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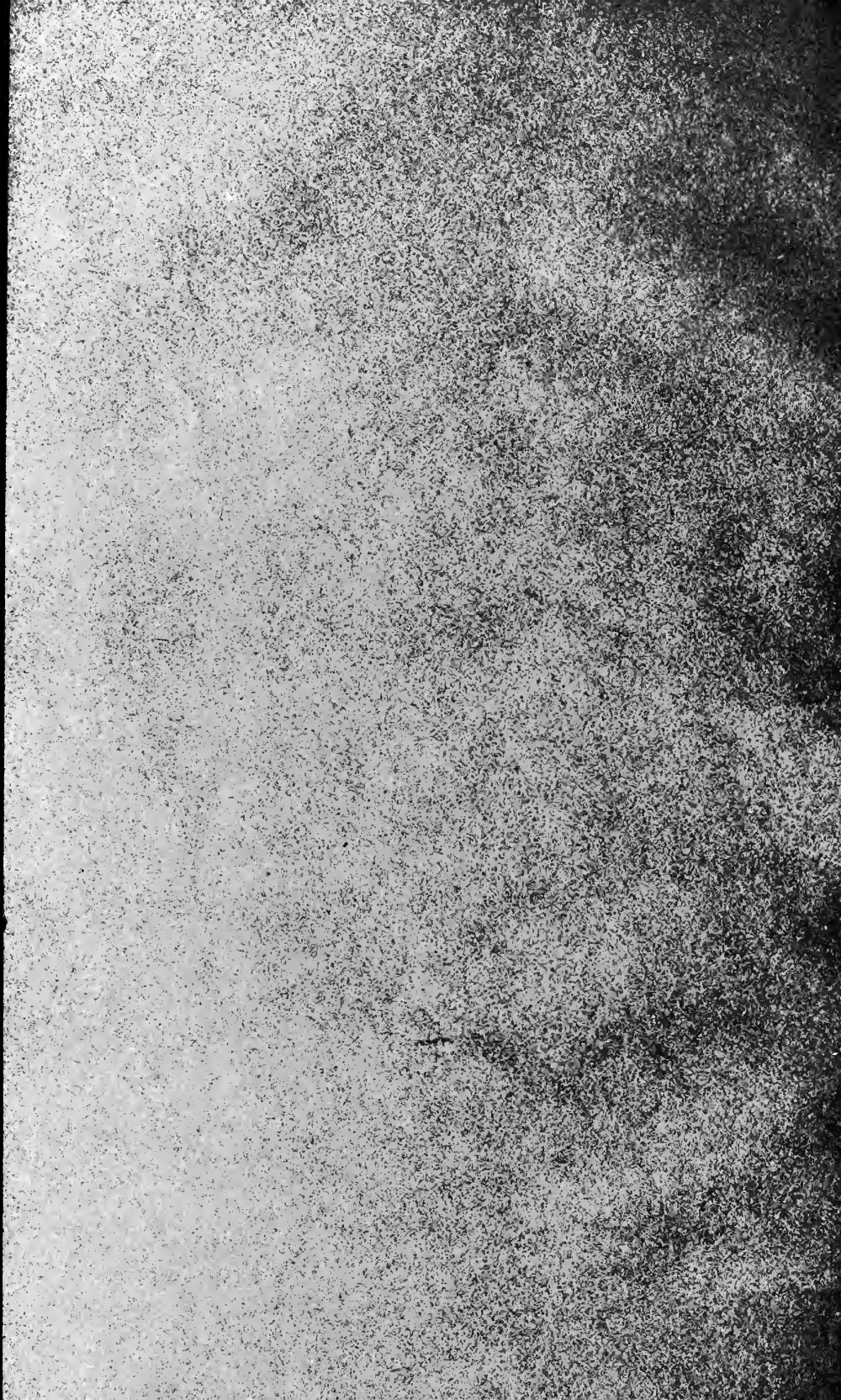
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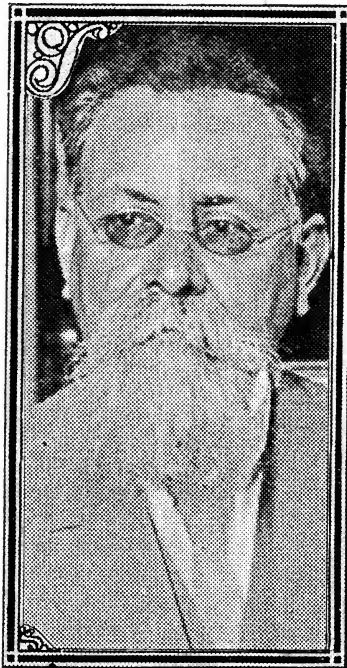
REPORT

by

VENUSTIANO CARRANZA

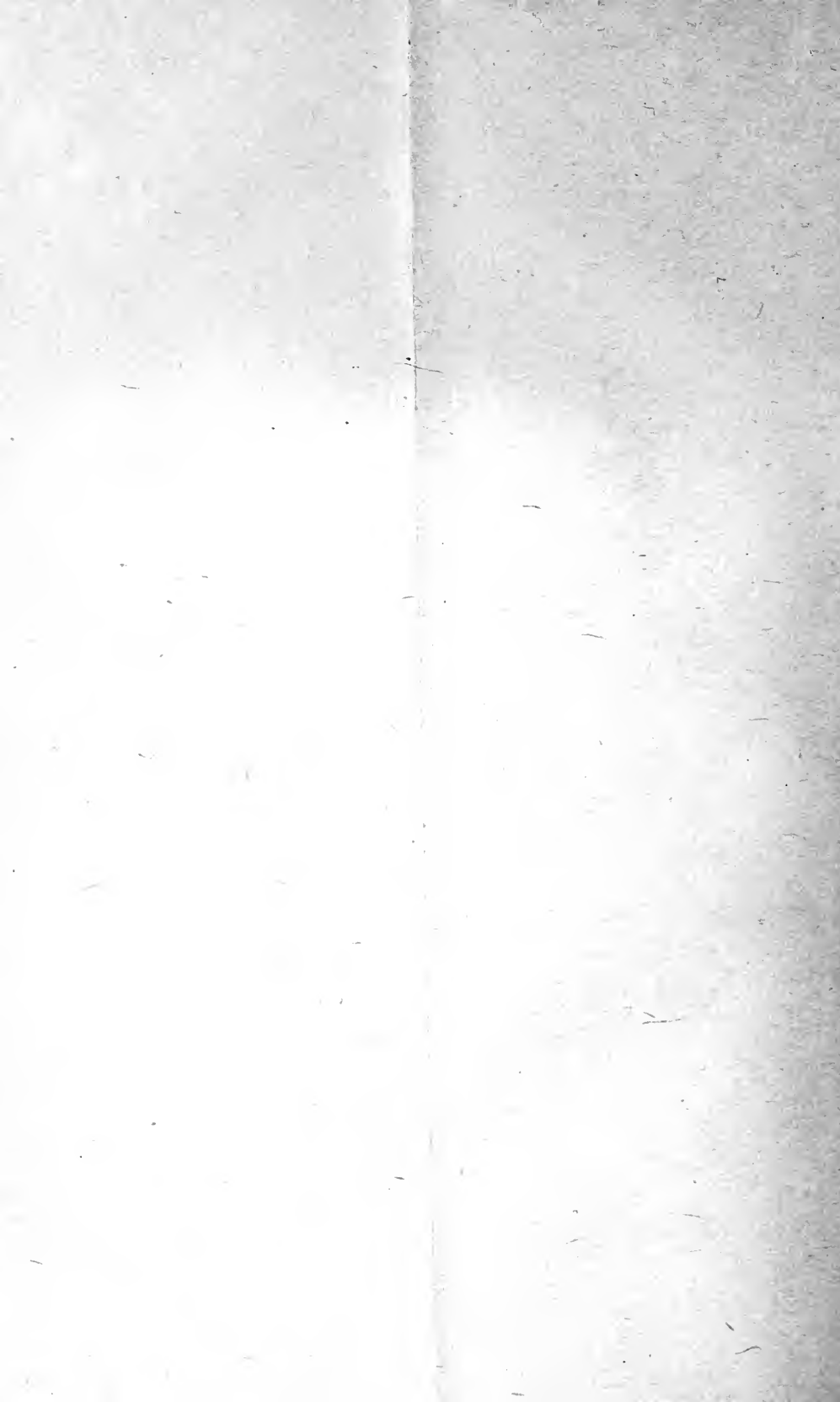
(First Chief of the Constitutionalist Army)

In the City of Querétaro, State of Querétaro, Méx.
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REPORT

made by the First Chief of the Constitutionalist Army, Venustiano Carranza, before the first Meeting of the "Congreso Constituyente" in the City of Querétaro, State of Querétaro, Republic of México, at four o'clock in the afternoon of Friday, December the first, 1916.

"One of the greatest satisfactions which I have had since starting the struggle which I, as Constitutional governor of the State of Coahuila began against the usurpation of the government of the Republic, is that of being able at the present moment to place in your hands, in fulfillment of one of the promises which I made to the Mexican people in the City of Veracruz, in the name of the revolution; the project of a reformed Constitution; a project which comprises all the political reforms which several years' experience and a careful and constant observation have suggested as indispensable for cementing, on a solid basis, the institutions and laws under which the Nation shall work out its salvation, marching towards progress along Liberty and Law. The political Constitution of 1857, left to us by our forefathers as a precious inheritance under which the Mexican Nationality has crystalized, a constitution which penetrated into the national soul with the War of Reform, during which great things were accomplished, and which constituted the flag carried by the people to the battlefield during the war against intervention, presents without doubt the consecration of the highest principles, fully acknowledged in the dazzling light of the greatest revolution that has ever taken place in the world at the end of the eighteenth century; principles which have been sanctioned by the constant and patient practice which have made of them two of the greatest countries on earth: England and the United States.

Unfortunately the legislators of 1857 were satisfied with the proclamation of general principles which they did not endeavor to

carry into practice adapting them to the needs of the Mexican people in order to fulfill them completely and rapidly; therefore, our political code in general has the appearance of a collection of abstract formulæ wherein scientific deductions of a great speculative value have been condensed, but from which little or no usefulness has been derived. In sooth, the individual rights which the Constitution of 1857 claims are the basis of social institutions, have been conculcated almost constantly by the different governments which since its promulgation have succeeded one another in the Republic, and the organic laws of the appeal trial (*juicio de amparo*) designed to protect such rights, instead of helping to a rapid and exact result, did nothing but deviate justice, impossibilitating the action, not only of the federal courts usually swamped by numberless files, but also that of the common courts, obstructed by the suspension orders issued without rule or justification. But there is still more.

The resource of appeal, instituted with a high social aim, soon became denaturalized until it was converted, first into a political weapon, and afterwards into an appropriate means to make an end of the sovereignty of the states, since even the most insignificant acts of the authorities in the states were subjected to revision by the Supreme Court; and as that high court, due to the manner in which its members were appointed, was absolutely under the influence of the chief of the Executive power, it became evident that the declaration of the Rights of Man stated in the Federal Constitution of 1857, had not had the practical importance which was expected.

Therefore, the first basis on which the whole structure of social institutions should rest, was inefficient to consolidate and adapt them to their object, which was the establishment of the relations between the individual and the State, in a simple and practical form, demarcating the respective boundaries within which their respective activities should develop, without shackles of any kind; for the activity of the individual, outside of bounds, becomes perturbing and anarchical, and that of the State, oppressive and despotic. But the principle to which reference has just been made, although expressly and categorically formulated, has had no real practical value, notwithstanding that in the field of constitutional rights it is an indisputable truth. The same thing exactly has occurred with all the other fundamental principles set forth in the same Constitution of 1857. These principles have up to the present time, never been anything more than a delightful hope, the realization of which has always been a mockery. In truth, the national sovereignty which is rooted in the people, does not and has not been, except in very few instances, a reality in Mexico, because, if not always, usually in an uninterrupted manner, public power has been exercised not by the free appointment made by the untrammelled will of the nation,

under the forms established by law, but by the impositions of those who had in their hands public force to invest themselves or invest others selected by them, with the representation of the people. Another principle which has not been carried out, and consequently has had no positive noticeable value, is that fundamental one clearly stated in the Constitution of 1857 relative to the division of the exercise of public power; for such division has as a general rule, been existent on paper only, since it is a fact that public powers have been exercised by only one individual, and the contempt of the Supreme law has been evidenced by a series of acts constantly repeated which granted to the chief executive, without any opposition, the power of legislating on all subjects, and the Legislative Power was reduced to acquiesce, and afterwards to approve what was done by virtue of those faculties; and no case is on record wherein the Legislative Power has reproved, or even raised an objection to that usurpation of its rights. In the same manner the precept which sanctions the federation of the States which form the Mexican Republic, declaring that they must be free and sovereign as regards their interior regime has been a vain promise, until now, since the history of the country demonstrates that, as a general rule, and with extremely rare exceptions, this sovereignty has been purely nominal, because the central power has always been the one to impose its will, while the authorities in each state have limited themselves to being the obedient instruments of the central authority. Finally, the promise made by the Constitution of 1857 relative to assuring to the States the popular republican representative form has also been vain, for, shielding themselves behind this principle, which is also one of the fundamental ones in the Federal Government system adopted for all the country, the Central powers have intervened in the interior administration of a state when its governor has not been docile to the orders of the former, or they have fostered the establishment in each state of a real "cacicazgo", for such has almost invariably been the so-called administration of the governors whom the people has seen in power. The country's history, the latter part of which is familiar to you, presents abundant data to fully prove the assertions I have made. But in the first place I know that you do not doubt them, as no Mexican is unaware of the scandals caused by the flagrant violations of the Constitution of 1857, and secondly, this would require extensive explanations entirely outside of the limits of a summary statement of the principal points of the initiative which I now place in your hands so that you may study it as carefully and painstakingly as is required by the nation, which expects you to remedy the ills and miseries which it has endured for so many years.

In its expositive part, the decree of September 14, of the current years, which modifies several of the articles added to the Plan of Guadalupe, under date of December 12, 1914, the govern-

ment of which I am in charge, expressly offered that the proposed reforms to the Constitution of 1857 to be presented to this Congress, would leave intact its liberal spirit and the form of government established therein; that those reforms would affect only those parts of the constitution which make it inapplicable, to supply its deficiencies, to clear the obscure precepts and to cleanse it of all those reforms which were inspired only by the desire to make it a tool in order to enthrone dictatorship. I cannot say that the project which I now present to your consideration is a perfect work, since no work of human intellect can aspire so high, but I can assure you, gentlemen, that the proposed reforms are the fruit of a sincere conviction, of personal experience and of a deep desire that the Mexican people may secure the enjoyment of all its liberties, the enlightenment and the progress of which signify respect abroad and peace and welfare in all domestic matters.

I am going to present to you, gentlemen, a synthesis of the reforms to which I refer, so as to give you a short, clear idea of the principles which have guided me, for thus you will be able to appreciate whether or not I have reached the object for which I aimed, and you will also then be able to learn what you have to do in order to duly fulfill your task. It being the object of all governments to protect and help each individual, that is to say, each of the units which form the nation, it is unquestionable that the first requisite to be fulfilled by a political constitution must be the protection of individuals granted with as much precision and clarity as is adaptable to human liberty in all its direct and necessary manifestations, as they constitute the personality of man.

The Constitution of a people must not try,—if it is to have a lasting existence—to place an artificial boundary between the State and the individual as if endeavoring to extend the field of action of the former to the detriment of the latter, so that what is given to the former is the condition for the protection it imparts to that which the latter reserves for himself; but it must strive that the authority given by the people to its representatives—since the people cannot exert it themselves—should not be turned against the society which has granted it, and whose rights must be within its reach. But one must keep in mind that the government must, perforce and necessarily, be a means to carry out all those conditions without which, right cannot develop and exist. Starting from this primary idea, which must figure in the first place as indicating the aim of the institution of the government, which is that of giving their real value to social institutions,—the action of public powers shall be conveniently directed and an end will be put to certain political and social habits, that is to say, certain government processes which to date have never had any basis; for, although the Mexican people does not believe in a social pact whereby the political organi-

zation rests fully on the divine origin of a monarch, lord of lives and property, it perfectly understands that the laws it has, tho proclaiming high principles, do not accommodate themselves to its mode of feeling and thinking; and instead of satisfying its need of giving protection to the full use of freedom, these laws lack life, since they have been controlled by an enervating military despotism and by iniquitous exploitations which have sunk the more numerous classes into a deep mire of desperation and ruin.

For this reason, the first declaration in the political constitution of a people is to guarantee human freedom in the most ample and full manner possible, in order to prevent the government, under the pretext of order or peace—the motives always alleged by tyrants in order to justify their outrages—from attempting at any time to limit the rights of the governed ones, impeding the full use of these rights, and assuming the exclusive faculty of directing individual initiative and social activities, and trying to control man and society. The Constitution of 1857 states, as I have already said, that the rights of man are the basis and object of all social institutions, but with few exceptions, it does not guarantee these rights in due manner; nor was this done by the successive laws that were passed, and which do not prescribe any serious punishment for the violation of those rights, since they merely give nugatory penalties which very seldom become effective. Therefore, and without fear of falling into any exaggerations, one can say that despite the Constitution referred to, individual liberty was completely at the mercy of rulers. The number of outrages against freedom and its different manifestations during the period of time in which the Constitution of 1857 has been in force, is surprising; there have been daily complaints against the abuses and excesses committed by the authorities throughout the republic and notwithstanding the general spread of this evil and the constant disturbances which the judicial authorities caused the Federation, the latter never made any efforts to repress such abuses, much less to punish for them.

The imagination cannot conceive the number of appeals from consignment to military service or from arbitrary acts of the civil authorities especially the "jefes Piliticos" mayors, who, seemed to be the tormentors of the individual and of society rather than the ones charged with maintaining order; and assuredly these appeals would cause not surprise, but amazement even in those most heedless and insensible to the misery of mankind. The mere declaration of right which is enough to impose respect in a people of high culture wherein the proclamation of a fundamental principle of political and social order is sufficient, becomes a barrier behind which the authority invested with omnimode faculties, assuming unlimited power, and where the people has nothing to do but keep silent and endure. The cor-

rection of these evils is the aim of the different reforms which the Government in my charge proposes in regard to the first section of the first title of the Constitution of 1857, and I entertain the hope that by these reforms and the severe penalties imposed by the penal code for the outrages to individual guarantees, it will be possible to make the public authorities what they should be, the instruments of social safety, instead of being what they have been: the oppressors of the people which unhappily have been under their sway. It would require a long time to enumerate all the reforms proposed in this project; but allow me to call your attention to a few of them, on account of their special importance. Article 14 of the Constitution of 1857, which in the mind of the Constituents, as deduced from its text and the discussions which took place relative thereto, referred only to trials of the penal order, after many delays and contradictory decisions of the Supreme Court, was definitely extended to civil cases and the result of this was, as I have already stated, that the judicial federal authorities became the revisors of all acts of the judicial authorities in the States, and thus the Federal power on account of the influence it exerted, controlled the action of the common courts, either with political views or in order to advance some favorite. Due to the appeal recourse, the federal judicial authorities were overburdened with work, and the course of common court cases was greatly impeded. Despite all these facts, we must acknowledge that the tendency to give an undue extension to article 14 of the Constitution was caused by the urgent necessity to reduce the judicial authority of the States to their just boundaries, for it was soon felt that the judges, converted into the unconditional tools of the governors who brazenly interfered in matters absolutely outside of their scope, made it necessary to have recourse to the federal judicial authority in order to repress all those abuses. So it appears from the modification made under date of December 12, 1908, to article 102 of the Constitution of 1857, a reform which, otherwise, is very far from attaining its object, and merely complicated still more the mechanism of the appeal, already slow and difficult; furthermore, the Supreme Court made so many breaches of this reform, that within a short time it was absolutely null and useless.

The Mexican people is so used to appeal in the civil proceedings in order to free themselves from the arbitrary acts of judges, that the government in my charge has considered it imprudent and unjust to deprive them of this recourse, and thinks it will be sufficient to limit it to the cases where it is absolutely necessary, expediting it so that its course will be rapid and effective, as the Chamber will see by the proposed reforms. Article 20 of the Constitution of 1857, marks the guarantees which every defendant shall have in any criminal proceedings; put into practice, those guarantees have been absolutely ineffective, since although not violating them openly, practices which were abso-

lutely inquisitorial have been carried on the side which generally leave the defendant subject to the arbitrary and despotic action of the judges and even of the agents or clerks in the offices of the former.

You well know, gentlemen, and the whole Mexican people knows it as well, that the rigorous incommunication, or solitary confinement at times prolonged for several months, to punish presumptive political prisoners, or to frighten and subdue the unhappy individuals who had fallen under the action of the criminal courts and compell them to make forced confessions which practically always were false, and which were merely the outcome of a desire to get out of dirt and conditions which were a real menace to health and even to life.

The criminal procedure in Mexico has, up to date, and with slight variations, been exactly the same which was implanted by the Spanish domination, without any change in the harshness of the treatment of prisoners, for the Mexican legislation has remained entirely conservative in this matter, without any one taking any pains to improve it in this point.

Secret proceedings and acts took place, with which the accused was not acquainted, as if his own freedom and life were not at stake; restrictions to the rights of the defense, preventing the accused and his defenders from being present at the hearing of proofs against the former, as if these were of no moment to the prisoner, and finally, the fate of the prisoner was left entirely in the hands of the clerks who, either by antagonism or interest, altered their own declarations, those of the witnesses against him, and even those of the witnesses who had declared for him. The law grants the accused freedom under bail during the course of the proceedings, in certain cases; but this faculty was subject to the arbitrary will of the judges, it being sufficient in order to annul this concession, a mere declaration that they feared the prisoner would evade the action of justice by fleeing and losing the amount of the bail. Lastly, there is no law which establishes, in a precise and clear way, the maximum duration of penal proceedings, and this lack has permitted the judges to hold the defendants for a longer period than that marked by the law for the misdemeanor or crime, and thus arrests were often absolutely unjustified and arbitrary.

The reforms suggested for Article 20 will remedy all these evils.

Article 21 of the Constitution of 1857 granted to the administrative authority the power of imposing, as a correction, up to \$500 fine or up to one month's imprisonment in the cases and manner expressly determined by the law, reserving for the judicial authority the exclusive application of all penalties properly called so. This precept opened a wide breach for

abuses, for the administrative authority considered itself always authorized to impose one month of imprisonment for any imaginary fault, a month which was always prolonged, and never ended on time. The proposed reform in this particular, while confirming the judges in their exclusive power of imposing penalties, grants to the administrative authority the right to punish only infractions to the police bylaws, which ordinarily mean fines and not imprisonment, which is imposed only when the infractor cannot pay the fine. The reform does not stop there, but offers a new suggestion which undoubtedly will completely revolutionize the system of procedure which for so long a time despite all its imperfections and deficiencies has ruled the country. The laws now in force, both in the federal and in the common order, have adopted the institution of the "Ministerio Público" but this adoption has been nominal, for the function assigned, to the representatives of the former has a merely decorative character, for the prompt and straight administration of justice. Mexican judges during the period that has elapsed from the consummation of independence to date, have been identical to the judges of the colonial period. They are in charge of investigating delinquencies by seeking proofs, for which reason, and in order to secure them, they have felt authorized in committing real assaults on the defendants to compel them to confess, acts which without doubt denaturalize the functions of judges. The whole nation remembers with horror the outrages committed by judges who, craving fame, awaited with positive fruition the arrival in their hands of a case which would permit them to deploy a complete system of oppression against individuals who were in many cases innocent, and in others, against the tranquility and honor of families, respecting no barriers, not even those imposed by the law itself. The same organization of the "Ministerio Público" (Public prosecutor) at the same time that it will prevent such vicious proceedings, restoring to judges all the dignity and respectability of the magistracy, will enjoy its full importance, taking exclusive charge of the persecution of delinquency and the search for proofs which will no longer be carried out in the censurable and outrageous manner in which it was done, and will issue orders for the apprehension of delinquents.

On the other hand, the "Ministerio Público" having under his orders judicial repressive police, will take away from Municipal Mayors and common police, the facilities which the latter have had up to date, for arresting any individual they considered suspicious, without any more reason than their own personal convictions. By the establishment of public prosecutors such as is proposed, individual freedom is guaranteed, for according to article 16, no one may be detained except under orders of the judicial authorities, and the latter cannot issue such orders except in the terms and with the requisites prescribed by that article.

Article 27 of the Constitution of 1857 authorizes the authorities to take possession of the property of any individual, without his previous consent, when public utility so demands. This power, in the the judgment of the Government in my charge, is sufficient to acquire lands and distribute them in the form considered convenient: among the people who want to undertake agricultural labors, thus founding the small property, which must be promoted as public necessity may demand it. The only proposed reform to this article is that the declaration of necessity be made by the corresponding administrative authority, and the judicial authority will have only the power to intervene in order to appraise the exact valuation of the land to be expropriated. This article, besides keeping in force the law prohibiting civil and ecclesiastical corporations to acquire and administer real estate, but exempting from this all private and public beneficent institutions in regard to the real estate strictly necessary, to carry out immediately and directly, the object of these institutions, and authorizing them to accept on said real estate capitals and interest, the latter not to exceed in any case the legal rate, and for a period not over ten years.

The need of this reform is obvious, for no one is ignorant of the fact that the clergy, impossibilitated to acquire real estate, has defrauded the law by means of the organization of corporations; and as on the other side, these companies have undertaken the acquisition of large tracts of land in the Republic, it is necessary to correct this evil in an effective and rapid manner; otherwise the national territory would soon be, either really or in a fictitious manner, in the hands of foreigners. It is obviously necessary that every foreigner, when acquiring real estate in the country, should renounce his nationality expressly with reference to such property, submitting in regard to it, in a complete and absolute manner, to the Mexican laws; a thing which could not be accomplished as to societies, which on the other hand constitute, as has been suggested, a real menace of monopolization of the territorial property of the republic. Finally, this article expressly forbids that institutions of private beneficence be in charge of religious corporations or of ministres of cults, for otherwise the door of abuse would be open again.

With these reforms to article 27, and the reform proposed for article 28 in order to combat monopolies efficaciously, and to assure free competition in all branches of human activities—a competition which is indispensable to secure the life and development of peoples,—and with the authorization which the proposed reform of section 20 of article 72 confers on federal legislative power for the issuance of laws on labor, whereby all improvements of social progress shall be implanted for the benefit of the working classes; with the limitation of the hours of work itself, so that the workingman will not exhaust himself, and may have time for rest and recreation, and for the cultivation of his mind,

so that he may be enabled to have intercourse with his neighbors, which engenders sympathies and breeds habits of co-operation towards the common weal; the responsibility of contractors in case of accidents; the policies for old age or illness; the establishment of a minimum salary sufficient to cover the immediate needs of the individual and his family, to insure and improve his position; the law of divorce which has been enthusiastically received by the different social classes as a means to establish the family on a basis of love and not on that of interest and convenience; with the laws which will soon be issued to establish the family on a more rational and just basis, which will elevate the consorts to the high mission which society and nature place in their charge, such as propagating the species and forming the family; by means of all these reforms, I repeat, the government in my charge has logical hopes that all political institutions in the country will respond satisfactorily to all social needs, and this, together with the guarantees which protect individual liberty, will become a real fact and not mere impossible promises; and that the division among the three branches of public power will immediately become effective, and a solid foundation for true democracy in México, that is to say, the government of the people of Mexico by the effective co-operation, spontaneous and conscient, of all the individuals who form the nation, who will look for their own welfare in the reign of law and justice, having the latter equal for all, defending the legitimate interests of all, safeguarding all noble aspirations. In the reform of article 30 of the Constitution of 1857, it has been considered necessary to define, with all precision and clarity, who are Mexicans by birth, and who are so by naturalization, in order to put an end to the long dispute which some time ago started about the case whether a foreigner's son born in the country, who on becoming of age decides for Mexican citizenship, should or should not be considered as a Mexican born citizen. On upholding the forms of articles 25 and 26 of the Constitution of 1857, the old question was asked, whether the active vote should be granted to all citizens without exception, or only to those who are capable of voting in an effective way and conscious of what they are doing, or whose economic position gives them a decided interest in the management of public affairs. In order that the exercise of the right of suffrage be a positive and real manifestation of national sovereignty, it is necessary that it be general, for all, free and direct, because if any of these conditions is lacking, it becomes a class prerogative or a mere artifice to hide usurpations of power, or governors' impositions against the evident, manifest will of the people. Suffrage, therefore, being an essentially collective function as a manifestation of the exercise of sovereignty, must be granted to all members of the social body who understand its full value and importance. This would seem to authorize the conclusion that the right to vote should be restricted to those individuals who have a full conception of the high import

of such an act, and this would naturally exclude those who through ignorance, carelessness or indifference are incapable of duly fulfilling this act, as refers to the government of the people by the people. However, and although acknowledging that the above is a theoretical truth, there are in the case of México, factors or historical antecedents which compel the acceptance of a solution different from the one which is the practical result of the principles of political science.

The revolution headed by the chiefs who agreed to the Plan de Ayutla, aimed to put an end to the military dictatorship and the oppression exerted by the wealthy classes; and as this revolution was made by the oppressed, the lower classes, the ignorant, the Constitution of 1857 which was its result, could not, rationally, forego the granting to all without distinction, of the right to vote, since it would have been an inconsequence to deny the people the advantages of their triumph. The revolution at the head of which I have been placed, has also aimed at the destruction of the military dictatorship, uprooting it and giving to the Nation all the conditions of life necessary for its full development; and as the ignorant masses are those which have suffered most, because the full weight of cruel despotism and insatiable exploitation has fallen on them, it would be not only an inconsequence, but an unpardonable deceit, to deprive them of what they have conquered.

The Government in my charge considers it, therefore, bad procedure and inopportune at the present moment, after a great popular revolution, to restrict suffrage demanding the only requisite that can be exacted, that all citizens have sufficient elemental instruction to know the importance of the electoral function so that they can fulfill it in conditions fruitful for society.

Despite this fact, in the proposed reform which I am submitting to this honorable body, with reference to the electoral right, the conveniency is consulted, of temporarily depriving any Mexican citizen of this right who does not know how to use his right as a Mexican correctly, any one who looks with indifference on whatever matters pertaining to the republic. His economic condition or his education would be no preventive for this barring, since they would only tend to demonstrate his lack of interest, which in itself would be sufficient for depriving him of the prerogative to vote.

The Government in my charge believes that the constant desire shown by the lower classes of the Mexican people to secure a welfare of which they have been deprived to date, fully capacitates them to appoint representatives when the time comes, and to select those individuals which inspire them with more confidence.

On the other hand, the Government resultant from the Revolution,—and this fact is evident to all the republic—has had a de-

cided interest in spreading instruction throughout the country, and this gives rise to the well-founded belief that instruction will continue to spread intensely so that all Mexicans become a cultured people, capable of understanding the high destiny of the nation and give them and the government a solid, effective co-operation which will make anarchy on the one side, and dictatorship on the other, an impossible thing.

The independent municipality is undoubtedly one of the greatest conquests of the revolution, since it is the basis of a free government, a conquest which not only will give political freedom to the municipal life, but will also give it economic independence, since each municipality will have its own finances to attend to all its needs, and thus will be out of the reach of the greediness which, up to date, governors of states have usually shown; and also a good electoral law which will keep the latter absolutely separate from the public vote, and which will severely punish any attempt to violate it, and help to set the electoral power on a firm basis giving it freedom to duly fulfill its mission.

The organization of the electoral power, which will have the preferent attention of the next Constitutional congress, will contribute in a great part, to prevent the Legislative power from being a mere tool of the Executive power, for the representatives, being elected by the people without interference from the central power, will constitute Chambers which really act for the welfare of the nation and cease to be centers of oppression and disturbances actuated only by the desire of personal gain. Because we must not forget, even for an instant, that the best institutions fail and are dead letters if not practiced, and only serve to cover the impositions of mandataries against the will of the people, with the mantle of legality.

The division of the branches of public power follows, as I stated before, the fundamental idea of fixing precise boundaries to the action of the representatives of the country so as to prevent them from exerting their power to the detriment of the nation. It is therefore necessary, not only to mark definitely the scope of action of each department, but also to correlate them in such a manner that none supersedes the other and that no conflict results between them, which might place obstacles in the path of public affairs, or even affect order and peace in the Republic.

The Legislative power, which by its own nature has a tendency to interfere with the functions of the others, was endowed in the Constitution of 1857, with faculties which permitted it to impede or make the action of the Executive power difficult, or to subject the latter to the capricious will of a majority easily obtained during the periods of turbulence, when evil passions and bastard interests predominate. . . Several of the reforms herein proposed aim to this end, and the principal one attempts to de-

prive the House of Deputies of the power to indict the President of the republic and the other functionaries of the federation, a power which is no doubt the reason why former dictatorships always tried to secure servile deputies who could be handled as automats. The Legislative power undisputably has the right and the obligation to inspect all acts of the government in order to fulfill its duty, taking all those steps which are conducive to normalize the action of the government; but when such investigation is not merely informative in order to judge of the necessity or uselessness of a legislative measure, but affects a merely judicial form, the reform which is referred to, grants both to the House and the Executive the power to request that the Supreme Court appoint commissions from its members, or a magistrate of the Circuit courts, a District judge, or a commission formed by independent individuals to open the corresponding investigation simply to clarify the act about which information is desired; a thing which could not be done by congressmen themselves, who ordinarily would have to be satisfied with the reports given them by interior authorities.

This is the opportunity, Honorable Deputies, to refer to a question which will no doubt come to your attention, since it has been agitated for the past few years in order to decide for a certain system of government which is recommended as infallible on the one side, against dictatorship, and on the other, against anarchy, between which extremes the Latin-American peoples have been oscillating since the time when they achieved independence. I refer to the parliamentary system.

I consider it not only convenient, but indispensable, to state, even though succinctly, the motives that have moved me not to accept such a system among the reforms which I bring to your attention. Tocqueville observed in his study of the history of American nations of Spanish origin, that these peoples go towards anarchy when they grow tired of obeying, and to dictatorship when they are tired of destroying, and he considered this oscillation between order and turbulence as a fatal law which has governed and will still sway the aforementioned countries for a long time. The statesman referred to did not state what in his opinion, was the remedy for such an evil, a thing which it would have been easy for him to determine if only he had observed the causes of the phenomenon and of the circumstances under which it is always reproduced. Latin-American countries while they were dependencies of Spain, were ruled by the iron hand: there was no law but the Viceroy's will, and the vassals had no rights. Whoever altered order, either propagating dissolving theories or ideas which merely mined the foundations of faith or authority, or who tried to fan revolt, had no other end but the scaffold.

When the struggle for Independence finally broke the ties which held these countries to the Spanish metropolis, the people,

dazzled by the greatness of the French Revolution, adopted all the revindications of that revolt, without thinking that they lacked the men who could guide them in that arduous task, and that they were not prepared for it. Governments cannot be erected from night to morning, and to be free it is not enough to wish it, it is indispensable to know how.

The peoples to which we refer have needed and still need, strong governments which are capable of holding within the limits of order, those undisciplined peoples always ready under the slightest pretext to step over boundaries committing all kinds of outrages; but unhappily in this particular, confusion has occurred, and a despotic government has been considered as a strong government, a fatal error which has fostered the ambition of the upper classes, anxious to take possession of the handling of public affairs.

It has been generally believed that order cannot be maintained without overstepping the law, and this, and no other, is the cause of the fatal law to which Tocqueville refers, because dictatorship will never produce order, just as darkness never can produce light. Let us, therefore, dissipate the error, teach the people that it cannot enjoy its liberty if it does not know how to use it, that is to say, that liberty's condition is order, and without this, the former is unattainable.

Let the Government of Latin-American nations be based on this truth, and the problem will be favorably solved. In México, from the Independence to date, only a few of the legal governments adhered to this principle, as did the government of Juárez, and for that reason they were successful. The others, such as those of Guerrero and Madero, succumbed because they did not attend to that principle. They wanted to impose order at the same time teaching the law, and the result was failure.

On the other hand, if the Government should respect Law and institutions, it also should be inexorable with the perturbers of public order and the enemies of society. Thus only can Nations live and march towards progress.

The Constitution of 1857 had a good conception of the Executive power, free in its own sphere of action in order to develop its politics without any limitation except the respect of the law; but they did not complete the task, because they reduced the prestige of the Executive, making the election of the president, mediatory, and therefore, this election was not the fruit of the people's will, but the product of the fraudulent combinations of the Electoral Colleges.

The direct election of the president, and the "no-reelection" are the triumphs secured by the Revolution of 1910, and no doubt gave more strength to the government of the country; and the reforms which I now propose to have made, will no doubt

complete this work. The President will not be at the mercy of the Legislative power, and he will not be able to infringe on the latter's rights.

If the President is elected directly by the people, and is in constant touch with the latter by means of respect to the people's liberties, and by the ample and effective participation of the latter in public affairs, by the prudent conciliation of the different social classes and by the development of legitimate interests, the President will undoubtedly be supported by the people, both against the invasion by the Houses, and that of the praetorians. The government will then be just and strong, and the fatal law of Tocqueville will cease to be.

Now, what is claimed for the Parliamentary system? Nothing less than to deprive the President of his gubernatorial faculties so that Congress may exert them by means of a commission formed of its own members, called "Cabinet." In other words, the aim is to have the personal president disappear, and make him merely a decorative figure.

Where then, would be the strength of the Government? In parliament. As the latter, in its condition of deliberating body is ordinarily inept for administering, the government would always march in the dark, afraid each instant to be blamed.

Parliamentarism is understood in matter, and in Spain, where it means a victory over the old system of absolute power of kings; it is explainable in France because this country, despite its republican system of Government, is always influenced by its monarchical antecedents; but it would have no justification among us and it would at least be imprudent to start the experience of a weak government when it is so easy to strengthen and consolidate the system of a government of a personal president left to us by the Constituents of 1857.

On the other hand, the parliamentary régime unavoidably presupposes, two or more political parties, perfectly organized, and a considerable number of men in those parties, among whom gubernamental functions may be frequently distributed.

But as we lack two of the conditions to which I have just referred, the Government would be constantly under difficulties to organize its cabinet in order to respond to the frequent ministerial crises.

I understand that the parliamentary régime has given no results in the few Latin-American countries wherein it has been adopted; but in my opinion, the best proof that it is not a government system from which great results may be expected, is the fact that the United States of the North, wherein the same system of personal president exists, has never given a thought to the parliamentary regime, which means that it is not considered as having any real value.

In my judgment, the most sensible, wisest thing to do, one in accordance with our political antecedents, and which will keep us from making experiments with foreign systems suitable for cultured nations whose origin is different from ours, and I shall not tire of repeating it, to constitute the Government of the Republic with respectful regard of that deep tendency towards liberty, equality and the assurance of respect of its rights which is rooted in the Mexican people; because we must keep in sight that the nations, as they advance feel more and more the need to follow their own course in order to preserve and develop their lives, allowing to all social elements the full enjoyment of their rights and of the advantages to be derived from this enjoyment, the principal one being that of individual initiative.

This progress is the basis on which the political progress must stand; because peoples persuade themselves very easily that the slightest constitutional arrangement is the one which better protects the development of the social and individual life, based on the complete possession of the freedom of the individual and of the liberties of the individual, under the condition that the latter does not deprive third parties of their rights.

You know already, messieurs the Deputies, the reform recently carried out by the government in my charge, of articles 78, 80, 81 and 82 of the Federal Constitution; suppressing the Vice-presidency, and establishing a new system to substitute the President of the Republic either in his temporal or in his absolute disability; and although the expositive part of the relative decree explains the motives for said reforms, I consider it, however, opportune to call your attention to the subject. The Vice-presidency which in other countries has become a habit and has been very useful, has had in our country, through a chain of unhappy circumstances, such a fatal history, that instead of assuring the presidential succession in a pacific manner in unexpected cases, has done nothing but weaken the Government of the Republic; in fact, perhaps because when that institution was in force, the appointment of the vice-president fell on unscrupulous ambitious men, perhaps the lack of democratic habits or the lack of honesty of those who do not try to find in politics the means of co-operating in a useful manner with the Government of their country, but only to secure reprobable advantages in public business. Therefore, the Vice-president willingly, or unwillingly, usually became the center of opposition, wherein were concentrated all the hatreds, all the hostilities against the person who had charge of the supreme power of the Republic. The Vice-Presidency in Mexico has presented the following spectacle: a public functionary (the Vice-president) endeavoring to overthrow,—on account of inability or of having violated the law—the President of the Republic; aiming to replace the latter, and having no opponent before him to prevent him from accomplishing the downfall of the President.

During the last period of the government of General Diaz, the vice-presidency was merely an invention of the "cientificos" in order to hold the central power in their hands, in the event of the disappearance of the former.

The manner in which the absence of the President is to be filled, such as has been adopted in the system established by the reforms to which I am referring, fulfills its object satisfactorily, in my opinion. It is good politics to prevent the excitement usually attendant to electoral struggles; the latter give impulse to large interests around the possible candidates. The system of substituting the president by the so-called Secretaries of State, calling them in the order established by the law which has instituted them, merely served to leave absolutely in the hands of the President the designation of the individual who should succeed him.

The system adopted by the Government in my charge will stumble against none of these obstacles, for the individual who according to it is to substitute for the President of the republic during temporal or absolute absence, shall be a man chosen really by popular vote, since the members of the Congress of the Union are the real representatives of the people, and together with the power invested in them by their electors, they shall also have the duty to elect the substitute to the President of the Republic, when occasion demands.

Another reform, the importance of which I wish to bring to your attention, messieurs the Deputies, is that which aims to insure the full independence of the Judicial power; a reform which, as that one which has modified the duration of the period for the President of the Republic, reveals clearly the evident honesty and decided earnestness with which the Government of the Revolution is carrying out the program it proclaimed in Veracruz, on the 12th day of December, 1914; since one of the most ardent desires and most deeply felt needs of the Mexican people is to have independent tribunals to carry out effectively the individual guarantees against the outrageous attempts and excesses of the agents of public power and which will protect the quiet and pacific enjoyment of civil rights, until now lacking. I shall not weary your attention any longer, as it would be a long and heavy task to speak to you of the other reforms contained in the project submitted to you, reforms which all aim to insure public liberties by means of the law, to guarantee the rights of all Mexicans by means of the good service of a justice dealt by capable and honest men, and to call the Mexican people to participate in all possible ways, in the public administration. The Government in my charge believes it has fulfilled its labor in so much as has been within its power, and if it has not fully succeeded, this is due to the fact that the enterprise is exceedingly difficult and requires constant attention, which I was

unable to give, due to the fact that I had many other important matters to attend to. It is for you to complete the labor, with all the faith, with all the interest and enthusiasm which the mother country demands, expecting you to give her wise and just laws.

Querétaro, December 1º, 1916.

THE SPECIAL ENVOY.

President of the Congress, Luis Manuel Rojas, replied:

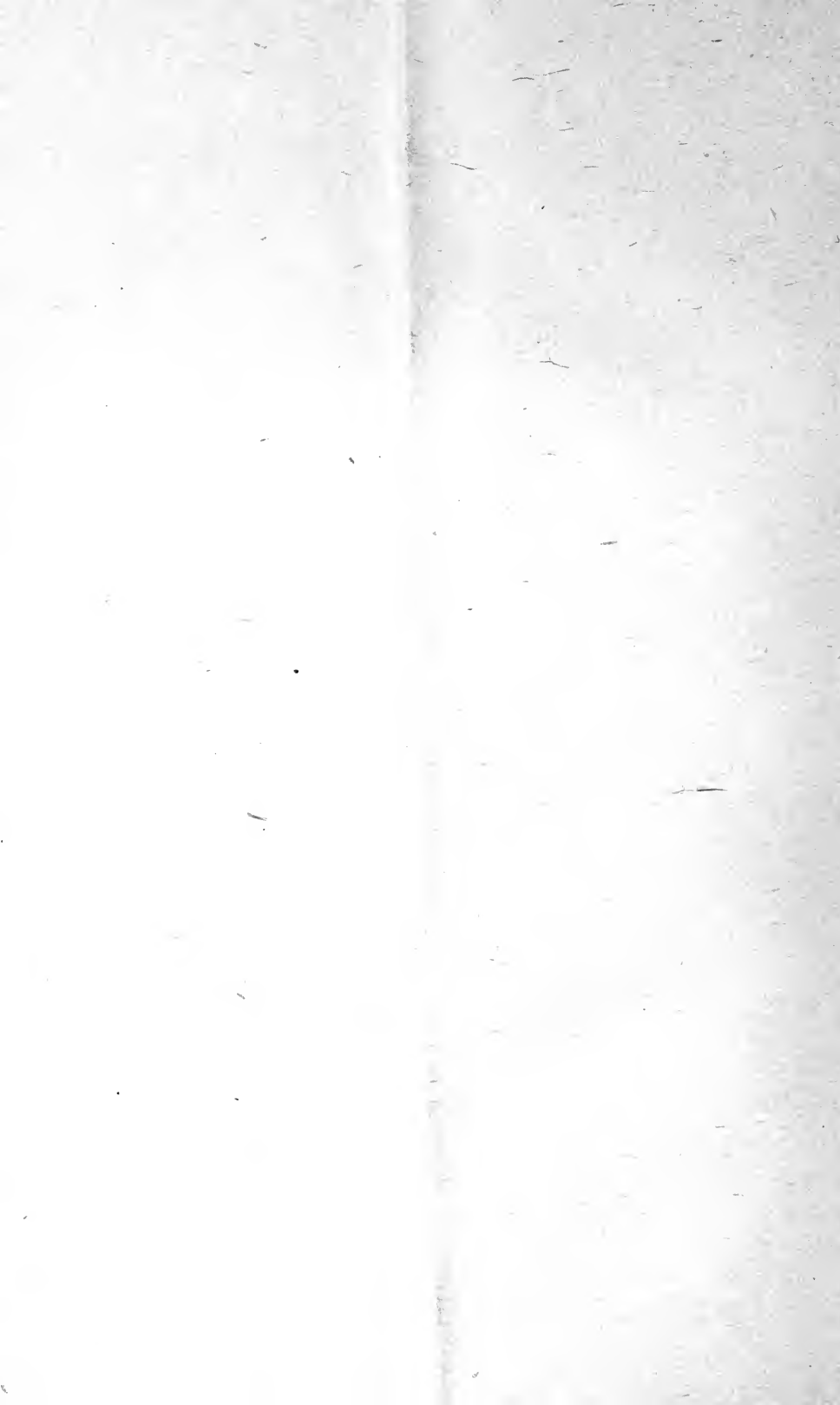
Honorable First Chief, in charge of the Executive Power of the nation: The Constituent Congress over which it is my honor to preside, has listened attentively to the report which you have read and in which you delineate in a very clear manner the political and social principles which have been your guide when carrying out the different reforms which are indispensable in order to adapt the Constitution of 1857 to the deeper needs and new aspirations of the Mexican people.

You are right in considering that among the great, genuine satisfactions which you have had during your long struggle against an usurper's government and in favor of the liberties and welfare of the Mexicans, even of the lowest, the satisfaction you experience at the present moment is the greatest of all, now that you come before the national representatives to fulfill one of the solemn promises which you made in Veracruz in the name of the Revolution. The high thoughts expressed in your report are permeated with your personality, heated by your conviction and are the fruit of your experience; they evidence not only to the Mexican people, but to the whole world, that you are also a great apostle of public freedom and the most decided and intelligent paladin of Mexican democracy. You are perhaps the man who during several years has held in his hands the most absolute and energetic powers in this country. And when the exercise of this enormous sum of faculties has given occasion to our enemies both at home and abroad, for predicting that you would not easily resign those powers, you come and declare in the most frank and sincere manner and with perfect spontaneity, that the fundamental principle on which the new constitution must be based is the amplest respect for human liberty, and you proclaim also the right of the people to govern itself, precisely at the time when you are at the height of power and glory, where the temptations of ambition and the suggestions of selfishness exert ordinarily a fatal influence so difficult to resist. You are perfectly right in proclaiming in a particular manner, that the government must be exclusively the work of the Nation, and

that only under these conditions is it possible for the government to be strong to impose order at home and to command respect abroad.

It has not, therefore, been in vain that the Mexican people have placed their hopes in you and followed you enthusiastically and lovingly from the month of March of 1913 that it has seen in you their saviour through the different phases of the epic struggle you have had to keep up, and that to-morrow this same people will proclaim you as the great statesman who succeeded in making effectual the free institutions in Mexico. It would be almost impossible for me to refer at the present moment to all the important points of your transcendental general project of reforms to the present Constitution, nor to the different principles to which you have recourse in order to base the reforms you advocate after painting with a master hand the precepts proclaimed in the fundamental law of 1857, despite its indisputable theoretical value, have become in practice absolutely sterile because they have not served to establish a government really respectful of the rights of man, nor to organize all social elements, harmonizing and making them co-operate for the general weal; that is, preventing anarchy which is that social condition where each man is moved by his own personal selfish interest, without preoccupying himself in the least with the respect due to the rights of others. I therefore limit myself to acknowledge receipt of the project of reforms to the Constitution of 1857 and I can assure you that each and every one of the citizens who form this Constituent Congress is animated by the highest desire to fulfill the mission with which the people has entrusted them, and that as you expect we will second with all zeal and patriotism, your labor, feeling satisfied to be with you in the great work of the national reconstruction.

LUIS MANUEL ROJAS.



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