only did Alevras have a right to vote in the election but he had a positive duty to do so.

In any event Alevras did not participate in the first ballot, held on Sunday 17 March. 297 deputies were present in parliament, of whom 184 cast ballots. Three of these were blank and three were deemed to be invalid because they had been inscribed, "No to totalitarianism."

On the day after the first ballot, 18 March, parliament voted on Alevras' call for a "prompt and irreproachable" decision as to his eligibility to vote in the second and third rounds. ND had previously declared that it would boycott the vote and would not recognize Sartzetakis as president if he were elected on the basis of Alevras' vote. In parliament the minister of the interior, Menios Koutsogiorgas, argued that parliament was the body most competent to decide on Alevras' eligibility to vote. He maintained that article 30, paragraph 2, which stated that the office of president was incompatible with any other office, and which had been cited by those constitutional experts opposed to Alevras' right to vote, applied only to an elected president and not to an acting one. At the end of the special parliamentary session to decide the issue, the government, as was expected, secured the necessary majority, ND deputies having left the chamber. In the light of parliament's decision Mitsotakis reiterated that ND would not recognize Sartzetakis as president if his election depended on Alevras' vote.

Alevras did not participate in the second ballot held on Saturday 23 March. Of the 295 deputies present in parliament, 181 voted for Sartzetakis (164 from PASOK, 12 from the KKE and 5 independents). One blank vote was cast and three ballots were declared to be invalid. The ND deputies once again declined to participate. The opposition strongly objected to what it considered to be improper measures taken to prevent any defections from the PASOK ranks. These included the use of different colored ballot papers and the grouping of deputies by constituency. Mitsotakis' suggestion that voting for the presidency, which, according to the constitution was supposed to be secret, should take place behind a screen, was dismissed as "insulting to parliament." The voting took place in an atmosphere of considerable tension, with one ND deputy actually seizing the ballot box for a brief period. There was also a verbal duel between Papandreou and Mitsotakis, when the latter accused PASOK of showing a lack of respect for parliament. Papandreou retorted by declaring that Mitsotakis was the last person to speak about respect for parliament, a clear reference to Mitsotakis' "apostasy" in 1965, when he figured prominently among those who defected from Georgios Papandreou's Center Union government, thus bringing about its downfall. The political temperature was further heightened by allegations by the ND leader that the party's telephones had been tapped, while the pro-PASOK press engaged in a witch-hunt to uncover possible PASOK defectors.

The third round in the elections to the presidency took place, once again in an inevitably highly charged atmosphere, on Friday 29 March. As in the previous round, despite vigorous opposition protests, colored ballots were used and PASOK deputies were subject to strict

surveillance, with the parliament building being surrounded by chanting government supporters. Even so, two PASOK deputies, who had seemingly voted for Sartzetakis in the second round, managed to spoil their papers. This had as a consequence that Saratzetakis secured the minimum 180 votes stipulated by the constitution only through the vote of Alevras. Mitsotakis forthwith declared that, in ND's view, a president of the republic had not been elected and that he would neither attend Sartzetakis' swearing in as president nor have any contact with him. He appealed to Sartzetakis to reconsider his acceptance of the nomination, declaring that, if he did accept, the issue could only be resolved in a general election, which he demanded should be held as soon as possible. Papandreou himself subsequently declared that in challenging the legality of the election Mitsotakis was undermining the constitutional order. He also claimed to have evidence that bribes of up to £1.2 million had been offered to PASOK deputies to vote against Sartzetakis, saying that the names of those who had offered these bribes would one day be made known.

Once Sartzetakis' election had been secured the way was now clear for Mr. Papandreou to introduce his proposed constitutional amendments in parliament. The amendments on which parliament was invited to vote were essentially those originally proposed by Papandreou on 9 March, minus the proposal to alter the procedure for constitutional amendment, with an additional amendment, prompted by the controversy arising out of the vote for the president, abolishing the secret ballot for the presidency. These amendments were approved, by 182 votes on each occasion, in sittings on 6 April and 7 May and the way was thus cleared for President Sartzetakis to proclaim elections for 2 June. The holding of early elections was justified on the ground of the need for a new parliament to endorse or otherwise the proposed constitutional amendments and on the somewhat unconvincing, but convenient, ground that the Cyprus problem had reached a critical stage.

Although the elections had been precipitated by the constitutional crisis and although Mitsotakis was not slow to point to what he considered to be its implications for the future of democracy in Greece it was not until fairly late in the campaign that the *thema Sartzetaki* was raised in an explicit fashion. In the course of a television interview on 20 May, Mitsotakis declared that when voting the Greek people would not only be deciding the fate of the PASOK government but also the future of the president. "In voting the Greek people will also be voting for a president." He added that, in the event of a win by ND, he would expect Sartzetakis to resign. This prompted a sharp retort from the presidency itself. The office of the president declared (whether

after consultation with the prime minister is not clear) that Sartzetakis had no intention of resigning, nor had he empowered anyone to talk about possible resignation. "The president of the Republic will remain the vigilant guardian of the Constitution." Mitsotakis retorted that this statement demonstrated that Sartzetakis was a party organ, and that he could not place himself above the judgment of the Greek people. Mitsotakis subsequently clarified his position by saying that, in the event of an ND victory, the question of the validity of Sartzetakis' election would be referred to the Council of State (*Symvoulion Epikrateias*), whose judgment would be respected. If the Council of State found against Sartzetakis then the whole process of electing a new president would be set in motion. Inevitably Papandreou was quick to accuse Mitsotakis of posing a challenge to the existing constitutional order and, by suggesting that Mitsotakis had been in contact with former King Constantine (an allegation denied by Mitsotakis), to put himself forward as the guarantor of the Republican order. He pointed out that the parties that had endorsed Sartzetakis' candidature in parliament enjoyed the support of 60 percent of the electorate. A vote for Mitsotakis, so Papandreou suggested, was a vote for constitutional anomaly. Indeed, Mitsotakis' raising of the constitutional issue at this stage was probably counter-productive, opening up as it did the prospect of a prolonged constitutional crisis in the event of an ND victory. Two days before the election Karamanlis broke the strict silence that he had maintained since his resignation on 10 March by warning the electorate to consider carefully before casting their vote, lest the nation be plunged into further adventures. He did not explicitly advise people to vote for New Democracy, nor did he directly criticize PASOK, but he implied that Greece under PASOK had been brought to a state of "confusion and uncertainty." He urged the Greeks to learn from their bitter experiences of past upheavals. The statement was not broadcast on the state controlled radio or television.

In the 2 June election Papandreou's PASOK secured an impressive 46 percent share of the vote (only 2 percent down on its 1981 share and 4 percent up on its share in the 1984 Euroelections). It did not appear that Papandreou had suffered any quantifiable loss of support as a result of the March constitutional crisis. The disquiet aroused by the procedures employed to ensure the election of Saratzetakis and the precipitate ending of the "charismatic tandem" of Papandreou and Karamanlis did not seem to have impelled center voters who had voted PASOK in 1981 to vote ND in 1985 to any significant degree. Indeed, his championship of Saratzetakis and of the curbing of the prerogatives of the president may have helped him to secure a significant number of votes from the far left, for the KKE's share of the vote was down

from 10.9 and 11.6 in 1981 and 1984 respectively to 9.9 and that of the Eurocommunist KKE of the Interior from 3.4 in 1984 (1.4 in 1981) to 1.8. Certainly Papandreou was now able to argue that a significant majority of the total electorate had, *ex post facto*, given their sanction both to Saratzetakis' presidency and to the proposed constitutional changes. Mitsotakis acknowledged this, as his remarks during the campaign in effect obliged him to do, soon after the election by announcing that he now accepted Sartzetakis as the legitimate head of state. Nonetheless, the damage inflicted upon the legitimacy of Greece's political institutions in the constitutional crisis of March 1985 will take a long time fully to heal.

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## Greece and the Jews

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JOSHUA DAVID KREINDLER

AS THE FORTIETH ANNIVERSARY of the end of World War II approaches, many Jews are unaware of the heroic role played by the Greek people to rescue their fellow citizens of the Jewish faith from a mutual enemy, Nazism.

In sharp contrast to the Roman Catholic Church and many Protestant churches, Greek Orthodox Christians, led by the valiant Archbishop of (all of) Greece, Damaskenos, protested against the racist decrees forced upon Greece by the Nazis which sought to differentiate between Greek Jew and Greek Gentile. At great personal danger did Damaskenos also personally instruct churches throughout Greece to hide Jews. To those who could not be hidden, Damaskenos issued false baptismal certificates. Gregorios, bishop of Chalkis, saved hundreds of Jews and hid the Torah scrolls in his church. After the war, he returned them to the Jewish community.

Angelos Evert, the Chief of Police of Athens and Piraeus, also saved Jews by issuing false identity papers to them. Ironically, Angelos' grandfather came from Germany, his name is German (i.e. Evert), so he was not under the close Nazi scrutiny to which other officials were subjected. Dimitri Papaioannou, a successful Greek-American businessman told me that his father was sent to Auschwitz for helping the Nachamoudi family of Athens. Mr. Papaioannou, who is active on behalf of Jewish causes, is proud that his father was martyred for "a people that gave the world so much, especially its greatest prophet, Jesus Christ."

Greece is one of the few countries where Jew and Gentile fought as brothers to rid their land of a common enemy. As Miltiatis Evert, son of Angelos Evert and a member of Parliament, said, "If it were to happen again, we would save our brother Greek." The dozens of Greeks I met expressed the same feelings of solidarity with the Jewish people. They were equally proud of Captain Mordecai Frizis, a Jew and the first Greek officer to fall in World War II, who was responsible