

# THE POLITICAL SOURCES OF *PRESIDENCIALISMO* IN MEXICO

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## 6.1. INTRODUCTION

**M**exico has been characterized as having an exceptionally strong presidency. In no country in Latin America does the president appear to wield such wide-ranging powers. The president in Mexico dominates the legislative and judicial branches of the national government and directs a highly centralized federal system in which states and municipalities ultimately appear to be subject to rule from the center.

There is no question that the president of Mexico exercises an extraordinary range of powers. He can reform the constitution by proposing amendments, which are frequently accepted by Congress with only cosmetic changes. He initiates virtually all legislation, which often is passed by Congress with dispatch. The president designates his own successor to the presidency and also nominates most of the congressional candidates of his party. He also often names the candidates of the official party for governor. He can have governors, mayors, and members of Congress removed from their posts. He designates members of his cabinet and can fire them at his leisure. The federal judicial branch is filled with his appointees, which leads to a compliant judiciary (see Garrido 1989:422–26).

This image of a powerful presidency survives despite the fact that the

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Mexican constitution provides for an independent congress and judiciary and insists on separation of powers. Furthermore, the 1917 constitution is explicitly federal with regard to relations between the federal government and the states, and it provides for free municipal government. How in fact is the president of Mexico so powerful? Why does *presidencialismo* flourish under a constitution that is merely *presidential*?<sup>1</sup>

Much of the literature on Mexican politics (by both Mexican and North American scholars) faults the centralized, authoritarian political structure on the supposed authoritarian character of political culture in Mexico (Loaeza 1989; López Villafañe 1986; Segovia 1975; Villa Aguilera 1987). This literature assumes that *presidencialismo* has been in place since at least the 1917 constitution, if not before (Meyer 1977:23–24).<sup>2</sup> Indeed, there is a tendency in Mexican history toward centralization, particularly the accumulation of personal power in the hands of a caudillo, a quasi-military leader. Inevitably the role of national caudillo is assumed by the president. The conventional wisdom explains the formation of the official party as a *consequence* of *presidencialismo* (Garrido 1982: 359; Segovia 1987). The Partido Revolucionario Institucional (PRI) typically has been portrayed as merely the electoral ministry of the presidency.

Other scholars credit the 1917 constitution for creating a highly presidentialist system (Carpizo 1978a:73–91, 1978b, 1988; Cosío Villegas 1978:22–30). They assume that the delegates to the 1917 constitutional convention in Querétaro endeavored to create a strong presidency in order to create greater efficiency and stability in government. These legal scholars believe the subsequent constitutional reforms that strengthened the presidency were the logical conclusion to the legal doctrine of presidentialism established in 1917. These authors rarely discuss the “metaconstitutional powers” of the president, nor broach the subject of the official party and the president’s relationship with that institution.

Other researchers tend to blend the two preceding arguments, recognizing both the authoritarian nature of Mexican politics and the institutional arrangements implied in constitutional studies. According to this

1 Mexican scholars use the term *presidencialismo* both to define a presidential system of government and to characterize the exceptional concentration of powers, constitutional and otherwise, in the hands of the Mexican president. In this chapter, *presidencialismo* refers to the latter meaning.

2 Meyer (1992:63) places the roots of *presidencialismo* with the Aztec emperors and the concentrated executive powers of the colonial period. Cosío Villegas (1975), though he does not completely share these opinions on the origins of *presidencialismo*, does emphasize the personalistic nature of presidential rule in Mexico.

view, the 1917 constitution was written in order to limit the dictatorial aspects of the Mexican presidency by explicitly strengthening that institution. The *constituyentes* in 1917 believed that the 1857 constitution granted too much power to the Congress vis-à-vis the president, which led later-nineteenth-century presidents to resort to unconstitutional methods to strengthen their hand (Meyer 1992:58; Rabassa 1957). Therefore, they granted the president extraordinary constitutional powers. The highly centralized presidency of today is viewed as an unintended consequence (Meyer 1992:59).<sup>3</sup>

There is no question that the 1917 constitution is *presidencialista*, though the degree of the powers endowed to the president in that document will be questioned in this chapter. Furthermore, sociologists, political scientists, and most legal scholars who have studied the Mexican presidency mention the importance of the president's role as head of the party. However, their conclusion is inevitably that the party is weak and insignificant because it is subordinate to the president. This chapter will turn that logic on its head. The official party is *central* to Mexican politics. It is the most important determinant in establishing relationships among political actors and institutions. The president is usually the head of the party, the central mediator of intraelite disputes. This political class delegates wide-ranging authority to him.

Legal and constitutional grants of power to the president often occurred before increased delegations of power by the party to its leader: The 1917 constitution preceded the formation of the official party in 1929, which came before further legal reforms that strengthened *party* leadership. The legal authority granted to the president was insufficient in creating stability and efficiency through centralization, and it was necessary to increase the centralization within the party as well. Only then did full *presidencialismo* take hold in Mexico.

There are four necessary conditions that allow for *presidencialismo* in Mexico: (1) a presidentialist system based in the constitution; (2) unified government, where the ruling party controls the presidency and both houses of Congress; (3) discipline within the ruling party; and (4) a president who is the acknowledged leader of the ruling party.<sup>4</sup> If any of these four conditions cease to exist, then the equilibrium of *presidencialismo* will begin to break down. If any of the three latter conditions no longer hold true, then

3 For an analytical review of the main schools of thought on the Mexican political system, see Molinar Horcasitas (1993).

4 I thank Juan Molinar for spelling out this simple formula for *presidencialismo*.

the president of Mexico will possess only constitutional powers, and he will lose the metaconstitutional powers for which Mexican executives have been notorious.

The following section will trace a brief history of presidential–congressional relations before 1940 to demonstrate that the Mexican political system has not always been “hyperpresidential.” Section 6.3 will review some of the major constitutional bases of presidential power in Mexico. Sections 6.4 through 6.6 will examine each of the three other necessary conditions for *presidencialismo*. Section 6.7 will present the case of the relationship between the president and state governments in order to explore the relative strengths of constitutional and metaconstitutional presidential powers. Finally, the conclusion will test whether the four necessary conditions apply to the current presidency of Ernesto Zedillo (1994–), where there is doubt that the fourth condition for *presidencialismo* holds.

## 6.2. PRESIDENTS AND CONGRESS (1857–1940)

Most studies have assumed that the Congress and the ruling party in Mexico have always been subservient to the president. In general, this assumption appears to be mostly true. There have been major exceptions to this rule, however. This section will review some of the more revealing conflicts between the Mexican president and the federal legislature between 1857 and 1940.<sup>5</sup> While the president was generally dominant during the whole period, Congress also at times asserted its independence.

One of the high-water marks of congressional power and prestige occurred during the presidency of Benito Juárez (1858–72). The 1857 constitution abolished the Senate, under the justification that it had been too conservative and aristocratic. Furthermore, it was thought that a unicameral congress would be better able to resist the centralizing tendencies of presidential government toward the executive (Orozco Henríquez 1988:12–16).<sup>6</sup> The Chamber of Deputies proved able to defeat important presidential proposals, including a treaty, and Juárez was forced to incorporate the lead-

5 Sordo Cedeño (1993) provides a comprehensive analysis of the Congress in the centralist period (1833–41). Costeloe (1989) traces the relationship between Santa Ana and Congress, particularly the election of 1842, when a congress was elected that was strongly opposed to his autocratic government.

6 Knapp (1953) believes that the 1857 constitution included many parliamentary characteristics, particularly with regard to the relationship between the Congress and the cabinet.

ership of the Chamber into his own cabinet (Knapp 1953:78). The Chamber of Deputies was so successful at blocking Presidents Juárez and Lerdo de Tejada (1872–76) that the Senate was reintroduced in 1874 in order to check the powers of the lower chamber.

The Congress fell into relative disuse under the *porfiriato*, after Porfirio Díaz (1876–80, 1884–1911) had placed loyalists in both chambers, though Lorenzo Meyer (1992:64) claims that full presidential control over the Congress did not really take hold until Díaz's 1888–92 term. It was said that many members attended merely to fulfill a quorum (Piccato 1991:49).

The Congress reemerged as an important actor during Madero's presidency (1911–13) at the beginning of the Mexican Revolution. The 26th Congress (1912–13) was at the time considered to be much more active than any previous legislature. Due to the chaotic political situation during the 1912 elections, and perhaps due even more to the fact that it was probably one of the cleanest elections in Mexican history, the Congress was extremely divided. This increased the frequency and importance of debates, to the point that reforms to the rules of the Chamber of Deputies were proposed to reflect the change from "an assembly that does not speak," as in the *porfiriato*, to one that "often speaks too much."<sup>7</sup> At the time, salaries for deputies were so low that many accepted commissions from the executive, thus limiting their independence. To correct this problem, in November 1912 the Congress passed a bill increasing their salaries, but Madero vetoed it (Piccato 1991:107).

Although the 26th Congress was considered to be *maderista*, it often took its own course. For example, in late 1912 the Congress initiated legislation to accelerate agrarian reform, over the objections of Madero, who preferred a slower approach. Out of frustration over the deliberate pace of social reforms by Madero, there were discussions in January 1913 in Congress about making the government more parliamentary, especially in matters of making cabinet secretaries more responsive to Congress (Piccato 1991:115–22).

Madero was overthrown (and assassinated) in a military coup in February 1913. The Senate, which had been more conservative than the Chamber of Deputies, played a role in his downfall. Several senators had openly lobbied for his stepping down (Piccato 1991:129–30; Knight 1990 [1986]: vol. 1, 486–87). As he took Madero prisoner, General Huerta claimed that the Senate had given him the authority to take the presidency (Piccato 1991: 130; Cumberland 1972:13). Huerta (1913–14) soon faced strong opposition from Congress, both from *maderistas* and from *anti-maderistas* who had be-

7 Piccato (1991:106), citing *Historia de la Cámara de Diputados*, vol. 2, 96–97.

come alienated when their leaders had been purged from Huerta's cabinet (Piccato 1991:141). A number of these deputies and senators had been assassinated or arrested or had disappeared by the fall of 1913. The Chamber of Deputies on October 10, 1913, threatened to impeach Huerta, charging a lack of security for members of Congress. That afternoon, Huerta sent the army to the Chamber to arrest 110 deputies; 74 were later charged (Knight 1990 [1986] vol. 2, 75). The Chamber of Deputies was dissolved by Huerta, and the Senate decided that the prudent thing to do was to dissolve itself (Piccato 1991:153). Huerta called special elections for October 26, and the new Congress was dominated by his cronies.

Even after the 1917 constitution and at least until 1935, the Congress still challenged the authority of Mexican presidents. Although presidential will often prevailed, each of the presidents from Carranza to Cárdenas faced *de facto* opposition majorities in at least one of the chambers at some point during his term.

President Obregón (1920–24) in the first half of his term faced a congress under the leadership of the Partido Liberal Constitucionalista (PLC), which tried to change the constitution in order to form a parliamentary system of government. These reforms were sponsored by 90 members of the Chamber of Deputies. The constitution would be altered so that the president would be elected by the Chamber. He would have the power to dissolve the Chamber of Deputies, with the consent of the Senate. There would also be ministers in the cabinet, including an office similar to that of prime minister, who would be responsible to the lower chamber (the president would submit three names for each post, from which the Congress would select the cabinet member). The leaders of the PLC were definitely opposed to some of the key supporters of Obregón, and perhaps to the president himself. They thought that a parliamentary system was the best way for them to take control of the government. Obregón and his followers responded. After much struggle, the *obregonistas* won election to the Comisión Permanente and the Comisión Instaladora (which would judge the congressional elections of 1922),<sup>8</sup> and the initiatives to form a parliamentary government were tabled (Piccato 1991:26; Prieto Laurens 1968:106; Dulles 1961:132).

In 1921, Obregón introduced a labor bill, which had strong support from the Confederación Regional Obrera Mexicana (CROM)<sup>9</sup> and the Par-

8 Prieto Laurens (1968:106) denies that the president intervened in the defeat of the PLC, affirming instead that it was due to the interests and efforts of a purely congressional alliance between his PNC, the PLM, and the PNA.

9 CROM was the principal labor union of the period. Through the PLM, it controlled large parts of the D.F. and several state governments in the late 1920s.

tido Laborista Mexicano (PLM). However, faced with the opposition from the Partido Nacional Cooperatista (PNC) and the Partido Nacional Agrarista (PNA), both also ostensibly pro-government parties, Obregón abandoned the labor bill, and it died in Congress (Goodspeed 1947:114–15). His budget for 1921 was delayed in Congress, and the Chamber of Deputies amended it against his wishes. Therefore, in early 1921, he asked for and received authority from Congress for extraordinary decree powers (which he kept until the end of his term). Under these decree powers, he enacted the 1921, 1922, and 1924 budgets, as well as other significant financial legislation. The 1923 budget was approved by Congress before it was introduced (Goodspeed 1947:126–29).

During the second half of his term, Obregón faced a majority in the Chamber of Deputies from the PNC, led by Prieto Laurens. This Congress elected opponents of the president to the Supreme Court, defeating the candidates for the Court that Obregón preferred; the president refused to recognize the election and called a special session of Congress, which nevertheless ratified the choices of the PNC majority (Prieto Laurens 1968: 117–20). On November 27, 1923, Prieto Laurens tried to put together a Cooperatista majority in order to elect the Comisión Permanente, hoping to put together a coalition in Congress that would support De la Huerta for president in the next term instead of Calles. He needed 128 votes and could only muster 122. Without a majority in Congress, it would be impossible for De la Huerta to win the election, and the *delahuertistas* opted for armed rebellion instead (Dulles 1961:206).

Later, during the De la Huerta rebellion (1923–24), it was necessary to call the Senate into a special session to ratify the General Claims Convention of the Bucareli agreements with the United States. Francisco Field Jurado, a PNC leader in the Senate, headed the opposition and managed to keep a quorum from forming (Dulles 1961:237). Only with the assassination of Field Jurado on January 23, 1924, the kidnapping of other senators (allegedly by members of the PLM), and the convening of their alternates, was a quorum achieved to approve the treaty (Tamayo 1987:283–86).

President Calles (1924–28) usually had a loyal majority in the national legislature, principally from his base in the PLM. However, the rest of Congress often followed the lead of Obregón, who had officially retired to his ranch in Sonora. Despite his promises to enact major labor reforms on behalf of the PLM and CROM, Calles was unable to get the comprehensive labor code through both houses of Congress.

The 1917 Constitution had not allowed the reelection of the president, but during Calles's term Congress amended Article 83 in 1927 and 1928 to permit reelection for nonconsecutive terms. These reforms were clearly writ-



ten with the reelection of Obregón in mind, and his party, the PNA, introduced the reforms. In 1925, the PLM had defeated the first efforts at restoring presidential reelection, but before the 1926 elections, Obregón was able to pressure the PLM into supporting the reforms (Goodspeed 1947: 193–94). Calles's preference in this matter is not clear, but it is often thought that the president was not pleased with the prospect of the reelection of his predecessor (Loyola Díaz 1980; Zevada 1971:64–81).

Other constitutional reforms during Calles's presidency more directly affected the interests of the CROM, which was a key support group for Calles but an opponent of Obregón. For example, the municipalities of the Federal District (D.F.), which had been a stronghold for the PLM, were abolished and replaced by delegations. The heads of the delegations were appointed by the governor of the D.F., who in turn was freely appointed by the president. The reform of the appointment procedures for Supreme Court justices were also strongly criticized by the PLM leadership (see later). Furthermore, the size of the Chamber of Deputies was reduced (from one per 60,000 inhabitants to one per 100,000), which was also considered by the PLM to have been part of a package to weaken its power base. Reducing the size of the Chamber brought many incumbents together in the same districts for the 1930 election. Had he lived, this would have allowed Obregón to pick and choose among the revolutionary elite those whom he most favored. However, with Obregón's death, it was the national committee of the newly formed official party that was able to select its most favored candidates. It is likely that President Calles was opposed to some or all of these reforms, but he dared not challenge the *obregonista* majority in Congress (Loyola Díaz 1980).

The best example of a presidency that was weak with respect to the party leadership in Congress was during the *maximato* (1928–35). The *maximato* was a period when the presidents of Mexico were overpowered by the Partido Nacional Revolucionario (PNR), led informally by the so-called *jefe máximo*, former President Calles. The literature that refers to Presidents Portes Gil (1928–30), Ortiz Rubio (1930–32), and Rodríguez (1932–34) as “puppets” of Calles overlooks evidence that indicates that these presidents did maintain some autonomy from the *jefe máximo*.<sup>10</sup> However, the key point is that it was Calles's position as leader of the PNR that maintained the visage of puppet presidencies.<sup>11</sup> Many of the conflicts between the presidents

10 Portes Gil was elected by Congress as interim president to take office in the place of the assassinated president-elect Obregón. A special election held in 1929 was won by Ortiz Rubio, who took office in 1930 as substitute president. He resigned in 1932 and was replaced by Rodríguez, who was elected by Congress as substitute president to fill the rest of the six-year term that had begun in 1928.

11 For the relationship between presidents and party leaders during this period, see Meyer,



of the *maximato* and the leadership of the PNR were played out in Congress. For example, President Portes Gil presented a bill to implement the federal labor code, which was rejected by Congress after the CROM (still closely tied to Calles) intervened (Meyer 1978:149–51).

Ortiz Rubio in particular had difficulties with Calles and the Congress, including struggles over the budget. He had been a compromise candidate between the *callistas* and *obregonistas*. When he took office in 1930, he faced a congress that was 100% PNR, but divided into two major factions, *rojos* (*callistas*) and *blancos* (mostly *ortizrubistas*). The president's faction originally controlled both chambers. However, in January 1930, nine senators and eight deputies from the *blanco* faction were temporarily expelled from the official party (though not from Congress) for insubordination to the National Executive Committee (CEN) of the PNR. This led to a reshuffling of the factions in the Chamber, the control of both chambers by the *rojos*, and consequently the supremacy of Calles and the party leadership of Congress. After the contentious party primaries for Congress in the spring of 1930, Calles and the congressional leadership were able to replace the president of the CEN (who had had the support of Ortiz Rubio) with a loyal *callista* (Garrido 1982:111–17). The *callistas* controlled Congress through the next two elections (1930 and 1932). In the summer of 1932, loyal *callistas* were elected leader of the Chamber of Deputies and president of the Electoral College, guaranteeing control of the Congress for the rivals of Ortiz Rubio (Medín 1982:113). The struggle between Calles and the president was most dramatically played out in cabinet politics, where Calles eventually managed to gain complete control, but the president's lack of a majority in Congress made his position even more untenable. There were even rumors that Ortiz Rubio and some loyal generals would try to impede the opening of the legislature, scheduled to begin on September 1, 1932 (Lajous 1979:142). Instead, on that day he delivered his State of the Union address to a hostile Congress and on the following day resigned.

Congress replaced him with Abelardo Rodríguez, a close collaborator of Calles, to serve the last two years of the presidential term. When he became president, Rodríguez pointed out in a memorandum to his cabinet that Mexico had a presidentialist, not cabinet, government, so all members of the cabinet worked for him. He wanted all matters to be cleared with him before any action was taken (Dulles 1961:547; Gaxiola 1938; Lajous 1979:149–55). In September 1933, Rodríguez issued another directive ordering cabinet members not to consult with the *jefe máximo* on issues of the federal ex-

Segovia, and Lajous (1978), Smith (1974:25–103), Medín (1982), Dulles (1961), Lajous (1979), and Lerner de Sheinbaum and Ralsky de Cimet (1976:83–119).

ecutive, unless requested by Calles himself. Rodríguez pointed out that he consulted frequently with Calles, and it was not proper for members of the cabinet to consult with Calles without authorization (Dulles 1961:555). The lines of authority were supposed to be from Calles to Rodríguez to the cabinet, unless Calles wanted to consult with cabinet members directly. Therefore, the prohibition on initiating contact was on the cabinet, not on Calles. The president and the *jefe máximo* nonetheless had a good relationship.

Calles played a major role in the selection of Cárdenas as the candidate of the PNR for the 1934–40 term. Perhaps he believed he could continue the *maximato* through the following *sexenio*. Congress was originally dominated by *callistas*, but Cárdenas soon began to persuade deputies to his side, to the point that he commanded a majority in the Chamber. In the second half of 1935, 3 *callista* governors were deposed by the Senate. In September, there was a shootout in the Chamber of Deputies between *callistas* and *cardenistas*, and 2 deputies were killed and 2 wounded. As a result, 16 *callistas* were expelled from the Chamber of Deputies. Nevertheless, Calles believed that he could reassert control over the Congress, and he returned to Mexico City from his quasi-exile in San Diego. In retaliation, 5 *callista* senators were expelled from the Senate on December 14. Calles and his main collaborators were cast out of the PNR on December 16, and 4 more governors were removed from office by the Senate (Medín 1982:158–60). Over the next several months, Calles continued his intrigues from within Mexico against the leadership of the party, now dominated by *cardenistas*. Fearing a full-scale rebellion, President Cárdenas decided that the only recourse was to exile Calles and three of his closest allies on April 10, 1936 (see Cornelius 1973).

The *maximato* was over, but its defeat was far from preordained or overwhelming. It was not until Cárdenas restructured the party to his own preferences in the latter part of his *sexenio* that he could fully assert the role as head of the party and thus receive full compliance from the other branches of government. Ever since, the president of Mexico has had few open conflicts with Congress.

### 6.3. THE FORMAL POWERS OF THE PRESIDENT

The 1917 constitution grants much authority to the president of Mexico. He has great advantages over Congress in areas of legislation and appointment power. There is no doubt that the constitution confers upon the president a central role in the political system.

The president has the power to initiate legislation. Although important legislation in the United States often originates in the White House, the president must find members of Congress to introduce the legislation. The Mexican president, however, may introduce bills directly. Article 71 of the constitution allows the president, members of Congress, and state legislatures to introduce bills. Bills from the president, state legislatures, and the majority of deputies of any state delegation go directly to committees, bypassing internal rules of each chamber (and implicitly the agenda control of the chamber leadership).

In fact, most bills passed by the Mexican Congress are presidential initiatives, and most bills sent by the president are eventually passed by Congress. Before minority representation was introduced into the Chamber of Deputies, that body passed presidential initiatives with near unanimity (Carpizo 1978b:84). Most substantive legislation in Mexico since the 1917 constitution has been in the form of presidential initiatives.

However, this does not mean that presidential initiatives are not passed unamended. Almost all important bills are amended in some ways; and although these amendments are often minor, sometimes major changes are made (almost all amendments are done in committee, not on the floor, which makes the frequency of amendments – and the occasional presidential debacles – less apparent). For example, the 1931 labor law was subject to many significant changes before it was finally enacted. Some presidential initiatives are rejected. Both Calles (1924–28) and Cárdenas (1934–40) had tax bills ignored by Congress (Carpizo 1978b:84). Furthermore, bills are adjusted by the president's staff before being formally introduced in Congress to minimize the chances of legislative opposition.

The constitution does not stipulate a role for the president in proposing constitutional amendments. Article 135 merely states that a constitutional reform requires a two-thirds majority in each chamber, followed by approval by a majority of the state legislatures. In fact, however, most constitutional reforms have been introduced by the executive, using his powers from Article 71. Nevertheless, proposed reforms are often amended by Congress. This was the case with the electoral reforms of 1986, 1990, and 1993. Furthermore, it appears that Congress in 1992 was delegated the responsibility to work out the details of the reforms to Article 130, which liberalized church–state relations. Many of the details of the judicial reform of 1994–95 were also worked out in Congress. Usually a majority of states ratify the reforms in a very timely manner.<sup>12</sup>

12 Reforms to Article 82, approved by Congress on September 8, 1993, were not ratified by the state legislatures until the following summer (on June 22, 1994, the Senate

The president has the power to veto legislation in its entirety or in part. Article 72 states that all regular legislation that must be passed by both chambers must then be sent to the president. If he approves the bill, it becomes law when he has it published (which the constitution stipulates shall take place “immediately”). He may reject all or part of the bill and send his objections back to the chamber of origin with the whole bill. The constitution does not authorize the president to promulgate the rest of the bill. If both chambers subsequently reject the veto by a two-thirds vote, the bill is sent back to the president for its promulgation. The president may veto only legislation passed by both chambers; he does not have the right to veto resolutions that need be passed by only one chamber (Tena Ramírez 1985:263–67).<sup>13</sup> The president cannot veto constitutional amendments.

Mexican presidents were first authorized the veto in the 1824 constitution.<sup>14</sup> Vetoes under that constitution could be overturned by a two-thirds vote of both chambers. They lost the veto power in 1857 because of the experience with caudillismo and the near dictatorial powers of presidents during the centralist era (Herrera y Lasso 1964:111–14). The 1857 constitution also had only one house of Congress, the Chamber of Deputies. Under Article 70, bills passed by Congress were sent to the president for his opinion. He had seven days to veto the bill, in whole or in part. However, the Congress needed only a majority vote to overturn the president’s veto. Article 71 of the constitution of 1857 allowed the Congress, with a two-thirds vote, to bypass Article 70 (and the president) entirely in the case of urgency. In the 1857 constitution, therefore, the president’s veto was dilatory, meant to slow down legislation and force a reevaluation of the measure. The Senate was restored in 1874, and naturally the veto power had to be modified to reflect a bicameral system. Vetoes could still be overturned by a majority vote in both chambers, though the section that allowed the presidential veto process to be bypassed altogether was deleted. The two-thirds rule was not reestablished until 1917.

At least one veto has been overturned by a two-thirds vote by Congress. In 1935, Cárdenas vetoed a bill regarding pensions for officials and em-

recognized that 21 states had ratified the reform). The constitution originally restricted eligibility to the presidency to native Mexicans whose parents were native Mexicans. Now only one parent need be Mexican. The reasons behind the unusual delay are not clear (Berlín Valenzuela 1993:371–82). In contrast, the ratification process for the judicial reform of 1994 took a couple of weeks – over Christmas break.

13 The president does not have a pocket veto. He has a 10-day period in which he may veto a bill. It is considered approved if it is not returned to Congress within this period. However, if Congress adjourns within this 10-day period, the bill is returned on the first day of its next session.

14 Earlier constitutions of Mexico can be found in Tena Ramírez (1991).

ployees of the legislative branch. It was overturned by Congress, but Cárdenas subsequently refused to publish the law, and it did not take effect. The following year, Congress asked the interior minister to investigate the question, but there was no resolution (Carpizo 1978b:90–91). Therefore, the president indirectly may have an absolute veto. A law does not take effect until it is published in the *Diario Oficial*, which is an executive responsibility (Art. 89, Sect. I). This creates an ambiguous situation. The president cannot legally veto legislation a second time; he is obligated to publish or promulgate laws that are passed by Congress. However, if he refuses to publish a law, the legislation cannot be enforced (Carpizo 1978b:93–94; Tena Ramírez 1985:461–63).

It is widely thought that the president of Mexico almost never vetoes legislation, since it is assumed that all legislation originates with the president. In fact, there have been many vetoes during this century. Carpizo (1978b:90–91) provides a list of vetoes from 1917 to 1969.<sup>15</sup> Between 1917 and 1976, the mean number of vetoes was around 2.6 per year. Every president before 1952, with the exceptions of Obregón (1920–24, who vetoed an average of 1.8 bills per year) and Avila Camacho (1940–46, who vetoed an average of 1.2), vetoed more bills than the post-Revolution average. For example, between 1926 and 1933, and again between 1937 and 1941, a minimum of 3 bills were vetoed every year. Eleven were vetoed by Calles in 1927 alone. The highest average belongs to Alemán (1946–52), who vetoed an average of 4.3 bills per year. Vetoes continued sporadically in the 1960s under Presidents López Mateos (1958–64) and Díaz Ordaz (1964–70), when 4 bills were vetoed in 1963, 6 in 1964, and 12 in 1965 (Carpizo 1978b:90–91). However, the last veto recorded by Carpizo was in 1969.

There were frequent vetoes of major legislation in 1932, 1933, and 1941. In 1932, the tax bill and the budget bill were both vetoed. In 1947, Alemán vetoed a major electoral reform measure (Herrera y Lasso 1964:286–90). Often, tax bills were vetoed, especially those dealing with tariffs and taxes on particular goods, such as matches. The mining tax law was vetoed in 1933 and again in 1934 (Carpizo 1978b:90–91). Most vetoes this century have dealt with pensions, and many of those were of the nature of private bills, but the evidence shows that the president and Congress also frequently disagreed over important substantive legislation, and these differences in opinion frequently ended in vetoes until 1969.

The 1917 constitution gave the president the power to convoke Congress into special sessions. This was used in conjunction with the power to

15 Unfortunately, his list is sometimes quantitative (number of vetoes in a particular year) and sometimes qualitative (types of vetoes in a particular year).

initiate legislation. Usually, Congress would open its special session with new presidential initiatives on its lap and would then proceed to debate the proposed law or constitutional amendment. In 1923 the constitution was reformed so that the president must submit a proposal to the Comisión Permanente of the Congress,<sup>16</sup> explaining why a special session is necessary. The Comisión Permanente must approve of his request before a special session can be called. The Comisión Permanente is the only body that has the power to call special sessions; it may also do so without the initiative of the president, and such a declaration is not subject to a presidential veto. This is one of the few times that a presidential prerogative has been removed from the constitution during this century. Nonetheless, since 1923 it has not been difficult for presidents to persuade the Comisión Permanente to convene Congress.

One of the areas where the constitution gives the president definitive agenda-setting powers is in the budget process. According to Article 74, Section IV, the president must submit a budget for all government expenditures to the Chamber of Deputies every year. The Chamber of Deputies alone considers appropriations. It is the president's responsibility to receive funding requests from all ministries and agencies and submit their requests to the Chamber for the authorization of expenditures. The appropriations bill is presented to the Chamber late in its fall session (by November 15), and it must be passed before the end of the year, when the session ends. Since the Christmas holidays intervene, the Chamber has little time to review the budget.

The Chamber of Deputies first examines the revenue law. If it passes the Chamber it is sent to the Senate for its approval, since the revenue law, unlike the appropriations law, requires the approval of both chambers. Every year a tax authorization bill must be passed. Even when the tax is meant to have an indefinite duration, it would be null if it was not included in the annual tax law (Tena Ramírez 1985:323–27). The tax bill can be vetoed by the president.

The Chamber of Deputies then considers the section of the budget law dealing with appropriations. According to Carpizo (1978b:147), the Chamber has the right to make any changes it deems necessary. Since the appropriations law is only approved by one chamber, the constitution does not

16 The Comisión Permanente is composed of 37 members (19 deputies and 18 senators) named by each chamber at the closing of the regular session. The Comisión acts for Congress when it is not in session. It decides when it is necessary to convene one or both chambers of Congress. It performs as a gatekeeper for Congress, receiving proposed legislation and steering it to the proper committees for when the next Congress convenes. It also has the power to confirm presidential nominees when Congress is not in session.

authorize a presidential veto, according to most constitutional scholars. Therefore, if the Chamber of Deputies amends the budget, the president technically cannot veto the bill. Nonetheless, research by the author has uncovered numerous vetoes of appropriations legislation in the first two decades following 1917. It is unclear whether these vetoes were unconstitutional, but they were accepted as legitimate by the other branches of government at the time. Supplementary appropriations must be presented to both chambers of Congress to authorize the program, appropriate funds, and sanction new sources of revenue to balance the expenditures (in this case, the president can veto the bill, because it had been passed by both chambers).

In practice, the Congress does not challenge the president's authority over the budget. In discussing the bill in 1993, a PRI deputy claimed, "It is evident that it is not up to [the legislature] to formulate the federal budget, nor generate alternative proposals."<sup>17</sup> Furthermore, the president usually writes into the budget bill discretionary line items for the executive branch, a slush fund for "contingencies." In the 1994 budget, for example, there was a 20 billion new peso line item for "subsidies" for the executive branch (amounting to almost 7% of the total budget).<sup>18</sup> Furthermore, since 1989, a large part of the budget has been administered directly by the closest aides of the president under the rubric of the National Solidarity Program (Cornelius, Craig, and Fox 1994). Social programs have been targeted at specific constituents, perhaps for partisan ends (Molinar Horcasitas and Weldon 1994). Much of the Solidarity Program's funding falls under one line item, and Congress has had little to say over how it is spent.

The president of Mexico, despite common perceptions, does not have decree powers – the power to legislate on his own, without the participation of Congress. According to Article 29, the president does not have extraordinary decree powers except during emergencies, and only then in order to suspend civil liberties. This situation requires the approval of Congress (or the Comisión Permanente when Congress is not in session). Congress may *further* authorize legislative powers to the president to expedite the resolution of the emergency, but this delegation of power is a faculty of Congress (Carpizo 1978b:100–101). By exclusion, this article denies the president extraordinary powers during peacetime.

Nevertheless, Article 29 was used by presidents to legislate outside of times of emergency. This was a common method of legislation in the nineteenth century, and it continued under the 1917 constitution. Carpizo

17 *News* (Mexico City), December 18, 1993.

18 *Ibid.*



(1978b:102) cites the creation of the National University and the federal electrical commission, the communications and banking laws, and various legal, commercial, and agrarian codes as examples of laws passed between 1917 and 1938. The first piece of legislation passed by Congress under the 1917 constitution gave Carranza extraordinary budgetary authority. All of the presidents from 1929 through 1937 were regularly granted decree powers between congressional sessions (Goodspeed 1947).<sup>19</sup>

The constitution was amended in 1938 to weaken the emergency powers of the president. Article 49, which deals with separation of powers, was reformed to add a line that states that in no circumstances, except for emergencies covered by Article 29, can the president legislate. This reform, actually just a reiteration of constitutional law previously stated in Article 29, was introduced by Cárdenas, who made it clear that he was restricting his own power in the interest of preserving the separation of powers, though he had been one of the presidents who had most benefited from delegated decree authority (Valadés 1988:263).

Despite the constitutional reforms, in June 1942, on account of World War II, President Avila Camacho asked for and received from Congress the authority to suspend civil rights and legislate by decree. This state of exception lasted until September 1945. In that time he issued decrees that legislated in areas beyond national security, and the Supreme Court declared some of those acts unconstitutional. Since then, the Congress has not authorized emergency powers to the president under Article 29 (Tena Ramírez 1985:244).

The president was granted extensive regulatory powers in 1951 through reforms to Articles 49 and 131. The latter allows Congress to authorize the president to regulate domestic and foreign commerce (including taxes, tariffs, and prohibitions of, or subsidies for, certain products), as well as anything else beneficial to the country (Valadés 1988:263–64). If the president has been authorized by law to assume these faculties, he must submit to Congress every year an account of what he has done with these powers. Congress may then approve his regulations. Rejection of the president's account of his regulatory activity does not mean that Congress vetoes the regulations; they must initiate new legislation, which can be vetoed by the president. Subsequently, however, Congress may pass new laws that restrict the regulatory powers that have been delegated to the executive.

Before 1995, the president had the constitutional right to name and

19 In this period, Congress met from September through December. Special sessions were often called in the interim, though these were not necessary if the president had been granted decree powers over specific areas of law for that period.

remove all of the members of his cabinet without the approval of either chamber of Congress. This included all secretaries of state, the attorney general, and the governor of the D.F. In 1993, the method of selecting the governor of the D.F. was reformed. Beginning in 1997 (after the midterm elections), the governor will be nominated by the president from the party that wins a plurality of the seats of the D.F. *Asamblea de Representantes*. The *Asamblea* must confirm his nomination.<sup>20</sup> It is unlikely that this reform will take effect, however, because in April 1995, the PRI proposed that the governor of the D.F. be elected by popular vote by 1997. On December 31, 1994, the constitution was amended so that the Senate would have to confirm the president's nomination of the attorney general. Despite these reforms, the president still has the right to nominate all other members of the cabinet without having to obtain congressional confirmation.

During the constitutional convention of 1917, there was a motion to require that the members of the cabinet be confirmed by the Chamber of Deputies, but this resolution failed.<sup>21</sup> Diplomatic officers, military officers above colonel, and treasury officials are all nominated by the president,<sup>22</sup> but are supposed to be confirmed by the Senate. However, treasury officials usually inform the Congress that they have taken office, without even the pretext of having their nominations ratified by the Senate. Nevertheless, the Senate has at times taken its power to veto nominations seriously. It has requested that the finance and defense ministers submit nominations of officers to the Senate for confirmation. The first nomination that was rejected by the Senate was in 1930, when the undersecretary of the treasury was not confirmed.<sup>23</sup> This was a year of struggle between that ministry and the

20 If he is rejected by the *Asamblea*, the president can make a second nomination to the *Asamblea*, and if that nominee is not confirmed, the Senate names the governor.

21 Tena Ramírez (1985:470), a consummate presidentialist, proclaims dramatically, "Thus, in a moment of disorientation, our presidential system was at the point of becoming shipwrecked."

22 This used to include all undersecretaries, the *oficial mayor*, all directors general, and other junior ministers, as well as tax collectors. The secretary himself was not included, since he was considered a member of the cabinet. Nevertheless, after 1935, the nominations of treasury officials have not been submitted to the Senate for confirmation (González Oropeza 1987b:302).

23 In 1913, the Chamber of Deputies denied by a vote of 128 to 20 a leave of absence to a deputy in order to take a position as undersecretary in the Education Ministry of the Huerta government (Piccato 1991:148). Article 58 of the 1857 constitution gave Congress the power to accept or reject leaves of absence for its members before they could take positions in the government. Article 62 of the 1917 constitution also requires members of Congress to seek a leave of absence from their chamber before taking an administrative post; the failure to receive this leave of absence leads to the member's losing his or her seat in Congress. Since this is what the member is supposedly seeking anyway, such a sanction is far from the veto that Congress held before 1917.

Congress. It also rejected the nomination of one diplomat in 1932 and postponed the confirmation of another in 1982. The Senate has refused to confirm at least 30 nominations to military appointments (González Oropeza 1987b:301–9).

Supreme Court justices are nominated by the president and confirmed by the Senate, but this has not always been the case. Early on, neither the federal executive nor Congress had any powers over naming justices. In the 1824 constitution, the Supreme Court justices were elected for life by a majority vote of the state legislatures (Fix-Zamudio 1988:274–75). The 1857 constitution established indirect popular elections for Supreme Court justices to serve six-year terms, removing the state legislatures as well as the branches of federal government from the nomination of justices. Under the *porfiriato* (1876–1911), this led to the president essentially designating the members. The Supreme Court in that period permitted President Díaz to assume legislative powers beyond the limits established by the constitution (Fix-Zamudio 1988:283–84; Meyer 1992:64).

In reaction to the complicity of the Supreme Court in the centralization of powers in the Díaz presidency, the members of the Constitutional Convention of 1917 strengthened congressional control over the Court (Orozco Henríquez 1988:28). According to the 1917 constitution, Supreme Court justices were elected by majority vote in a secret ballot by both chambers of Congress, meeting together as an electoral college. The candidates were nominated by the state legislatures in order to ensure proper geographical balance.

The election of Supreme Court justices by Congress was abandoned in 1928 by *obregonistas*, who were concerned that the nominations had become a congressional logroll and who wanted to assert control over the Court for Obregón, their candidate for president. Most of the Court at the time had been named by leaders of Congress who had in 1923 rebelled against Obregón when he had been president (Prieto Laurens 1968:117–20; González Oropeza 1987b:307). Justices were named by the president and confirmed by the Senate. The Senate had 10 days to confirm or reject the nomination. If it did not act within that period, the nominee could take office. However, if the Senate rejected the first two names that the president had submitted, the third nominee would take office on an interim basis until the next session of Congress began. Therefore, the president could name whomever he wanted to the Supreme Court, since the Senate knew that in the third round he would ultimately win.<sup>24</sup>

24 Vicente Lombardo Toledano, a leading opponent of Obregón, noted during the debate

In 1994, the system was reformed again to permit greater participation of the Senate in the selection of Supreme Court justices. The president will now send a *terna* (a list of three names), from which the Senate shall elect one person to the Supreme Court by a two-thirds vote. If the Senate fails to vote within 30 days, the president may choose one of the names from the *terna*. If the Senate rejects the entire list, the president sends another *terna*, and if the Senate rejects the second list, the president may choose one nominee from the second *terna* to be a member of the Court.<sup>25</sup>

The 1917 constitution established that Supreme Court justices would serve for life. They could be removed only by impeachment for ill conduct. In 1934, two weeks after Lázaro Cárdenas took office, the constitution was reformed so that Supreme Court justices and other federal judges were named for 6-year terms. These terms coincided with presidential terms, so courts would not reflect the interests of previous administrations. (Furthermore, in 1933, Senate terms were altered, so that all senators were elected at the same time and for the same term as the president. Therefore, a president would face a fresh Supreme Court, Senate, and Chamber of Deputies when he entered office.) Life terms for Supreme Court justices were reestablished in 1944, restoring some independence to the judicial branch. The 1994 reform institutes 15-year terms for Supreme Court justices. Justices cannot be reappointed to the Court once their term ends.

The Supreme Court of Mexico had been notorious for its lack of independence from the president, clearly due in great measure to the manner of selection. The new system is an improvement, though not foolproof: the president will win in the end if the Senate cannot agree on a candidate. The two-thirds rule should permit greater veto power to the opposition parties (although the present electoral rules permit a party to hold as many as three-quarters of the seats in the upper house), though vetoes by the Senate ultimately favor the president. The Court has been significantly depoliticized, however. Judges now cannot hold political or administrative office for one year before their appointment nor for two years after leaving the Court. The restriction on reappointment removes the likelihood that a judge near the end of his term will decide cases in favor of the incumbent president.

in 1928 that this procedure would profoundly disturb the balance of powers among the branches of government (González Oropeza 1987b:307).

- 25 Before 1995, federal circuit and district judges were chosen by the Supreme Court. The latest reform creates the Consejo de la Judicatura Federal, which is composed of the Supreme Court chief justice, two circuit court judges, one district court judge, two persons appointed by the Senate, and one by the president. Judges for the lower courts are now to be named by the Consejo for a period of six years. If they are renominated, or appointed to a higher post, they then serve for life under good behavior.

## 6.4. UNIFIED GOVERNMENT

Complete *presidencialismo* requires that the same party control the presidency and both houses of Congress. If one of the two chambers is controlled by another party, then the other two mechanisms behind *presidencialismo*, party discipline and party leadership by the president, will have diminished effect. No president can force compliance from a chamber controlled by another party.

Since it was founded in 1929, the official party has won every presidential election and has controlled a majority in both chambers of Congress. The PRI, and its predecessors, the PNR (1929–38) and the Partido de la Revolución Mexicana (PRM, 1938–46), have maintained a hegemonic party system. The official party had won every gubernatorial race until 1989, when the Partido Acción Nacional (PAN) took Baja California. The PAN took over the governor's office in Guanajuato in 1991 after allegations that the PRI's victory was tainted by electoral fraud; the PRI candidate was forced to resign before taking office, and the PRI-controlled state legislature appointed a *panista* as interim governor. The PAN then won Chihuahua in 1992 and Jalisco and Guanajuato in the first half of 1995. As of June 1996, the PAN controls four states, and the PRI the rest.

Until 1994, there were two senators per state, for a total of 64. Before 1988, the PRI had only ceded one Senate seat to the opposition. In 1988–91, four seats were held by the opposition; in 1991–94, three seats. In 1993, there was a constitutional reform to introduce minority representation in the Senate. Now, there are four senators per state. Each party nominates a slate of three candidates for senator. The three candidates on the slate that wins a plurality are elected, as is the first candidate on the slate of the second-place party. In 1994, the PRI won a plurality in all 32 states, and the PAN placed second in 24, while the Partido de la Revolución Democrática (PRD) placed second in 8. Thus, the PRI still maintains a three-quarters majority in the Senate.

The Chamber of Deputies has shown a similar pattern, maintaining a unified government for the PRI.<sup>26</sup> Between 1946 and 1961, the PRI won over 90% of the seats in every election to the Chamber of Deputies (average of 95.2%). Beginning in 1964, minority (but not proportional) representation was granted to the losing parties, but the PRI still held at least 82% of the seats from 1964 to 1976 and lost only 10 single-member seats in this period (average of 1.1%). In a 1977 reform, at least a quarter of the

26 The following data are from Molinar Horcasitas (1991) and Molinar Horcasitas and Weldon (1990).

seats in the Chamber were allocated to the minority parties (100 seats in multimember districts were reserved for minority parties). During the three elections under this formula (1979, 1982, and 1985), the PRI lost a total of only 16 of the 300 single-member districts. For the 1988 elections, a more proportional system was introduced, with 300 single-member seats and 200 proportional representation seats.<sup>27</sup> The PRI won only 260 of the 500 seats, though the opposition was highly fractionalized. In 1991, the system was modified again to guarantee that the winning party would have an extraordinary majority,<sup>28</sup> and the PRI won 62% of the seats. In 1994, under a semiproportional representation system, the PRI won 300 seats (60%).<sup>29</sup> With about the same percentage of the vote as in 1988, the PRI won an additional 40 seats in 1994 – a good cushion on which to build voting majorities in the Chamber. Nevertheless, the current electoral system puts a ceiling of 63% of the seats for any party. Constitutional reforms require a two-thirds majority, so the ruling party must obtain the support of at least one other party in the Chamber to amend the constitution.

Before the PNR was founded in 1929, most parties were ephemeral, forming for an election and disbanding at the end of the term. The few exceptions to this rule, such as the PLM and the PNA, never held majorities in the Chamber of Deputies. The presidents from Madero through Calles lacked solid partisan majorities (and when there were majorities, as under Obregón, there were tendencies toward divided government). In fact, none of the presidents in this period identified strongly with any single party; Obregón and Calles ran as common candidates for most of the major parties. Some of the obstacles that these presidents faced from Congress could be explained in part by the lack of a unified party government.

In 1988–91, the PRI held only a relatively slight majority in Congress (52%), the closest that Mexico has come to having divided government since 1929. This led to threats of blackmail from various sectors of the PRI against the congressional leadership and President Salinas (1988–94). This

27 This system closely approximated the German system, although the party with the most single-member seats was guaranteed a majority in the Chamber (the first governability clause).

28 This was the second governability clause, which gave a parliamentary majority to the party that won at least 35% of the vote and gave extra seats for every percentage point of the vote up to 60% when the system became proportional.

29 There are now two separate pools, the 300 single-member seats, and 200 multimember seats. Parties can take multimember seats in proportion to their vote total until they hit a limit of 300 seats (unless their total vote is between 60 and 63%, for which they can take the proportional amount up to an absolute limit of 315 seats). The PRI would have ended up with exactly 300 seats if they won a majority of the single-member districts with perhaps anywhere from 40 to 60% of the vote. The system is highly inelastic. See Molinar Horcasitas, Sánchez Gutiérrez, and Weldon (1994).

spooked *presidencialismo* to the degree that the electoral law was reformed to allow for greater overrepresentation of the majority party in Congress in order to make defections from the party less profitable. Some of the more controversial parts of the *salinista* project were not introduced until the 1991–94 Congress, where the PRI held a 62% majority.

If the PRI faces divided government in the future, *presidencialismo* will be fatally weakened. If no party receives a majority, then the president will have to negotiate with other parties to form a working majority in Congress. If an opposition party wins an outright majority (which is ironically more likely with the majoritarian formulas that the PRI has instituted to protect its margins in Congress), then *presidencialismo* as we know it will be dead.

## 6.5. RULING PARTY DISCIPLINE

A second requirement for metaconstitutional presidential powers is high discipline within the ruling party. The party of the president might also control both houses of Congress, but if it is undisciplined, then it would not be able to deliver the goods for the president in Congress. The PRI is currently a highly disciplined party. In a notorious example during the spring of 1995, only one member of the PRI in each chamber voted against a highly unpopular 50% increase in the value-added tax, while all of the opposition parties voted against. Such demonstrations of unanimity have been common in the official party since the 1940s. However, between its formation in 1929 and the mid-1930s, the official party was known for its factionalism.

There are three methods of creating discipline in the official party in the Mexican Congress: centralized party leadership, a closed-list system, and the lack of incentives for deputies to act on behalf of their local interests.

The centralization of powers in the hands of the president that were authorized by the 1917 constitution was not sufficient to create political stability in Mexico. There were major rebellions in 1920, 1923, 1927, and 1929 against the executive over presidential succession. The presidents, despite their wide-ranging authority, were unable to prevent the rebellions from occurring, and in 1920 President Carranza was in fact overthrown and assassinated. After the Revolution, Mexico was essentially ruled by numerous local and regional warlords. National parties were formed to elect (or justify the election of) presidents, but most of the political action could be found in the local political machines. During most of this period there was also a national political boss, usually with a base in the armed forces, who was able to dominate national politics, but Congress in this period tended



to represent the local political machines. The local political bosses would usually align with the national caudillo or with his rivals, and factionalism would result in Congress. These factions were perhaps more important than the nominal partisan divisions in Congress in the period between 1917 and 1929, and the factions survived the formation of the PNR because the local parties survived. Even as the local parties were abolished one by one during the 1930s, the local bosses continued to dominate the PNR machines (Weldon 1994).

The structure of the PNR tended toward a centralized leadership. Calles himself was a major figure to whom many in the party were willing to delegate their authority, and the party was designed to prevent both military and electoral civil war among the "revolutionary family." The new party coordinated the candidate-selection process for most major elective posts in Mexico, and it guaranteed that the PNR candidate won, either through fraud at the voting booths or in the vote count, or by sheer majority power in the Electoral College, which was the ultimate power that assigned seats to Congress.<sup>30</sup> This also provided a disincentive for electoral defections from the PNR. The CEN of the party had the power to expel members and did so frequently. Since the PNR won every election, expulsion from the party was a major disincentive.

The PNR originally nominated its candidates through a decentralized mechanism that approximated a very chaotic primary election. Nonetheless, the CEN would often intervene in the vote count or in the accreditation process, which tended to close the lists more than an open primary system would. In 1937, the rules were changed to institute party conventions, which are easier to control than primaries, and the higher committees could veto nominations (Goodspeed 1947:295–96). Before the decade, this power was even more centralized, as the regional committees were suppressed (Nava 1988). The party currently has a closed-list system of nominations and has complete control over access to the ballot under the banner of the PRI. Until 1994, the national party leadership held a *de facto* veto over nominations for governor and Congress, even though the nominating conventions were held locally. In such a context, the leader of the PRI has had near complete control over who could hold office under the official party label.

Another contribution toward party discipline came from an unexpected

30 Before each session, "presumed" winners of congressional races met in the Electoral College of their respective chambers, certified their own victories, then proceeded either to certify the victories of the rest of their colleagues or to nullify adverse elections. The controversial *autocalificación* ended in 1994.

source. Ironically, the constitutional reforms of 1933, which are remembered because they restored the prohibition of reelection to the president, in fact help to explain the rise of *presidencialismo*, because these reforms also prohibited the immediate reelection of deputies and senators (as well as governors, state legislators, and mayors).<sup>31</sup> The subsequent weakening of the legislature was achieved not through limiting constitutional powers, but rather through the realignment of the preferences of deputies and senators that the reforms produced. Once the prohibition on reelection was placed in the constitution, deputies and senators no longer had incentives to be responsive and accountable to their local constituents (local political machines and bosses). Since national party leaders, through their control of nominating procedures, would determine the political futures of members of Congress after their terms ended, the incentives of deputies and senators were aligned with the interests of the leaders of the PNR.

According to Cosío Villegas (1978:29–30), the prohibition on immediate reelection of deputies is the key to understanding the subordination of the Mexican Congress to the executive (see also Moreno Sánchez 1970: 60–63). The leader of the PAN in the mid-1960s claimed, “The reform . . . would permit the realization, from the official party, managed by the Executive, the selective and total control of the members of Congress” (Christlieb Ibarrola 1965:31).

In 1933, it was not exactly clear who would benefit from the no-reelection reforms. The case was made at the 1932 PNR convention at Aguascalientes (called to discuss the possibility of no reelection) that the president would gain because deputies would serve less time in Congress and have less expertise.<sup>32</sup> Term lengths were increased as compensation. However, although the incentives of deputies and senators under the no-reelection rule would be aligned with the party leadership, in 1933 the *jefe máximo* was not the president. It was the PNR and the *jefe máximo* who would gain from the centralization. Once the president of the republic also became the head of the official party during the *sexenio* of Cárdenas (see later), the incentives of members of Congress followed the preferences of the president, since it was the president who would decide where members would go after their terms in Congress expired. It is important to note that increased *presidencialismo* was probably an unintended consequence of the no-reelection reforms. The immediate cause was probably centralization of the

31 For details on the constitutional reforms to prohibit reelection, see Garrido (1982:135–45), Alvarado Mendoza (1990:76–79), Meyer et al. (1978:184–86), Lajous (1979:155–63), Smith (1974:67, 82–84), and IJ (1985:143–46).

32 For the debates at Aguascalientes, see ICAP (1981:251–376) and Osorio Marbán (1970: 299–336).

party, but in order to weaken local political machines and strengthen the *jefe máximo*, not to bolster the president (Weldon 1994).

As the official party has centralized over time, party discipline has become greater and factionalism has decreased. Factions remain in the PRI, though these are based more on political families within the administration or on the sectoral divisions within the party; nonetheless, they are rarely manifested in defections from the party line in Congress.

## 6.6. THE PRESIDENT AS HEAD OF THE RULING PARTY

The ruling party might be highly centralized, and there might be high levels of discipline among its members in Congress, but if the president is not the acknowledged leader of the party, *presidencialismo* will not necessarily result, and the president would appear relatively weak.

The political instability between the 1917 constitution and the Cárdenas presidency can be partly explained by the bifurcation of political power in Mexico between the president and the caudillo, or national political boss. The latter was the head of what Brandenburg (1964) calls the “revolutionary family.” In this position, the caudillo was authorized to control presidential succession and to coordinate the business of the revolutionary family (though this authority was constantly challenged, especially before the institutionalization of party leadership via the PNR in 1929).

The norm was a dyarchy, where both the president and the leader shared power (Molinar Horcasitas 1991:17–18). In only one presidency was the leader also the president. During Carranza’s term (1917–20), Obregón was a major force behind the president, enough so that he deposed Carranza when the president wanted to hand the presidency over to someone other than Obregón in 1920. Interim President De la Huerta (1920) also shared power with Obregón, who was a candidate for president at the time. Obregón remained the leader of the revolutionary coalition while president (1920–24), but even he was strongly challenged by Prieto Laurens in Congress over the leadership of the revolutionary parties (Prieto Laurens 1968:98–152). When Obregón insisted on naming Calles as his successor, De la Huerta and Prieto Laurens launched a rebellion in 1923 that nearly defeated the federal government. During the presidency of Calles (1924–28), Obregón remained a force that almost no one dared to reckon with; he was powerful enough to have the constitution changed to allow for his reelection and to eliminate the power base of the CROM.

The *obregonato* ended only with his assassination on July 17, 1928, after

his election for the six-year term scheduled to begin in December 1928.<sup>33</sup> To fill the void left by the death of the caudillo (and to prevent imminent civil war), the PNR was formed by the revolutionary leadership immediately thereafter, with Calles recognized as the unofficial leader of the party.<sup>34</sup> At this point, Calles inherited the leadership of the revolutionary coalition. During the *maximato*, Calles shared power with four presidents (Portes Gil through Cárdenas). There were two partially conflicting rationalizations behind the institutionalization of the *maximato* (both the foundation of the PNR in 1929 and the no-reelection reforms of 1933). Among the possible consequences for not centralizing power was the continuation of intermittent civil wars over succession. Centralizing power in the hands of the leadership of the revolutionary party lessened the threats of anarchy and political violence. However, at the same time the party did not wish to be ruled by a dictator, so it instituted the dyarchy of *presidentel/jefe máximo*. Perhaps many in the PNR thought that the most effective manner of checking presidential power was to centralize the power of the Congress in the hands of the party leadership. Congress might then have been more efficiently organized and thus more able to resist the president. Of course, this strategy backfired once the two positions of the dyarchy were held by a single person, as happened soon thereafter under Cárdenas. Then any institutional checks between the party leadership and the presidency would have been nullified, and perfect *presidencialismo* resulted.

The *maximato* lasted until Cárdenas was able to form a coalition in Congress and a cabinet that was sufficiently strong to depose Calles as *jefe máximo* and expel him from the country for good in April 1936. At that point, Cárdenas became the new *jefe*, combining the powers of the presidency and party leader. This was confirmed by the creation of a new official party, the PRM, that incorporated major *cardenista* groups into the newly corporatist structure of the party and guaranteed Cárdenas's leadership of the revolutionary coalition. By the 1937 midterm elections, the Congress was dominated by sectoral organizations (workers, peasants, and the military) from the PRM, key support groups for Cárdenas (Loyola Díaz 1990; Enríquez Perea 1988). It had taken a reformation of the party to establish firmly the president's leadership.

Through 1994, the Mexican president remained the de facto head of the PRI. The "office" of party leader was transferred along with the presidency. When the new president took office, he also acquired the powers

33 Another reform tailor-made for Obregón was the increase in the presidential terms of office from four to six years, beginning in 1928.

34 Knight (1992) presents the formation of the PNR as an example of an elite settlement.

belonging to the head of the party. This transfer, however, did not take place at the exact moment that the presidential sash was handed over on December 1. In other words, party leadership was *not* an attribute of the presidency. Sometimes, the presidential candidate acquired substantial powers when he was “unveiled” by the incumbent. In such cases, the candidate had the authority to draw up the candidate lists for Congress in the upcoming election. At other times, the incumbent held on to party leadership power for the first year or so of the next *sexenio*. The latter took place in 1929 and 1934; there is also evidence that Cárdenas had played an important role in the following *sexenio*, and that Alemán had been influential for one or two *sexenios* after his term. There is also some evidence that Salinas controlled much of the party machinery before becoming president in 1988 and continued to control major parts of the party after Zedillo took office in 1994.

The succession is when *presidencialismo* is at its weakest and when crises have historically been more common in Mexican politics – crises due to the lack of coordination within the political elite. Molinar Horcasitas (1994) believes that a president, both as chief executive and as party leader, who makes concessions with the various groups in the PRI coalition will consequently develop an undisciplined economic policy, leading to economic crises but a disciplined succession, where the party remains loyal (as in 1970, 1976, and 1982). On the other hand, a president who emphasizes economic discipline, to the point of ignoring the demands of other sectors of the party, will enjoy relative economic prosperity but face divisions in the party at the end of his term and suffer an undisciplined succession (as in 1988 and 1994). The party leader must endeavor to keep his party coalition together or risk electoral divisions and probable legitimacy problems in the subsequent *sexenio*. The fragility of the coalition behind the party is much more evident when it is challenged, and presidents who prefer to protect their coalition have contributed to the illusion of the *pax priísta*.

The *presidencialista* system creates a dilemma of political succession: How can the president secure commitments from deputies and senators during his term, when their political fortunes will be decided by future presidents? Since congressional terms (in the second half of a *sexenio*) end three months before the next president's term begins, there must be a way for a president to guarantee that his commitments will be honored by the new executive. Thus, it might be *necessary* that the president, as party leader, chooses his successor, who will be expected (by the party, at least) to serve as *both* the next president and the next party leader. This way, the commitments made by an incumbent president will be more credible in the eyes of the deputies, since the promises will be inherited by the next party

leader, who will owe his position to his predecessor. Therefore, the *dedazo* (the president's "prerogative" to name the PRI candidate for the presidency) may be more than a result of centralization of power in the party. It may be a key element in maintaining that centralization.

The contrasts in the effects of no-reelection laws in Costa Rica and Mexico are striking (see Carey, this volume). In Costa Rica, the prohibition on reelection does not lead to party discipline in favor of the incumbent president, but rather for his successor. In Mexico, there are two legislatures per presidential term. In the first, there should be complete loyalty to the president acting as party leader. In the second term, we should expect somewhat less attention paid to the president and more toward his successor, but the *dedazo*, combined with a hegemonic party system that has traditionally guaranteed that the PRI's candidate would win, hitches the commitments of the outgoing president to the incoming one.

The same logic that created the PNR with powers delegated to Calles as the leader still operates in the Mexican political system today. The party tries to monopolize power in the fashion of a national political machine. The party also delegates extraordinary powers to party leadership to make party nominations and coordinate legislation. This guarantees party discipline and efficient law making. The party leadership gets commitments from party members in Congress to follow its lead and in return promotes them to positions in the government after their terms are up. In this case, it is especially important that federal members of Congress are not reelectable, since they cannot form their own local power bases and must depend on their party leaders for future positions in the government. When the president was not party leader, as during the *maximato*, the party leader dominates the president. The same tends to occur when there is an overlap during the succession that leads to ambiguous party leadership. Full *presidencialismo* is found only when the president is also leader of the ruling party.

The three conditions that create the metaconstitutional powers of the president are all partisan variables. It is indisputable that the party matters as an institution in Mexican politics. If the party is weakened in some way, then *presidencialismo* will fall with it.

## 6.7. A REEXAMINATION OF METACONSTITUTIONAL POWERS: THE RELATIONS BETWEEN THE PRESIDENT AND THE STATES

The president has extensive powers derived from the constitution and from law. However, his chief powers come from his position as the de facto head

of the PRI. The PRI delegates its powers to him, and he is allowed to use these powers in what appears to be an authoritarian manner. Most of the metaconstitutional powers that are attributed to the president can best be explained by the president's relationship to his party. In this light, this section will reevaluate one of the least understood metaconstitutional powers: the right to name and remove state governors.

The president's powers over naming all members of the government has its origins both in the constitution and in the practices of the official party. The president, as head of the party, has influence over the PRI's nominations for state governors. This obviously increases the power of the federal government over the states.

The president does not have the constitutional right to remove governors, though this is widely attributed to him as a major metaconstitutional power that further increases centralism in the Mexican government. The Senate has the power to remove governors and dissolve state governments in Article 76, Section V. The upper chamber can declare that the powers of the state have disappeared (that they no longer exist) and that a provisional governor should be named.<sup>35</sup> The president is then invited to send a *terna* of candidates to the Senate, and the chamber then votes in a new governor to serve the rest of the term or until elections for a substitute governor are held. In fact, it is usually the president or his interior minister who submits a recommendation to the Senate that it should recognize that the powers of a state have disappeared. The Senate acts accordingly and chooses the preferred candidate of the president from the *terna*.<sup>36</sup>

The "disappearance of powers" of state governments has been applied relatively frequently since 1917. Forty-nine governors have been removed by the Senate, with 41 of those cases occurring before 1940, when the PRI did not yet exist or was in the process of centralization and when power within the party and between branches of government was most contested. Fifteen cases occurred during the terms of De la Huerta and Obregón (1920–24), 11 during the presidency of Calles (1924–28), and another 15 during or immediately after the *maximato* (1928–35) (González Oropeza 1987a:252).

However, since 1954, there have been only three cases of the Senate removing governors and no cases after 1975. Nevertheless, governors left office during the *sexenio* of Salinas de Gortari (1988–94) in almost record numbers. By May 1994, 17 governors (all members of the PRI) had re-

35 Technically, the Senate does not make the powers of a state *disappear*, but rather takes note that an effective government no longer exists in the state. In reality, however, the upper house deposes a state government. The constitution stipulates that *all* branches of state government must be effectively absent before the Senate can act, though in practice the action is usually against the governor.

36 The definitive resource on the disappearance of powers is González Oropeza (1987a).



signed. All of these governors resigned “voluntarily,” yet certainly most would have preferred to remain in office, and some were surely forced out of office. In no case was there evidence that a case to depose a state government would have been presented to the Senate. In almost all cases, the interim governor (invariably named by the state legislature) was recognized as one preferred by the president and his inner circle. How can the president prevail so decisively over the governors?

There are two explanations: one based partly on the constitution and partly on the PRI, the other based entirely on the organization of the official party. First, assuming that all of the conditions for metaconstitutional powers hold, the president can control the Senate via his role as head of the party. Therefore, if absolutely necessary, he could persuade the Senate into using its powers under Article 76, Section V. This is a club behind the door that the president rarely needs to use. Governors can recognize that leaving voluntarily is better than being forced out by the Senate. Furthermore, in every case but one during the Salinas administration, the governors who lost their offices were compensated in some way with some office or sinecure.

The second argument is based on the assumption that governors also want to continue their future in politics after their term in office. They understand that the president, as head of the party, can influence where they end up in subsequent rounds. They know that if the party wants them to step down, and they do so quietly, there is a greater chance that they can be rehabilitated in the future.

These two complementary explanations help us understand how the president has been able to control state governments without *any* authorization from the constitution in the matter. This does not mean that federalism is weak in the Mexican constitution, nor that federalism is being undermined by authoritarian practices. Instead, party centralism overrides federalism. We find that as the internal party organization has stabilized, as the three conditions for metaconstitutional power have been guaranteed, there have been fewer cases of formal dissolution of state governments by the Senate, just as there have been fewer cases of presidential vetoes. Governors in the last *sexenio* were removed within the equilibrium of *presidencialismo*.

## 6.8. CONCLUSION

The metaconstitutional powers of the president of Mexico have been mistakenly attributed to *presidencialista* tendencies in Mexican society. There is an assumption that an authoritarian political culture in Mexico leads to

greater centralization of powers, which in turn leads to a very strong president. Instead, this chapter argues that the metaconstitutional powers of the president are also in part due to institutional mechanisms as well as a consensus among the elite members of the party that delegation to a central authority is in their best interest. There is indeed centralization of power in the party, but this is done via delegation to the party leader, not explicitly to the president. It just so happens that this person is usually also the president.

The observed power of the Mexican president is not due to the constitutional powers of the president, but rather to the extraordinary centralization of decision making within the party. This centralization cuts across the branches of government, "violating" Article 49, which is supposed to guarantee the division of powers. Yet the writers of the constitution of 1917 did not take into account the words of Madison:

A mere demarcation on parchment of the constitutional limits of the several departments is not a sufficient guard against those encroachments which lead to a tyrannical concentration of all the powers of government in the same hands. (*Federalist*, no. 48, 313)

The ambition of one branch of government had to be set against the ambition of the other, that vetoes and checks had to be energized by different interests (such as different electoral incentives) so that the balance between the powers is preserved. (*Federalist*, no. 51, 322)

The Mexican constitution includes the basic devices to permit checks to be exercised among the various branches of government, but rules of the official party minimize the incentives to use those vetoes.

*Presidencialismo* in Mexico is a fragile equilibrium. It requires some considerable presidential constitutional powers on the one hand, and on the other, (1) PRI hegemony in Congress, (2) party discipline in Congress, and (3) the president as head of the party. If any of the latter requirements is relaxed, then *presidencialismo* is likely to diminish or disappear. Therefore, when *presidencialismo* is working efficiently, we should expect most of the presidents' bills to be approved by Congress, and we should not expect frequent vetoes. In fact, in several of the periods when vetoes were more frequent, the president was challenged by party leadership over control of the party (the *maximato* and the mid-1960s) or the official party did not yet exist (the presidencies of Carranza and Calles) or the party was in the process of being restructured (the presidencies of Cárdenas and Alemán).

Other factors that determine *presidencialismo* depend on internal party politics. If the party, for whatever reason, decides to delegate powers to some leader other than the president, then the powers of the president will immediately diminish. If the party suffers from lax discipline in Congress,

the same result might occur. This could come about if there is increased factionalism in the party, if the party rules are changed to open up the nomination process, or if the prohibition on reelection were lifted.<sup>37</sup> In the latter case, the deputies would consider representing their districts, perhaps against the interests of their party. Of course, the day that a president from the official party faces a congress effectively controlled by the opposition, he will be left with only his constitutional powers. *Presidencialismo* in Mexico will definitely be through.

If another party, with different internal rules, comes to power, we should not necessarily expect *presidencialismo* to survive. In the presidential debate of May 1994, the *panista* candidate claimed that if elected he would be the first president who was not the leader of his party and asserted that he was the only one of the three candidates present who would not combine party leadership with the presidency. He emphasized that the PAN selects its candidates for all offices in democratic conventions, not by designation by the party leadership. If the PAN should win the presidency and also maintain its present methods of candidate selection, it is unlikely that *presidencialismo* will survive, even if the PAN wins a majority in Congress. *Panista* deputies will not face the same centralizing incentives that *priista* deputies confront today, and it has been a *panista* tradition to keep its party leader separate from its candidate. A *panista* president would not be *presidencialista*.

If the PRD were to take the presidency and Congress in 2000, under the present structure of the party it is likely that the *perredista* president would be the party leader. However, the internal rules for candidate selection in the PRD and the inherent factionalism of the left would make it very unlikely that there would be sufficient party discipline to lead to *presidencialismo*.

President Zedillo has tested the waters of how to be president without also being head of the PRI. Early in his administration, Zedillo confirmed that he was a member of the PRI, but then made it clear that he would not interfere in the business of the party. He has promised not to intervene in

37 The immediate reelection of senators and federal deputies is still prohibited. In 1964, the Chamber of Deputies passed a resolution in the form of a constitutional amendment to prohibit the immediate reelection of senators and the *third* consecutive reelection of deputies, thus allowing deputies to be reelected for one immediate term. The Senate rejected the amendment (Valadés 1978:56–59). As mentioned earlier, there was also talk of permitting the reelection of deputies and senators in the fall of 1991, but the proposals were quickly torpedoed. Again in the fall of 1994, there were renewed proposals to reinstitute congressional reelection. The issue has been brought up frequently in the 1995–96 interparty negotiations over the electoral reform, and the chances for its passage now appear favorable – if not in the current round of reforms, perhaps in the next.

party nominations. The reasoning behind this decision might be altruistic on Zedillo's part, or it may be more related to the unusual circumstances surrounding his accession to power.<sup>38</sup> A further complication is that the PRI has reformed its nominating procedures since 1994 to allow local conventions to select gubernatorial and local candidates without interference from the center. This has led to greater indiscipline among the governors.

Zedillo has been widely perceived as a weak president during the first six months of his term. It is widely believed that Salinas still controls large parts of the party apparatus (especially the groups organized around the Solidarity Program), which has caused a situation approximating that of 1935, when the *jefe máximo* challenged the president over control of the government and the party. In 1935, the president won and became *jefe máximo*. The president might win again this time, but Zedillo has made it clear that he does not want to be *jefe máximo*, so it might be perceived as a hollow victory.

One case in January 1995 revealed that Zedillo lacked traditional meta-constitutional powers over state governments. The federal government had negotiated with the PRD and the PAN over political reform in return for cooperation on the negotiations in the Chiapas conflict. The PRD had the understanding that the deal with the government would lead to the resignations of the newly elected governors of Chiapas and Tabasco (the PRD had been the principal opponent to the PRI in these elections and had alleged fraud). The governor of Chiapas soon resigned. The governor of Tabasco, however, refused to recognize the negotiations in Mexico City, and the government denied that the deal had ever been made. *Priistas* in Tabasco demonstrated violently in favor of their governor and against interference from the center. Similar cases in the previous *sexenio* led to resignations by the governors in question. However, Zedillo had not taken the role of leader of his party and was unable to enforce discipline.

Another revealing case occurred in May 1995, when the treasury minister visited with deputies to discuss another possible hike in the value-added tax (from 15% to 18 or 20%). The PRI deputies had just recently voted a raise from 10 to 15%, which had caused an uproar, and members of the PRI feared that the first hike could ruin their political careers in the future. This time they openly rebelled and went public, which effectively killed the measure. This was not technically a defeat of a presidential pro-

38 The PRI faced an unusually acute leadership crisis in the spring of 1994, after the assassination of Luis Donaldo Colosio. The death of its presidential candidate probably left the PRI without a "leader" for a few weeks, and the president of the party challenged Salinas for control over the nomination of the PRI's replacement candidate. Salinas's preferred nominee, Ernesto Zedillo, was eventually *redestapado*.

posál. It was more an attempt to test the waters. Trial balloons of this sort are not uncommon,<sup>39</sup> but it is unusual for them to explode in the face of the president. Some presidential bills have been significantly amended in this *sexenio*. For example, in the spring of 1996, a bill in the Chamber of Deputies to privatize social security accounts was highly modified at the last minute by the PRI-controlled committee to allow for greater participation of government agencies and the social sectors of the PRI. It appears that the *presidencialista* equilibrium is breaking down.

- 39 Trial balloons that insinuated a relaxation of the no-reelection clauses of the constitution (particularly for federal deputies) were shot down in late 1991 by the interior minister and congressional leaders, who were concerned that these reforms would lead to the possible reelection of the president (see Centeno 1994:1).