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# MEXICO

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**Text of Decree on  
Nationalization of Property**

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**Appeal of the  
Bishops of Mexico**



**NATIONAL CATHOLIC WELFARE CONFERENCE**  
1312 Massachusetts Avenue, N. W.  
Washington, D. C.

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Capam

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**NATIONAL CATHOLIC WELFARE CONFERENCE**

**Washington, D. C.**

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## FOREWORD\*

THE decree, a translation of which we present herewith, approved and promulgated August 31, 1935, by General Lazaro Cardenas, President of Mexico, is a mockery of law. Shakespeare speaks of certain "vain blows that are malicious mockery." Law presupposes order. Law presupposes justice. Law presupposes the freedom, if injustice has been done, to seek and secure redress. A law not founded on these fundamentals is no law but arbitrary tyranny. This decree of General Cardenas contradicts, nullifies and voids, the basic law itself of Mexico. This decree is not law: it is but animus and hatred. Ruthlessly it would destroy religion, religious worship, religious institutions.

Government itself cannot endure when it is so weak that it must resort to this official violation of the inalienable rights of citizens. Administration of law then becomes meaningless.

The alleged purpose of this decree is to enforce Section II, Article 27, of the Queretaro Constitution. That section is as follows:

"Article 27, II. Religious associations known as churches, irrespective of creed, shall in no case have legal capacity to acquire, hold or administer real property or loans made on such real property. All such real property or loans as may be at present held by the said religious associations, either on their own behalf or through third parties, shall vest in the Nation, and anyone shall have the right to denounce property so held. Presumptive

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\* This foreword was written before the publication of the appeal by the Mexican Hierarchy, a full translation of which appears later in this pamphlet.

proof shall be sufficient to declare the denunciation well-founded. Places of public worship are the property of the Nation, as represented by the Federal Government, which shall determine which of them may continue to be devoted to their present purposes. Episcopal residences, rectories, seminaries, orphan asylums or schools of religious associations, convents, or any other buildings built or designed for the administration, propaganda, or teaching of the tenets of any religious creed shall forthwith vest, as of full right, directly in the Nation, to be used exclusively for the public services of the Federation of the States, within their respective jurisdictions. All places of public worship which shall later be erected shall be the property of the Nation."

This constitutional mandate was enacted by a convention that did not represent the Mexican Nation, a convention born of and sustained by intense partisanship. The provision is reactionary, and it turns back the pages of Mexico's history to the middle of the 19th Century, to the anti-religious fanaticism of the Juarez Revolution. The revolutionary decrees of Juarez asserted that churches could not have the legal right to acquire, hold or administer real property. But the 1857 Constitution, although based for the greater part on those decrees, did not embody fully their spirit of hatred. As finally ratified with amendments, the 1857 Constitution recognized in a limited way the legal right of "religious corporations and associations" to acquire title to, and to administer "buildings immediately and directly destined to the services or purposes of the said corporations and associations."



The Queretaro Constitution substitutes for this right the provision: "The Federal Government shall determine which of them (that is, church buildings) may continue to be devoted to their present purposes."

But this new decree, this law of August 31, 1935, the purpose of which is to enforce Section II of Article 27 of the Constitution, ignores completely this constitutional mandate. For the constitutional mandate requires the Federal Government to state what church buildings shall be continued to be devoted to their present purpose. This mandate, if it means anything, means at least that the privilege of being used for religious purposes shall be accorded to at least some church buildings by the Federal Government.

But this decree of August 31 prescribes detailed procedure by which the Federal Government shall take title to all the property of the church. It prescribes no procedure for the setting aside of particular properties, that is, particular churches for religious purposes, as it is commanded to do even by the very article it pretends to enforce. On the contrary, it transfers to the revolutionary government all church property now available for religious worship and refuses to provide for the people of Mexico, or for any religious congregation, gathering or assembly of those people, protection against being arbitrarily deprived of the right to continue to worship in buildings used at present for worship or which in the future may be erected for religious worship.

Article 9 of the present Constitution of Mexico guarantees the right of peaceable assembly. This

decree of August 31 violates that provision of the Constitution.

Article 14 of the present Constitution of Mexico guarantees the right to life, liberty and property. This decree of August 31 violates that provision of the Constitution.

Article 16 of the present Mexican Constitution guarantees the sacredness and right of the home. This decree of August 31 violates that article. Any home in which a religious service would be held or religious instruction given, might on denouncement to the Federal Government be taken away from its present owners and become the property of the nation. No trial would be necessary. No appeal would be possible.

Article 27 of the present Constitution of Mexico insures security against confiscation. This decree of August 31 violates that provision of the Constitution.

Article 130 of the present Constitution of Mexico declares: "The Congress shall not enact any law establishing or forbidding any religion whatsoever." The decree of August 31 violates that provision for it refuses any security whereby they who profess a religion may meet definitely and continuously in any building and conduct their worship.

The suppression of religious worship in Mexico through the confiscation of church property has been a measure of reprisal employed by every so-called revolutionary government in Mexico.

The very day on which this Cardenas decree was promulgated the Catholic people of Mexico City proclaimed in terms that are unmistakable how firmly they hold to their religious heritage. It was the feast day of St. Rose of Lima. The Minister of

Peru, Mr. Rafael Belaunde, proposed that St. Rose of Lima be honored by the celebration of Holy Mass in a special, public manner in Mexico City. The diplomatic corps, including the Ambassador from the United States, its dean, approved the plan and in a body attended the Mass. The Archbishop of Mexico City was celebrant. The Auxiliary Bishop of Morelia preached a sermon aflame with the love of country. His appeal was an appeal for elementary justice, for co-operation and peace, among the nations and people of our continent. Ambassadors and Ministers representative of the United States, Chile, Colombia, Cuba, Guatemala, El Salvador, the Dominican Republic, Great Britain, Honduras, Peru, Venezuela, Panama, Bolivia, Ecuador, France, Nicaragua, Holland, Argentina were present.

Their presence is evidence of the conviction of the civilized world that freedom of religious worship is both the obligation of Governments and the rights of peoples. When will the Government of Mexico learn the lesson? Such is now the agony of its warfare against religion that it needs must scrap its own Constitution to express that hate in further reprisals.

JOHN J. BURKE, C.S.P.,  
*General Secretary,*  
*National Catholic Welfare Conference.*

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**The following translation of the decree on the nationalization of church property, issued by President Cardenas, of Mexico, on August 26, 1935, was made by the *N. C. W. C. News Service* and is published with its permission.**

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# Decree of the Mexican Government on the Nationalization of Church Property

*(The Decree was promulgated by being published in the "Diario Oficial," August 31, 1935.)*

Lazaro Cardenas, Constitutional President of the Mexican United States, to all her inhabitants, to wit:

Exercising faculties conceded to me as Chief Executive of the Union by the Decree of December 29, 1934, to legislate regarding goods which are federal property, deem it good to promulgate the following:

## LAW FOR THE NATIONALIZATION OF PROPERTY

### *Title I*

*Article I.* The following are property of the Nation, represented by the Federal Government:

1. Any temple used at the present time for public worship, or which at any time since May 1, 1917, has been so used, as well as any that may be erected for this purpose in the future;

2. Bishops' residences, rectories and seminaries; asylums or schools of religious associations, corporations or institutions; convents, and any other building which has been built or used for the administration, propagation or teaching of a religious cult; and

3. Real property, or any investment secured by mortgages on real property, held or administered by religious associations, corporations or institutions, whether directly or indirectly.

*Article II.* Temples are those buildings open for public worship with the authorization of the Ministry of Government. Moreover, the following are presumed to be such:

1. Any building which by its construction or through some objective datum reveals that it was constructed or has been used for the celebration of acts of worship;

2. Any other premises in which acts of public worship take place habitually and with the knowledge of the owner.

*Article III.* It shall be understood that a property has been used for the administration, propagation or teaching of a religious cult when, with the knowledge of the owner:

1. Acts which imply public propagation of a religious creed are carried out habitually; or

2. There is established therein an office or headquarters of persons who exercise authority among the faithful of any religion or sect, or who perform functions relating thereto; or

3. A school or teaching center under any denomination with religious tendencies or orientations is installed therein; or

4. The products of or income derived from property of which this treats is in any manner related to religious projects or objects; or

5. In general, although none of the facts enumerated in the foregoing sections is present, when, from direct evidence, or from any circumstance which upon investigation justifies a presumption, it can be inferred that the property has been so used.

*Article IV.* In any of the cases stated in the preceding article, the nationalization shall proceed with-

out taking into account the resultant effects upon a moral person or institution of any character whatsoever.

*Article V.* It shall be presumed, and no proof to the contrary shall be admissible, that the owner of an immovable property had knowledge that the property had been used in the manner referred to in the foregoing articles, if the simple fact is established that during more than six months the immovable property has been used in any of the forms to which the said articles refer.

It shall be admissible for the owner, before the expiration of the period fixed in the preceding paragraph, to bring the facts to the attention of the Ministry of Finance. In such case, the truth of the statements being proved, the Ministry of Finance shall order the property or premises vacated in the manner prescribed by Articles 61 and 65 of the Law on Immovable Property Belonging to the Federation.

*Article VI.* For the purpose of this statute, any person shall be held to be an agent representing a religious association, corporation or institution:

1. Who with simulated title holds or administers immovable property in the name or for the benefit of them; and

2. Any moral person that has been constituted for the purposes stated in the preceding section, even though this is not so expressed in its charter or in its constitution and by-laws, and also any moral person that after its constitution shall receive properties for this purpose.

No moral person charged with being the agent representing a religious association, corporation or



institution shall effectively allege in its defense the fact that it has claimed to be, or has been recognized to be, a welfare association.

*Article VII.* For the purpose of this statute any participation, by any title whatsoever, in societies or associations which are the owners or holders of landed property, shall be held to be immovable property.

*Article VIII.* It is presumed, and no proof to the contrary is admissible, that a civil or business society shown to be the owner or holder of landed property or of investments on landed property, is the agent representing a religious association, corporation or institution when:

1. At least half the capital stock is owned by priests of the same religion or sect, or when a less amount is so held if two or more partners have such a character;

2. The majority of the partners or those who represent at least half of the capital stock or agents representing a religious association, corporation or institution; and

3. In any society, the capital stock of which is represented by shares, a priest figures in the council of administration or among the commissioners, or serves as manager.

*Article IX.* It shall be presumed, in the absence of proof to the contrary, that a juristic person is the agent representing a religious association, corporation or institution:

1. When from the records a priest is shown to be the owner, holder, or the creditor secured by mortgages on any landed property which, at any



time during the five years preceding the date upon which he acquired his rights, was considered to be the property or possession of some other priest of the same religion, unless it is found that the two priests are related to each other within the fourth degree of consanguinity; and

2. If in any stock company which is the owner, holder or administrator of landed property, meetings of stockholders are not held within five years, or the board of directors does not meet annually.

*Article X.* In addition to the cases provided for in the foregoing articles, the Ministry of Finance shall have power to declare that a person is the agent representing a religious association, corporation or institution in the possession or administration of landed property, or of investment secured by mortgage on landed property, if the person is proved to have this character by facts which directly prove this or by circumstantial evidence on which presumption may be established.

*Article XI.* When a property that has been nationalized later passes from under the dominion of the Nation, it can be nationalized again only upon facts posterior to the first resolution.

## *Title II*

*Article XII.* Liens or mortgages upon, and any other rights to, property nationalized under this law, shall be respected in general with the following exceptions:

1. When the creditors or those holding the lien, or in the case of owners of fee property, have had knowledge of facts giving cause for nationalization

without having informed the Ministry of Finance;  
or

2. When the creditors of those holding the lien shall themselves be agents representing some religious association, corporation or institution, or have been informed that those for whom they are the agents, or with whom they have contractual relations, have that character.

If the property nationalized is jointly owned by a person who is shown to be an agent representing a religious association, corporation or institution, the rights of the other joint-owners shall be respected if they be in good faith and, in addition, provided that they themselves are not covered by any of the exceptions specified in this article.

*Article XIII.* Personal property which is found on a nationalized estate or in a nationalized edifice shall become the property of the Federal Government also, only in the following instances:

1. If the movable goods should in reality be considered immovable under the provisions of the common legislation; and

2. If the property has been nationalized because of the use to which it has been put and the movable properties had some connection with that use.

No separate declaration for the nationalization of such properties shall be necessary.

*Article XIV.* Leases and concessions limited as to time, to which the property nationalized may be subject, shall forfeit any right they may have in the case of the issuing of an order of nationalization only when the lessee or concessionaire has intervened directly or indirectly in the acts that motivated nationalization.

*Article XV.* Upon finding under this act that a business society is the agent representing a religious association, corporation or institution, the procedure provided in Article 3 of the General Law of Business Societies shall not be followed but shall be subject to the provisions of this present law.

*Article XVI.* Likewise upon finding during a nationalization process that a title of ownership, or the constitution of real or personal rights, is simulated, the dispositions of Article 2183 of the Civil Code shall not be applicable.

### *Title III*

*Article XVII.* The Federal Executive Power alone has the authority, acting through the Ministry of Finance and Public Credit, to find that a property is nationalized under the provisions of this law, and to dictate and to order the execution of the measures directed towards the administrative occupation of the said property.

*Article XVIII.* When upon the denunciation of some private person, or by any other means, knowledge is obtained of the existence of some property nationalized in conformity with this law, the respective office of the Ministry of Finance shall ask data of the Public Registry of Property on the antecedents of, and liens on, the immovable property, and shall also ask for all information, declarations and documents which it deems necessary.

*Article XIX.* If the data received in conformity with the above article discloses any evidence justifying the contention that the property is one nationalized in conformity with this law, the tempo-



rary order of occupation shall be issued. This order must be inscribed in the Registry of Property or in the Registry of Commerce, or in both, depending on conditions, and notifications given to those affected.

*Article XX.* In any temporary order provision may be made also for the disposition of lease contracts and other temporary concessions in accordance with Article XIV.

After the temporary order has been issued and in the course of the process, action may be taken affecting leases and concessions.

*Article XXI.* Properties that have become subject to a temporary order may be immediately turned over for use by the public services of the Federation or of the States.

*Article XXII.* Persons alleging an interest in the property subject to the order can register opposition in writing and before the office of the Ministry of Finance within fifteen days following the date on which the notification of temporary order, to which the above article refers, has been put into effect.

Once the period to which the preceding paragraph refers has transpired, no opposition shall be admissible, and in so far as those who have consented to a temporary order are concerned, this order shall be final without prejudice to that which Article XXVIII of this law provides.

*Article XXIII.* The temporary order of which Article XIX speaks shall be issued by the Chief of the Federal Office of Finance who exercises fiscal jurisdiction in the locality where the nationalized property is located.

Opposition admitted by the office dictating the



temporary order shall be expedited to the Ministry of Finance which shall announce the date on which a hearing shall be held for the receiving of evidence of those interested. These shall have the right to examine the relative document at any time.

*Article XXIV.* In nationalization processes, every class of proof except that of confession shall be admitted.

*Article XXV.* The reception and evaluation of evidence shall be made by the Ministry of Finance in accordance with the Federal Code of Civil Procedure.

*Article XXVI.* Within five days following the hearing of evidence, those interested may present their allegations in writing and the Ministry of Finance shall dictate the final order within ten days following, declaring whether or not the nationalization shall proceed and resolving at the time, if need be, regarding contracts and liens found to be in force with regard to the immovable property concerned.

*Article XXVII.* In the final order all evidence having bearing on the decision shall be taken into consideration, including that which the Ministry of Finance has been able to collect after the issuing of the temporary order, to establish the basis of the nationalization.

*Article XXVIII.* The Minister of Finance, when issuing any order finally quashing a petition for nationalization, shall determine whether at his discretion the benefits of this order shall extend also to those affected who have not opposed the temporary order.

*Article XXIX.* In every instance the final order on the nationalization of property shall be dictated and signed precisely by the Minister of Finance or by the one acting as head of the office.

*Article XXX.* Final orders of nationalization shall be recorded in the Public Registry of Property or in the Registry of Commerce, as circumstances require. When in the negative, they shall have the effect of canceling the registration of the temporary order.

*Article XXXI.* Final orders dictated in a matter of nationalization shall be neither revoked nor modified in any form. Nevertheless, new processes on the same property may be initiated provided the facts presented are posterior to the former order.

*Article XXXII.* The notification of temporary and final orders shall be made personally as specified by the Federal Code of Civil Procedure, or by means of certified, sealed documents with receipt when the domiciles of those affected are known; or by edict published in any of the journals of large circulation in the Entity in which the immovable property is located, and in the *Diario Oficial* of the Federation, three times at intervals of eight days for each publication, when such domiciles are unknown. Notification by edict shall take effect the day following the final publication.

*Article XXXIII.* Those denouncing properties specified in the first article of this law shall enjoy the participation determined by the second article of the Law of November 8, 1892.

*Article XXXIV.* In any matter not provided for

in this law with respect to procedure, the procedure of the Federal Code of Civil Procedure shall be applicable.

*Article XXXV.* The Executive Office shall issue the regulations necessary for the better application of this law.

### TRANSITORY PROVISIONS

*Article I.* Nationalization judgments in which no executory sentence has been dictated at the entrance into force of this law, shall be withdrawn from court and placed before the Ministry of Finance so that the process may continue in accordance with the provisions of the present law.

*Article II.* The execution of decisions already handed down, or which in the future may be handed down, as the result of action in the courts in amparo cases already initiated against acts of court authorities who have intervened in any process for nationalization, shall be within the jurisdiction of the Ministry of Finance and Public Credit.

*Article III.* In cases of occupation or nationalization administratively decreed before the entrance into force of this law, the order shall be held to be temporary and the process shall continue in conformity with this law after the respective notification.

*Article IV.* All laws and dispositions contrary to the present law are revoked.

*Article V.* This law shall enter into force from the date of its publication in the *Diario Oficial*.

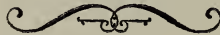
In compliance with what is set forth by Fraction I of Article 89 of the Political Constitution of the Mexican United States, and for its publication and observance, I promulgate the present Law in the Palace of the Federal Executive Power, in Mexico City, Federal District, on the twenty-sixth day of the month of August, one thousand nine hundred and thirty-five.

LAZARO CARDENAS (Seal)

EDUARDO SUAREZ (Seal),

*Minister of Finance and Public Credit.*

To the Minister of Government.



**T**HE Mexican Government has taken steps immediately to see to it that this law and its provisions do not remain inoperative. Definite official instructions were issued through the Executive Order of President Cardenas of Mexico, under date of September 12, to the Minister of Finance to whom has been given the carrying out of the Act.

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## A Brief in Protest

**T**HE following, a protest and an exposition, shows how this Law for the Nationalization of Property definitely seeks to destroy religion and freedom of all and any religious worship in Mexico. It was written by Eduardo Pallares, an attorney of Mexico.

The following is the complete text in English:

Exercising the rights which as a citizen are granted to me by the Constitution of Mexico, I protest against the Law for the Nationalization of Property promulgated in the *Diario Oficial*, August 31, just passed.

In formulating this protest I am not defending the interests of any militant religion and I hold no brief for obscurantism whatever be the form or nature of its activities. My sole purpose is to fight for the cause of liberty of conscience.

The Law for the Nationalization of Property is of such a nature that it completely does away with liberty of conscience which without exception civilized nations have always considered and still consider an element of primary importance in the political life of nations. Under pretext of regulating the nationalization of properties of religious institutions this law deals a mortal blow to religion itself because with unusual violence it interferes with the teaching and the preaching of religious doctrines and beliefs. In Article III it declares that every property is to be held as being used for the administration, preaching or teaching of a religious cult for no other reason than the fact that in such property there has been established a school or a center "under the auspices of any denomination," having religious tendencies or orientations. It is

necessarily to be inferred from this provision of the law that hereafter it will not be possible to teach, to preach or to conduct schools having religious tendencies or orientations. In other words, the simple preaching, teaching or training in any religion is considered illicit acts from the moment when the buildings or properties where such activities are conducted become the property of the nation. It is well known that this Article III has for its purpose to prevent the teaching, the preaching and in general every activity having for its purpose the diffusion of religious creeds and dogmas. What legal effect, what social force then remains in Article 24 of the Constitution which proclaims religious liberty? With the provisions of this new law in force religious liberty is reduced to zero.

Every provision of this law exudes a fierce hatred for religion and for the priests and ministers of the various cults existing in our country. I offer no explanation and assign no reason for this hatred or for the indisputable fact that in the Republic of Mexico social-religious forces are weak and decadent. There was a time when the Church was powerful, rich, influential and capable of directing consciences, and then there was nothing unusual or extraordinary in the fact that the laical state looked upon the Church as a powerful rival and attacked her as did Juarez and his partisans, but in our day conditions have changed completely and no one capable of judging with an unbiased mind can today support the thesis that the Church actually is a danger to the cause of progress or to the much talked of emancipation of the proletariat.

It is deplorable that a law having the importance of the law we are now analyzing should embody pro-

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visions which manifest this fierce hatred and an inquisitorial spirit worthy of past epochs. The following facts and circumstances are under this law all that is required for the nationalization of a particular property:

1. That a priest establish his office in a house (Art. III).

2. That a person who exercises authority among the adherents of a religion or sect establish his office in a house (Art. III).

3. That any school or center for teaching or preaching with religious tendencies or orientations be established in a building (Art. III). From which is to be deduced that the three or four bookstores existing in the City of Mexico whose principal business is the selling of religious works cannot continue to engage in this business without running the risk of having the buildings in which they are established declared to be the property of the nation. I would add that the same applies to any commercial establishment whose chief business is the sale of religious objects and to entire departments of the large commercial firms engaged in this business.

4. No priest can own even one share of the capital stock of a civil or mercantile organization without exposing that organization to the imminent danger of being held to be the agent representing a religious association, corporation or institution and to the further danger that being thus held its properties be declared to be the property of the nation (Art. VIII).

5. Furthermore, no priest can be a member having administrative powers in an organization without exposing that organization to the same danger.

6. If the members of the executive board of an



organization fail to hold a meeting in any year the property of that organization becomes property of the nation (Art. IX).

7. Any building is to be presumed to be a temple and for that reason held to be property of the nation which by its appearance shows that it was constructed for the celebration of acts of public worship. For instance, the Hotel of San Angelin in which there is a chapel and which, therefore, shows that it was constructed for public worship, if Article II of this law is enforced, could be held to be property of the nation.

8. Any home or building decorated with images and having any hall which shows that the same was constructed to accommodate the exercise of any act of public worship could also be held to be property of the nation under Article II, the language of which is the following:

“Every building is presumed to be a temple (a) which by its construction or by any other objective datum shows that it was constructed or that it has been used for the celebration of acts of public worship.”

It is to be observed that the law uses the phrase “Objective Datum” and the words, “has been used”, and these words imply that every colonial construction built for the exercise of acts of public worship is now to become property of the nation.

9. What is more, if anyone who rents a house inspired even by some passing whim engages in religious propaganda within the house or living quarters which he occupies, and does this clandestinely preventing the owner of the property from having any knowledge of his activities, the building would



become property of the nation (Art. V). In this way stupendous frauds can be committed and the owners of property find it necessary to convert themselves into spies over the acts of their renters unless they are willing to run the risk of losing their building.

The foregoing is aggravated by the procedure of nationalization prescribed in the law. Nationalization is to be effected in a manner almost identical to that which was used under the Agrarian Reform for taking their properties from the owners of landed estates. The first part of the procedure consists in the establishment of provisional possession of the goods to be nationalized by virtue of a denouncement or by reason of the direct knowledge of the authorities of the finance department. This provisional possession takes from the owner his property without any form of trial and authorizes an administrative authority to turn over immediately to a public service the property even before it has been nationalized. If the interested party does not oppose this, the case is closed and the property is nationalized without further procedure. If the interested party does oppose, then the case is transferred to the Minister of Finance, who after a hearing decides whether or not permanent possession is to be approved and a decree issued nationalizing the property. In case of an affirmative decision orders are issued to the office of Public Registry to make the corresponding notations in his records and to record the property in the name of the nation. The owner has no recourse other than that of lamenting his ill fortune because the Supreme Court has decided to wash its hands of this kind of case, holding that

action by the Government is final action no matter whose interest may be affected.

Anyone who reads this law will naturally ask himself: Are we really living in a country that has legal institutions? Has the right of property or possession of property any protection under the laws and authorities? Does religious liberty exist?

The worst feature in this matter is that we are rapidly accustoming ourselves to juristic abuses of all kinds and are no longer surprised no matter how absurd the abuse may be. People now only bow their heads and are thankful to escape with their life.

Mexico, D. F.,  
September 6, 1935.

# Appeal of the Bishops of Mexico to the President of the Republic

[*Translation of the full Spanish Text*  
by

*William F. Montavon, K.S.G.*]

Mexico, 1935.

The Citizen President of the Republic of Mexico,  
present—

We, the undersigned prelates of Mexico, exercising the right of petition granted to us by Article 8 of the Constitution, appearing before you in the manner provided by law do hereby make known that :

I. We come before you to petition from you the repeal of the law promulgated on the 31st day of August of the present year to which was given the title, An Act for the Nationalization of Property.

II. We petition in like manner that you exercise your influence with the Honorable Congress of the Union in the manner provided by laws now in force, to the end that Articles 3, 24, 27 and 130 of the Constitution be amended so that the texts of these articles may be changed and made to agree with that which we set forth later in this document.

III. Our petition is justified by the following considerations based on public law and natural justice.

IV. The political constitution of every civilized nation, that respects the principles of social morality and is an effective democracy, clearly in terms that cannot be disputed recognizes religious liberty with everything that religious liberty properly implies and in this way in modern public law it is axiomatic that that liberty won with so many sacrifices, is an essential element in the life of cultured nations. What is more, international law, confirmed expressly



in treaties and conventions in force at this time, emphasizes the obligation of the various sovereignties which make up the community of nations, both each state in its own laws and public authorities in their acts, to respect religious liberty. It is therefore no exaggeration to say that religious liberty is a principle recognized by the laws of the world, and is violated and ignored only where liberty itself is dead and tyranny reigns as it does in Soviet Russia.

V. Our Political Constitution, in spite of the fact that it is the child of a Congress itself notoriously hostile to religion, in Articles 24 and 130 does recognize liberty of conscience expressly. The first of these articles says:

“Article 24. Everyone is free to embrace the religion of his choice and to practice all ceremonies, devotions or observances of his respective creed,” etc.

Article 130 embodies a prohibition which is of vital importance in this connection. That article says:

“Article 130. The Congress shall not enact any law establishing or forbidding any religion whatsoever.”

The Constitutional Congress of Queretaro, therefore, unquestionably did not deny to the people of Mexico a liberty so essential as is religious liberty nor was it the will of the members of that Congress to appear before posterity as the enemies of the conscience of man, the creators of one of the worst tyrannies invented by Communism, spiritual tyranny.

VI. For that Congress to have acted in any other manner whatsoever would have been absurd because,



in spite of the ideological radicalisms of every class and complexion which since 1914 have swept over the Republic like a devastating hurricane, the people of Mexico continue for the most part to be Catholic and to believe. It would therefore be an absurdity for the Political Constitution of a country the people of which have faith and are Catholic to deny religious liberty. Have institutions by any chance been given to free people to oppress them and to harass them trampling on the ideals that to them are most dear?

VII. The Supreme Government which you represent, and you, Mr. President, personally on more than one occasion both within the country and abroad speaking through duly accredited ministers, have stated that there is in Mexico effective religious liberty and no religious persecution. Without doubt these statements have been made having in view Articles 24 and 130 of the Constitution as we have quoted them and giving to these articles the full importance and respect due them. In any case, the statements here referred to are convincing evidence that the Government of the Republic deems it dishonorable for our country that in its conditions are such as to render it impossible for religious liberty to exist.

VIII. With reason therefore we can bring to an end this first part of our appeal with the following conclusions:

1. The Constitution of Mexico expressly recognizes liberty of conscience as sacred and imposes on the public authorities of the country an obligation to respect it and to make it effective.

2. Both the present Government and those that

have preceded it have publicly stated their will not to persecute religion.

3. The laws against religion violate Articles 24 and 130 of the Constitution in those provisions which we have quoted and therefore cannot and should not remain in force.

IX. In 1926, General Plutarco Elias Calles dictated a law which amended the penal code for the Federal District, which law is contrary to religious sentiment and faith as well as to the simplest and most insignificant manifestations of religion. As was to be expected that law produced a grave condition which ended in armed revolution and in the shedding of the blood of thousands of believers who acting independently of us and on their own responsibility took up arms in defense of their religious convictions. That fight was brought to an end by means of an agreement reached between Provisional President Emilio Portes Gil and the ecclesiastical authorities in Mexico. That agreement is stated in the following terms made public in the press by Mr. Portes Gil:

“I have had conversations with Archbishop Ruiz y Flores and Bishop Pascual Diaz. These conversations took place as a result of the public statement made by Archbishop Ruiz y Flores on May 2 and the statement made by me on May 8.

“Archbishop Ruiz y Flores and Bishop Diaz informed me that the Mexican Bishops have felt that the Constitution and the laws, particularly the provision which requires the registration of ministers and the provision which grants the separate States the right to determine the maximum number of ministers, threaten the identity of the

Church by giving the State the control of its spiritual offices.

“They assure me that the Mexican Bishops are animated by a sincere patriotism, and that they desire to resume public worship if this can be done consistently with their loyalty to the Mexican Republic and their consciences. They stated that it could be done if the Church could enjoy freedom within the law to live and exercise its spiritual offices.

“I am glad to take advantage of this opportunity to declare publicly and very clearly that it is not the purpose of the Constitution, nor of the laws, nor of the Government of the Republic to destroy the identity of the Catholic Church or of any other, or to interfere in any way with its spiritual functions. In accordance with the oath of office which I took when I assumed the provisional government of Mexico to observe and cause to be observed the Constitution of the Republic and the laws derived therefrom, my purpose has been at all times to fulfill honestly that oath and to see that the laws are applied without favor to any sect and without any bias whatever, my administration being disposed to hear from any person, be he dignitary of some church or merely a private individual, any complaints in regard to injustices arising from undue application of the laws.

“With reference to certain provisions of the law which have been misunderstood, I also take advantage of this opportunity to declare:

“One. That the provision of the law which requires the registration of ministers does not mean that the Government can register those who have



not been named by the hierarchical superior of the religious creed in question or in accordance with its regulations.

“Two. With regard to religious instruction, the Constitution and the laws in force definitely prohibit it in primary or higher schools, whether public or private, but this does not prevent ministers of any religion from imparting its doctrines, within church confines, to adults or their children who may attend for that purpose.

“Three. That the Constitution as well as the laws of the country guarantees to all residents of the Republic the right of petition, and therefore the members of any church may apply to the appropriate authorities for the amendment, repeal or passage of any law.” (Statement issued by President Portes Gil, June 21, 1929.)

XI. The ecclesiastical authorities consented to this *modus vivendi* not because they deemed it just or legal but in order to avoid greater evils and in the hope that the passing of time would produce a change in the radical anti-religious policy. Unfortunately things have not been thus, and the proof that they have not been thus we have in two juridical acts of great importance, social, historical and moral. We refer to the amendment of Article 3 of the Constitution whereby so-called socialistic education is prescribed and to the law of August 31 of the present year entitled, Law for the Nationalization of Property.

XII. Article 3 of the Constitution as amended is notoriously anti-religious and in addition is a violation of Article 24 of the Constitution for the following reasons:

1. Because it prohibits the teaching of religion in



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private schools of every grade and in that way prevents parents from instructing and educating their children in the religion of their choice. Can religious liberty exist, we ask, in a country where the teaching of religion is prohibited? It is axiomatic and of common sense that religion as a science, as an art, can exist and survive only by means of education, of preaching, and of the communication of ideas to new generations. If these means of religious culture are prohibited religion is mortally wounded before religion is born and religion is persecuted in a manner not only undisguised but with fury and ill-dissimulated cleverness.

2. Article 3 is also anti-religious and what is more it is contrary to Articles 24 and 130 because it imposes on private schools the teaching of so-called scientific socialism (although the socialism to be taught is far from being scientific) and it is a mystery to no one that the socialism to be taught is profoundly irreligious, atheistic and deems it meritorious to mock and ridicule Christian ideas and sentiments. It is precisely the advocates of socialism who carry on the official propaganda of mockery and scoff against the Catholic religion and this propaganda is carried on in schools and other institutions dependent upon the State. Because all of this is publicly known it is evident that Article 3 is in open conflict with Articles 24 and 130 of the Constitution and constitutes a flagrant violation of the liberty of conscience.

XIII. Perhaps someone will say that the Constitution is not contrary to the liberty of education because it still permits the teaching of religion inside the churches where it is also possible to carry on religious propaganda. But these laws are to be

considered not as instruments of oppression and injustice but as instruments honestly designed for the preservation of order and justice. It cannot be seriously held that liberty of education exists when in everything regarding religious questions it is circumscribed to the inside of a church. True education requires action that is systematic, permanent and realized under conditions which can be found only in schools. Temples are not schools. Public worship is not to be confused with public education. Common sense requires that religious education be imparted in the same manner as other types of education in a place that is appropriate for the purpose, at designated hours, and under proper favorable conditions. The education that it is possible to give inside a temple will never constitute a fully rounded education even in its religious aspects.

XIV. It is moreover, truly a derision of the rights of citizens, an ill-dissimulated mockery of all who profess religion, to hold that tolerating the teaching of religion inside the temple, the law in Mexico respects liberty of conscience and liberty of education, because it is publicly known that in several States of the Republic no temples at all are open for worship, and that in States where temples are open the number open is restricted so that they cannot be used for Sunday services because the number of persons attending these services is such that they cannot be contained in them. It is also publicly known that in some towns local public authorities have gone to the extreme of prohibiting catechists to teach Christian doctrine even inside the Church.

XV. We do not oppose the emancipation of the proletariat, nor are we against a social order which respects the rights of man, public liberty and demo-

cratic institutions. We cannot be the enemies of a social order which restores precisely rights which have been trampled upon by economic systems condemned by the Church years ago, because we recognize Christ as our Lord and Teacher, and Christ was the first to love the poor and the disinherited, and gave to them his Gospel of Peace and of Justice. These truths have been proclaimed by eminent Popes like Leo XIII and Pius XI, whose encyclicals have deeply stirred the whole world; but we cannot accept a socialism, saturated with hatred for God, which preaches violence and hatred among men.

XVI. We hold that the law of August 31 of the present year brings shame to the Republic of Mexico and is a blot on the history of our social and political institutions, because every one of its provisions breathes hatred, ruthless hatred for religion, and there can be no doubt that, if this law is enforced, religious liberty will be completely extinguished in Mexico. This law makes it impossible in any way to teach, preach or communicate ideas, with a religious purpose, even though no dogmatic doctrine is involved; this law makes a crime of the act of teaching, preaching or communicating anything religious, because it commands the nationalization of any premise in which such an act is performed. Under this law it is a crime in Mexico to teach, to communicate or in any manner propagate outside a church anything relating to religions, for instance the catechism of Father Ripalda, the Bible, the tenets of Theosophy or of the cult professed by any masonic body for the Supreme Being. Any act whatever of religious propaganda is sufficient ground for nationalizing homes, buildings or even simple utensils found in the place where such act has been realized



even though of itself the act is in no sense illicit or immoral.

This law violates the right of free assembly guaranteed by Article 9 of the Constitution; the liberty of thought guaranteed by Article 6, and the liberty of the press guaranteed by Article 7, and for all of these reasons this law is flagrantly unconstitutional.

Sight must not be lost of the fact that Emilio Portes Gil, as Provisional President of the Republic of Mexico, solemnly stated "it is not the purpose of the Constitution, nor of the laws, nor of the Government of the Republic, to destroy the identity of the Catholic Church." Now, therefore, we demand: Is not the identity of the Catholic Church in Mexico attacked when her ministers are prevented from having a simple office? Is not the very existence of the Church attacked when "every form of religious preaching and teaching" is systematically persecuted?

This is absurd; it is monstrous; and we are profoundly disheartened when we reflect that there is authority and permission for the multiplication of houses of prostitution and vice, but only relentless persecution for the teaching and preaching of the maxims of Christian morals, the purest that have ever been taught.

Nor is this all. The law of August 31 prevents the priest and any person having authority among the adherents of the Church to have an office, even a simple room in which to work; it does not permit them to be stockholders of any corporation, and, as if this were not enough, it makes impossible the existence of any bookstore or religious agency engaged in the selling of books, pamphlets or leaflets,



in which there is to be found anything indicating a religious tendency.

Loaded on all of this there is the aggravation of a system of presumptions and circumstantial evidence which open wide the door to abuse, fraud and calumny.

XVII. Not satisfied even yet, this law empowers an administrative authority, without court procedure of any kind, to despoil a private person of his possessions, properties and rights, all of which, as is well known, is in violation of the principle of the division of powers and particularly of Articles 14 and 16 of the Constitution; in practice this law will result in grave abuses and unheard of cruelties, and worst of all inevitably it will react on the courts of justice and in general will encourage in certain authorities a spirit of arbitrariness and in the people a spirit of shameful submission and cowardice in asserting their rights and privileges as citizens.

XVIII. With equal success, Mr. President, we could prove to you that Section II, Article 27 of the Constitution is a violation of conscience because it does not permit a religious association to hold real property of any kind, not even that which is strictly necessary for its purpose. Now, there is no one who does not know that religion, like any other manifestation of the life of man, requires for its existence and development in society the economic means to satisfy its indispensable needs. This law of August 31 bases its authority on that section, but it gives to that section an interpretation and scope contrary to the ordinary principles of our legislation and certainly incompatible with liberty of conscience. For the nationalization of a house or building, all that is required is that there be some material part which

though constructed in the remote past, indicates that that part was constructed for public acts of worship of any kind, even though at the time the nationalization procedure is begun the house or building is not used for that purpose. If this is not an abuse, we are ready to confess that we are unable to imagine any act that would be a more flagrant or more scandalous violation of equity and justice.

XIX. In formulating the petition embodied in this appeal, we assure you we are moved by no desire to assume an attitude of rebellion or of obstruction against the administration of which you are the head. Our desire is, on the one hand, to defend rights which we hold as sacred and which are supported by Articles 24 and 130, and, on the other, to lay before you a question of natural justice, of equity and of what, for lack of a better name, could be called probity in the government of the people of Mexico. If the majority of the people of Mexico are Catholics, adherents of the Catholic religion; if the Constitution expressly recognizes religious liberty; if the Government of the Republic, in diverse solemn acts has stated that it does not persecute religion and that it has respect for the individual conscience, then, probity and the most elementary justice require that that conscience be not made an object of mockery; that when any provision of law recognizes it, it be understood that it does so seriously, formally, really and positively and not in such a manner as to subject consciences to oppression and the most sacred rights to oblivion. We deem it more in accord with probity of the government of Mexico to repeal those clauses in Articles 24 and 130 which recognize religious liberty and to declare to the world that in Mexico religious liberty does not exist,

than to retain these provisions in the law side by side with a system of law that denies liberty.

XX. This is the problem of equity and justice which we submit for your high consideration. With due respect we pray that in arriving at your solution you consider the social and historical implications of the problem, not considering it from the point of view of partisanship, and with even greater reason not from the point of view of extreme Jacobinism, but taking into account the following postulates: (a) A majority of the people of Mexico are Catholic, true believers, and there is no right to persecute the religion of their ancestors nor to deny them a right as essential as is the right to religious liberty. (b) The progress of the Mexican nation heretofore has been neither as effective nor as rapid as it should have been because all that was necessary was not done to unite the Mexican people in a broad spirit of brotherhood and mutual helpfulness, due chiefly to oppressive institutions, laws which breed hatred and strife. Now is the time for all of us to work for country with tolerance and in a spirit of positive cooperation. The Catholic Church in Mexico never was better disposed to collaborate in an effort towards true progress in our country, but it is indispensable to this that she enjoy those rights which civilized nations grant her to develop her spiritual functions strictly within the limits of justice and law. (c) To suppress liberty of conscience or to declare implicitly but none the less effectively that liberty of conscience does not exist, and at the same time to go on enforcing legislation that annihilates liberty of conscience will in the end result in a social and historical fact that will not do honor to the people of Mexico.



Basing our action on the explanations we have thus far made we address to you the following:

*Our Petition*

I. The repeal of the law of August 31, 1935, and of the executive order enforcing it.

II. That you take steps to recommend and support in the Congress of the Union an act amending Articles 3, 24, 27 and 130 of the Constitution along the following lines:

(a) In Article 3 the right of private schools to teach religion should be recognized and it should be clearly provided that education imparted in official schools will not be anti-religious and will not be in opposition either theoretically or practically to the natural rights of man nor promote class hatred.

(b) Article 24 should be amended to provide clearly that laws enacted under this article shall not negative religious liberty by instituting new crimes as is done by the "Calles Law" amending the Penal Code in religious matters.

(c) Section II of Article 27 in its entirety should be stricken out and in a new section authority should be given to religious associations to hold property, movable and immovable, necessary for their support and for public worship.

(d) All the provisions of Article 130 which directly or indirectly contradict religious liberty should be repealed.

III. These amendments which we propose are in no sense extraordinary or exceptional in character but are in line with the public law of our day. Similar provisions are to be found in the legislation of the most progressive nations of the world. For in-



stance, the German Constitution † contains the following mandate:

“Article 136. Civic and civil rights and duties are neither conditions nor limitations on the exercise of religious liberty. The exercise of civil and civic rights together with eligibility for employment in the public service, are independent of the religious profession of the individual. No one is obliged to declare his religious convictions. Public authorities have no right to inquire to what religious denomination any individual belongs excepting in cases where that information may be necessary for the establishment of some right or for a statistical report authorized and required by law.

“Article 137. There is no State religion. Liberty to form religious associations is guaranteed. These associations may form federations without any restriction whatever. Religious associations without exception are free to order and administer their affairs subject only to the provisions of the general law and to provide for their support without interference from the State or from local authorities. \* \* \* Religious associations that are persons under public law have the right to collect contributions on the basis of the civil registry under the laws of the land.

“Article 138. \* \* \* The property and the rights of religious societies and associations to their establishments devoted to the service of worship, education, or benevolence and to endowments and other properties are guaranteed.

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† The Constitution referred to has been rendered ineffective and practically void by the Hitler Government. (Translator's note.)

“Article 149. Religious education is ordinary matter in the school curriculum excepting in the curriculum of the lay schools. It is provided for in the school laws. Religious instruction is given in harmony with the teachings of the interested religious community without prejudice to the right of the State to control.”

From these provisions of the Weimar Constitution, it is seen that in that country, one of the most advanced, respect for religion, for religious associations and for religious education is fully guaranteed.

The Constitution of Ireland provides :

“Article 8. Subject only to the requirements of public order and morality, to every citizen is guaranteed liberty of conscience and liberty to profess and practice any religion whatsoever. No law can be promulgated which either directly or indirectly subsidizes any religion, prohibits or restricts the exercise thereof, authorizes privileges or imposes any disadvantages for reason of religious belief, restricts the right of children to attend without their being obliged to receive religious instruction in the same, any school which receives public funds, establishes differences in the aid given by the State to schools conducted by diverse religious denominations or takes from any religious or teaching institution the right to its property.”

The Constitution of Czecho-Slovakia in Title 6 provides for the protection of national minorities, religious and racial. In that title, Article 130 provides as follows :

“Article 130. General laws authorize cities to establish, direct and control at their own expense charitable, religious and social institutions; schools and other educational establishments; all citizens without distinction of nationality, language, religion or race shall enjoy equally the right to the free use of their own language and to the free exercise of their religion in establishments other than their own.”

The Constitution of Lithuania contains the following:

“Article 34. The State recognizes the equal right of all religious organizations existing in Lithuania to administer according to their own canons or statutes, to freely preach their doctrines and celebrate the ceremonies of their worship, to found and administer buildings used for their worship, schools, educational and benevolent institutions, to found monasteries and religious congregations, fraternal associations, to impose on their members assessments, to provide funds for the necessities of the religious organizations, to acquire property, movable and immovable, and to administer the same.”

The Constitution of the State of Massachusetts, United States of America, provides:

“Article XI. As the public worship of God and instructions in piety, religion and morality, promote the happiness and prosperity of a people, and the security of a republican government; therefore, the several religious societies of this commonwealth, whether corporate or unincorporate, at any meeting legally warned and holden



for that purpose, shall ever have the right to elect their pastors or religious teachers, to contract with them for their support, to raise money for erecting and repairing houses for public worship, for the maintenance of religious instruction, and for the payment of necessary expenses; \* \* \* and all religious sects and denominations, demeaning themselves peaceably, and as good citizens of the commonwealth, shall be equally under the protection of the law; and no subordination of any one sect or denomination to another shall ever be established by law.”

The Constitution of the State of Virginia provides:

“Article I. Section 16. That religion, or the duty which we owe to our Creator, and the manner of discharging it, can be directed only by reason and conviction, not by force or violence; and, therefore, all men are equally entitled to the free exercise of religion, according to the dictates of conscience; and that it is the mutual duty of all to practice Christian forbearance, love and charity towards each other.”

Similar provisions are to be found in the constitutions of the other States of the American Union.

The Constitution of the Argentine Republic provides in Article 2 that:

“The Federal Government supports the Roman Catholic Apostolic Religion.”

The Constitution of the Republic of Chile says:

“The profession of every religious belief, liberty of conscience and liberty to practice every religion that is not contrary to morals, to good

customs or to public order is assured by this constitution; and therefore diverse religious creeds may build and repair churches and buildings dependent thereon under the laws of public security and public health. The churches, religious denominations and religious institutions without regard to the creed they profess or their manner of worship shall have all the property rights authorized and recognized by law; but under the provisions of this constitution shall be subject to the common law with regard to the exercise of ownership in community property. Churches and buildings dependent thereon used in the service of any religion are exempt from the payment of any tax."

The constitutional law of Central and South America is altogether favorable to liberty of education and of religion.

Legislative mandates similar to these we have quoted, or to which we have referred, are to be found in the laws of Poland, Rumania, Italy, Belgium, Holland and other countries; it is therefore no exaggeration to say that without exception the nations who stand in the first rank of civilization respect, really and effectively, the liberty of religion and of education and not one of them embodies in its legislation any command, absurd and unjust, as that which has given rise to this appeal.

In formulating this petition, we exercise a right which belongs to us as citizens and act in the name of the Catholics of Mexico whom we legitimately represent as their hierarchical superiors.

We designate the Office of the Secretary of the

Archbishop of Mexico City as the address to which correspondence may be directed.

With assurances of distinguished consideration, we are,

Respectfully yours,

(Signed)

- ✕JOSE OTHON NUNEZ, Archbishop of Oaxaca
- ✕JOSE MARIA GONZALEZ, Archbishop of Durango
- ✕RAFAEL GUIZAR, Bishop of Vera Cruz
- ✕NICOLAS CORONA, Bishop of Papantla
- ✕LUIS MARIA ALTAMIRANO, Bishop of Tulancingo
- ✕LEOPOLDO DIAZ ESCUDERO, Bishop of Chilapa
- ✕JESUS VILLARREAL, Bishop of Tehuantepec
- ✕PASCUAL DIAZ, Archbishop of Mexico
- ✕IGNACIO PLACENCIA, Bishop of Zacatecas
- ✕GERARDO ANAYA, Bishop of Chiapas
- ✕GENARO MENDEZ, Bishop of Huajuapán de León
- ✕VICENTE M. CAMACHO, Bishop of Tabasco
- ✕LUIS GUIZAR B., Bishop of Campeche
- ✕ALEJANDRO RAMIREZ, Vicar Apostolic of Baja California.

I who have signed the foregoing in my own name now affix the signatures of the following prelates who have authorized me as their proxy to do this:

- ✕LEOPOLDO RUIZ Y FLORES, Archbishop of Morelia
- ✕MARTIN TRISCHLER, Archbishop of Yucatán
- ✕FRANCISCO OROZCO Y JIMENEZ, Archbishop of Guadalajara
- ✕PEDRO VERA Y ZURIA, Archbishop of Puebla
- ✕JOSE GUADALUPE ORTIZ, Archbishop of Monterrey
- ✕JOSE AMADOR VELASCO, Bishop of Colima
- ✕EMETERIO VALVERDE TELLEZ, Bishop of León
- ✕JESUS MARIA ECHAVARRIA, Bishop of Saltillo
- ✕MANUEL FULCHERI, Bishop of Zamora
- ✕JUAN NAVARRETE, Bishop of Sonora
- ✕ANTONIO GUIZAR, Bishop of Chihuahua



- 
- ✠FRANCISCO GONZALEZ, Bishop of Cuernavaca
  - ✠AGUSTIN AGUIRRE RAMOS, Bishop of Sinaloa
  - ✠JOSE DE JESUS MANRIQUEZ Y ZARATE, Bishop of Huejutla
  - ✠SERAFIN MARIA ARMORA, Bishop of Tamaulipas
  - ✠JOSE DE JESUS LOPEZ, Bishop of Aguascalientes
  - ✠GUILLERMO TRISCHLER, Bishop of San Luis Potosi
  - ✠MARCIANO TINAJERO, Bishop of Queretaro
  - ✠MANUEL PIO LOPEZ, Bishop of Tacámbaro
  - ANASTASIO HURTADO, Vicar Capitular of Tepic

(Signed)

JOSE OTHON NUNEZ,  
*Archbishop of Oaxaca.*

Mexico City, September 29, 1935.



