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Testing the Principles of Federalism

Mexico's 1824 constitution was an experiment in federalism that lasted approximately 12 years in a country where politics and regional differences frustrated attempts to mold a unified nation. The war for independence had ended Spain's control of Mexico, but it had not healed the divisions of the colonial past. Most of Mexico's provinces considered themselves separate states, and the society was still based upon a class structure.

The few wealthy families who stayed after the war lived in major cities, notably

in Mexico City. There they adopted elegant lifestyles and dominated the political scene. The small middle class, meanwhile, became impatient with the actions of those in control. The rest of the population lived in poor areas in large cities and in adobe (sun-dried brick) huts in rural areas, and were more concerned with day-to-day living.

In 1823, an elected congress met to draft a constitution for Mexico. In developing the document, the congress had to consider major issues, such as the relationship between church and state, property ownership rights, international relations, finances, and the interests of various groups of people. The Catholic Church continued to control most of the country's money and to direct the country's credit policies. The Mexican government had no money, no markets for domestic products, and no previous experience in international trade relationships with other countries. The independence struggles had depleted the treasury and wrecked the economy. The wealthy citizens were politically conservative and wanted a strong central government, thereby conserving much of the colonial order. Their wishes needed to be weighed against the beliefs of the liberals who wanted to limit the dictatorial central government and give states the most power.

The congress blended the various competing interests and created a federalist, representative, republican form of government. The Mexican constitution was similar to the U.S. Constitution in many ways. It also included some of the principles of Spain's 1812 constitution. The new constitution provided the unifying framework for the new nation, Los Estados Unidos Mexicanos ("The United Mexican States"). This new nation included all of New Spain, as well as parts of upper and lower California and present-day Texas, Arizona, and New Mexico. (See map, page 43.)

The document guaranteed some of the same freedoms guaranteed under the U.S. Constitution. Torture was prohibited, and the government could not seize private property. People were not required to testify against themselves when they were accused of a crime, and limitations were placed on imprisonment and searches. The national government of Mexico recognized the laws of all the state legislatures. Unlike the U.S. Constitution at the time, Mexico's held that slavery was unconstitutional and all males had the right to vote. In addition, while the new Constitution provided for freedom of the press, it also established the Roman Catholic faith as the country's religion.

The government was divided into three branches of government — the legislative, the executive, and the judicial. The legislature consisted of two houses and was given the most authority. Senators served four-year terms. Representatives served two-year terms. In order to be elected, each representative had to be at least 25 years old. Senators had to be at least 30 years old. Every legislator had to be born in the state from which he was elected or live in the state from which he was elected. Many of the powers granted the Mexican congress were similar to the duties given the U.S. Congress.

Mexico's chief executive was a president who was elected for a four-year term. He was required to be a Mexican citizen by birth and at least 35 years of age. A president could serve an unlimited number of four-year terms, but he had to retire after each term for four years before he could be reelected. The chief executive could negotiate treaties, but congress had to approve them. The president could veto legislation, but congress could override the veto. Presidents could not, however, take command of the military without congressional consent.

The judicial branch consisted of a supreme court of justice, as well as circuit and district courts. Supreme court members were chosen by the state legislatures.

The 1824 constitution was short-lived. Twelve years later, it was replaced with a constitution that provided for a centralized form of government that gave the states less power. The 1824 constitution did, however, have two major influences: legislatures had to have authority, and there needed to be an orderly process for electing new presidents. Even though these ideas were not incorporated into the 1836 constitution, they were ideas that would later take root when the seeds of federalism were sown again. W

Federalism

refers to a government in which each member of a union of states agrees to follow the wishes/orders of the central authority in certain specified matters that are common to all members. (See also page 28.)

PHOTO (COLOR): This 20th-century mural by artist Juan O'Corman includes people from all the social classes of Mexico during the struggle for independence.

PHOTO (COLOR): A Mexican hacienda owner, with his wife. talks with those in charge of their lands.

PHOTO (COLOR): The main square in Mexico City in the mid-1800s.

PHOTO (COLOR): Candlelight reflects off the beautifully gilded altar of the Roman Catholic Cathedral in Mexico City.

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