Revolution and Article 27: A survey of nationalistic conflict

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REVOLUTION AND ARTICLE 27:
A SURVEY OF NATIONALISTIC CONFLICT

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Continuing struggle characterized the evolution of the Mexican Republic at the dawn of the Twentieth Century. Political turmoil and socio-economic crises have beset Mexico since the time of the conquest, and as decades lapsed into centuries, multitudinous problems remained unresolved. Paramount among these was the persistent presence of foreign interests, especially after the ascension of Porfirio Díaz to the presidential chair in 1876. From that time until the outbreak of revolution against an aging Díaz in 1910, foreign interests, principally United States and British, controlled the major units of economic production in Mexico. In part, the massive revolution of 1910 began as a reaction against the overweening influence of foreigners in Mexico's political and economic life. The Revolution released a nationalist fervor that manifested itself politically, socially, and economically.

Mexican nationalism called out for a return of Mexico to the Mexicans. Foreign holdings, either real property or subsoil, and the huge holdings of elite Mexican families were all cursed. The Mexican people desired to control their destiny and to find themselves by restoring ownership to the "people" of Mexico.
The purpose of this study will be to show how a particular article, Article 27 in the 1917 Constitution, evolved and was offered in an attempt to settle a fundamental Mexican dilemma. Article 27 solved, at least theoretically, the old question of land reform and land ownership. Mexico dramatically asserted her national identity and independence at this time when the ancient Spanish theory of land ownership was reapplied. This article declared that henceforth the original owner of all land and subsoil minerals was the state. Private ownership, either native or foreign, existed only when it did not interfere with the public interest. Aimed particularly at the United States, the article limited the rights of foreigners to own land and mineral rights and in some cases excluded foreign holdings altogether.

This study will outline the internal developments leading up to the 1917 Constitutional Convention and the Convention itself. Also, the thesis will examine the diplomatic intercourse between Mexico and the United States over the particular ramifications of Article 27. Only one historian, Lorenzo Meyer Cosío, in his book México y los Estados Unidos en el Conflicto Petrolero, 1917-1942, has investigated the international implications of Article 27 from its inception regarding subsoil mineral rights. These instances, in part, explain the lack of secondary source material available for scholarly investig-
A significant body of scholarly literature surrounds the oil expropriation crisis of 1938 and therefore an investigation of this area was considered unessential.

The thesis is limited roughly to the period 1910 to 1917 for various reasons. The problem of the availability of both primary and secondary sources in part dictated the scope of the study. United States Department of State papers on microfilm are not available for research for the critical period after 1929. Also, the thesis becomes too cumbersome to handle effectively without these necessary materials. As a result, to maintain the manageability of the topic, the genesis of Article 27 became the focal point of the study. Finally, little scholarly investigation on the evolution of Article 27 has resulted in a vacuum. It is hoped, therefore, that this work will, in part, fill that void.
CHAPTER I

THE GREAT MEXICAN UPHEAVAL, 1910 TO 1916

Mexico's Constitution of 1917, drawn up at Querétaro, resulted from at least six years of internal turmoil, of plans, declarations, revolution, and unkept promises. Conflicting ideologies, in addition, paralleled this violent period in Mexico's modern history.

The Constitution symbolized an attempt to solve traditional Mexican problems such as land, political, and educational reforms in addition to labor and ecclesiastical dilemmas. The Constitution also made an effort to come to grips with the changing character of Mexican nationalism, influenced especially by the policies of the United States.

Mexico's revolutionary turmoil began and was nurtured during the latter years of the Porfiriato. A pre-revolutionary movement was begun under the leadership of a rather small group of intellectuals whose avowed purpose was to remove Porfirio Díaz as President of Mexico.

Inspired by European socialistic ideology, this band of revolutionaries established Liberal Clubs to preach the new reform gospel. The National Convention of Liberal Clubs met in February, 1901, and publically attacked clericalism, the
hacienda system and related land problems, and the científicos, President Díaz' inner circle of friends who were the creole elite of Mexican society.

Porfirio Díaz' election in 1904 pushed the Liberal movement into a radical posture since all the ills of Mexico were attributed to the aging dictator. Ricardo Flores Magón utilized the strength of more than 200 anti-Díaz Liberal Clubs to found the Organizing Committee of the Mexican Liberal Party. The Committee stated that Regeneración should be the official newspaper of the new party because of its violently anti-United States posture. Regeneración called to public attention the magnitude of the United States' influence in both the domestic and foreign affairs of Mexico.¹

Suppressed in Mexico, the leadership of the Committee fled to the United States. They organized principally in St. Louis, Missouri, and from this point continued to direct efforts against Díaz. On July 1, 1906, they formulated the "Program and Manifesto of the Mexican Liberal Party."² This platform, the combined efforts of the pre-revolutionary leadership, became in one form or another, the basis for all the plans and programs of the Revolution and eventually

¹For a detailed account of the pre-revolutionary movement and its activities see James D. Cockcroft, Intellectual Precursors of the Mexican Revolution 1900-1913 (Austin: University of Texas Press, 1968).

²See Appendix A for important sections of this Program.
resulted in the basis for the Constitution of 1917.³

The "Manifesto" advocated the confiscation by the state of all unproductive lands. The government, in turn, would grant the land to anyone who promised to utilize it. The maximum amount of land held per individual would also be regulated by the state.⁴ The platform of the Partido Liberal Mexicano, or Liberal Mexican Party, touched upon most of Mexico's problems. Numerous references to the patria, or fatherland, as well as vilification of foreign interests advanced the idea of a renascent nationalism.

Francisco I. Madero, a relatively inactive revolutionary, wrote La Sucesión Presidencial de 1910 (The Presidential Succession of 1910) in November, 1908, in which he appealed to Mexicans to save the fatherland. Claiming to have no complaint against Díaz personally, Madero requested a return to the policies and practices outlined in the Constitution of 1857.⁵


The direction provided by Madero's book influenced another intellectual leader of the pre-revolutionary period. That person was Andrés Molina Enríquez. An expert in Mexico's land problems, Molina Enríquez wrote his most important work, *Los Grandes Problemas Nacionales* (Great National Problems) in 1909. Molina Enríquez declared that the *hacienda* system in Mexico was a useless feudal creation and was responsible for the lack of economic development in Mexico. He called attention to social and economic problems directly affected by foreign interests, primarily those of the United States. According to Molina Enríquez, Mexican nationalism suffered because Criollos, a native born aristocracy, had combined with the foreign elite to control Mexico from the top. He stressed that the *mestizos*, or mixed bloods, the most numerous and most patriotic class, must take the lead in "ridding Mexico of foreign domination" even if this was to be accomplished by a nationalistic revolution.6

Opposition to Don Porfirio, despite his promise of a free and democratic election, grew by 1910, and Madero emerged as the leading dissenting voice to the old *caudillo*. Despite his incarceration and subsequent release in October, 1910, the son of a Coahuilan aristocratic family demonstrated

6James, *Mexico and the Americans*, pp. 136-143.
a tenacious courage in the enunciation of his Plan de San Luis Potosí in which he advocated the restoration of lands to former owners who had lost their holdings through legal abuses. The Plan de San Luis Potosí, however, regarded the question of land reform as secondary to the political charges against Díaz. Madero was more interested in a return to a strict adherence to the Mexican Constitution of 1857. The fact that land was mentioned at all was a result of zapatista pressures in Morelos and Madero's desire to gain support from Emiliano Zapata.


Madero ascended the presidential chair in November, 1911, without substantially resolving any major political problems. The persistence of the old Porfirian bureaucracy and military machine resulted in a dichotomized relationship between the maderista revolutionaries on the one hand and the ancien régime on the other. Madero proved incapable of governing because of the factionalization of the revolutionaries and the old porfiristas who remained in power. As a result, he was a man trapped in the middle and incapable of using force as a means of maintaining political power in a country where force was a keynote of the body politic.9

The rupture between revolutionaries and Madero appeared early. Five days before Madero was inaugurated, Emiliano Zapata, on November 25, 1911, announced his Plan de Ayala.10 Zapata became disillusioned with Madero for his inaction concerning land distribution, particularly Madero's inability to fulfill Article 3 of the Plan de San Luis Potosí. Zapata's Plan attacked Madero as a liar, unfit to carry out the goals of the Revolution, and called for his overthrow. The most important reform articles were those numbered six through eight. Article 6 demanded that all lands be returned to citizens holding title to them. In Article 7, Zapata

9Cumberland, Mexican Revolution, p. 253.
10For pertinent points of the Plan de Ayala see Appendix D.
advocated the legal expropriation of one-third of the total land held by monopoly. These lands were to be converted to "ejidos, colonies, and foundations for pueblos, or fields for sowing or laboring." Article 8 warned that those monopolies which opposed Article 7 would be nationalized. The remaining two-thirds would provide war indemnification and pensions for the victims of the Revolution. Zapata's Plan was the first one to deal in depth with land reform. An examination of Zapata's Plan de Ayala shows traces of the PLM Platform of 1906 and Madero's Plan de San Luis Potosí of 1910. On the other hand, the important articles dealing with the land question were unique to Zapata's Plan. The additional articles of the document appear free from the philosophical references to "democracy" and "peace," traditionally found in the bulk of literature issued by caudillos during the Revolution. In short, Zapata's Plan was a more practical statement concerning existing Mexican problems, and by the same token, it was also more parochial.

The year 1912 saw two additional declarations issued. In February, the followers of Braulio Hernández in Chihuahua announced the Plan de Santa Rosa. The Plan called for the expropriation of all national territory, except urbanized

areas, for public use. The government was to remain the owner of the lands and receiver of the rents of these lands. Hernández' Plan dealt almost exclusively with perhaps the most pressing national problem—that of land reform.

On March 25, 1912, Pascual Orozco, a former maderista military chieftain, pronounced against Madero in the Plan de Chihuahua also known as the Plan orozquista. Among the thirty-seven articles, two stand out as the most important. Article 8 noted that Madero had "placed the destiny of the fatherland in the hands of the American government by means of contemptible complacency and promises." Orozco charged that the actions of Madero had infringed upon the sense of Mexican "nationality and integrity" by allowing the continuation of porfirista practices favorable to foreign landholding interests.

Addressing the land question, Orozco's Plan called for the "revalidation and improvement of all legal titles." The Plan advocated the return of lands lost by despoilment and the redistribution of uncultivated lands. Orozco proposed the expropriation of all lands not under regular

12 Ferrer Mendiolea, Congreso Constituyente, p. 18.
13 See Appendix D for important articles of this Plan.
14 Meyer, Mexican Rebel, p. 141.
cultivation, particularly the idle lands of large land owners. The newly expropriated areas were to be redivided and distributed in order to maximize their use and value.  

It must be noted, however, that Orozco would determine which lands were idle. As a consequence, Luis Terrazas, the large land holder in Chihuahua, and personal friend of Orozco, had little to fear.

Orozco's Plan was the last major declaration issued during 1912. The following year saw a turn of events. In February, the Décena Trágica (Tragic Ten Days) occurred. After an artillery duel over Mexico City and a clandestine agreement between factions opposed to Madero, General Victoriano Huerta emerged as the victor, and hence, President of Mexico, on February 19, 1913.

Huerta's ascension failed to garner unanimous favor. On February 19, Venustiano Carranza, then Governor of Coahuila, declared against Huerta. Carranza authorized himself to secure constitutional government for Mexico.  

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17 Callcott, Liberalism in Mexico, p. 236.
In March, Carranza enlarged his opposition to Huerta and issued his Plan de Guadalupe in which he assumed the title of First Chief of the Constitutionalist Army. The Plan mentioned little of the social and economic problems facing Mexico.\textsuperscript{18}

The Huerta government had little more success than its predecessor in meeting the problems deemed urgent by the revolutionaries. Humiliated by both his domestic rivals and the forces of the United States, Huerta offered his resignation on July 14, 1914.\textsuperscript{19}

In August of that year, the reins of government passed to Venustiano Carranza. On September 5, Carranza called his leading generals to Mexico City to hear his projected policies. Carranza proposed to solve the agrarian problems by expropriating lands for "public utility," and by purchasing lands from the larger estates. The amount of land...


bought proved to be insignificant to the amount expropriated. 20 At the September meeting, Carranza hoped to heal the growing split between himself and Villa. Villa, who declined to attend the meeting, agreed to meet at Aguascalientes at some future date in order to avert war.

The Convention of Aguascalientes did not heal the differences between Carranza and Villa. 21 Carranza, noting that his position was decidedly weak, resolved to secure more popular support for his position. Therefore, Carranza issued his Adiciones to the Plan de Guadalupe on December 12, 1914. Of the seven articles contained in the decree, points two, three, and five all touched upon the agrarian problem. Article 2 declared that:

The First Chief of the Revolution was to issue and cause to be observed all the laws, provisions, and measures tending to satisfy the economic, social and political needs of the country. The more important reforms to be guaranteed were: equality of the Mexicans among themselves; agrarian laws to encourage the creation of small land holders, dissolution of the latifundia, and the return to the townships of the lands unjustly taken from them; the revision of laws relative to the operation of mines, oil fields, water rights, forest and other natural resources of the country in order to destroy the monopolies created under the old regime.


Article 3 authorized Carranza to assume dictatorial powers to insure that lands necessary for distribution be expropriated. Under Article 5, the First Chief (established in Mexico City) would render an account of his special powers, especially those exercised in attaining the reform proposals. Carranza justified issuance of his famous agrarian decree on January 6, 1915, under Article 3. This decree directed that communal lands taken from the Indians during the Diaz years be returned. The law ordered the establishment of a National Agrarian Commission to administer the restoration of the ejidos. The land was to be returned immediately and confirmed by the national government at a later date. This "law of restoration" was an attempt by Carranza to carry out the agrarian programs initiated by Zapata and became the first legal decree of agrarian reform.

Carranza's reform decrees quickly bore fruit. Mexican support rallied to the First Chief, and in April, the Constitutionalist forces under Alvaro Obregón defeated Villa at the Battle of Celaya. In the summer of 1915, Carranza confidently announced that his government was in effective

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control of the greatest portion of Mexico, an assurance which sparked de facto recognition by the United States on October 19, 1915.

De facto recognition by the United States together with successes against Villa prompted Carranza to attain for himself a legal basis for power. The First Chief issued a decree on September 14, 1916, authorizing the calling of a Constitutional Congress at Querétaro in November. Delegates were to be loyal followers of Carranza and come from areas under carrancista control. On September 19, Carranza issued another decree establishing guidelines for the new Constitutional Convention. The delegates to the Convention were required to swear an oath dedicating themselves to follow the Plan de Guadalupe, the Additions to that Plan and the decree of September 14, 1916.

The reasons for calling a new Constitutional Congress rather than one to revise the 1857 Constitution may be found in Carranza's decrees of September 14, and 19, 1916. The First Chief believed that the Constitution of 1857 was outdated with most of its articles having been amended for the benefit of particular interests. Noting Article 127 of the 1857 Constitution, Carranza became convinced that

24Cline, United States and Mexico, p. 167.
25Perrer Mendiolea, Congreso Constituyente, p. 36-38.
several reforms could not be ratified in a reasonably short time. Article 127 stated that:

The present constitution may be added to or amended. No amendment or addition shall become a part of the Constitution until agreed to by the Congress of the Union and by a two-thirds vote of the members present and approved by a majority of the State legislatures. The Congress shall count the votes of the legislatures and make the declaration that the amendments or additions have been adopted.\textsuperscript{26}

Carranza believed that Mexico had reached the stage when she could turn her attention to the demands for reform, especially agrarian reform. The impact of the various Plans, despite their original motives, cannot be denied. The Querétaro Convention had a multitude of possible solutions to apply to the vexing question of land reform. From this Convention at Querétaro was to emanate the new Constitution of 1917.

Carranza's decree of September 14, 1916, accomplished more than assembling the new Constitutional Convention. It definitively placed the Carranza stamp on the initial phases of the Convention. The call for delegates, however, indicated some chinks in the Carranza armor. First, the declaration stated that in addition to being loyal followers of Carranza, the delegates must come from territories under the control of the carrancistas. Secondly, no one was eligible who had aided the cause of those elements hostile to the Constitutionalist forces and ideology. Thus, while ostensibly democratic and representative, Carranza hoped to rig the Constitutional gathering by eliminating villista and zapatista representatives thereby avoiding a repetition of the Aguascalientes debacle.27

One delegate and one alternate were to be elected for each seventy thousand inhabitants or fraction greater than twenty thousand. Based upon the 1910 census, representatives were authorized from the Federal District, the States, and the Territories. Carranza's decree further stipulated that

27Cline, United States and Mexico, p. 167.
the Convention would meet for a two-month period and concern itself only with the proposed Constitution submitted by the First Chief. At the end of the period, the Convention would dissolve itself. In effect, Carranza attempted to pack the Congress with his own faithful followers. He believed that with the qualifications and limitations imposed upon the membership they would rubberstamp his proposals. At the end of the two-month term, Carranza, under the guidance of the new Constitution, would call elections.

Carranza enlarged upon this decree by his declaration of September 19, 1916. Querétaro was selected as the site and December 1, 1916 as the opening date. In his charge, moreover, Carranza ordered the direct elections of delegates on Sunday, October 22, 1916. Only those citizens who had resided in a State for a period of six months prior to the elections could vote. The decree excluded individuals in government or other positions of authority in each State from becoming a representative. The First Chief further charged the Congress with the responsibility of certifying the credentials of its delegates and excused them from arrest and other harassment during the tenure of the Convention. Article 10 delineated the oath administered to the Convention delegates.

President--Do you swear to fulfill loyally and patriotically the post of Deputy of the Constitutional Congress which the people have conferred upon you, taking care in everything of the constitutional order of the Nation, in accord with the Plan of Guadalupe of March 26, 1913, and its additions issued in Veracruz December 12, 1914, reformed on the 14th day of September of the current year?

Deputy--Yes, I swear.

President--If you do not do this, the nation will hold you responsible.  

Logic dictated the selection of Querétaro as the location for the Constitutional Congress. Carrancista control proved supreme in Querétaro while the more logical location, Mexico City, was threatened by Emiliano Zapata and other factions opposed to the First Chief.

Under the supervision of Jesús Acuna, Minister of Gobernación (Government) the scheduled elections took place. The voting was extremely light, indicating the apathy of the Mexican people and the extent to which the election decree had effectively excluded vast numbers of the potential electorate. For reasons of local disorder, primarily in locations where Villa and Zapata had strength, some elections were not held. The following indicate those areas where Carranza chose not to risk an election that might produce

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delegates inimical to the First Chief:


Ostensibly the delegations appeared to be a one-party Convention. With the bulk of the delegates elected as carrancistas, the Congress seemed assured of unanimity on every proposal.

The first preparatory session was called to order on November 21. Antonio Aguilar was elected provisional president because his name began with an "A" and this, it was decided, was a fair way to select a president. Ramón Frausto and Juan Gifford were voted as Aguilar's assistants.32 The bulk of the first day was spent in selecting a steering committee and approving the credentials of some of the delegates. The pattern of the Convention was already


forming. Attendance was poor, and a quorum was often difficult to attain. Ramón Frausto unsuccessfully challenged the credentials of Francisco Múgica and Meade Pierro.33

By November 5, the second preparatory session, the Convention delegates began to choose sides between the supporters of General Alvaro Obregón, who declined to serve as a delegate, and the First Chief. The followers of Carranza were determined to enact his proposed Constitution and were generally not as concerned with the social reforms as they were with updating the political system.

At the same time, the Obregón faction dedicated itself to the enactment of reforms reaching beyond the intended scope of the Congress as stipulated by the First Chief. While Obregón declined to be a delegate, the obregonistas were guided in the Convention by General Francisco Múgica and Andrés Molina Enríquez, the author of Los Grandes Problemas Nacionales. Pastor Rouaix, former Minister of Fomento (Development), and President of the National Agrarian Commission, joined the Obregón faction. The combination of Rouaix, Múgica, and Molina Enríquez led to the formation of

33 Diario de Debates, Vol. I, pp. 26-28 and p. 44. General Francisco Múgica, the delegate from Michoacán, would become one of the most outstanding personalities of the Convention.
the controversial Article 27.34

Five days later, the factions at Querétaro agreed to end the quarrelsome discussion of credentials and proceed with the election of officers. Luis Manuel Rojas, a carrancista, was elected President of the Convention. Vice-Presidents were General Cándido Aguilar, the First Chief's son-in-law, and Salvador González Torres. Twelve committees were appointed to supervise the work of the Convention; two Editorial Committees, two Constitutional Reform Committees, and two Juridical bodies. Also appointed were committees for Style, Administration, Petitions, Diary of Debates, Rules and Regulations, and Archives and Library.35 Preparations were made to receive Carranza on the first official meeting of the Convention, December 1, 1916.

President Rojas opened the session and Carranza delivered his address to the delegates. In his speech, the First Chief noted that the Constitution of 1857 contained what he considered to be too many defects. Carranza


charged that the old Constitution was ineffective in individual guarantees. He also believed that separation of powers and representative government were high ideals of the 1857 Constitution and did not exist in reality. Carranza called upon the Convention to form a government based upon the goals of the old Constitution but with operative provisions to carry out the sacred ideals. Upon the completion of his address, Carranza delivered the proposals he deemed imperative to satisfy the goals of the Revolution.

Carranza's draft was more than a series of proposed reforms of the old Constitution. The 132 articles and nine transitional or temporary articles comprised, in reality, a new Constitution. Carranza's Article 27 made no reference to the new theory of land ownership eventually incorporated in Article 27 of the Constitution of 1917. The most important agrarian clause of Carranza's article stated that the ejidos taken since June 1, 1856, be returned to the common holdings of the people:

The ejidos of the pueblos, which have been preserved subsequent to the laws of desamortization and which have been granted anew in conformity with the laws, shall be enjoyed in common by the residents while they are divided in

accordance with the law which shall be expedited to that effect. 37

On December 6, the Proyecto del Primer Jefe (Project of the First Chief) was sent to the Constitutional Commission composed of delegates Francisco Múgica (chairman), Enrique Colunga, Luis Monzón, Enrique Recio, and Alberto Román. The Convention charged this Committee with the responsibility of acting upon Carranza's proposals and presenting their proposals to the Congress. 38

The Convention had but two months to consider Carranza's proposals and present a Constitution. In order to meet the deadline, night sessions were introduced on January 14, 1917. For the same reason an unofficial committee was formed to act specifically on Carranza's Article 27. The membership of the Committee included Pastor Rouaix, Jose I. Lugo, Andrés Molina Enríquez, and Rafael de los Ríos. This Committee in turn invited any delegate who so desired to assist in the discussion, all of which took place beyond the official records of the Diario de los Debates. 39

The membership of both the official and unofficial committees was decidedly obregonista and wished to go

beyond the proposed Article 27 offered by Carranza. They believed that Carranza desired political reforms rather than social and economic changes. The obregonistas were determined to make Article 27 reflect their desires. Although Article 27 was not officially debated until late in the session, the unofficial deliberations began early in the tenure of the Convention. Compared to most articles, Article 27 was thoroughly discussed and as a result, the final version was a complete transformation of Carranza's proposals. The deputies agreed that only with such drastic changes could agrarian reform be effected in Mexico. Carranza's decree of January 6, 1915, although significant, was incomplete. While Carranza made no provisions for examination of the property rights of foreigners, the obregonistas argued against foreign holdings of Mexican lands.

The first draft of Article 27 was written by Molina Enríquez, an expert in agrarian problems, at the request of Pastor Rouaix. The article was discussed informally in the Bishop's Palace at Querétaro, the residence of Rouaix, by a small group including President Rojas, José Macías, President Zoé Macías,

40See Appendix E for text of Carranza's proposed Article 27.
and General Múgica. Molina Enríquez' draft failed to satisfy his associates because it contained "only principles and general provisions." The delegates were determined to make Article 27 inclusive, detailed, and concise. In this endeavor the delegates succeeded. The article which emerged from the deliberations treated the agrarian problem in language strong enough to remove all doubt concerning Mexico's desire to assert her rights in the face of foreign interest as well as to solve a problem fundamental to the Mexican Revolution.

43 Although Rojas was the only carrancista of the three, he was a moderate and willing to work diligently with all factions.


45 Tannenbaum, Peace by Revolution, p. 105.
CHAPTER III

ARTICLE TWENTY-SEVEN

General factional strife emerged as a dominant characteristic of the Querétaro Convention. As a consequence, Carranza, faced with delegates whom he could not control, cautiously proceeded with the business of Constitution writing. At the same time the forces of economic nationalism became strengthened during the debate and ultimate adoption of Article 27.

The unofficial committee in charge of Article 27 recognized two fundamental agrarian problems. Under the Diaz dictatorship the concentration of land in the hands of a few powerful latifundistas increased. This condition left many would be farmers without sufficient acreage to provide a living and thereby forced them to bind themselves to the hacienda for the necessities of life. Another related problem revolved around foreign ownership, a situation encouraged since the Porfiriato. To those with a national pride, this fact alone made reform a national imperative.

The unofficial committee began deliberation of Carranza's draft of Article 27 in the early days of January, 1917. Under the guidance of Pastor Rouaix and Molina Enriquez the
group decided to push beyond the Carranza draft. The committee wished to restore the ejido, but practicality dictated that the conversion of the campesinos into ejidatarios would still leave the problem of land concentration unresolved.

The special committee completed its draft of Article 27 in the seclusion of the Bishop's Palace and submitted it to the First Committee on Constitutional Reform on January 24, 1917. Five days later, the First Committee referred the article to the Constitutional Convention with only minor changes.

In the late hours of January 29, and in the early hours of the following morning, Article 27 was placed before the Convention and debated. Only three or four copies were available to the delegates and these circulated while the article was read from the rostrum. It was decided to debate each section or paragraph prior to calling for a final vote. Immediately after the reading the debates began.

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50Ibid., pp. 776-779. Largely through the influence of the obregonistas each section was to be discussed rather than general deliberation upon the entire article.
Luis Navarro, a delegate from Puebla, voiced the first opposition to paragraph 1 which stated:

The ownership of lands and waters comprised within the limits of the national territory is vested originally in the Nation, which has had, and has, the right to transmit title thereof to private persons, thereby constituting private property.51

Navarro maintained that since the state owned the land it should have the exclusive right to sell it. Navarro suggested that land could be sold to Indians on condition that it not be resold. This, he believed, would insure two things. First, the Indian would not be exploited in the future; and secondly, foreign holdings would be eliminated. Navarro's suggestion was rejected because most delegates reasoned that ejido lands should be distributed free.52

The discussion turned to paragraph 2. This paragraph noted that private property could not be expropriated "except for reasons of public utility and by means of indemnification."53 The phrase is vague and surprisingly was not questioned at all. The delegates agreed that the State or the Supreme Court would interpret the clause as they saw fit. A minority opinion countered that if such be the case, then indemnification proved meaningless. The

carrancistas pointed out that the First Chief's draft was more explicit in this matter. Carranza's version stated that private property could not be taken without previous indemnification, a phrase borrowed from the Constitution of 1857.54

Paragraph 2, together with paragraphs 3, 4, and 5 were all accepted without debate. The delegates were content to let these sections stand as they were released from the First Committee. The third paragraph enabled the State to impose necessary regulations on private property and natural resources. In order to achieve equality, lands and resources were liable for appropriation. For the same reason, large haciendas could be divided. The paragraph concluded by affirming Carranza's decree of January 6, 1915.55 Since the Mexican Revolution had as one of its aims the division and redistribution of large land holdings, the delegates voiced no opposition.

Paragraph 4 proclaimed that ownership of all subsoil minerals was vested in the Nation, and specifically mentioned petroleum and all hydrocarbons. The following paragraph was similar to the extent that all waters passing from "one landed property to another" were considered of

54Branch, Constitution of 1917 Compared to 1857, p. 15.
public utility and as such their ownership belonged in
the State. Paragraph 5 was essentially a streamlined
version of draft paragraphs 9 and 10 submitted by Carranza,
and provoked no debate. Paragraphs 2, 3, 4, and 5 were
all reserved for the final vote.

The next section did not pass as quickly. Federico
Ibarra, a delegate from Jalisco objected to the thrust of
paragraph 6. Ibarra moved that a provision be inserted
to follow the paragraph forcing foreign interests to pay
the Federal Government for exploiting subsoil rights.
Pastor Rouaix argued that the wording was adequate as it
stood and the concessions granted by the State would be
sold to foreign investors anyway. The disputed passage
stated:

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... the ownership of the Nation is inalienable
and may not be lost by prescription; concessions
shall be granted by the Federal Government to
private parties or civil or commercial corpora-
tions organized under the laws of Mexico, only
on condition that said resources be regularly
developed, and on further condition that the
legal provisions be observed.57
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Enrique Colunga, a delegate from Yucatán and member of the
First Committee, supported Rouaix and mentioned that at a
later day a mining law would be drawn up to cover Ibarra's
objections. With Colunga's remarks the paragraph was

56 Ibid.
57 Ibid.
reserved for final voting.

Although the above paragraphs encountered little opposition, the next eight did. These sections outlined the legal capacity to acquire ownership of lands and waters in Mexico. Section 8 declared that:

Only Mexicans by birth or naturalization and Mexican companies have the right to acquire ownership in lands, waters and their appurtenances, or to obtain concessions to develop mines, waters or mineral fuels in the Republic of Mexico. . . .59

The delegates asserted their Mexican identity and nationality by excluding foreign ownership and influence. The Convention realized that foreign intervention was a real possibility and sought a middle ground by making certain provisions for foreigners. The paragraph authorized the Nation to grant similar rights to foreigners under the provision that they agreed to be considered Mexicans in respect to the law. Foreign interests also had to promise not to seek the protection of their own government should they come into conflict with the Mexican government. In any case, foreigners were excluded from holding land and waters within 100 kilometers of the national boundaries and fifty kilometers from the coastline.60

The paragraph, in its final form, differed only in


60Ibid.
one word from that suggested by Carranza. The First Chief considered the ownership of subsoil rights to be open to anyone while the Convention delegates viewed the Nation as the sole owner. Therefore, the Deputies inserted the word "concessions" when describing the exploitation of natural resources. The vital word was understood by the delegates to mean a temporary right, sold by the government for a predetermined period, subject to recall.

Alberto Terrones, an obregonista from Durango, warned that foreign governments would not accept the inclusion requiring non-Mexican interests to waive the protection of their home government. Enrique Enríquez, a delegate from the State of México, theorized that foreigners could easily marry Mexican women and thereby avoid the thrust of the provision. José Reynoso, also from the State of Mexico, sought to calm the fears of both Terrones and Enríquez. He proposed that foreigners be required to become naturalized Mexican citizens before acquiring lands and waters. José Macías took the floor to solve the dilemma. He reasoned that if a foreigner failed to become naturalized within a predetermined period, then he lost all recently acquired rights.61

The delegates were convinced by Rouaix and Macías that requiring foreigners to abide by Mexican law and excluding

them from the designated areas near the coast and borders were sufficient guarantees to control non-Mexican interests. Colunga argued against the naturalization proposal because of economic considerations. Colunga affirmed his strong nationalist passions but noted that Mexico needed foreign capital and should not deny itself the opportunity to receive it. Again the membership of the First Committee had its way. The paragraph received no other comment and was reserved for final voting.

In another vein, paragraph 9 concerned the anti-clericalism feature of the Revolution. In the Carranza draft he devoted two paragraphs to the question of Church ownership of lands. Carranza suggested that churches, whatever their denomination, be excluded from ownership and administration of lands. All buildings held by the Church would fall under the provisions concerning private property. The First Chief also believed that public and private charitable institutions should come under control of the State despite their intended function—education, hospitalization, research, or other aid projects. When the corresponding paragraphs of the First Committee, 9 and 10, were read to the delegates, they responded with cheers. One delegate, Samuel de los Santos, laughingly voiced his

62 Ibid., p. 797.
opposition to the building of any churches. He charged that the clergy was the only real group to benefit in the final analysis. Surprisingly, few dissenting voices were heard, and paragraphs 9 and 10 were reserved for voting.

Discussion turned to paragraph 11 which forbade commercial stock companies from holding or administering rural properties. Companies formed to develop mining, manufacturing, or petroleum were allowed to hold or administer lands absolutely necessary to their operations. Of course, the Mexican Chief Executive and the State governors would determine the "necessity" and the location of the companies. Rafael Cañete, a delegate from Puebla, objected to the paragraph. He charged that the clergy would take advantage of the section and form a commercial stock company, thereby avoiding the anti-clerical provisions of Article 27.

Colunga countered that the First Committee intended to prohibit all dummy companies from acquiring lands and waters, the clergy included. He declared that under this paragraph, the clerical holdings would be effectively eliminated. Colunga's statements were sufficient and further debate

63 Ibid., p. 795.
64 Ibid., p. 799.
The First Committee draft of paragraph 12 was borrowed word for word from Carranza's proposed draft. It stated:

Banks duly organized under the laws governing institutions of credit may make mortgage loans on rural and urban property in accordance with the provisions of the said laws, but they may not own nor administer more real property than that absolutely necessary for their direct purposes; and they may furthermore hold temporarily for the brief term fixed by law such real property as may be judicially adjudicated to them in execution proceedings.

Objection was voiced concerning the ambiguity of the word "banks." Colunga retaliated that "banks" included mortgage banks, banks of issue, and banks formed to encourage mining, industry, and agriculture.

Delegate Macías attacked the entire paragraph. He believed that the practice of investing in mortgage loans would encumber too much of a bank's capital. Macias warned that should farmers default in their payments, the banks would sell the lands at an exaggerated price. The delegates appeared decidedly against any type of bank acquiring an excessive amount of land, in which case the banks might

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65 Ibid., p. 800.
68 Ibid.
sell to a single corporation or individual, either foreign or domestic, and bring about conditions similar to those of the Díaz years. The First Committee's determination carried the day and the delegates decided to suspend further debate and reserved the paragraph for the final vote.

Paragraph 13 appeared next in order for discussion. In essence, this section proclaimed that Carranza's law of January 6, 1915, applied to pueblos, hamlets, tribes, and other confederations, and they had the legal right to enjoy in common such things as the waters, lands, and woods.

Delegate Macías declared that he preferred guarantees for future communal holdings, not only for those held in the past. His objection was considered and the paragraph amended to insure the protection of communal holdings in the future. Macías also questioned the final line of the paragraph, which stated that in the future communal lands would be divided. He wanted to be sure that land reform would be permanent and not subject to future whims. General Múgica countered that only tillable lands would be divided. All woods and waters, belonging to the communal organizations, would not be divided under any circumstances.69

Delegate Cañete, a carrancista, voiced yet another

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69Ibid., pp. 800-901.
opinion on the section. He reasoned that if the pueblos could possess communal lands then a provision should be included giving them the right to defend those holdings. Canete recounted instances in the past where Indians had lost their communal holdings because they lacked the legal capacity to defend the lands. General Múgica neatly sidestepped the issue and stated that the section concerned only the ability to obtain land, and nothing else. Colunga added that since the property of the communes remained undivided, each member retained the right to defend the plots of all the others. Debate ceased on the section.

Paragraph 14, as adopted by the Convention, was identical to Carranza's proposed section. This paragraph asserted that except for the above sections, the States, the Federal District, and the Territories would acquire and administer all the lands held for public utility. Paragraph 15, again quite similar to the Carranza proposal, declared that the Nation would decide which private properties should be considered public utility. Individuals would be compensated at the valuation of their holdings as recorded in the revenue departments. Only in cases where improvements made since the last evaluation would the matter of compensation

70 Ibid., p. 801.
71 Ibid.
be settled by a judicial decision. All other compensation would be automatically based upon prior assessment. The delegates allowed paragraphs 14 and 15 to pass without deliberation.72

The succeeding section, paragraph 16, failed to clear the Convention without some acrimony. Essentially, the section constituted a rewording of Carranza's decree of January 6, 1915. Any changes in ownership of communal lands since the law of June 25, 1856, were null and void. All lands, waters, and woods taken since 1856 were to be restored except in cases where division took place according to the old law, and the area did not exceed fifty hectareas, or approximately 125 acres. Any acreage in excess of the prescribed amount would be returned to the community and the owner indemnified.

Juan de Dios Bojórquez, a delegate from Sonora, praised the section but noted that Mexico's agrarian problems could not be solved merely by the restoration of the ejido, since fifty hectareas in northern Mexico would not support many animals let alone a family. Bojórquez suggested that land alone would not produce a farmer. Capital, he believed, was also necessary, and proposed that the government should supply this necessary financial assistance. In addition,

72Ibid., p. 802-803.
Bojórquez advocated agricultural education for the small farmers so that they could better utilize their allotted acreage.\textsuperscript{73}

General Heriberto Jara, a delegate from Veracruz, defended the proposed paragraph. He reminded the delegates that the cry of land reform was probably the most important cause of the Revolution, and that the participants in the struggle demanded concrete reforms. Not only would the combatants have their land, but also Mexico would be for Mexicans!\textsuperscript{74}

Delegate Luis Navarro followed the probing theme raised by Juan de Dios Bojórquez. Navarro asked why fifty hectareas, and not some other amount. Colunga replied with the weak answer that the intent of Article 27 was to protect the small land holder from both domestic and foreign influences, and that fifty hectareas was a small holding. Unconvinced, Navarro probed deeper into the wording of the paragraph. He wanted to know why a ten year period of undisputed ownership should excuse the holder from expropriation. Colunga suggested that the Indians were in the habit of passing the ejido through primogeniture without written record and that in these instances, the ten year clause

\textsuperscript{73}\textit{Ibid.}, p. 783.
\textsuperscript{74}\textit{Ibid.}, p. 792.
would protect those Indians.  

Another delegate, Manuel Cepeda Medrano, asked who would pay the indemnification costs since neither the Indian nor the government possessed sufficient funds. General Múgica asserted that the government and not the communal organization would pay the costs. He adroitly sidestepped the issue when he declared that the method of governmental payment was beyond the scope of the Convention and did not concern the present delegation.  

Hilario Medina, a delegate from Guanajuato and lawyer by profession, attacked the paragraph as a legal nightmare. He argued that since 1856 a number of legal transactions had occurred which transferred ownership of much of the lands. According to the paragraph, he reasoned, the delegates were denying that any such legal transactions had taken place for sixty-one years! He suggested that the Convention should be careful not to make the passage retroactive and thereby offend those individuals who had legally transferred title to lands.  

Medina also objected to the insertion that nullified

75Ibid., p. 802.
76Ibid., pp. 803-804.
77Ibid., pp. 804-805.
all further actions which involved communal lands. He reasoned that it was the duty of the judicial system, and not the legislative, to interpret those actions which may take place at some future date. Because of his legal training, Medina voiced another complaint. According to the paragraph, communal groups had more legal rights than the individual insofar as alienation of property was concerned. In this objection he was quite correct. An individual could legally lose ownership of his property for all time while communal organization could sell properties and later demand they be returned. 78 This was a real possibility under the clause which stated:

Only members of the commune shall have the right to the lands destined to be divided, and the rights to these lands shall be inalienable. . . 79

Colunga answered for the First Committee. He stubbornly insisted that present landowners would not suffer from expropriation because they would be indemnified. It seems as if he forgot those lands held by foreign interests which would not require indemnification prior to expropriation. Colunga charged that for the most part, the communal lands were lost through "illegal" actions since 1856, a statement which displayed a shocking ignorance of the recent past.

78Ibid.

79Foreign Relations, 1917, p. 957.
This paragraph, shouted Colunga, would declare null and void only those "illegal" transactions. Obviously Colunga's faith in justice and the paragraph was strong, although his logic was not. Before yielding the floor, Colunga patriotically remarked that to protect the communal holdings in the future this paragraph was necessary.\(^\text{80}\)

General Múgica supported Colunga's justification. He played upon the emotions of the delegates, reminding them that the glorious purpose of the Revolution was to restore the lands to their rightful owners. The paragraph, he pleaded, was necessary to consummate the sacred mission. If he had to choose between justice and the intricacies of the law, he defiantly cried, he voted for justice. The delegates, completely under the spell of his oration and appeals to the high ideals of the Revolution, blindly halted discussion and reserved the paragraph for final voting.\(^\text{81}\)

The remaining paragraphs, 17 through 24, were additions which the First Committee made to the Carranza draft. Paragraph 17 declared that during the next constitutional term laws would be enacted for the purpose of dividing the large haciendas.\(^\text{82}\) A maximum acreage was to be fixed by


\(^{81}\)Ibid., p. 807.

\(^{82}\)Foreign Relations, 1917, p. 957.
the individual States and Territories limiting the size of each holding. This maximum was to be based upon realistic factors such as terrain, the amount of water available, and the location of the holding. The excess acreage would be divided by the former holder and sold under regulations dictated by the respective States and Territories. Should the owner fail to do this, the government would expropriate his holdings. 83

The new owner was guaranteed at least twenty years to buy his land at a rate of interest not to exceed 5 per cent per year. During this interval, he could not resell his acquisitions. The former owner was required to accept government bonds in payment for his subdivided holdings.

The last paragraph of Article 27 dictated that all the contracts and concessions granted by previous Mexican governments since 1876 were subject to revision, especially when they resulted in a monopoly of land, water, and natural resources in the hands of a single individual or corporation. This clause was inserted to cover any remaining legal loopholes in redistributing the huge landholdings so prevalent in Mexico. The last paragraph authorized the President of Mexico to declare null and void any agreements which he considered to be harmful to the public interest. 84 The

83 Ibid.
84 Ibid.
last eight paragraphs were all accepted and reserved for final vote without debate. 85

The Secretary of the Convention called upon all delegates to wake up for the final vote on Article 27 which came at approximately three a.m. on January 30, 1917. 86 Paragraph 9, concerning the rights of religious institutions to hold land, was voted on first. The passage of this section, by a vote of 88 to 62, reflects the personal divisions between the delegates over the role of the Church in Mexican affairs. The tired delegates, weary from a three day marathon session, passed Article 27 by a vote of 150 to 0! 87

By its overwhelming acceptance, the Convention voiced its approval of the most distinctive Article of the new Constitution. The delegates made every effort to express clearly what they considered to be a workable solution to the two fundamental problems faced by Mexico--that of foreign influence and the problem of agrarian reform. Interestingly, the entire Article was read, debated, and accepted in a matter of hours. It seems that such an important provision as this would inspire impassioned discussion both pro and con. Possibly the shortage of copies of Article 27 together

86 Ibid.
87 Ibid., p. 817 and p. 821.
with the fatigue generated by two months of nearly continuous work accounts for the quick passage of the Article. Also, the composition of the unofficial committee and the First Committee bears examination. As a body, the Convention had a healthy respect for the opinions and the drafts presented by these delegates and lacked the expertise and eloquence to effectively argue against them.

Although the Article was hailed by Mexicans as a landmark in their legal history, other interests, particularly the United States, had good cause to voice alarm. Inasmuch as Article 27 excluded a multitude of foreign investments and limited others, economic interests in the United States quickly complained to their government hoping that American interests would be protected by Washington.
CHAPTER IV

UNITED STATES-MEXICAN RELATIONS
AND ARTICLE TWENTY-SEVEN

Seven years of revolutionary turmoil commencing in 1910 increased United States skepticism about Mexico's ability to protect United States lives and properties. As the carrancista faction gradually gained a degree of hegemony over Mexico, its nationalistic pronouncements escalated and became more irritating to the United States. Carranza had proven far from friendly to Woodrow Wilson's attempts to infuse peace and democracy upon Mexico. Mexican attempts to solve her constitutional crisis between November, 1916, and February, 1917, encouraged the polarization between Carranza's breed of nationalism and the United States emphasis upon protection of her vested interests.

Principal among those groups in the United States that pressed for protection were the petroleum companies. They feared for the safety and security of their investments in that war torn country. Even before the ouster of Victoriano Huerta the increasingly shrill cries for protection of oil interests in Mexico were heard in the Department of State.

As early as April, 1914, after the Tampico incident,
the United States Secretary of State, William Jennings Bryan, was under pressure to protect American oil investments on both sides of the border, especially those areas having expensive equipment and valuable oil storage facilities. Bryan ordered George Carothers, a long-time resident of Mexico and consular agent at Torreon, to secure assurances from Carranza that United States interests would be protected. On May 1, 1914, Carothers informed the State Department that foreign companies would be free to return to their oil lands. Moreover, Carranza hinted at possible constitucionalista protection of those companies.

If Carranza was to succeed in his bid for hegemony in Mexico he needed to secure financial backing as well as popular support of the people. A logical source of ready revenue were the oil companies, and, as a result, American

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petroleum interests felt the tax squeeze as Carranza more than doubled the tax rate on crude oil established by Madero. 91

To secure a greater allegiance from the Mexican people and to woo zapatistas away from the caudillo of Morelos, Carranza issued his famous agrarian decree of January 6, 1915. This decree declared null and void all alienation of Indian communal lands and any other invasion of the rights of Indian villages if it had taken place since 1876. The decree, by implication, was aimed at the acquisition of land by foreign interests as well as domestic changes in ownership since 1876. 92

The decree caused waves of unrest among American interests which called upon the Secretary of State for clarification. Carranza pointed out that no expropriation would take place as long as the oil companies operated under governmental authority. He stipulated that no new construction or drilling would begin without permission of the

\[\text{\textsuperscript{91}}\text{R. G. 59, 812.6363/113, American Consul Clarence Miller at Tampico to William Bryan, July 2, 1914.}\]

\[\text{\textsuperscript{92}}\text{Callcott, Liberalism in Mexico, p. 246; Cline, United States and Mexico, p. 165; Haley, Revolution and Intervention, p. 77; Tannenbaum, Peace and Bread, pp. 58-59; and Wilkie, Federal Expenditure, pp. 53-54. The year 1876 was picked because in that year Porfirio Díaz came to power. Since Díaz was the immediate target of the Revolution, it was good propaganda to attack his entire tenure as President.}\]
Mexican government. In short, the final decision for petroleum expansion rested with Carranza.

The United States representative in Tampico, Thomas Bevan, stated that American companies must adhere to the decree for the resumption of any construction or drilling and that this work would be subject to the laws and regulations of the Mexican government. Carranza had achieved a degree of success in limiting the actions of foreign companies in Mexico, and these new laws and regulations could be instruments of leverage for Carranza's domestic and foreign intrigues. The carrancista agent in Washington, Eliseo Arredondo, attempted to gain further support for Carranza's position when he notified the American government that Carranza would call a constitutional convention as soon as peace was restored. More likely, Carranza hoped to force the United States into dealing with him directly, thereby gaining de facto recognition, and furthering the consolidation of his position in Mexico.

The United States Consul at Tampico reported to the Secretary of State on February 5, 1915, that Carranza's

\[^{93}\text{R. G. 59, 812.6363/151, Confidential Agent in Carranza government to William Bryan, January 17, 1915.}\]

\[^{94}\text{R. G. 59, 812.6363/154, Thomas Bevan to William Bryan, January 23, 1915.}\]

\[^{95}\text{Ferrer Mendiolea, Congreso Constituyente, p. 28.}\]
latest decree provided for the confiscation of all construction and works on federally owner lands. The decree further stated that the Mexican government would take these measures for the public interest at any time.96 This decree seemingly contradicted Carranza's verbal guarantees that it was not his intention to expropriate American petroleum industries. The announcement pictured Carranza as a consummate politician, attempting to placate elements in both the United States and Mexico, and succeeding with neither side.

Domestically, Carranza's control of Mexico was incomplete. During the fateful year 1915, Carranza struggled against the combined opposition of Francisco Villa and Emiliano Zapata. Carranza was driven from the capital to his second seat of government at Veracruz, and the United States government became increasingly irritated over the inability of any single faction to assume control and protect United States lives and interests in Mexico. By June 2, 1915, Wilson urged the factions in Mexico to reach agreement. He stated that:

...if they cannot accommodate their differences and unite for this great purpose within a very short time, this Government will be constrained

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to decide what means should be employed by the United States in order to help Mexico save herself and serve her people.  

A strong moral tone permeated the American President's thinking, and it was clear that he intended to intervene in one form or another. Wilson agreed to the suggestion of the new Secretary of State, Robert Lansing, that a conference should be called for August 3, 1915, to pick a single faction in Mexico to back as the de facto government. The defeat of Villa at Celaya in April, 1915, by carrancista forces under Alvaro Obregón clearly established Carranza as the man to support.

In return for de facto recognition, Lansing hoped to gain Carranza's assurances of protection for foreign lives and property. Carranza quickly agreed to comply, and on October 19, 1915, the United States and the Conference


98Historians generally agree concerning Woodrow Wilson's principles of "morality" and what he considered divine guidance in his attempts to make other countries conform to his principles. For elaboration on this point see John Morton Blum, Woodrow Wilson and the Politics of Morality (Boston: Little, Brown, and Company, 1956).

99Cline, United States and Mexico, p. 173. Robert Lansing, the new Secretary of State as of June 23, 1915, invited representatives of Argentina, Brazil, Chile, Guatemala, and Uruguay to Washington to assist in the endeavor.
countries granted de facto recognition to the Carranza government.

After securing the status of a recognized government, Carranza moved ahead in his bid to strengthen control over foreign interests in Mexico. Lansing suspected the worst and sent special agent John Silliman to Mexico. Secretary Lansing instructed Silliman to warn Carranza of the dangers in nationalizing petroleum, if that was in fact Carranza's ultimate objective.

General Cándido Aguilar, Carranza's subordinate in the Tampico area, issued another oil decree on January 15, 1916, under the authority of the First Chief. This document stated that there should be no sale or lease of lands without the previous consent of the Mexican government. The penalty for this or for hidden contracts; that is, secret agreements, would be confiscation. In addition, foreign interests could not seek the protection of their respective national governments but had to abide by

100 Kahle, "Lansing and Carranza," p. 376. Kahle asserts that Lansing, more than anyone else, was responsible for the recognition of Carranza. See also Cline, United States and Mexico, pp. 173-174.

Mexican law. Slowly but surely Carranza strengthened his influence over Mexico's natural resources and secured the allegiance of those elements in Mexico seeking freedom from foreign dominance.

The rapidly deteriorating United States-Mexican reapproachment reached a further low in March, 1916, when Villa raided Columbus, New Mexico. Villa, angered at the United States recognition of Carranza and the personal blame he received for the Santa Ysabel Massacre of January 10, 1916, inflicted sixteen casualties on the border town. The United States retaliated with the Pershing Punitive Expedition. Both the United States and Mexico responded to nationalistic pressures, and conflict seemed unavoidable. The honor of the United States was slighted by the raid, and elements in Mexico labeled Pershings' 

102R. G. 59, 812.6363/205, Thomas Bevan to Robert Lansing, January 25, 1916. The last requirement was eventually incorporated into Article 27.

raid as an act of aggression.\textsuperscript{104}

Diplomats from the United States and Mexico stumbled through the hot summer months of 1916. Contrary to demands made upon both governments, hostilities were not declared.\textsuperscript{105}

Carranza desired to consolidate his position in Mexico rather than risk a war with the United States. The Mexican legalistic fetish together with desires to increase his power prompted Carranza to call a Constitutional Convention to commence at Queretaro on December 1, 1916.\textsuperscript{106}

While Mexico prepared for the Congress, a joint United States and Mexican Commission met in Atlantic City, New Jersey, to discuss the withdrawal of American troops and protection of the border areas. The American members of the Commission urged the Mexican people to cooperate

\textsuperscript{104}Jorge Casta\~{n}eda, "Revolution and Foreign Policy," Political Science Quarterly (September, 1963), pp. 396-397; Clendenen, United States and Pancho Villa, pp. 260-267; and Kahle, "Lansing and Carranza," pp. 368-369.

\textsuperscript{105}In 1916, the Carranza government continued to struggle with rebel forces, and was plagued by shortages of funds. Wilson's attention shifted to the war in Europe and he had to face an election campaign built upon promises of peace and non-involvement in open hostilities.

\textsuperscript{106}Morton, "Constitutional Congress," p. 8. The Spanish heritage from the colonial past ingrained a respect for the form of legality in Mexican government. This fetish for legalism prompted Mexicans to issue decrees, plans, laws, and directives, all with a facade purporting to depict the result of some legal or lawful procedure.
with the United States or risk the downfall of the Carranza government. The United States agreed that Mexico should be "strong, independent, sovereign, and completely fulfilling her domestic... obligations." Mexico still had international obligations to consider—the legal guarantees due to foreign interests in Mexico.  

On November 24, the Joint Commission concluded on agreement concerning the withdrawal of the Pershing Expedition and protection of the International Boundary. Carranza nearly allowed his representatives to discuss Mexico's internal affairs; however, this possible rapprochement was precluded by nationalistic pressures in Mexico to avoid this type of discussion.

With the official opening of the Convention at Querétaro on December 1, 1916, Carranza's opening speech, attacking unpatriotic agreements by prior Mexican governments,

107 R. G. 59, 812.00/19983 1/2, Franklin Lane, George Gray, and John Mott, members of the United States delegations, to Robert Lansing, November 21, 1916.


109 Haley, Revolution and Intervention, p. 244. It is unclear as to the nature of those elements responsible for Carranza's eleventh hour decision to disallow the discussion of Mexico's internal affairs.
reinforced United States fears over the status of foreign holdings in Mexico. The Netherlands' minister to the United States, for example, anticipated American fears and asked Lansing if the United States would protest the inclusion of an article which would put oil under the ownership of the Mexican government.¹¹⁰

Later in December, a report was issued by independent oil interests in Philadelphia, Pennsylvania, pointing out the importance of Mexican oil reserves. The report noted that nearly 10 per cent of the oil produced in the world came from Mexico and that most of this was exported to the United States.¹¹¹ Chandler P. Anderson, a former counselor of the State Department and now counsel for the oil producers, bitterly opposed Carranza's draft of Article 27 of the new Constitution. Representing the principal American oil interests in Mexico, Anderson urged the United States to declare invalid all Mexican action which may take place under Article 27. He also advised that the United States not recognize any Mexican government which might allow either direct or indirect confiscation of foreign interests in Mexico, especially those held by


The American delegation to the Atlantic City Conference issued a similar statement. Briefed by their Mexican counterparts on Carranza's draft of Article 27 and apprised of informal discussion at Querétaro concerning the proposed article, the United States delegation said that the Minister of Fomento could claim any petroleum to be necessary public utility and could then expropriate or nationalize according to his wishes. The American delegation objected to the Mexican Executive's power to limit the amount of real property a company could own and to the implied right to deprive companies of such property. The committee declared that the proposed article was nothing more than a legalistic guise for outright confiscation. The United States government was urged not to recognize the new Constitution nor the new Mexican government.113

The Secretary of State, in early January, 1917, instructed Charles Parker, the American Chargé d'Affaires, to notify Carranza that the United States wanted Article 27 removed or at least modified so as not to curtail or affect the

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113 Ibid.
treaty rights of Americans. Lansing emphasized the present peaceful relations between the United States and Mexico and asked Carranza to reconsider the American suggestion.\textsuperscript{114} Charles Parker, in turn, reported from Querétaro that Carranza was under pressure from the financial and economic interests of Mexico, as well as pressure exerted by nationalistic forces, to take a strong stand.\textsuperscript{115} Carranza faced a United States ultimatum. Politically, he could not afford the luxury of acquiescence and, as a result, intensified his posture.\textsuperscript{116}

León Canova, the chief of the State Department's Mexican Division, ostensibly supported Carranza's position. He informed Lansing that a clash with Mexico would result if the matter of Article 27 were pressed. Canova doubted that even an exchange of ambassadors would ease the tension.\textsuperscript{117}

Lansing wired new instructions to Parker. The Secretary of State directed Parker to question the possibility of

\begin{itemize}
\item \textsuperscript{114}R. G. 59, 812.011/8[a], Robert Lansing to Charles Parker, January 9, 1917.
\item \textsuperscript{115}R. G. 59, 812.00/20433, Charles Parker to Robert Lansing, January 10, 1917; R. G. 59, 812.00/20258, Charles Parker to Robert Lansing, January 11, 1917; and R. G. 59, 812.011/7, Charles Parker to Robert Lansing, January 13, 1917.
\item \textsuperscript{116}Meyer Cosío, "conflicto petrolero," pp. 434-435.
\item \textsuperscript{117}R. G. 59, 812.00/20673, León Canova to Robert Lansing, January 17, 1917.
\end{itemize}
judicial review for property taken for a public purpose. Lansing feared that the proposed provisions of Article 27 would be made retroactive, Article 14 notwithstanding. Lansing feared that the Carranza government ultimately hoped to confiscate land, mining, and petroleum interests held by United States citizens and companies. This sentiment was voiced by Henry Walker, advisor to Franklin Lane, Secretary of the Interior, who interpreted Article 73 to provide the basis for nationalization. He stated that all petroleum claims, both public and private, could be nationalized with no compensation at all.

Parker informed Lansing of his interpretation of paragraph 8 of Article 27. It was his understanding that the Mexican government would grant petroleum concessions to

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118 R. G. 59, 812.00/11a, Robert Lansing to Charles Parker, January 22, 1917; and Foreign Relations, 1917, p. 1040, Robert Lansing to Charles Parker, January 25, 1917. Article 14 guaranteed that no law "shall be given retroactive effect to the prejudice of any person whatsoever. . .without due process of law. . ." Lorenzo Meyer Cosío argues that Article 14 provided only for the non-retroactivity of laws, not of Constitutional articles. Meyer Cosío, "conflicto petrolero," passim. It seems that Lansing's fears were well founded.

119 R. G. 59, 812.011/25, Henry Walker to Franklin Lane, January 25, 1917. Article 73, Subsection IX stated that Congress shall have the power to "...enact tariff laws on foreign commerce..." Subsection X: "...to legislate for the entire Republic in all matters relating to mining, commerce and institutions of credit..." Subsection XIX: "...to make rules for the occupation and alienation of public lands and the prices thereof." Subsection XXXI: "...to make all laws necessary for carrying into execution the forgoing powers..."
individuals and groups only under conditions fixed by Mexican Law.\textsuperscript{120}

United States industries with interests in Mexico became more vocal in January and February, 1917. The American Smelting and Refining Company, one of the largest companies involved in Mexico's mineral development, strongly objected to the entire Constitution. L.C. Neale, a lawyer retained by major American mining interests, suggested that the United States not recognize any government under the proposed Constitution unless a clause was inserted in Article 27 insuring that it not be made retroactive.\textsuperscript{121}

In the same vein, the New York Times erroneously reported that in the future all foreigners must renounce allegiance to their respective countries when they acquired Mexican real property. The Times article did, however, reflect the correct thrust of Article 27 concerning Mexico's desire to limit foreign interests in the Republic.\textsuperscript{122}

\textsuperscript{120}R. G. 59, 812.011/22, Charles Parker to Robert Lansing, January 30, 1917.


\textsuperscript{122}New York Times, February 1, 1917. The Times article misinterpreted Article 27 which stated that foreigners must abide by the laws of Mexico and not seek the intervention of their respective governments.
Meanwhile, in Mexico, Carranza moved ahead with his nationalistic programs. He established a Department of Petroleum Industry to regulate petroleum activities in compliance with Mexican law concerning subsoil minerals.\textsuperscript{123} The First Chief decreed that by April 1, 1917, all back taxes owned by mining and petroleum concerns would be paid. By the same date, a description of the mining and petroleum operations, and the nationality of the controlling interests must be filed.\textsuperscript{124} Carranza successfully asserted his intention to make mining and petroleum interests conform to Article 27 and the new Mexican policies regulating foreign investors.

The Mexican Minister of Foreign Affairs quickly allayed American fears of expropriation. He stated that no decrees affected the rights of foreigners to own real property or mines in cases where those interests had "clear title," a dubious phrase allowing Mexico to determine who did or did not have "clear title." He advised that in the future, compliance with Mexican law was required for all new titles acquired.\textsuperscript{125} The Minister further assured the United States

\textsuperscript{123}R. G. 59, 812.6363/266, Charles Parker to Robert Lansing, February 13, 1917.


that it was not the intention of the Mexican government to confiscate American property.126

The assurances given by the Mexican Minister of Foreign Affairs seemed authentic until the publication of the Zimmermann Telegram in February. The New York Times precipitously concluded that Article 27 was anti-American and pro-German in nature, and that Mexico seemed closer to Germany than to the United States.127 Henry Fletcher, the new United States ambassador to Mexico, was received by hisses when he arrived at Guadalajara in contrast to Von Eckhardt, the German ambassador and close friend to Carranza, who was greeted by applause.128

The Secretary of the Interior, Franklin Lane, expressed general apprehension over German influence in Mexico when he noted that United States wartime needs for crude and fuel


127New York Times, March 15, 1917. For an account of German involvement in United States-Mexican affairs see: Clendenen, United States and Villa; Meyer, Mexican Rebel; and Barbara Tuchman, The Zimmermann Telegram (New York: Dell, 1965).

oil would be increased. This extra supply would come from Mexico unless German activities precluded this eventuality.\textsuperscript{129}

Carranza had walked a tight rope and survived. By May 1, 1917, the date of the promulgation of the new Constitution, Carranza was in a comparatively good situation. He had his Constitution, much revised, and nationalistic impulses won a victory with Article 27. In addition, the United States had not intervened even though a German threat existed. Finally, the First Chief was in control of the greatest portion of Mexico.

Problems caused by Article 27 and related decrees were far from solved. Cándido Aguilar, governor of Veracruz, noted that Mexico could not possibly pay the huge indemnification costs as proclaimed in paragraph 2 of Article 27. Instead, he theorized that the state had a supreme or superior right to the lands and minerals, no matter who was in control of the property.\textsuperscript{130}

The Mexican government, on February 19, 1918, issued the first major petroleum decree since the promulgation of

\textsuperscript{\textit{129}}R. G. 59, 812.6363/266, Franklin Lane to Robert Lansing, May 1, 1917.

\textsuperscript{\textit{130}}Meyer Cosio, "conflicto petrolero," p. 439. In 1917, foreign companies still controlled 2,151,025 hectareas, over 5,000,000 acres of petroleum lands or approximately 90 per cent of all petroleum properties.
the new Constitution. The statement declared that all subsoil minerals belonged to the State. In addition, all private petroleum exploitation needed governmental approval.\textsuperscript{131} This decree produced the anticipated United States response. Ambassador Fletcher arranged a meeting between Carranza and United States representatives James R. Garfield and Nelson O. Rhodes to remove restrictions on foreign petroleum interests. The discussions again proved fruitless.\textsuperscript{132}

Mexico relaxed her position in August, 1918. She announced that foreign companies having permits to exploit claims issued prior to May 1, 1917, were not subject to the February decree.\textsuperscript{133} This statement prompted Fletcher to renew his faith in a workable solution, either through favorable court decisions or through a new congressional law.\textsuperscript{134} Garfield and Rhodes, fresh from a White House meeting, were again sent to Mexico. They conveyed the United States decision not to use force against Mexico but

\textsuperscript{131}\textit{Ibid.}, p. 436.

\textsuperscript{132}\textit{Callaghan, American Foreign Policy}, pp. 573-575.

\textsuperscript{133}\textit{Meyer Cosío, "conflicto petrolero,"} p. 436.

\textsuperscript{134}\textit{Callaghan, American Foreign Policy}, p. 576.
to abide by future court decisions.135

By late 1918 a thaw in the usually strained relations between the United States and Mexico seemed likely. An international Bankers Committee was established to attempt to negotiate a loan for Mexico. United States petroleum interests reasoned that in this manner the American government could influence "certain aspects of the Mexican Revolution."136 The time was not ripe for lasting settlement over the proposed loan.

In November, 1918, Carranza presented a new project to the Mexican Congress. Essentially this program tended to favor those oil companies which made "positive acts" prior to May 1, 1917, to allow them to operate with little government interference.137 Carranza's posture remained outwardly favorable to finding middle ground in his dispute.


137Meyer Cosío, "conflicto petrolero," pp. 439-440. "Positive acts" was a vague term used by Carranza to include those interests which made what he considered to be viable attempt to comply with the spirit of Mexican law concerning petroleum operations.
with United States interests. In March, 1919, the First Chief hinted at a possible announcement allowing legal foreign ownership of claims prior to the promulgation of the Constitution of 1917.\textsuperscript{138}

War mania on the part of both the United States and many dissatisfied Mexicans was the overwhelming reaction to Carranza's actions. With the end of the European war, the Mexican problem again became a leading preoccupation with politicians in the United States. In September, 1919, Senator Albert Fall was authorized by the United States Congress to begin an investigation of the effects of the Mexican Revolution on American interests in Mexico.\textsuperscript{139} Later that same year, Senator Fall pressed for the severance of diplomatic relations with Mexico, "preparatory to war."\textsuperscript{140}

Carranza's position deteriorated in late 1919 and early 1920. Unable to control rival factions, Carranza, in May, unsuccessfully sought to escape to Veracruz with the national treasury. In a mud hut at Tlaxcalantongo, Carranza was murdered.\textsuperscript{141}

\textsuperscript{138}Machado and Judge, "Tempest," p. 8.
\textsuperscript{139}Ibid., p. 12.
\textsuperscript{140}Cline, United States and Mexico, p. 191.
By 1920, the Mexican problem, including the famous Article 27, plagued the already strained relations between the United States and Mexico. Perhaps old differences could be resolved between the antagonists with Carranza and Wilson both out of power by 1923. The decade of the 1920's would see Mexican Supreme Court decisions declaring the petroleum clause of Article 27 to not be retroactive. In this period, the United States would again warm relations with Mexico and grant recognition to the regime that ousted Carranza.

Article 27, the heart of the 1917 Constitution, played a pivotal role in United States-Mexican relations. Nationalistically, the article focused blind attention on the hatred of foreign control, a situation not reflective of reality, but of the idealism of the Revolution. It remained for the future Mexican politicians to face political realities and learn to live with the difficult situation.
CHAPTER V

CONCLUSIONS

Article 27 represented the collective solutions to Mexico's quest for an assertion of its economic identity. It evolved through a period characterized by personal struggles for power, and ideological conflict. The peasant mass that supplied the cannon fodder for the contentious revolutionary factions rallied to the slogans and pronunciamientos issued by the various caudillos whose motives, in addition to personal aggrandizement, were undoubtedly influenced by the magnitude of agrarian injustice and the inequitable distribution of land between foreigner and native Mexican.

The Liberal Party program in 1906 demanded that foreigners acquiring real property become Mexican citizens. This early document demanded that land owners make their lands productive or risk confiscation. In 1910, Madero sought support by advocating the restoration of lands to former owners dispossessed during the Porfiriato. As Madero's star declined, Zapata and Orozco struggled to gain the support necessary to lead the Revolution. In 1911 Zapata called for the division and expropriation of large holdings so that the pueblos and citizens could
attain a degree of prosperity.

Orozco, in 1912, echoed the land reform items of the Liberal Party, of Madero, and of Zapata. He advocated expropriation and redistribution of lands in the public interest. Venustiano Carranza’s pronouncements in 1913 and 1914 accomplished two aims. On the one hand he introduced supposed solutions for Mexico’s agrarian problems; on the other he gained the support of a large following. By late 1916, Carranza was in a position to give legality to his declarations.

Carranza's Constitutional Convention of Querétaro drew upon all the past plans and instituted radical solutions of its own. Going beyond the proposed draft of Article 27 submitted by Carranza, the Convention delegates outlined a new theory of property. A radical group, not entirely submissive to the First Chief's wishes, decided that private property existed only when it was subordinate to the public interest. The rights of society subplanted the rights of the individual. The state, the delegates concluded, was the original owner of all lands and subsoil rights, and exercised its duties in the public interest.

The actual debates at the Querétaro Convention do not reflect the import nor the controversial nature of the article. The unofficial committee chosen to formulate Article 27 deliberated without written record, and only a
final draft was submitted to the Convention, with the major points of contention resolved at the Bishop's Palace. In addition, factors such as fatigue, a lack of delegate copies of Article 27 and the immense workload for a short, two-month session, all combined for the swift passage of Article 27.

The finished product, Article 27, touched upon three of the fundamental revolutionary aims of the Mexican people. The agrarian problem found a temporary solution in expropriation and redistribution. Anti-clericalism, covered mainly in other articles, emerged in Article 27. All religious organizations were excluded from owning or administering real property. The article excluded from private use all rectories, seminaries, and collegiate establishments and decreed that these properties reverted to the State.

The real importance of Article 27 is reflected in its nationalistic aspects, the third aim of the Mexican Revolution. Theoretically, foreign dominance, in the petroleum industry in particular, came to an end. The article excluded, in most cases, all possibility of foreign control except when the Mexican government granted specific concessions. By maintaining her convictions and asserting her sovereign rights, Mexico faced the diplomatic and sometimes threatened military persuasions of the United
States. The United States charged that certain clauses of Article 27 violated international practices. Expropriation, confiscation, and the exclusion of extraterritoriality were cited by the United States as specific examples. Mexico countered that blame could not be placed solely upon Mexico. She charged that bellicose threats and actions by her North American neighbor were also infringements upon international custom and the sovereignty of the nation.

Both sides acted under diverse pressures. Nationalism, economic motivation, morality, and religion all combined to influence the factions in the United States and Mexico. The fact that Article 27 contains provisions in the above areas attests to the multiple causes of friction between the two countries. Relations between Mexico and the United States suffered for a number of years over the animosities engendered by this controversial article.

In another vein, Article 27 represented the permanence of the Mexican Revolution. The chief executives of Mexico were not bound to interpret Article 27 in any single form. Instead, the presidents after Carranza proclaimed individual interpretations of ownership, subsoil rights, retroactivity, and even the legality of Article 27. Often the interpretations of the article reflected the status of United States-Mexican relations.
Article 27 was but one phase of perhaps Mexico's greatest dilemma—a search for her national identity. If for no other reasons than this, Article 27 was a landmark in the history of a nation torn by civil war and intimidated by the United States. It is truly a monument to a people struggling to find themselves.
APPENDIX
APPENDIX A

SELECTED ARTICLES FROM THE PROGRAM
OF THE MEXICAN LIBERAL PARTY, 1906

15. Prescribe that foreigners, by the sole act of acquiring real estate, lose their former nationality and become Mexican citizens.

34. Landowners must make all the lands they possess productive; any extension of land that the owner leaves unproductive will be confiscated by the State, and the State will employ it in accordance with the following articles.

35. For those Mexicans residing abroad who so solicit the Government will provide repatriation, paying the transportation cost of the trip and allotting them lands that they can cultivate.

36. The Government will grant land to anyone who solicits it, without any conditions other than that the land be used for agricultural production and not be sold. The maximum amount of land that the Government may allot to one person will be fixed.
37. In order that the benefits of this section should extend not only to a few who have resources for cultivating land but also to the poor who lack resources, the State will either create or develop an agricultural bank which will lend money to poor farmers at low interest rates, payable in installments.

50. Upon the triumph of the Liberal Party, properties of public officials who make themselves rich under the present dictatorship will be confiscated, and these properties will be applied toward the fulfillment of the section on Lands--especially to restore to Yaquis, Mayas, and other tribes, communities, or individuals the land of which they have been dispossessed--and toward amortization of the National Debt.

51. The First National Congress to function after the fall of the dictatorship will annul all reforms of our Constitution made by the Government of Porfirio Díaz; it will reform our Magna Carta, wherever necessary to put into effect this Program; it will create laws necessary for the same end; it will regulate articles of the Constitution and of other laws that so require, and it will study all those things considered of interest to the Fatherland, whether or not they are enunciated in the present Program, and it will reinforce the points listed herein, especially
in the matter of Labor and Land.

3. In order to avoid, as far as possible, the upheavals inherent in every revolutionary movement, all the laws promulgated by the present administration and their respective regulations, except those that are manifestly repugnant to the principles proclaimed in this plan, are declared to be in force, with the reservation to amend, in due time, by constitutional methods, those that require amendment. Likewise the laws, decisions of tribunals, and decrees that approved the accounts and management of funds by the functionaries of the Porfirist administration in all its departments, are expected; for as soon as initiated for the purpose of reporting as to the liabilities incurred by the functionaries of the federation, of the States, and of the municipalities.

In every case the obligations contracted by the Porfirist administration with foreign governments and corporations prior to the 20th proximo will be respected.

In abuse of the law on public lands numerous proprietors of small holdings, in their greater part Indians, have been dispossessed of their lands by rulings of the department of
public development (fomento) or by decisions of the tribunals of the Republic. As it is just to restore to their former owners the lands of which they were dispossessed in such an arbitrary manner, such rulings and decisions are declared subject to revision, and those who have acquired them in such an immoral manner, or their heirs, will be required to restore them to their former owners, to whom they shall also pay an indemnity for the damages suffered. Solely in case those lands have passed to their persons before the promulgation of this plan shall the former owners receive an indemnity from those in whose favor the dispossession was made.

APPENDIX C

SELECTED ARTICLES FROM THE

PLAN DE AYALA, 1911

6. As an additional part of the plan we invoke, we give notice: that (regarding) the fields, timber, and water which the landlords, científicos, or bosses have usurped, the pueblos or citizens who have the titles corresponding to those properties will immediately enter into possession of that real estate of which they have been despoiled by the bad faith of our oppressors, maintaining at any cost with arms in hand the mentioned possession; and the usurpers who consider themselves with a right to them (those properties) will deduce it before the special tribunals which will be established on the triumph of the revolution.

7. In virtue of the fact that the immense majority of Mexican pueblos and citizens are owners of no more than the land they walk on, suffering the horrors of poverty without being able to improve their social condition in any way or to dedicate themselves to Industry or Agriculture, because lands, timber, and water are monopolized in a few hands, for this cause there will be expropriated the third part of those monopolies from the powerful proprietors of them,
with prior indemnization, in order that the pueblos and citizens of Mexico may obtain ejidos, colonies, and foundations for pueblos, or fields for sowing or laboring, and the Mexicans' lack of prosperity and wellbeing may improve in all and for all.

8. (Regarding) the landlords, cientificos, or bosses who oppose the present plan directly or indirectly, their goods will be nationalized and the two third parts which (otherwise would) belong to them will go for indemnication of war, pensions for widows and orphans of the victims who succumb in the struggle for the present plan.

APPENDIX D

SELECTED ARTICLES FROM THE
PLAN OROZQUISTA, 1912

8. Francisco I. Madero, in a manner prejudicial and humiliating to the nation, placed the destiny of the fatherland in the hands of the American government by means of contemptible complacency and promises that encumbered our nationality and integrity.

35. Because the agrarian problem in the Republic demands the most careful and violent solution, the revolution guarantees that it will gradually proceed to resolve that problem according to the following principles:

(I) The property of persons who have lived peacefully on the land for over twenty years will be recognized.

(II) Revalidation and improvement of all legal titles will be made.

(III) Lands seized by despoilment will be returned.

(IV) Uncultivated and nationalized land throughout the Republic will be redistributed.

(V) All of the land which the large land owners do not regularly keep under cultivation will be expropriated in the public interest after being appraised. The land
thus expropriated will be partitioned to improve intensive agriculture.

(VI) In order not to burden the state treasuries, nor use up the reserves of the national treasury, and in order not to increase the national debt by contracting foreign loans, the government will float a special agricultural bond in order to pay for the expropriated land. The holders of the bonds will be paid 4 per cent interest annually until their amortization. This will occur every ten years. The proceeds from the redistributed lands will form a special fund earmarked for the amortization.

(VII) A regulatory organic law will be dictated on this subject.

Source: Meyer, Pascual Orozco, pp. 138-147.
CARRANZA'S ARTICLE TWENTY-SEVEN*

1. Private property shall not be taken possession of for public use without previous indemnification. The necessity for or utility of the occupation shall be declared by the corresponding administrative authority; but the expropriation shall be by judicial authority in case there is disagreement over the conditions between the parties in interest.

2. The religious corporations and institutions, whatever may be their character, denomination, duration and objective, shall not have legal capacity to acquire property or to administer more real property than that destined immediately and directly for the services or purposes of the said corporations and institutions. Nor shall they acquire or administer loans imposed on the said real properties.

3. The institutions of public or private charity for the aid of the needy, the diffusion of education, the support of the individuals who belong to them, or for any other legal objective, in no case shall be able to be under the patronage, direction, or administration of religious

*Paragraphs numbered by the author.
corporations, nor of the ministers of the cults, and they shall have capacity to acquire real property, but only that which is indispensable and which is destined in a direct and immediate manner for the purpose of the said institutions.

4. Likewise they shall be able to have loans placed at interest on real properties, which shall not be higher, in any case than that fixed by law and for a term which does not exceed ten years.

5. The *ejidos* or the *pueblos*, which have been preserved subsequent to the laws of disamortization, and which have been granted anew, in conformity with the laws, shall be expedited to that effect.

6. No other civil corporation shall be able to own or administer by itself real properties or loans imposed on them the only exceptions being the buildings to be used directly for the purpose of the institution.

7. Civil and commercial companies shall be allowed to own urban estates and manufacturing or industrial establishments within or without the villages, the same as developments of mining, petroleum, or any other class of substances which are found in the subsoil, as well as railroads or pipelines; but they shall not be able to acquire or administer them-
selves, rural properties for a greater area than that strictly necessary for the institutions or their indicated objectives which the Executive of the Union shall determine in each case.

8. The banks duly authorized in conformity with laws on credit association, shall be allowed to make loans on urban and rural properties in accordance with the provisions of the said laws.

9. The Nation reserves to itself the direct ownership of all the minerals or substances which in veins, layers, masses, or beds, whatever may be its form, constitute deposits whose nature is different from the components of the land; minerals and substances which alone will be able to be exploited by private persons or civil or commercial companies established according to Mexican laws, by means of federal administrative concession; and under the conditions which the laws shall establish. The minerals and substances which require a concession in order to be exploited are the following: the minerals from which are extracted metals and metalloids utilized in industry, such as platinum, gold, silver, copper, iron, cobalt, nickel, manganese, arsenic, tellurium, strontium, barium, and the rare metals, the beds of precious stones, or rock salt,
and the salt lakes formed directly by marine waters; products derived from the decomposition of rocks such as asbestos, amianthus, and talc when they are in the form of veins, layers, or pockets and their exploitation requires underground work; the phosphates capable of being utilized as fertilizers in their natural state or by means of chemical processes; coal and any other combustible which alone is found in veins, or any form of masses. Petroleum or any other solid, liquid, or gaseous hydrocarbon shall be that which gushes to the surface or is found in the ground and the waters extracted from the mines.

10. The following are the property of the Nation and shall be under the charge of the Federal Government; the waters of the territorial seas to the extent of land under the terms recognized by International Law and those of lakes and inlets of bays; those of interior lakes of natural formation which are directly connected with flowing waters; those of the principal rivers or tributaries of permanent current from the point where this commences; those of intermittent streams which traverse two or more States in the main branch; those of rivers, streams, or ravines when they bound the national territory or that of the States; and the waters running from mines. Likewise there shall also be the property of the Nation, the beds and banks of
of the lakes and the currents to the extent fixed by law. Concerning the utilization of these waters by private persons, for irrigation power, or any other purpose, the Federal Executive shall be able to make concessions and to confirm the above rights in accordance with the provisions of the law. Any other stream, ravine, or current of waters not included in the above enumeration shall be considered as forming an integral part of private property under which shall be permitted the utilization of the waters; when its course passes from one landed estate to another, it shall be considered of public utility and shall be subject to the provisions prescribed by the States, the rights acquired always being respected. The capacity for acquiring the direct ownership of the lands and waters of the Nation, the exploitation of them and the conditions to which private property must be subjected shall be governed by the following provisions:

11. Only Mexicans by birth or by naturalization and the Mexican companies have the right to acquire ownership in lands, waters and their appurtenances for the exploitation of mines, waters or combustible minerals in the Mexican Republic. The State may concede the same rights to foreigners when they declare before the Secretary of Foreign
Relations that they renounce their capacity as foreigners and the protection of their governments in all matters which refer to the said properties, remaining fully subject in this respect to the laws and authority of the Nation. Within a zone of 100 kilometers from the frontiers, and of 50 kilometers from the sea coast, no foreigner shall under any conditions acquire direct ownership of lands and waters.

12. The church, whatever may be its creed, shall in no case have legal capacity to acquire, possess, or administer real property or loans made on such property. The places of public worship are the property of the Nation as represented by the Federal Government which shall determine which of them may continue to be devoted to their present purposes. Episcopal residences, rectories, seminaries, orphan asylums or collegiate establishment of religious institutions, or any other buildings built or designed for the administration, propaganda, or teaching of the tenants of any religious creed shall forthwith vest, as of full right, directly in the Nation, to be used exclusively for the public services of the Federation or of the States, within their respective jurisdictions. The places of public worship which shall later be erected, shall be the property of the Nation, if constructed by public subscription,
but if constructed by private subscription they shall be subject to the provisions of the current laws on private property.

13. Public and private charitable institutions for the sick and needy, for scientific research, or for the diffusion of knowledge, mutual aid societies or organizations formed for any other lawful purpose shall in no case acquire, hold or administer loans made on real property, unless the mortgage terms do not exceed ten years. In no case shall institutions of this character by under the patronage, direction, administration, charge or supervision of religious corporations or institutions, nor of ministers of any religious creed or of their dependents, even though either the former or the latter shall not be in active service.

14. Civil or commercial companies owned under the form of bonds payable to bearer shall not acquire, possess, or administer rural properties. Companies of this nature which may be organized to develop any manufacturing, mining, petroleum, or other industry, excepting only agricultural industries, may acquire, hold, or administer lands in an area absolutely necessary for their establishments or adequate to serve the purposes indicated and which the
Executive of the Union or of the respective State shall determine in each case.

15. Banks duly organized under the laws governing institutions of credit may make mortgage loans on rural and urban property in accordance with the provisions of the said laws, but they may not own nor administer more real property than that absolutely necessary for their direct purposes; and they may furthermore hold temporarily for the brief term fixed by law such real property as may be judicially adjudicated to them in execution proceedings.

16. Properties held in joint ownership, settlements, pueblos, congregations, tribes and other bodies of population, which, as a matter of fact or law, conserve their communal character, shall have in common the authority and possession over the lands, woods, and waters which belong to them, which may have been preserved after the laws of desamortization, which have been restored to them in conformity with the law of January 6, 1915, and which will be given to them in the future by virtue of the provisions of this article. The real properties mentioned will be enjoyed in common; in the meantime they will be distributed according to the law which is expedited to this end, no one having a right to them more than the members
of the community, who may not deliver or alienate their respective rights to foreign persons, the agreements and contracts being null which are made in violation of this present provision. The laws which will be issued for the division will include the necessary provisions for preventing the participants from losing the fractions which belong to them, and from which the community will be reconstructed, or from forming undesirable latifundia.

17. Excepting the corporations to which Paragraphs 13, 14, 15, and 16 hereof refer, no other civil corporation may hold or administer on its own behalf real estate or mortgage loans derived therefrom, with the single exception of buildings designed directly and immediately for the purposes of the institution. The States, the Federal District, and the Territories, as well as the municipalities throughout the Republic, shall enjoy full legal capacity to acquire and hold all real estate necessary for public services.

18. The need for or usefulness of the occupying of private property, in accordance with the foregoing bases, must be declared by the respective administrative authority. The price which will be fixed for the indemnification of that property which is expropriated shall be based on
the sum at which the said property shall be valued for fiscal purposes in the catastral or revenue offices, whether this value be manifested by the owner or merely impliedly accepted by reason of the payment of his taxes on such a basis, to which there shall be added 10 per cent. The increased value which the property in question may have acquired through improvements made subsequent to the date of the fixing of the fiscal value shall be the only matter subject to expert opinion and to judicial determination. The same procedure shall be observed in respect to objects whose value is not recorded in the revenue offices.

19. All the judicial proceedings, findings, decisions, and all operations of demarcation, concession, composition, judgment, compromise, alienations, or auction which may have deprived properties held in common by co-owners, hamlets situated on private property, settlements, congregations, tribes, and other settlement organizations still existing since the law of June 25, 1856, of the whole or a part of their lands, woods, and waters, are declared null and void; all findings, resolutions and operations which may subsequently take place and produce the same effects shall likewise be null and void. Consequently all lands, forests and waters of which the above mentioned settlements may have been deprived shall be restored to them according
to the decree of January 6, 1915 and other related laws or those which will be issued on this particular subject, excepting only the lands and waters which may have been already named in the divisions made by virtue of the cited law of June 25, 1856 or such as may be held in undisputed ownership for more than ten years, provided their area does not exceed one hundred hectares. The excess over this area must be returned to the commune, the owner being indemnified for its value. All laws of restitution enacted by virtue of this fraction shall be of an administrative character and carried into effect immediately.

20. The exercise of the rights pertaining to the nation by virtue of the provisions of the present article will be made effective by judicial process; but as a part of this process and by order of the proper tribunals, which order shall be issued within the maximum period of one month, the administrative authorities shall proceed without delay to the occupation, administration, auction, or sale of the lands and waters in question, together with all their appurtenances, and in no case may the acts of the said authorities be set aside until final sentence is handed down.
21. From the day on which the present Constitution might be promulgated, the direct ownership of the Nation will remain over the lands and waters possessed by private persons or corporations permitted by the law in favor of the same private persons or corporations provided that possession might have been peaceful, continuous, and public for more than thirty years, it always being observed that the excess possessed must not exceed the limit to be determined by each state, which shall not exceed 10,000 hectares, and that the lands and waters might not be understood as failing under the reservations of this article. The possessors of lands and waters which are not for communal use shall have this same right in the future in order to prescribe against the State or against private persons.

Source: Diario de Debates, I, pp. 260-270.
APPENDIX F

ARTICLE TWENTY-SEVEN OF THE MEXICAN CONSTITUTION OF 1917*

1. The ownership of lands and waters comprised within the limits of the national territory is vested originally in the Nation, which has had, and has, the right to transmit title thereof to private persons, thereby constituting private property.

2. Private property shall not be expropriated except for reasons of public utility and by means of indemnification.

3. The nation shall have at all times the right to impose on private property such limitations as the public interest may demand as well as the right to regulate the development of natural resources, which are susceptible of appropriation, in order to conserve them and quitably to distribute the public wealth. For this purpose necessary measures shall be taken to divide large landed estates; to develop small landed holdings; to establish new centers of rural population with such lands and waters as may be indispensable to them; to encourage agriculture and to prevent the destruction

*Paragraphs numbered by the author.
of natural resources, and to protect property from damage
detrimental to society. Settlements, hamlets situated on
private property and communes which lack lands or water
do not possess them in sufficient quantities for their
needs shall have the right to be provided with them from
the adjoining properties, always having due regard for
small landed holdings. Wherefore, all grants of lands made
up to the present time under the decree of January 6, 1915,
are confirmed. Private property acquired for the said
purposes shall be considered as taken for public utility.

4. In the Nation is vested direct ownership of all minerals
or substances which in veins, layers, masses or beds con­
stitute deposits whose nature is different from the com­
ponents of the land, such as minerals from which metals
and metaloids used for industrial purposes are extracted;
beds of precious stones, rock salt and salt lakes formed
directly by marine waters, products derived from the
decomposition of rocks, when their exploitation requires
underground work; phosphates which may be used for fertilizers;
solid mineral fuels; petroleum and all hydrocarbons--
solid, liquid, or gaseous.

5. In the Nation is likewise vested the ownership of the
waters of territorial seas to the extent and in the terms
fixed by the law of the nation; those of lakes and inlets of bays; those of interior lakes of natural formation which are directly connected with flowing waters; those of principal rivers or tributaries from the points at which there is a permanent current of water in their beds to their mouths, whether they flow to the sea or cross two or more states; those of intermittent streams which traverse two or more States in their main body; the waters of rivers, streams or ravines, when they bound the national territory or that of the States; waters extracted from mines; and the beds and banks of the lakes and streams hereinbefore mentioned, to the extent fixed by law. Any other stream of water not comprised within the foregoing enumeration shall be considered as an integral part of the private property through which it flows; but the development of the waters when they pass from one landed property to another shall be considered of public utility and shall be subject to the provisions prescribed by the States.

6. In the cases to which the two foregoing paragraphs refer, the ownership of the Nation is inalienable and may not be lost by prescription; concessions shall be granted by the Federal Government to private parties or civil or commercial corporations organized under the laws of Mexico, only on condition that said resources be regularly developed,
and on the further condition that legal provisions be observed.

7. Legal capacity to acquire ownership of lands and waters of the nation shall be governed by the following provisions:

8. Only Mexicans by birth or naturalization and Mexican companies have the right to acquire ownership of lands, waters and their appurtenances, or to obtain concessions to develop mines, waters or mineral fuels in the Republic of Mexico. The Nation may grant the same right to foreigners, provided they agree before the Department of Foreign Affairs to be considered Mexicans in respect to such property, and accordingly not to invoke the protection of their Governments in respect to the same, under penalty, in case of breach, of forfeiture to the Nation of property so acquired. Within a zone of 100 kilometers from the frontiers, and 50 kilometers from the sea coast, no foreigner shall under any conditions acquire direct ownership of lands and waters.

9. The religious institutions known as churches, irrespective of creed, shall in no case have legal capacity to acquire, hold or administer real property or loans made on such real property; all such real property or loans as may be at present be held by the said religious institutions,
either on their own behalf or through third parties, shall vest in the Nation, and any one shall have the right to denounce property so held. Presumptive proof shall be sufficient to declare the denunciation well-founded. Places of public worship are the property of the Nation, as represented by the Federal Government, which shall determine which of them may continue to be devoted to their present purposes. Episcopal residences, rectories, seminaries, orphan asylums or collegiate establishments of religious institutions, convents or any other buildings built or designed for the administration, propaganda or teaching of the tenets of any religious creed shall forthwith vest, as of full right, directly in the Nation, to be used exclusively for the public services of the Federation or of the States, within their respective jurisdictions. All places of public worship which shall later be erected shall be the property of the Nation.

10. Public and private charitable institutions for the sick and needy, for scientific research, or for the diffusion of knowledge, mutual aid societies or organizations formed for any other lawful purpose shall in no case acquire, hold or administer loans made on real property, unless the mortgage terms do not exceed ten years. In no case shall institutions of this character be under the
patronage, direction, administration, charge or supervision of religious corporations or institutions, nor of ministers of any religious creed or of their dependents, even though either the former or the latter shall not be in active service.

11. Commercial stock companies shall not acquire, hold or administer rural properties. Companies of this nature which may be organized to develop any manufacturing, mining, petroleum, or other industry, excepting only agricultural industries, may acquire, hold or administer lands only in an area absolutely necessary for their establishments or adequate to serve the purposes indicated, which the Executive of the Union or of the respective State in each case shall determine.

12. Banks duly organized under the laws governing institutions of credit may make mortgage loans on rural and urban property in accordance with the provisions of the said laws, but they may not own nor administer more real property than that absolutely necessary for their direct purposes; and they may furthermore hold temporarily for the brief term fixed by law such real property as may be judicially adjudicated to them in execution proceedings.

13. Properties held in common by co-owners, hamlets situated
on private property, pueblos, tribal congregations and other settlements which, as a matter of fact or law, conserve their communal character, shall have legal capacity to enjoy in common the waters, woods and lands belonging to them, or which may have been or shall be restored to them according to the law of January 6, 1915, until such time as the manner of making the division of the lands shall be determined by law.

14. Excepting the corporations to which Paragraphs 10, 11, 12, and 13 hereof refer, no other civil corporation may hold or administer on its own behalf real estate or mortgage loans derived therefrom, with the single exception of buildings designed directly and immediately for the purposes of the institution. The States, the Federal District and the Territories, as well as the municipalities throughout the Republic, shall enjoy full legal capacity to acquire and hold all real estate necessary for public services.

15. The Federal and State laws shall determine within their respective jurisdictions those cases in which the occupation of private property shall be considered of public utility; and in accordance with the said laws the administrative authorities shall make the corresponding declaration. The amount fixed as compensation for the expropriated property
shall be based on the sum at which the said property shall be valued for fiscal purposes in the catastral or revenue offices, whether this value be that manifested by the owner or merely impliedly accepted by reason of the payment of his taxes on such a basis, to which there shall be added 10 per cent. The increased value which the property in question may have acquired through improvements made subsequent to the date of the fixing of the fiscal value shall be the only matter subject to expert opinion and to judicial determination. The same procedure shall be observed in respect to objects whose value is not recorded in the revenue offices.

16. All proceedings, findings, decisions and all operations of demarcation, concession, composition, judgment, compromise, alienation or auction which may have deprived properties held in common by co-owners, hamlets situated on private property, settlements, congregations, tribes and other settlement organizations still existing since the law of June 25, 1856, of the whole or a part of their lands, woods and waters, are declared null and void; all findings, resolutions and operations which may subsequently take place and produce the same effects shall likewise be null and void. Consequently all lands, forests and waters of which the above-mentioned settlements may have been deprived shall be
restored to them according to the decree of January 6, 1915, which shall remain in force as a constitutional law. In case the adjudication has been requested by any of the above entities, those lands shall nevertheless be given to them by way of grant, and they shall in no event fail to receive such as they may need. Only such lands title to which may have been acquired in the divisions made by virtue of the said law of June 25, 1856, or such as may be held in undisputed ownership for more than ten years are excepted from the provision of nullity, provided their area does not exceed fifty hectareas. Any excess over this area shall be returned to the commune and the owner shall be indemnified. All laws of restitution enacted by virtue of this provision shall be immediately carried into effect by the administrative authorities. Only members of the commune shall have the right to the lands destined to be divided, and the rights to these lands shall be inalienable so long as they remain undivided; the same provision shall govern the right of ownership after the division has been made. The exercise of the rights pertaining to the Nation by virtue of this article shall follow judicial process; but as a part of this process and by order of the proper tribunals, which order shall be issued within the maximum period of one month, the administrative authorities shall proceed without
delay to the occupation, administration, auction or sale of the lands and waters in question, together with all their appurtenances, and in no case may the acts of the said authorities be set aside until final sentence is handed down.

17. During the next constitutional term, the Congress and the State Legislatures shall enact laws, within their respective jurisdictions, for the purpose of carrying out the division of large landed estates, subject to the following conditions:

18. In each State and Territory there shall be fixed the maximum area of land which any one individual or legally organized corporation may own.

19. The excess of the area thus fixed shall be subdivided by the owner within the period set by the laws of the respective locality; and these subdivisions shall be offered for sale on such conditions as the respective governments shall approve, in accordance with the said laws.

20. If the owner shall refuse to make the subdivision, this shall be carried out by the local government, by means of expropriation proceedings.
21. The value of the subdivisions shall be paid in annual amounts sufficient to amortize the principal and interest within a period of not less than twenty years, during which the person acquiring them may not alienate them. The rate of interest shall not exceed 5 per cent per annum.

22. The owner shall be bound to receive bonds of a special issue to guarantee the payment of the property expropriated. With this end in view, the Congress shall issue a law authorizing the States to issue bonds to meet their agrarian obligations.

23. The local laws shall govern the extent of the family patrimony, and determine what property shall constitute the same on the basis of its inalienability; it shall not be subject to attachment nor to any charge whatever.

24. All contract and concessions made by former Governments from and after the year 1876 which shall have resulted in the monopoly of lands, waters and natural resources of the Nation by a single individual or corporation, are declared subject to revision, and the Executive is authorized to declare those null and void which seriously prejudice the public interest.

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