THE ORIGINS OF FEDERALISM IN MEXICO

[Paper read at the Hispanic American session of the meeting of the American Historical Association for 1937 at Philadelphia.]

Of the one hundred and sixteen years of Mexico's independent existence nearly one hundred have been under the alleged federal form of government as prescribed by three different federal constitutions, all closely modeled after that of the United States. It would appear that, in point of adequate time, there has been ample opportunity, for even a people as ill-prepared as were the Mexicans for the republican form of government, to master the rudimentary essentials of the federal form. Yet this has not been the case. Federalism has never existed in fact in Mexico. It is an indisputable commonplace that the Mexican nation is now and always has been federal in theory only; actually, it has always been centralistic. How this pseudo-federalism came to be adopted is consequently a matter of considerable importance if one would understand the political and constitutional evolution of the Aztec Republic.

Prior to the collapse of Iturbide's empire, neither republicans nor monarchists gave serious thought to the decentralization of Mexico. It was taken for granted that the traditional centralization, which had existed for about three hundred years under Spanish rule, would be continued under either republican or monarchical forms. Common sense seemed to dictate such a course of action.

Throughout the period of Mexico's struggle for independence there was consistent adherence to the principle of centralism. Although there is no evidence that Father Hidalgo ever formulated a plan for the government of independent Mexico, nevertheless, it is certain that he never proposed to alter the traditional political unity of the country. Ignacio Rayón, who was the first revolutionary to draft an organic law for Mexico, proposed to preserve the provinces in their then existent positions as administrative units in a centralistic state.¹ His constitution was uninfluenced by the liberal but centralistic Spanish Constitution of 1812 which had not vet been published in Mexico. Incidentally, the latter instrument was in force in Mexico for only a few months. After Rayón, José María Morelos was the next revolutionary to consider seriously a constitution for Mexico. His suggestions were incorporated in the famous revolutionary Constitution of Apatzingán, which, influenced so profoundly by the shortlived Constitution of Cadiz, adhered very closely to its famous model with respect to the concentration of control at the center.² The Constitution of Apatzingán, which can be accepted as the clearest expression of revolutionary political thought in Mexico from 1810 to 1820, evidences very distinctly the near unanimous acceptance of the centralistic principle. Prior to 1820, the Constitution of the United States exercised very little influence upon political thought in Mexico.

Following the liberal revolt of 1820 in Spain, the Spanish Constitution of 1812 was promulgated a second time in Mexico, on May 31, 1820. The viceroy, audiencia, and other authorities took oaths to support the new fundamental law, and shortly occurred the election of representatives to the cortes and the provincial deputations. The liberal guarantees of the constitution opened the doors to the free discussion of political problems. Numerous books, pamphlets, and periodicals made their appearance. One of these, the *Semanario Político Literario*, was a periodical published with the announced purpose of educating the people in the science of government. To further this end it printed, analyzed, and commented on various contemporary liberal constitutions. The free discussion of hitherto forbidden subjects had a profound effect, and it was at this time that many republicans

¹ Manuel R. Cambas, Los Gobernantes de México (Mexico, 1873), II, 36; H. H. Bancroft, History of Mexico (San Francisco, 1887), IV, 560-561.

² For text of the Constitution of Apatzingán, see Juan A. Mateos, *Historia* parlamentaria de los Congresos Mexicanos (Mexico, 1877), I, 42 ff.

began to espouse federalism, very largely because of the example of the United States.³

Mexican independence was proclaimed by the Plan de Iguala, February 21, 1821. Neither the *de facto* government under the Plan de Iguala, nor the Empire of Iturbide established in accordance therewith, as modified by the Treaty of Córdova, was constituted on anything partaking of the nature of a federal government. Nor, up to this time, had a federal republic been seriously proposed. Throughout the period, the centralistic Spanish Constitution of 1812, with slight modifications owing to the independent status of the country, was still technically in force, for it had never been suspended since its second promulgation in 1820. The elections were held substantially as provided by that instrument, and provincial government remained constituted in strict accord with its provisions.

Santa Anna's Plan de Vera Cruz, December 6, 1822, initiated the insurrection which finally resulted in the overthrow of Iturbide. The plan declared the nullity of Iturbide's election as emperor, proclaimed popular sovereignty, and provided for the reassembling of congress which had been dissolved by Iturbide. The strong implication was that a republic should be established.⁴ To suppress the rebellion started by Santa Anna, Iturbide dispatched a force under General Echevarri. That officer, however, betrayed his emperor by entering into an agreement with Santa Anna and other militarists, known as the Plan de Casa Mata, February 1, 1823. The plan condemned the dissolution of congress and demanded the convoking of a new one. Although it demanded respect for the person of the emperor, it was clearly a dissimulated endeavor to overthrow Iturbide.⁵

The Plan de Casa Mata released forces and set in motion a series of events which led inevitably to the establishment of

⁸W. A. Whatley, *The Formation of the Mexican Constitution of 1824* (M. A. Thesis, University of Texas, 1921), pp. 14-16.

⁴ Lucas Alamán, Historia de Méjico (Mexico, 1849-1852), V, 690; Pedro de Alba and Nicolás Rangel (eds.), Primer Centenario de la Constitución de 1824 (Mexico, 1924), p. 54. ⁵ Alamán, V, 711.

a federal republic. According to the ninth article of the plan, the provincial deputation of Vera Cruz should assume complete governmental control over the province pending the acceptance of the plan by the supreme government in Mexico City. Although the plan did not so provide specifically, it implied that the other provinces should do likewise, and arrogate to themselves all governmental powers provisionally. This, in fact, is what occurred.

The Plan de Casa Mata swept the country like wildfire. Although in its origin it was strictly the work of the military, nevertheless, so great was the popular opposition to Iturbide's autocratic rule, and particularly to his arbitrary dissolution of congress, that the plan was immediately proclaimed by ayuntamientos and provincial deputations throughout the empire. Even faraway Texas and New Mexico joined in the popular movement.

Iturbide capitulated, and, on March 4, issued a decree ordering the members of the dissolved congress to reassemble. On March 7, the congress reopened its sessions. Iturbide was hopeful that by reassembling the old congress he had met the demands of the Plan de Casa Mata. In his address to the congress he said, "The congress is in full possession of the liberty which the Acta de Casa Mata has indicated."⁶ Although he made an eloquent plea for mutual forgiveness and reconciliation, the congress was not in a forgiving mood. The upshot was that when, on March 19, the emperor made a formal promise of abdication, it was unceremoniously accepted.

With the task of organizing a government now confronting them, the victorious republicans soon divided into two distinct parties—federalists and centralists. The centralists desired to carry over into the republic such concentration of power as had existed during the colonial régime and as was more recently provided in the Constitution of 1812. The provinces were to be little better than administrative units. The centralists were supporters of French ideals of administra-

^e Actas del Congreso Constituyente Mexicano (Mexico, 1823), III, 5.

tion. Although the party possessed a nucleus of ardent republicans of long standing like Father Servando Mier and Carlos María Bustamante, its principal support lay in the old monarchists, called "Bourbonists", who believed that for the time being at least monarchy was out of the question, and so their support was thrown to that form of republicanism which would most easily facilitate a later return to monarchy. Conservatives, clericals, militarists, large landowners were supporters of centralism because it was the form of government they could most effectively control. The principal press organ of the centralists was El Sol which first made its appearance on June 15, 1823. The centralists commanded a majority of the congress immediately after Iturbide's overthrow.

The federalists based their theories upon the example of the United States, but at best most of them comprehended very indistinctly the federal character of the United States government. Influenced by dread of a tyrant, convinced that autocracy and centralism went hand in hand, they regarded federalism as a guarantor of local and individual rights. It meant freedom from the oppressions and inequalities of the old order. The partisans of Iturbide attached themselves to the federalists in order to be revenged on the men who had overthrown the emperor. The party organ of the federalists was called *El Aguila Mexicana*.⁷

The deposition of Iturbide left the congress with two pressing problems. One was the creation of a national executive, and the other was the drafting of a constitution. The first problem was expeditiously solved by the establishment, on March 19, of a plural executive consisting of three members, a feature copied undoubtedly from the Mexican Constitution of 1814. The problem of drafting a constitution presented greater difficulties. The congress itself was in a state of vacillating uncertainty as to its legal status in regard to this question. Some of the deputies thought that because of the Plan de Casa Mata and its acceptance by the

⁷ José María Bocanegra, Memorias para la Historia de México Independiente, 1822-1846 (Mexico, 1892), I, 216. provinces, that their powers ceased and they were constrained to call a new election. It is quite true that the provinces on adhering to the plan insisted on what was called a new "convocotaría". Yet many of the deputies argued that, since the congress was first convened as a constituent body and had been reinstalled without any curtailment of its original powers, it obviously had the right to proceed with the drafting of a constitution. Said Carlos Bustamante, "I am of the opinion that the existent congress is the same congress which the provinces demand".⁸ Bocanegra argued that, if the congress voted for the "convocatoría", they would by that act solemnly confess that they were not worthy of national confidence.⁹ Such arguments were unavailing, for the congress, yielding to the demands of the provinces, decided on May 22 to call an election for a new constituent congress.

Although the congress had doubted its authority to enact a constitution, it nevertheless pursued the novel course of drafting an outline constitution for the guidance of the new congress. On May 13 a committee was appointed to draw up a tentative outline. The committee worked expeditiously, for, on May 16, 1823, it reported a unique draft which has been generally overlooked by historians. It declared the Mexican Nation to be a popular, representative, federal republic composed of the provinces of Anáhuac or New Spain. The national legislature was to be bi-cameral, a cuerpo legislativo, a popular, representative body, and a senate, composed of three representatives from each province. All elections were to be indirect. The executive was plural, composed of three individuals to be named every four years by the legislative body. The project provided in considerable detail for the organization and powers of the governments of the provinces and municipalities. The executive head of each province was to be a prefect, although his manner of selection was not specified. Each province was to have a provincial congress, whose powers were severely circumscribed.

⁸ Actas del Congreso Constituyente, III, 15. ⁹ Bocanegra, I, 217.

With due allowance for necessary changes to fit the instrument to an independent republic, it is difficult to detect any substantial difference between this project and the Spanish Constitution of 1812. Of two things we can be certain: first, that the federal constitution of the United States exercised little or no influence upon the framers of the project; and second, that the Mexican people were being given in the name of federalism, a disguised, centralistic frame of government. Perhaps this pseudo-federalism was owing to the presence of Father Mier, staunch centralist, on the constitutional committee.¹⁰

On June 11, 1823, the adoption of the federal form of government was formally announced to the country in the following words:

The sovereign constituent congress, in the extraordinary session of tonight, has been pleased to decide that the government may proceed to announce to the provinces that it has voted the adoption of the federal, republican system, and that the congress has not declared this heretofore because it has decreed that a new congress should be convoked to constitute the nation.¹¹

Thus we have the anomalous situation of the congress which had surrendered to its successor its right to formulate the constitution, at the same time arbitrarily deciding in advance questions of such constitutional importance as the adoption of the federal system. Since the widespread popular disturbances seemed to arise out of the demand for a federal republic, the congress adopted the novel course of proclaiming federalism as a means of restoring order. In this it was partially successful.

It is necessary at this point to note the trend of events within the provinces which, in final essence, was the all-important factor in weighting the scales in favor of federalism. Before the congress had proclaimed federalism some of the provinces had already declared for it, and, with exaggerated

¹⁰ See Bocanegra, I, 250-256, for text of the draft.

¹¹ Isidro Antonio Montiel y Duarte, Derecho Público Mexicano (Mexico, 1871), I, 243.

pretensions, claimed to be sovereign and independent. The provinces were insistent not only that a new congress should be convoked, as provided by the Plan de Casa Mata, but that a federal régime should be established. The unfortunate experience under Iturbide, coupled with their colonial experience, was conclusive evidence in their opinion that centralism and autocracy were synonymous. "They soon began to consider", says Tornel, "as a final recourse of desperation, the federal régime, concerning which all talked and very few understood".¹²

The provinces had more confidence in themselves than they had in the center; and the long revolution had taught them to seek all the liberties they could obtain. Of course they had slight knowledge of the true nature of federalism they understood it to mean freedom from outside restraint, local independence, license even; moreover, federalism meant an opportunity for wider freedom of prerogative by groups of politicians outside the capital. The association of federalism and individual liberty on the one hand, and centralism and reaction and privilege on the other, was common throughout Hispanic America, without there being anywhere a rational conception of the true nature of the government of the United States which all federalists aped.

Yucatan was the first province to set up an independent government and declare for federation. On April 10, 1823, the provincial deputation called an election of a *junta provisional administrativa* to govern the province until a new national congress should meet and establish a federal government. Many other provinces did likewise.¹³ The provinces of Texas, Coahuila, Nuevo León, and Tamaulipas formed a junta in Monterrey with the object of separating and celebrating, as independent states, a federation with the other provinces of Mexico. A separatist movement also occurred in Guatemala.¹⁴

¹² José María Tornel y Mendivil, *Breve Reseña histórica* (Mexico, 1852), p. 14.

¹³ Bocanegra, I, 213; Vicente Riva Palacio (ed.), México á travês de los Siglos (Barcelona), V, 98-99. ¹⁴ Bocanegra, I, 213; Riva Palacio, V, 98.

The separatist trend in Guadalajara was more serious and There, it may be said, the anarchy reached its significant. climax. There, also, the issues were more complicated, because a majority of the federalists were really Iturbidists seeking an opportunity to recall their fallen chief.¹⁵ On May 12, the provincial deputation, by the so-called "Acta de Guadalajara", decreed suspension of the enforcement of all national laws until the popular demand for federation was complied with. In the meantime, the chief authority within the province was to be vested in the provincial deputation. The Acta was communicated to all the other provinces urging their participation in the movement. The deputation entertained no doubts concerning the sovereignty and independence of the State of Jalisco, as Guadalajara was now called. The Acta read.

The social pact, celebrated with the prior government of Mexico, has been dissolved; and the provinces have reassumed consequently, their natural rights, without there being between them, one and another, the slightest inequality.¹⁶

Needless to say, the claim that there had existed a "social pact" between the provinces and the government of Mexico, was incorrect.

The example of Jalisco was followed by other provinces. Provincial legislatures and *ayuntamientos* pronounced openly in favor of federation. The provinces not only declared their independence, but they entered into inter-provincial compacts or treaties, looking toward the establishment of a federation. Such an agreement was the one entered into at Celava, on July 1, 1823, between Valladolid, San Luís Potosí, and Querétaro. By the Convention of Lagos, Zacatecas and Jalisco covenanted with agents of the national government, pledging the establishment of a federal state.¹⁷

After the congress had provided for the election of a new constituent assembly and had proclaimed federalism, most of the provinces which had in good faith espoused federalism,

¹⁵ Bocanegra, I. 284. ¹⁶ Ibid., I, 260-261.

¹⁷ Ibid., I. 222, 268; Primer Centenario, p. 72.

abandoned their extravagant and ridiculous pretensions and returned to obedience. But not so Jalisco. The persistent cry for federation in Jalisco was pretty much of a sham, for the real leaders, Generals Bustamante and Quintana, were ardent partisans of Iturbide, and were anxious to restore him to his throne.¹⁸ Realizing this, the congress authorized the executive power to take proper measures to deal with the revolt. General Nicolás Bravo, who headed the expedition, entered into a treaty with the rebels, in which, in return for a recognition of the authority of the powers in Mexico City, he pledged the establishment of a federal régime. However, the authorities and people of Guadalajara had no serious intention of abandoning their pretensions.

A unique revolt occurred in San Luís Potosí. Following the Plan de Casa Mata, Santa Anna with a small force went first to Tampico and then to San Luís Potosí. There, on June 5, 1823, he proclaimed a plan in which he declared himself to be "Protector of the Federal System". He proclaimed:

Since I venerate as sacred the opinion of the people, and desire that they should be constituted with all liberty, as existed in their natural state, I have decided to help them as against those who would impose a new yoke... It will be the obligation of the armed force to sustain and maintain the provinces which have fully and spontaneously pronounced for the federal republic. While the congress is being convoked to make a government for the country, the provinces can be governed by provincial deputations.¹⁹

Santa Anna's plan failed to rally support; instead, the wouldbe protector of federalism was summoned to Mexico City to stand trial for inciting rebellion. But instead of suffering penalty, he was appointed to the military command of the province of Yucatan. According to Riva Palacio, Santa Anna went to Yucatan not a little satisfied with his audacity and without knowing yet what a "republic" or "federation" meant. At least he admitted as much in later life.²⁰

In the midst of popular disturbances, the elections for the

¹⁸ Alamán, V, 765-766.

¹⁹ Bocanegra, I, 256-257.

³⁰ Riva Palacio, V, 98.

new constituent congress were held in September, 1823. All freemen of eighteen years and up were allowed to vote with-The federalists won an overwhelming out any restriction. victory. Since the electoral law had given, as a writer puts it, "gran intervención" to the provincial deputations, in which the federalist idea prevailed, it is not difficult to account for the fact that most of the new deputies were federalists. However, there can be little doubt that the federal republicans constituted a majority of the electorate. According to Bocanegra, who was no federalist, general opinion, particularly in the provinces, was preponderantly federalist; and he emphasized the fact that it was freely and independently formed "without support or pressure of physical force".²¹ In a letter from Monterrey to La Aquila, dated October 14, 1823, a correspondent declared that he knew of but one centralistall were federalists.²²

The opening session of the new congress occurred on November 7, 1823. In the ranks of the opposing parties were men of recognized ability, honesty, and energy. Among the federalists were: Lorenzo de Zavála, Juan de Diós Cañedo, Valentín Gómez Farías, Juan Bautista Morales, and Miguel Ramos Arizpe. The last-named was the very talented member from Coahuila, who had served in the cortes of Cadiz, and was the recognized intellectual leader of the federalists. Among the centralists were: Juan L. Becerra, Carlos María Bustamante, and Father Servando Teresa de Mier. Padre Mier was perhaps the outstanding intellect of the whole convention.

On November 14, 1823, the minister of justice, Pablo de la Llave, appeared before the constituent congress in the name of the executive power and urged that, in view of the prevalent political disorders, the form of the future government be fixed immediately. Despite his own private opinions, which were opposed to the federal system, the minister proposed that the congress adopt federalism as being the form

²¹ Bocanegra, I, 217.

²² La Águila Mexicana, November 24, 1823.

unquestionably desired by the provinces.²³ Ramos Arizpe promised, with the aid of a committee, to prepare an outline draft of a constitution in three days. His proposition was accepted.

Arizpe was not able to conclude the draft within the promised three days, yet it was presented to the congress on the fifth day. By order of the executive power, this suggested outline constitution, known as the *Acta Constitutiva*, was to be read in the churches throughout the land for three successive days. It was hoped that the disorders would be composed once the people knew the kind of government the congress proposed to $adopt.^{24}$ On December 2, the executive again urged the congress to proceed at once to the adoption of a constitution. With this pressure for haste put upon it, the congress proceeded to a discussion of the Acta Constitutiva on December 3. As Alamán said,

The essential point was to fix the system of government, although with the state of things as they were, it was useless to deliberate over it, for it was recognized as indispensable to cede to the provinces what they wanted.²⁵

The grant of federalism was contained in Article 5 of the Acta. It read: "The Nation adopts the popular, representative, federal, republican form of government".

The most crucial debates were on this article, for it is to be noted that the adoption of federalism by the prior congress was not regarded as being definitive. The point most often encountered in the federalists' argument was that the decision had already been made by the provinces. They frankly confessed that they had no right of independent action. A communication to the congress from Jalisco arrogantly asserted: When the provinces had taken steps to organize their interior governments on the basis of a federal republic, that really decided the matter.²⁶

Another prominent note in the arguments of the federalists was reference to the example of the United States. The pros-

²³ Riva Palacio, V, 101.
²⁵ Alamán, V, 776.

²⁴ La Águila, November 26, 1823.
²⁶ La Águila, December 15, 1823.

perity and happiness of the Anglo-Americans were due to their federal form of government. Consequently, this was the ideal type for Mexico, without any consideration, however, for different conditions. Sr. Covarrubias asserted that all the evils which the country suffered under the Spanish rule flowed from Spanish centralism. An argument which carried much weight was that federalism was best adapted to such a vast country as Mexico.²⁷

Speaking for the centralists, Sr. Berruecos declared that the people had been told only the advantages and not the disadvantages of federalism. "It is very dangerous", he declared,

to take such a hasty step granting so much liberty after the oppression of the Spanish government and of the imperial régime, without taking first the intermediate step of a centralistic republic.

Carlos Bustamante held that the clamor for federalism had no other origin than the desire to imitate the United States without considering the differences in circumstances. Since the independence of Mexico was threatened by the Holy Allies, it was essential that a strong government be organized. The failure of early independence efforts in Venezuela and Colombia he attributed to federalism.²⁸ Several proponents of centralism advocated that form of government as being more economical. Sr. Espinosa pointed out that it cost Guadalajara 36,000 pesos to support its provincial congress. Sr. Paz said that the federal government would cause rivalries and commotions such as existed at that time in the United States with respect to the presidency.²⁹

The outstanding speech of the convention was that of Father Mier. The Acta, he said, was but a copy of the United States Constitution which was entirely unsuited to Mexico. The federating of the Mexican provinces would be equivalent

²⁷ La Aguila, December 4, 8, 15, 1823.

²⁸ The rebuttal of the federalists on this point was that federalism failed in Venezuela because of the earthquake of 1812 which was used by the clergy to arouse fanatical opposition to the republic.

²⁹ La Aguila, December 4, 14, 15, 1823.

to separating them—a policy that must necessarily entail upon them the very evils that the Anglo-Saxons had endeavored to avert with their federalism. To divide the provinces of New Spain, creating them into sovereign states, was to deny the significance of Mexico's colonial history and court continuous division. The federalists, he declared, did not know what kind of an animal a federal republic was. He declared that he would forfeit his head if, when asked to define a federal republic, any hundred men in the galleries would not answer thirty thousand absurdities.³⁰ Father Mier was opposed to the adoption by Mexico of a system which, in his opinion, in the light of the nation's actual state of political inexperience, could not but result in a reign of disorder and anarchy. Alamán characterizes the speech as "a political prophecy".

Despite Father Mier's able arguments, the congress adopted Article 5 by a vote of 70 to 10. Thereupon, it was proposed and carried that the adoption of the article should be immediately published with the solemnities of artillery salvos and other demonstrations of joy. It was thought that the announcement of the adoption of federalism would compose the country. But such was not the case, for serious revolts broke out in Puebla and Guadalajara.

The opposition of the centralists had been concentrated on Article 5; so, after its adoption they offered no further resistance to the Acta Constitutiva, and on January 31 it was approved as a whole. The Acta was certainly not original. The influence of the Constitution of the United States is plainly discernible. It was natural, of course, that the Mexicans, in deciding to adopt federalism, should lean heavily upon the outstanding federal constitution. It is known that a brief summary of a federal constitution, based almost entirely upon the United States Constitution, was given to Ramos Arizpe by Stephen F. Austin in May, 1823. Ramos Arizpe, upon receiving this project, expressed his approval of its general provisions, and it is entirely likely that he used it

²⁰ Father Mier's speech is given in full in La Águila, December 14-15, 1823.

when preparing the Acta Constitutiva. In fact, his ability to draft the Acta in only five days indicates that he had a plan already in readiness—and this might in all probability have been Austin's.³¹ If Arizpe and the constitutional committee did not use Austin's draft, we can be relatively certain that they were influenced by it in a general way.

The Acta Constitutiva having been adopted, the constitutional committee proceeded to draft a detailed constitution along the lines already laid down. On April 1, the congress began to discuss the definitive articles, which when passed were published and given the force of law. Since the adoption of federalism in the Acta was regarded as final, it was never made the subject of debate. According to Riva Palacio, the work of drafting the constitution progressed since no difficulties were presented, because their very ignorance of the federal system obviated their knowing its difficulties and problems.³² Most of the centralists were now ardent supporters and defenders of the Acta as a whole. A few, however, remained unconvinced, for on the occasion of the final signature of the constitution on October 4, Father Mier appeared with a mourning band on his hat, in explanation of which he said, "My country died when the Acta Constitutiva was signed; its funeral occurs today". Carlos Bustamante declared his intention to preserve the pen with which he inscribed his signature, for "with it", he said, "I have signed the death-warrant of my country".³³

According to Bocanegra

the federal constitution was sanctioned and published under the most auspicious circumstances [?], and in the midst of rejoicing of all classes of society, for it can be said that the federal system was the one which the majority of the nation asked for and sanctioned by public vote. The most influential persons in the state, the proprietors,

²¹ Whatley, 70-71. A copy of this project in Austin's own hand and with **Ramos** Arizpe's marginal annotations is in the collection of Austin Papers in the University of Texas Library.

³² Riva Palacio, V, 115.

³³ Carlos María Bustamante, *Historia del Emperador Iturbide* (Mexico, 1846), pp. 247 ff.

the middle class, and even the masses made the federal system their preference over any other.³⁴

Riva Palacio, more critical, says that the constitution was nothing more than a "pact of convenience" between the old and the new, the federation being conceded in exchange for the *fueros* which the clergy and army enjoyed and continued to enjoy with their special tribunals and numerous exemptions. There remained an irritating lack of equality which was tolerated neither in France nor in the United States.³⁵

It is commonly charged that the Constitution of 1824 was nothing more than a bad copy of the Constitution of the United States. This criticism is both unfair and incorrect. Although it liberally copied the Constitution of the United States, it nevertheless contained so many alien principles that it can hardly be called a servile copy. The real basis of the Mexican Constitution was the Spanish Constitution of 1812, and the departures from the latter were due largely to the adoption of the federal republican form of government which compelled to some extent, the imitation of the American model.³⁶

The skeleton outline, the externals, remind us of our own constitution; but the nerves, the real spirit of the constitution, find their inspiration in other sources. The framers of the Mexican organic law adopted the following procedure: when the matter under consideration was one which related to the organization of the government under the new federal form, the Constitution of the United States was used as a model; when, on the other hand, the matter did not directly relate to a change in the form of government, the old colonial practices or those embodied in the Constitution of 1812 were resorted to.³⁷ The result was a composite instrument which quite emphatically was not a blind draft of our Constitution.

The establishment of the federal system in Mexico, says a critic, was like a tailor destroying a suit of clothers in order to have the pleasure of sewing it up again. It is all too true

³⁴ Bocanegra, I, 328-329. ³⁵ Riva Palacio, V, 115.

³⁸ James Q. Dealey, "The Spanish Sources of the Mexican Constitution of 1824", in *Texas State Historical Quarterly*, III, no. 3, 168.

⁸⁷ Whatley, p. 121.

that the normal process of federation was reversed in Mexico; that instead of the national state being created by the local states, as in the United States, the local states were created by the national representative body. The pretensions of the provinces to independence were idle. It is significant that the convoking of the constituent congress was the act of a government representing, or purporting to represent, the Mexican Nation as a whole, not the provinces as independent entities. In no sense can the constituent congress be viewed as the legal representative of the states which did not exist. Thus the states enjoyed no original or inherent, but delegated powers. The constituent congress, in the name of national sovereignty, created the sovereignty of the states.

Commentators have alleged that the troubles Mexico soon found herself involved in were the result of the alien liberal institutions which she servilely copied from the United States. They argued the manifest incompatibility of such institutions with the habits and education of a people who had been for three centuries ruled by a system of royal command, emanating from a court three thousand miles away, and enforced by officials who had nothing in common with the people.³⁸

Unfortunately this was true. The greatest defect of the Constitution of 1824 was that it assumed to remove the Mexican people from royalism without adequate popular education in democracy either before or after its promulgation.

Although it was unfortunate that federalism, the most complicated and delicate governmental mechanism ever devised by man, was adopted by the Mexicans after the overthrow of Iturbide, their reasons for this action are clear. The general impression that a centralistic government was antagonistic to human rights, was well-founded in Mexican experience. Since monarchy was impossible, they were left no choice; and so it is quite unfair for us, with all the wisdom of hindsight, to criticize them for not adopting the form of gov-

³⁸ Bancroft, Mexico, V, 19-20.

ernment which they were convinced would jeopardize their new-won liberties.

The adoption of federalism under the Constitution of 1824 did not, of course, settle the issue of Mexico's form of government. For a quarter of a century, federalism and centralism were the specious shibboleths of antagonistic forces whose selfish and sordid strivings for control disrupted the country. After a nine years' struggle the military-clerical reactionaries, by a *coup* d'état, and with no semblance of national support, seized the government, abolished federalism, and established centralism under the iniquitous Siete Leyes of Since this constitution proved to be unworkable, an 1836. election was held in 1842, under conservative-centralistic auspices, for a constituent congress. The congress, however, had to be dissolved, because the people, when given an opportunity to express themselves, indicated in no uncertain manner that the majority of Mexicans still stood for federalism. The congress being dissolved, an appointed Junta of Notables proceeded to draft the Organic Bases of 1843, even more highly centralistic than the preceding Constitution of 1836.

Centralism passed off the scene during the critical days of the war with the United States. On May 18, 1847, the congress decreed the readoption of the federal Constitution of 1824, which to a large number of people in Mexico, remained, during the periods of centralized government and dictatorship, the symbol of liberty and progress. Yet, after the war, there was a continuation of the former troubles; the culmination was the establishment, in 1853, of the ubiquitous Santa Anna as perpetual dictator. Santa Anna's final tenure of authority in Mexico was brief. He was driven into another of his "perpetual" exiles by the Revolution of Ayutla which had as its purpose the freeing of the country from ecclesiastical-military domination and the reëstablishment of a liberal, federal government. The entry of a new element into Mexican politics, the rising Mestizo group, who gained control of the federalist party, assisted greatly in clarifying political

issues. Personalism now was relegated to the background; principles were paramount. The issue of liberalism-federalism versus conservatism-centralism was now for the first time clearly drawn.

In this struggle of conflicting principles the Mexican people spoke decisively for liberalism and federalism. When a constituent congress convened there was not the slightest doubt that federalism would be reëstablished. The ideology of Mexican liberalism was incorporated, consequently, in a new organic law, the Constitution of 1857, which embodied many principles borrowed from the Constitution of the United States. With the victory of the liberals over the conservative die-hards on the field of battle in the Wars of the Reform and the French Intervention, the issue of federalism versus centralism was definitely settled in Mexico. Never since was it ever proposed that the federalistic basis of Mexican government be altered. In the Constitutional Convention of Querétaro, which framed the present Constitution of 1917, not a word was said in support of centralism.

Although there is emphatic and almost unanimous opposition to formal centralism in Mexico, yet paradoxically, the Mexican federal state has been from the beginning strongly centralistic in fact. The will of the center has been consistently imposed upon the "sovereign" states, by constitutional and extra-legal methods. How the national administration brings the state governments under its complete and arbitrary control cannot be discussed here. It is well known, however, that there is as complete a federal domination over the states today as existed under Porfirio Díaz. Yet, had Díaz attempted, or were Cárdenas to attempt, to revise the federal constitution to fit the actual situation, armed protests would be provoked. Why this is the case should be a profitable subject for speculation.

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