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A Revised Guide to the  
**Law & Legal Literature**  
of Mexico

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lawyer and professor, Alfonso Noriega.<sup>104</sup> A comprehensive manual on general and special aspects of constitutional law by Francisco Ramírez Fonseca<sup>105</sup> appeared in 1967. After a general historical survey, he treats the individual articles of the 1917 Constitution in an exegetic style with copious annotations and case law references.

Possibly the most extensive and scholarly contribution made recently in Mexico in the field of constitutional history and law is the beautifully compiled and bound set of eight volumes issued in 1967 by the Chamber of Deputies<sup>106</sup> to commemorate the 50th anniversary of the 1917 charter. The first two volumes cover, in great detail, constitutional history from 1812 to 1917. The remaining six volumes take up the 136 articles of the Constitution individually, giving under the text of each a great mass of related historical and legal background, commentaries, extracts of other works and original comments on the value of their contents, and other matters of interest. The contents are composed of retrospective and contemporary contributions by Mexican statesmen and authorities of all periods. The topic of the rights of the Mexican people is particularly highlighted throughout the work.

Two recent contributions which have come to hand include a limited edition of a work by Jorge Vallejo y Arizmendi,<sup>107</sup> whose earlier bibliographical works were described above. The present item is called a prologue to constitutional law, although in truth it is more substantial. It is well documented and includes copious bibliographical footnotes. The second work, which also commemorates this 50th anniversary, was authored by Jorge Carpizo<sup>108</sup> and sponsored as a university publication. It quotes extensively from other sources, evaluating the comments and opinions of both foreign and national authors. It also includes constitutional decisions on various points in the work.

<sup>104</sup> Noriega C., Alfonso. *La naturaleza de las garantías individuales en la Constitución de 1917*. [México] UNAM, Coordinación de Humanidades [1967] 119 p.

<sup>105</sup> Ramírez Fonseca, Francisco. *Manual de derecho constitucional*. México, Edit. Porrúa, 1967. 479 p.

<sup>106</sup> *Derechos del pueblo mexicano; México a través de sus constituciones*. [México] XLVI Legislatura de la Cámara de Diputados, 1967- . 8 v.

<sup>107</sup> Vallejo y Arizmendi, Jorge. *Prólogo al derecho constitucional [La Constitución de 1917]*. México, 1968. 186 p.

<sup>108</sup> Carpizo, Jorge. *La Constitución Mexicana de 1917*. [México] UNAM, Coordinación de Humanidades [1969] 384 p.

President Gustavo Díaz Ordaz in 1964 urged the Chamber of Deputies<sup>109</sup> to issue a succinct handbook on the Constitution for the use of every citizen. The work, a collaboration of the most eminent constitutionalists and professors, contains a brief history of the constitution, civil rights, and other highlights. Each provision is followed by annotations and excerpts to enlighten the layman. An unusual number of copies—100,000—were printed and distributed free of charge to Mexicans.

*Writ of Amparo, Judicial Review,  
and Protection of Individual Rights*

Many dictionary and legal definitions have been offered for the term "amparo," but the Mexican institution of this name has no exact equivalent in English or common law. Literally, it means protection, favor, assistance, or support. Legally, in one of its aspects, it resembles our common law writ of habeas corpus. This particular aspect of physical freedom is the basis of similarly named institutions of amparo in other Latin American nations. However, as the amparo has evolved and been molded over a century of time in Mexico, it embraces, in addition to the habeas corpus elements, aspects of other common law writs of injunction, error, mandamus, and certiorari.

Amparo can be characterized briefly, therefore, as a special and extraordinary legal remedy, federal in jurisdiction and unique to Mexico; a suit which not only champions the physical freedom of a person but also protects his other personal interests and property rights. The protection is principally against coercive and abusive acts of authorities of the Government.

It has taken generations of jurists and legislators, collaborating in the long evolution of this unique institution, to secure the crystallization into its present status.

Over the years, the amparo evolved more into a role of a guardian of civil rights than a defender of the Constitution itself, although recent trends have

<sup>109</sup> *Mexicano: Esta es tu constitución.* [México] Cámara de Diputados, 1968. 377 p.

been somewhat more liberal in broadening the extent of judicial review of unconstitutional legislation and, to some extent, its cassation functions. However, it still remains the exclusive power of the Legislature to amend or repeal legislation. Judge-made law is considered unwarranted intervention of one governmental power in the affairs of another.

Details and ramifications of the amparo cannot be treated here to the extent they merit, but this special subsection in the chapter on constitutional law is devoted to sketching its history, use, and scope, because it is a unique institution and one of growing interest to the legal scholars of other nations. The bibliographical footnotes include not only legislative sources but also a selection of monographic works either dealing with the amparo proper or discussing it within its broader aura of judicial review and guardianship of civil rights.

As concisely defined by one of the better known constitutional experts of Mexico, Dr. Gual Vidal,<sup>1</sup> "This is a constitutional suit of a summary nature, the object of which is to protect in a special case and at the petition of the injured party, all private persons whose individual rights as established in the Constitution have been violated through laws or acts of authorities, or when the laws or acts of the Federal authorities injure the sovereignty of the States." The development in legislation and practice has greatly expanded the use and scope of the substantive nature of the amparo as well as its procedural aspects. It has also had effective influence as a channel of cassation. The major proportion of the business coming into the Federal courts is channeled through the amparo, which has become very popular. It is not surprising, therefore, to read about the enormous arrearages that have piled up in the past on various types of indirect and some direct amparo actions, delaying the administration of justice in a serious way. The question of unconstitutionality of any legal provision that may be the cause or basis of complaint of an amparo petition or a question which arises during the hearing of an amparo suit may not be decided in the same action. Defense of the supremacy of the Constitution may be effected through other direct or even subsidiary channels, but, in the end, the offending law may be repealed or altered only by the legislative power.

The origin of the amparo has long been a matter of controversy among

<sup>1</sup> Gual Vidal, Manuel. "Mexico Amparo Proceedings." In *Selected Papers and Reports on Current Latin American, European and Asiatic Legislation*, American Bar Association, Section of International and Comparative Law, 1941, p. 82.

legal historians,<sup>2</sup> some writers holding that it originated from traditional customs which came to Mexico via the mother country, others contending that it evolved from influence exerted on Mexican statesmen by the French and North American Constitutions of the same era, perhaps coming indirectly through the Spanish Constitution of 1812 which was briefly in force in Mexico. Although there were vestiges of this type of protection in some of the very early fundamental laws of Mexico, the institution of amparo as such did not take on true substance or definite form until the mid-19th century.

Although the Constitution of 1824 did not contain any mention of the amparo, this first charter of independent Mexico did embody the principle of supremacy of the Constitution within the framework of a federal system. Article 161 et seq. planted the seeds by vesting in the Congress exclusive power to decide on any questions relative to the Constitution, while in article 137 (sec. V, 6), the Constitution conferred on the Supreme Court judicial control over any violations to the Constitution and ordered regulatory implementation to make this control effective procedurally speaking. This charter was in force less than a decade, being repealed by the Seven Laws of 1836, a document that purported to change the Government to something between a centralized and a federated organization. In addition to the classic three powers, it created a fourth power known as Supremo Poder Conservador.<sup>3</sup> This was intended to be an entirely neutral body of

<sup>2</sup> Echánove Trujillo, Carlos A. *La obra jurídica de Manuel C. Rejón, padre del amparo*. México, Sindicato de Abogados del Distrito Federal, 1937. 16 p.

———. *Rejón jurista y constituyente*. México, Edit. Jus, 1940. 41 p.

———. *Manuel Crescencio Rejón. Biografías populares*. México, Ediciones de la Univ. Nacional, 1937. 26 p.

———. "Rejón, Otero y el amparo." In *La Justicia*, February 28, 1938.

———. "Manuel C. Rejón y la Constitución de 1824." In *Jus*, v. 3, November 1939.

Gaxiola, Federico Jorge. *Mariano Otero (creador del juicio de amparo)*. México, Edit. Cultura, 1937. 363 p.

Noriega C., Alfonso. "El origen nacional y los antecedentes hispánicos del juicio de amparo." In *Jus*, v. 9, September 1942.

Peniche López, Vicente. "Rejón y el juicio de amparo." In *Revista de Ciencias Sociales*, 2.ep., December 1930/January 1931.

Rabasa, Emilio. *El juicio constitucional. Orígenes, teoría y extensión*. México, Vda. de Ch. Bouret, 1919. 348 p.

<sup>3</sup> *Comisión sobre organización de un Supremo Poder Conservador. Proyecto de la segunda ley constitucional . . .* México, M. Fernández de Lara, 1835.

five members, acting independently of the legislative, judicial, and executive powers, who were charged exclusively and autonomously with the task of seeing that the Seven Laws were rigidly observed. As one of their countrymen described it, this body was apparently "answerable only to God and public opinion." Any complaints of unconstitutionality and any claims of violation were subject to investigation and decision by this fourth power. Within a very brief span of time, recommendations were already being made to do away with this novel institution and to transfer jurisdiction to the Supreme Court as the more appropriate organ. This suggestion, made by an appointed commission, did not receive any implementation immediately but apparently influenced legislators to seek other ways of protection. The Supremo Poder Conservador was finally abolished in 1840, but no substitute was provided.

At about the same time, Manuel Crescencio Rejón of the State Legislature of Yucatán, who is often referred to as the father of the amparo, drafted a new local charter for his State which contained the first germs of the new institution later denominated as amparo. Therein he recommended that the highest State court be endowed with jurisdiction to protect (amparar) individuals against violation of their fundamental rights as granted in the charter—violations which could come in the form of either acts or laws and decrees. The court in such cases could label the violative provision unconstitutional, while a later provision in the same Constitution decreed that the protection of the guaranteed rights of individuals would extend to violation by judicial authorities as well. Dr. Rejón's intention was to entrust the judiciary with the power of judicial review of legislative and executive acts. His argument was that when a judge denied recognition or application of a given legal provision in a case under consideration, the result was to deny force to the said legal provision. Although the judiciary could not in fact repeal the law because of the civil law rule that a law could be repealed only by another law, repeated attacks in court on a particular provision of law could at least be used as persuasive tools to force the legislature either to alter or repeal the offending precept. Even at that early time, it was acknowledged, however, that the greater evil would be to permit the judicial power to intervene in the field of the other powers. Rejón also proposed that, if necessary, a separate and independent action could be brought to defend the Constitution, should an issue arise in connection with the private action of an individual in litigation concerning his civil rights.

At the 1842 convention, which was to bring forth a new charter for the nation, another jurist, Mariano Otero,<sup>4</sup> a rival of Rejón in fathering the amparo, was able to study and build on previous recommendations, including those of Rejón, on this particular aspect of constitutional law. Otero came into the picture later than Rejón, but the latter's work had been in local rather than federal or national circles. In this conference Otero filed a minority report which came much nearer to defining the amparo as it now exists than did the earlier efforts of Rejón, although both approached the subject from judicial and political angles. In this draft Constitution, an interplay of balances was suggested between the three branches. The power to nullify acts of the Executive was placed in the Senate, should the acts infringe either the national or local constitutions or national laws. The annulment of any action by the Supreme Court and its chambers could be effected by the Chamber of Deputies, should such actions of the former appear to usurp power or privileges expressly conferred upon the local courts or other governmental authorities. The Congress could also be authorized to pass on the constitutionality of State legislation. The judicial branch, on the other hand, would be empowered to protect the individual rights conferred by constitutional mandate, when violated by Federal powers of the legislative and executive branches. These provisions recommended by Otero were much more complicated than those of Rejón, but in any case, the drafting of this particular Constitution was futile, and additional conferences were required before the matter was concluded.

In 1843, the various proposals of 1840 and 1842 (supra) were again being studied by other statesmen, in relation to drafting still another constitution for the nation. The trend was now back to a centralized government, however, which did not favor the principles under discussion.

The example set by Rejón within a local State framework began to have true nationwide influence when a six-member commission was created in 1847 to draft a new Federal constitution or to reform the one in existence. Rejón was made a member of this body, as was Mariano Otero. As described above, Otero had already evinced interest in some method to guarantee the civil rights of the people, and both jurists brought their views to the consideration of fellow members on the commission. The result of the

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<sup>4</sup> Congreso constituyente de 1842. Proyecto de constitución que presenta al soberano congreso . . . y voto particular de minoría. México, I. Cumplido, 1842. 119 p.

work of the committee was not a new charter but rather a provisional revival of the Federal Constitution of 1824 with extensive amendments, referred to as the Acta de Reformas of 1847. In the accompanying statement of motives, Otero stated that "The frequent attacks by State and Federal powers upon the individual make it urgent that, upon reestablishing the Federation, some assurance of personal guarantees must be incorporated. This guaranty may be entrusted only to the judicial power, the inherent protector of individual rights, and for this reason, the only suitable one." Article 25 of the Acta de Reformas actually did confer on the Federal courts jurisdiction to protect (amparar) any inhabitant of the Republic in the preservation of the rights granted to him under the Constitution against violation by the legislative or executive powers of either the Federal or State Governments. Article 22 provided that any State law which violated the provisions of the Federal Constitution or of general laws could be declared void by Senate action in the Congress, thus already making a differentiation as to which body would have authority to declare laws unconstitutional and which could protect the individual against violation of the rights conferred on him in the specified articles of the Constitution. Otero apparently did not conceive of overall defense of the Constitution as being anything but political and therefore not within the purview of the judicial power to review, which might lead to a clash or conflict between the powers of Government. He therefore limited the remedy only to matters directly infringing civil rights. The special procedure which was intended to enforce the protective measures was ordered by article 25 to be enacted by the Executive but, unfortunately, because of political upheavals, did not bear fruit at this time, thus leaving without teeth the principles enunciated above.

The controversial literature defending the contributions of the two gentlemen who are claimed to have fathered the amparo generally credits Rejón in the matters of priority in time and adaptation of French and American ideas to local Mexican conditions. He also foresaw a broader and more expanded scope for application of the amparo. Otero, on the other hand, is generally credited with holding a national rather than a local viewpoint, and his recommendations were more detailed concerning actual implementation and procedure of the unique suit, although they were limited to individual protection.

The statutory implementation or regulation of the constitutional provisions dealing with the institution of amparo can be traced in an ever-



growing body of substantive and procedural articles. The following brief legislative history is limited to the principal revisions or substitutions by new legislation but will not attempt to include all of the many other instances of amendment and change of lesser importance.

An initial effort at drafting such regulations was made in February of 1852 and resulted in a brief 15-article statute, regulatory of article 25 of the Acta de Reformas of 1847. For the first time, the defense was officially cited as Recurso de Amparo, but unfortunately it failed to get legislative approval and died in draft form. A second attempt did not occur until after the adoption of the Constitution of 1857 under President Juárez, who promulgated the first Organic Law on Procedure for Federal Courts on November 30, 1861.<sup>5</sup> It was this same Executive who also had the opportunity to promulgate the second, more substantial statute in this field on January 20, 1869.<sup>6</sup> He had not been in power during the interim because of the intervention of the Empire under Maximilian. The third revision was proposed before many years had elapsed but was not final until adopted as the Law of December 14, 1882.<sup>7</sup> It contained six times as many articles as the first attempt and provided additional scope for use of the amparo against judicial acts.

During the dictatorial regime of Porfirio Díaz, the amparo law underwent two manipulations in which it lost its form as a statute. In 1897<sup>8</sup> it was incorporated in the text of the Federal Code of Civil Procedure, and reduced to 10 sections in this body of law. In this same form, it received further revision as part of the new Federal Code of Civil Procedure in 1909.<sup>9</sup> This code listed the situations in which amparo could not be invoked or granted. It likewise increased the grounds on which the courts could dismiss cases in progress. The 1909 revision also attached the statute to the procedural code and, as an important novelty, it added provisions

<sup>5</sup> *Ley Orgánica reglamentaria de los artículos 101 y 102 de la Constitución* (1861). In *Legislación Mexicana de Dublán y Lozano*. Ed. oficial. 1878, v. 9, p. 328-330.

<sup>6</sup> *Ley Orgánica constitucional sobre el recurso de amparo* (1869). In *Legislación Mexicana de Dublán y Lozano*. v. 10, p. 521-525.

<sup>7</sup> *Ley Orgánica de los artículos 101 y 102 de la Constitución Federal de 5 de febrero de 1857*. Saltillo, Impr. del Gobierno, 1883. 18 p.

<sup>8</sup> *Código de Procedimientos Federales*. Ed. oficial. México, Ofic. Impr. del Timbre, 1896-97. 129 p.

<sup>9</sup> *Código Federal de Procedimientos Civiles*. Ed. oficial. México, Impr. de A. Enríquez, 1908. 140 p.

making a fixed line of decisions binding as precedent. By the end of the Díaz regime in 1910 and until the adoption of a new charter in 1917, the amparo law did not suffer too many alterations and could be considered as already well rooted in juridical terms. The revolution which took place did not appear to have any particular disturbing influence on the practical use of the amparo. In the 1917 Constitution, the application of amparo suits was expanded to include agrarian and labor matters, fields which had received the bulk of attention in the liberal and social trends of the revolution. Many of these liberal aspects had already received attention in the form of special revolutionary decrees of President Venustiano Carranza and, by his orders, were incorporated into the constitutional format in order to make them permanent and official. The draft of the charter and the accompanying statement of the President were handed to the Constitutional Convention by Carranza for consideration and adoption.<sup>10</sup> The members were permitted much less independence of thought and action on this occasion than was true of earlier sessions of this nature.

The adoption of an entirely new charter in 1917 obviously made necessary a new implementation of its provisions on judicial review and amparo in the form of regulations. This was accomplished by late 1917, although the law itself was not promulgated until late 1919, still during the regime of Carranza, under the title of Organic Law Regulating Articles 103 and 104 of the Federal Constitution, which remained in force until 1936.

There were a number of important changes made in the scope and use of the law as an appeal and defense of constitutional rights because of the liberal and revolutionary amendments in the Carranza charter. By this time, the regulatory amparo law had grown to 165 articles, containing comprehensive and precise details in both substantive and procedural provisions. For the first time, the topic of jurisprudencia, or binding precedent, was defined and implemented. It also extended coverage to labor matters.

This statute remained in force for 17 years before it was replaced by the greatly revised text of January 10, 1936.<sup>11</sup> Basically, the 1936 text is still in force but has suffered many and important alterations over the

<sup>10</sup> *Ley reglamentaria de los artículos 103 y 104 de la Constitución Federal*. Ed. oficial. Monterrey, Tip. del Gobierno, 1919. 60 p.

<sup>11</sup> *Nueva Ley de Amparo, orgánica de los artículos 103 y 107 de la Constitución Federal*. In *Diario Oficial, México*, January 10, 1936.

years. The principal alterations and additions will be found in the Laws of February 19, 1951,<sup>12</sup> popularly cited as the Miguel Alemán revision because of this President's interest in expediting the administration of justice and reducing the enormous arrearages of pending amparo suits, particularly in the Supreme Court. Another substantial revision was adopted in 1957.<sup>13</sup> These revisions expanded jurisdiction downward to the lower Federal courts for direct amparos, formerly solely within the jurisdiction of the highest court.

The years 1962 and 1963 saw substantial changes made in land and agrarian reform, and this caused a correlative amendment in the procedures to permit the use of amparo to protect these rights also. However, the most recent and comprehensive change in the contents of the amparo law was caused by constitutional amendments adopted by the Decree of June 19, 1967,<sup>14</sup> which necessitated similar alterations in the amparo law. This was accomplished in 1968<sup>15</sup> by the Decree of December 26, 1967. The changes concerned aspects of appeals against decisions of administrative courts and bodies and assigned further jurisdiction to the lower Federal courts for procedural violations.

Perhaps the most striking alterations were made in the field of stare decisis. The former restrictive measures regarding binding force of the jurisprudencia of the Supreme Court were relaxed somewhat to permit jurisprudencia, or fixed precedent, to be made by the lower Federal courts in specified types of cases and under the rules set forth under articles 192 and 193. Also, the Congress gave a formal title to the legislation for its future official citation as Ley de Amparo; Reglamentaria de los Artículos 103 y 107 de la Constitución Política.

A brief summary description of the contents of the amparo follows, based on its present state of development and as governed by the constitutional and statutory precepts above cited. Article 104 of the Constitution is brief, merely enumerating the grounds of jurisdiction of the Federal judiciary and including thereunder "controversies arising out of laws or acts of authorities that violate individual guarantees." Article 107, on the contrary, is lengthy, consisting of 18 numbered sections and multiple

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<sup>12</sup> *Diario Oficial*, February 10, 1951.

<sup>13</sup> *Diario Oficial*, December 31, 1957.

<sup>14</sup> *Diario Oficial*, October 25, 1967.

<sup>15</sup> *Diario Oficial*, April 30, 1968.

paragraphs under the majority of the latter. This article details the rules and procedural elements and, as legislatively implemented by the organic law of the amparo, it touches on the jurisdictional problems, the rights of actions, types of direct and indirect remedies, permissible appeals, extent of relief that can be granted, the influence on other bodies of repeated judicial decisions, and similar matters.

The rights of the individual subject to guardianship of the amparo are enumerated in the first 29 articles of the Constitution. In addition to the universally known rights and freedoms, the Constitution includes some that conceivably could or should have been taken for granted in the 20th century. For example, it should not be necessary to incorporate in a constitutional structure the enunciation of such matters as freedom to change one's residence, to own property, to travel, etc., although inclusion of the right to free education, freedom to choose a profession, trade, or occupation, and freedom to enter and leave the country may be more justified. In practice, other rights have been brought under this protective umbrella by relating them to article 14 of the Constitution, which is similar to our own due process clause.

A special point in granting relief in an amparo is its limitation to the party or parties in court and to the particular case under consideration. Other persons similarly injured or affected by the same law or act must bring their own actions in amparo, and it is not beyond the realm of possibility that they might even be denied the same relief that was granted to the preceding party. Other features of the amparo require that the aggrieved plaintiff must have suffered actual damage or loss which can be proved, and, even though it may have been the direct result of application of an unconstitutional or illegal precept of law, the court cannot in the same case issue any overall declaration of unconstitutionality of the law. This is accomplished independently of the amparo suit, while actual repeal or alteration of the offending provision is still a function of the legislative branch.

The amparo includes, among other features, penalties to be imposed on the authorities or officials who refuse or fail to comply with the court orders concerning the relief granted under the amparo in each particular case. However, as phrased by Gual Vidal,<sup>16</sup> "The amparo is not an integral system of defense of the Constitution, since its function is in relation to the violation of an individual right, for even in the instances enumerated

<sup>16</sup> Gual Vidal, *op. cit.*, p. 83.

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in Sections II and III of Article 103, case-law has not admitted the possibility of the Federation or the States petitioning for amparo as political entities."

Among the more important provisions, those concerning the establishment of binding precedent in a nation where the general rule of stare decisis does not obtain are worthy of special mention. Jurisprudencia, the closest definition to common law binding precedent, can be established by a line of five successive amparo decisions of the Supreme Court, with a specified percentage of assenting votes by the Justices and no interruptions by a contradictory judgment on the same point. The Court officially publishes, in a topical arrangement in the court reporter,<sup>17</sup> those points on which it has established binding jurisprudencia, as well as others on which several decisions have been rendered that have fixed a firm line of persuasive nature, although they are not binding. This is included occasionally in appendixes to the *Semanario Judicial* and sometimes cumulated in separate volumes. Jurisprudencia may be upset or overruled by a decision in point to the contrary with assent of 14 of the Justices sitting en banc, accompanied by a written justification for the refusal to follow the set precedent. The more recent modifications to the Constitution and the Law on Amparo have expanded somewhat this use of precedent by permitting the lower Federal courts to establish jurisprudencia subject to specified rules. These pronouncements would be binding only on local courts and authorities under their particular levels but not on the Supreme Court of the Nation.

Numerous editions of the Law on the Amparo have appeared from the presses of private publishers and editorial firms, a few limited to the bare text of the statute in force at the time, others with annotations and additional materials of related interest.<sup>18</sup> A few of the texts are more substan-

<sup>17</sup> *Jurisprudencia definida de la Suprema Corte de Justicia en sus fallos pronunciados del 1° de junio al . . .* In *Apéndice al Semanario Judicial de la Federación*.

<sup>18</sup> *Ley Orgánica de los artículos 101 y 102 de la Constitución Federal*. Orizaba, Tip. El Hospicio, 1883. 20 p.; Saltillo, Tip. del Gobierno, 1883. 18 p.

*Código Federal de Procedimientos Civiles*. Ed. oficial. México, Impr. de A. Enríquez, 1908. 140 p.

*Ley reglamentaria de los artículos 103 y 104 de la Constitución Federal*. Ed. oficial. Monterrey, Tip. del Gobierno, 1919; México, Impr. del Diario Oficial, 1922. 63 p.

*Ley de Amparo; Ley reglamentaria . . . copia íntegra de la edición oficial . . . seguida de unos comentarios . . . del Lic. Eduardo Pallarés*. México, Herrero, 1921. 175 p.

*Ley de Amparo; Ley Orgánica de los artículos 103 y 107 de la Constitución Federal*. Edición

tial contributions, such as the looseleaf volume by Manuel Andrade<sup>19</sup> and annotated editions by Román Millán,<sup>20</sup> Luis Muñoz,<sup>21</sup> Rafael de Pina,<sup>22</sup> and Gussinye Alfonso.<sup>23</sup> An earlier Andrade contribution was not in looseleaf format. The majority of these went into multiple editions. The various publications by Trueba Urbina<sup>24</sup> on the amparo have taken various forms and a great number of editions, not all of which have been located or identified for incorporation in this bibliography. Trueba Urbina has also added to the more recent of his contributions the full text of the Federal Code of Civil Procedure and the Organic Law on the Judiciary, in addition to his excellent annotations. In English translation, only mimeographed works have been located.<sup>25</sup>

*cuidadosamente revisada conforme a los textos oficiales.* México, Ediciones Botas, 1940. 122 p.  
*Ley de Amparo . . . Texto cuidadosamente revisado.* México, Edit. Auresca [1936] [Eds. Manuel Fernández Boyoli and José Torres Ulrich]

*Nueva Ley de Amparo . . . concordada con la anterior y anotada . . .* México, Ediciones Botas, 1936. 116 p. [Ed. Francisco J. Santamaría]

*Ley de Amparo (orgánica de los artículos 103 y 107 de la Constitución Federal).* Código Federal de Procedimientos Civiles . . . Puebla, Edit. Cajica, 1963. 380 p.

<sup>19</sup> *Nueva Ley de Amparo; nueva Ley del Ministerio Público Federal . . .* México, Ediciones Andrade, 1919. 164 p.

*Nueva Ley de Amparo Orgánica de los artículos 103 y 107 de la Constitución Federal . . .* México, Edit. Información Aduanera de México, 1936. 1 v.; another ed. 1940. [Ed. Manuel Andrade]

<sup>20</sup> Millán, Román R. *Ley Orgánica de los artículos 103 y 107 constitucionales . . .* [1.ed. ?] 2.ed. México, Edit. Derecho Nuevo, 1936. 168 p.

<sup>21</sup> *Ley de Amparo, con las últimas reformas, exposiciones de motivos, formularios, y prontuario analítico y sistemático, por Luis Muñoz.* México, Ediciones Cicerón, 1951. 175 p.

*Comentarios a la Ley de Amparo; antecedentes, derecho comparado, concordancias, legislación conexa, jurisprudencia, índice y prontuario.* México, Ediciones Lex. 1952. 488 p.

<sup>22</sup> *Ley de Amparo; texto al día, jurisprudencia de la Suprema Corte de Justicia, formularios, índice alfabético [por] Rafael de Pina.* México, Ediciones Cicerón, 1953. 128 p.; 2.ed. (?); 3.ed. 1958. 150 p.

<sup>23</sup> *Ley de Amparo con las últimas reformas; exposiciones de motivos, formularios e índice analítico y sistemático [por] Miguel Gussinye Alfonso.* México, Edit. Divulgación, 1953. 172 p.; reprinted 1956. 172 p.

<sup>24</sup> *Ley de Amparo reformada; doctrina, legislación y jurisprudencia [por] Alberto Trueba Urbina.* México, Edit. Porrúa, 1950. 286 p.; 2.ed. (?); 3.ed. 1953. 404 p.; 4.ed. 1957. 413 p.; 5.ed. 1961. 328 p.; 6-8.ed. (?); 9.ed. 1966. 406 p.; 10.ed. (?); 11.ed. 1967. 406 p.; 12.ed. 1968. 470 p. [Title varies]

<sup>25</sup> Taylor, Francis E. *Translation of the Law of Amparo.* México, 1932. [Reproduction from typewritten copy]

Asociación de Empresas Industriales y Comerciales. *Translation of the Law of Amparo (Diario Oficial, January 10, 1936)*

*Ibid. with all amendments enacted up to June 30, 1953.* México, 1953. [looseleaf mimeographed copy]

In the form of monographs and more general treatises, a selection has been made to include the more scholarly and authoritative items and omit law school dissertations and articles, which are innumerable, on the various aspects of this unique Mexican institution. Of the monographic category, the earlier works have been produced by jurists who were also participants in either the legislative or judicial formation and evolution of the amparo and can discuss it in their writings with great authority and experience. Some approach it within the broad context of the individual rights which the Constitution guarantees and which require defense against infringement and also in relation to unconstitutional legislation, national and local. Among these, Montiel y Duarte<sup>26</sup> was one of the first champions in the courts of the defense of the Constitution, his cases relating both to Federal and State interventions and to civil rights. He published numerous articles on and analyses of his arguments and opinions, but of his works in monographic form, we are including his monumental work on civil rights and their protection under the amparo and a less comprehensive work on states' rights and their defense, using the same constitutional remedy.

Of the same era, Sánchez Gavito produced two small but scholarly items,<sup>27</sup> one an exposition of his concepts of the application of the amparo in judicial channels with respect to mortgage registration. The second touches on theoretical aspects of the amparo and was originally written as a paper for a learned society publication. José María Lozano,<sup>28</sup> Chief Justice of the Supreme Court in the late 19th century and a prodigious author of periodical articles, discusses amparo protection within the broad context of fundamental human rights, including much historical data and comparative notes with foreign remedies and practices. An appendix to this work contains the full text of the Constitution and laws under consideration. An extensive commentary on the amparo legislation by Fernando

<sup>26</sup> Montiel y Duarte, Isidro. *Estudio sobre garantías individuales*. México, Impr. del Gobierno, 1873. 603 p.

———. *Estudio constitucional sobre la soberanía de los estados de la República Mexicana y sobre los juicios de amparo*. México, Impr. de F. Díaz de León, 1874. 68 p.

<sup>27</sup> Sánchez Gavito, Indalecio. *Amparo en negocios judiciales. Registro de hipotecas. Estudio de derecho constitucional y civil*. México, F. Díaz de León, 1879. 61 p.

———. *Teoría del Amparo*. México, Impr. del Gobierno Federal, 1897. 50 p.

<sup>28</sup> Lozano, José María. *Tratado de los derechos del hombre. Estudio del derecho constitucional patria en lo relativo a los derechos del hombre*. México, Impr. del Comercio, 1876. 567 p.

Vega<sup>29</sup> represents a valuable contribution as a contemporary reference source; prepared in exegetic style for easy consultation. Later, he issued another smaller work consisting of an interesting study on the limitation of actions in connection with amparo suits. In collaboration with Dr. Emilio Velasco,<sup>30</sup> Mr. Vega made another contribution in this field of law, debating the aspect of abuse and defects in the execution of final judgments rendered in amparo suits.

Ignacio Vallarta, a member of a distinguished family with generations of jurists and legal authors, contributed a number of substantial works on the subject of amparo and due process of law. An early work on comparative constitutional law<sup>31</sup> refers to provisions of the Mexican charter of 1857 and its implementary statute on the amparo, analyzing and comparing the common law writ of habeas corpus with the Mexican remedy. In this work many excerpts and citations are in English as well as from other sources. The full text of the U.S. Constitution is included in an appendix. While Mr. Vallarta was Chief Justice, he actively engaged in the application and interpretation of constitutional provisions and has written effectively concerning specific amparo decisions made in his court.<sup>32</sup> This work was reprinted in 1894 and also was included in a collection of his complete works. In collaboration with some other distinguished colleagues, he published opinions on the due process clause of the Mexican charter, contained in its article 14.<sup>33</sup>

The procedural aspects of the writ of amparo, based on its state of development in 1882, were of interest to two early scholars, Ruiz Sandoval<sup>34</sup>

<sup>29</sup> Vega, Fernando. *La nueva Ley de Amparo de garantías individuales orgánica de los artículos 101 y 102 de la Constitución*. México, Impr. de J. Guzmán, 1883. 300 p.

<sup>30</sup> Velasco, Emilio, and Fernando Vega. *Cuestiones constitucionales. Sobre exceso y defecto de ejecución de una sentencia de amparo*. México, Tip. Económica, 1902. 38 p.

<sup>31</sup> Vallarta, Ignacio Luis. *El juicio de amparo y el writ of habeas corpus*. México, Impr. de F. Díaz de León, 1881. 542 p.

<sup>32</sup> ———. *Cuestiones constitucionales. Votos del C. . . . Presidente de la Suprema Corte de Justicia en los negocios más notables resueltos por este Tribunal . . . México*, F. Díaz de León, 1879–83. 4 v.; ed. económica, 1894–97. 4 v. in 1; also reprinted in: *Obras completas*. Ed. arreglada por Lic. Alejandro Vallarta. México, J. J. Terrazas, 1896. 6 v.

<sup>33</sup> ——— (and others). *Inteligencia del artículo 14 de la Constitución*. México, F. Díaz de León, 1879.

<sup>34</sup> Ruiz Sandoval, Manuel. *Manual de procedimientos en el juicio de amparo*. [1.ed. ?] 2.ed. México, Secretaría de Fomento, 1896. 87 p.



and Castillo.<sup>35</sup> Both wrote brief monographs, useful as manuals of procedural instructions and forms. The work by Ruiz went into a second edition.

The monumental treatise by Silvestre Moreno Cora,<sup>36</sup> a former Justice of the Mexican Supreme Court, is an exhaustive work in this field and may be considered an excellent basic reference source. The author deals in great detail with the origin and historical evolution of the amparo suit, and his discussion is based generally on the provisions of the 1857 charter and the Federal Code of Civil Procedure of 1897 in which amparo procedure at that time was also incorporated. He traces the effect of subsequent amendatory legislation on both bodies of law up to 1900. A careful compilation of amparo decisions heard by the Federal court between 1868 and 1902 is one of the salient points of this work. An appendix is inserted which gives the full texts of the legislation in point and includes a chronological list of the final judgments of the court on which he had commented in the main part of his treatise.

A joint work by Isidro Rojas and Francisco García<sup>37</sup> made its appearance on the eve of a basic reform in amparo legislation, which brought forth the 1908 Federal Code of Civil Procedure. The authors seek to acquaint the public with the history and development of the amparo suit, and they painstakingly devote individual chapters to each fundamental change. The authors incorporate some of their own recommendations for needed modification and also quote extensively from other Mexican authorities on this matter. A basic work on the amparo by Francisco Cortés<sup>38</sup> was written in simple terms for the layman.

A doctoral thesis in French, dealing with the Mexican amparo,<sup>39</sup> showed that there was foreign interest in this unique Mexican institution. The second edition of a 1906 work by Emilio Rabasa<sup>40</sup> appeared two years

<sup>35</sup> Castillo, Juan. *Teoría del recurso de amparo*. México, Tip. El Fénix, 1901. 92 p.

<sup>36</sup> Moreno Cora, Silvestre. *Tratado del juicio del amparo, conforme a las sentencias de los tribunales federales*. México, Tip. La Europea, 1902. 848 p.

<sup>37</sup> Rojas, Isidro, and Francisco Pascual García. *El amparo y sus reformas . . .* México, Tip. de la Cía. Edit. Católica, 1907. 242 p.

<sup>38</sup> Cortés, Francisco. *El juicio de amparo al alcance de todos*. México, Impr. de la Secretaría de Fomento, 1907. 274 p.

<sup>39</sup> Bermúdez, Fernand. *La procédure d'amparo contre les actes et les lois contraires à la Constitution du Mexique*. Paris, A. Pedone, 1914. 110 p.

<sup>40</sup> Rabasa, Emilio. *El juicio constitucional. Orígenes, teoría y extensión*. París-México, Vda. de Ch. Bouret, 1919. 348 p. [2.ed. infra]

after the adoption of the 1917 Constitution but was still based on the preceding charter of 1857 and on earlier statutory law than that in force in 1919. The work bears a preface dated in New York and contrasts the Mexican practice with both the common law writs in use in the United States and those used in Brazil. Another work by this same jurist deals with the protection of rights by referral to article 14, the due process clause.<sup>41</sup> Posthumous reprintings of both of his works appeared in 1955 and were designated as second editions [bound together].

A magistrate of a district court, Ricardo Couto,<sup>42</sup> made a valuable contribution to this literature with his study in depth of the injunction aspects of amparo writs. The work is preceded by a lengthy opinion concerning the author's work by one of the leading attorneys of Mexico, Jorge Vera Estañol, and followed by an appendix containing a topical arrangement of jurisprudencia, constituted by final judgments in the Federal courts. A second edition, with a title that varies from the first, appeared many years later and was based on current legislation and case law.

The fixed precedent known as jurisprudencia, constituted under the rules in the amparo law, was discussed by Narciso Bassols,<sup>43</sup> with regard specifically to the procedural aspects of abandonment or dismissal of amparo actions. In 1934 Rodolfo Reyes,<sup>44</sup> former Mexican statesman and law professor residing in Spain, published a comparative survey on the amparo suit. He discussed the Court of Constitutional Guarantees in Spain and the Spanish antecedents to the Mexican amparo and included brief comments on comparison and contrast with similar institutions of England, Cuba, and other nations. A convenient little guidebook or manual on amparo procedure was edited by Aurelio de León<sup>45</sup> for use of the general

<sup>41</sup> ———. *El artículo 14, estudio constitucional*. México, El Progreso Latino, 1906. 217 p. [2.ed. *infra*]

———. *El artículo 14 . . . y el juicio constitucional, orígenes, teoría y extensión*. México, Edit. Porrúa, 1955. 353 p.

<sup>42</sup> Couto, Ricardo. *La suspensión del acto reclamado en el amparo . . .* México, Casa Unida de Publicaciones, 1929. 171 p.; 2.ed. Edit. Porrúa, 1957. 304 p. [Title varies: *Tratado teórico-práctico de la suspensión . . .*]

<sup>43</sup> Bassols, Narciso. *Improcedencia y sobreseimiento en el amparo, según los fallos de la Suprema Corte. Jurisprudencia compilada por . . .* México, Edit. Cultura, 1930. 185 p.

<sup>44</sup> Reyes, Rodolfo. *La Defensa Constitucional*. Madrid, Espasa-Calpe, S.A., 1934. 399 p.

<sup>45</sup> León, Aurelio de. *Manual de amparo (el amparo al alcance de todos) . . .* México, D.F., Esquivel, 1934. 122 p. (*Apéndice . . .* 1934)

———. *Manual y Ley de Amparo*. México, Ediciones Botas, 1940. 328 p.

lay public. Written in a question-and-answer format, it also included forms and related data. Another useful work based on the Law of Amparo was issued in 1936 by Eduardo Pallares<sup>46</sup> in a quizbook style similar to that employed in his other legal works. He also included the legal texts, forms, and a subject index to the contents of the manual. He had earlier published an annotated version of the 1919 statute on the amparo as regulatory of the corresponding provisions in the 1917 Constitution.

In 1932, Agustín Farrera,<sup>47</sup> through his own editorial firm, issued a small work on the amparo suit, written in the exegetic style in which the majority of the publications in various fields by this firm customarily appeared. However, this pocket-sized item appears to have much more substance in the form of notes consisting of excerpts from legal history and antecedent texts. It has been issued in three unnumbered editions, although a similar treatment of the law in a 1929<sup>48</sup> work may conceivably be considered the first of four editions.

The procedure for the defense of the rights which the Constitution has granted to the individual was the subject of an authoritative work by a former Secretary of Foreign Relations and diplomat, Antonio Carrillo Flores.<sup>49</sup> His work is possibly more pertinent to the literature on administrative justice, but he also discusses therein the use of the amparo as a protection against invasion of rights of persons by governmental authorities. In 1940, Gaspar Trigo<sup>50</sup> published a monographic work on the aspect of suspension or injunction ordered in an amparo suit, a subject of controversy over the years as to the permanency of the relief granted against repetition of the act. In the present work, the author limits his discussion to its use in labor conflicts, which are heard as appeals channeled from the boards of conciliation and arbitration to the Federal courts. A

<sup>46</sup> Pallares, Eduardo. *Prontuario crítico de la nueva Ley de Amparo* . . . México, Porrúa e Hijos, 1936. 212 p.

———. *Ley de Amparo (comentado)*. México, 1921. 175 p.

<sup>47</sup> Farrera, Agustín. *El juicio de amparo* . . . Puebla, Publicaciones Farrera, 1932. 166 p.; 1936. 118 p.; 1947. 107, 62 p.; 1949. 107, 64 p.

<sup>48</sup> ———. *La Ley de Amparo con notas y explicaciones*. Puebla, Esc. Salesianas, 1929.

<sup>49</sup> Carrillo Flores, Antonio. *La defensa jurídica de los particulares frente a la administración en México*. México, Porrúa Hnos., 1939. 320 p.

<sup>50</sup> Trigo, Gaspar. *La suspensión en los juicios de amparo en materia obrera*. México, Ediciones Botas, 1940. 178 p.

general work by Romeo León Orantes<sup>51</sup> treating matters of procedure with respect to the writ of amparo was submitted, in the form of an essay, in a contest sponsored by the First Mexican Congress on Social Sciences and was awarded a prize. Revised editions appeared in 1951 and 1957, with additional materials in each instance.

Reprints of two scholarly articles from the pen of the notable Mexican jurist Germán Fernández del Castillo received wide distribution in pamphlet form. Of particular interest to the author's colleagues were his discussions of controversial points concerning the rights of third persons who might suffer from a decision in an amparo case<sup>52</sup> and the abuse or extralimitation of amparo judgments.<sup>53</sup> An analysis of the effect of amparo decisions on tax legislation when amparo is used to protect an individual against illegal or unjustifiable acts of tax authorities, or of application of specific revenue legislation claimed to be damaging to his civil rights, was published by Servando Garza<sup>54</sup> in 1949. In the same year, Alfredo Pellón Riveroll<sup>55</sup> published a work reflecting his particular interest in procedural aspects concerning the injunctive effects on the offending act which was the subject of the complaint.

One of the most widely known authorities of Mexico on amparo and on constitutional protection of individual rights is Ignacio Burgoa, professor of law at the National University. His doctoral dissertation<sup>56</sup> of 1939 was already evidence of his special interest in judicial review. He followed this with one of his most popular treatises, on the general and special aspects of the writ of amparo,<sup>57</sup> six editions of which had been published by 1968. The third edition of 1950 included an additional 157 pages covering amendments to the constitutional and statutory provisions on

<sup>51</sup> León Orantes, Romeo. . . . *El juicio de amparo*. México, Tall. Tip. Modelo, 1941. 202 p.; 2.ed. 1951; 3.ed. J. M. Cajica, 1957. 436 p.

<sup>52</sup> Fernández del Castillo, Germán. *Los efectos restitutorios del amparo con relación a tercero*. México, Jus, 1942. 21 p.

<sup>53</sup> ———. *La sentencia de amparo y sus extralimitaciones*. México, Jus, 1944. 16 p.

<sup>54</sup> Garza, Servando J. *Las garantías constitucionales en el derecho tributario mexicano*. México, Edit. Cultura, 1949. 206 p.

<sup>55</sup> Pellón Riveroll, Alfredo F. *La suspensión del acto reclamado en el juicio de amparo y su naturaleza jurídico-procesal*. [México] 1949. 115 1.

<sup>56</sup> Burgoa, Ignacio. *La supremacía jurídica del poder judicial de la federación en México*. México, 1939. 96 p. (Thesis)

<sup>57</sup> ———. *El juicio de amparo*. México, Edit. Minerva, 1943. 677 p.; 2.ed. 1946. 897 p.; 3.ed. rev. 1950. 944 p.; 4.ed. 1957. 756 p.; 5.ed. 1962; 6.ed. 1968. 892 p.

the amparo institution. Equally popular is another textbook<sup>58</sup> dealing specifically with protection of rights guaranteed to the individual in the first 29 articles of the Constitution, comparing these with similar and dissimilar institutions in foreign countries. The sixth edition of this work was published in 1970. Both texts are universally used in the universities and law schools of Mexico and are equally useful to the researcher in this field. In 1945, Burgoa issued another item dealing with a very special feature of the amparo—its use, or rather its ineffectiveness, in relation to emergency legislation.<sup>59</sup> Generally, this vested extraordinary powers in the Executive and provisionally suspended the civil rights as incorporated in the Constitution. Varying his choice of aspects, in 1958 Burgoa wrote about the need for reforms in the constitutional and statutory provisions on the amparo and about judicial organization.<sup>60</sup> A more recent work<sup>61</sup> from this prolific author is an analytical discussion of the use of amparo in matters of land and agrarian reform, involving expropriation of property and subdivision of large estates. This field originally had been made a special exception in legislation.

A fair number of scholarly contributions to literature on the amparo appeared in the 1950's. The majority of the authors limited their coverage to some single or special aspect, generally referring to the procedural angles which were subject to debate and change during that decade. In 1953, Juventino Castro<sup>62</sup> issued a volume of his collected legal essays dealing with his views on rules for correction of defective complaints of amparo and available aid to supply omitted data, thus favoring the spirit rather than the letter of the law. His work was sponsored by the National Association of Court Officials. A formbook for consultation on actions and appeals in amparo cases came from the pen of Rómulo Rosales.<sup>63</sup> A much

<sup>58</sup> ———. *Las Garantías Individuales*. México, Ediciones Botas, 1944. 457 p.; 2.ed. 1954. 529 p.; 3.ed. 1961; 4.ed. 1965. 598 p.; 5.ed. 1968. 646 p.; 6.ed. 1970. 670 p. [printer varies]

<sup>59</sup> ———. *La legislación de emergencia y el juicio de amparo . . .* [México] Edit. Hispano-Mexicana, 1945. 103 p.

<sup>60</sup> ———. *Reformas a la ordenación positiva vigente del amparo; proyecto de modificaciones a la Constitución Federal, a la Ley de Amparo y a la Ley Orgánica del Poder Judicial de la Federación*. México, 1958. 231 p.

<sup>61</sup> ———. *El amparo en materia agraria*. México, Edit. Porrúa, 1964. 246 p.

<sup>62</sup> Castro, Juventino V. *La suplencia de la queja deficiente en el juicio de amparo*. México, Edit. Jus, 1953. 148 p. (Asociación Nacional de Funcionarios Judiciales. Publicación no. 4)

<sup>63</sup> Rosales Aguilar, Rómulo. *Formulario del juicio de amparo*. México, Ediciones Botas, 1956. 375 p.

brief work was published contemporaneously by Sergio Turrubiates,<sup>64</sup> but he limited his coverage specifically to the suspension or injunctive effect of amparo judgment on the offending act or law. Javier Barrera Reyes<sup>65</sup> was more interested in the effect and solution in cases of disobedience to or frustration of court decrees in final amparo judgments. The procedural analysis of nonsuits and dismissal of actions in amparo suits was the topic selected by Alfredo Borboa Reyes.<sup>66</sup> Carlos Krieger Vázquez<sup>67</sup> also chose a procedural topic—the matter of injunctive orders in amparo suits with respect to the effect of protective final judgments on the offending authorities. The available appeals under ordinary civil procedure actions, including the appellate procedures in amparo suits, are discussed in an item by Willebaldo Bazarte Cerdán.<sup>68</sup> Ignacio Soto Gordo and Gilberto Liévana Palma<sup>69</sup> collaborated on a procedural work on the stay and suspension ordered during amparo suits and effects of injunctive orders against offending authorities.

Foreign authors have also made fine analytical studies on the Mexican amparo. Linares Quintana,<sup>70</sup> an Argentine jurist and an eminent constitutionalist in his own country, compared the Mexican institution with similar but much more limited practices in his own and other jurisdictions. He described particularly the Brazilian writ of security, also a unique development for protection of constitutional rights. This Argentine authority was a member of a seminar organized by the United Nations in cooperation with the Mexican Government to discuss constitutional remedies

<sup>64</sup> Turrubiates Nery, Sergio. *La suspensión del acto reclamado en el juicio de amparo*. México, 1957. 48 p.

<sup>65</sup> Barrera Reyes, Javier. *El incumplimiento de las sentencias de amparo*. México, 1957. 108 p.

<sup>66</sup> Borboa Reyes, Alfredo. *El sobreseimiento en el juicio de amparo por inactividad procesal*. México [Edit. "Velux"] 1957. 212 p.

<sup>67</sup> Krieger Vázquez, Carlos. *La acción, sentencia y suspensión en el juicio de amparo*. México, 1958. 102 p.

<sup>68</sup> Bazarte Cerdán, Willebaldo. *Los recursos en el Código de Procedimientos Civiles para el Distrito Federal y Territorios*. México, Ediciones Botas, 1958. 132 p.

<sup>69</sup> Soto Gordo, Ignacio, and Gilberto Liévana Palma. *La suspensión del acto reclamado en el juicio de amparo*. México, Edit. Porrúa, 1959. 170 p.

<sup>70</sup> Linares Quintana, Segundo V. *Acción de amparo; estudio comparado con el juicio de amparo de México y el mandato de seguridad de Brasil. Texto completo de las sentencias de la Corte Suprema de Justicia de la Nación, la Cámara Nacional de Apelaciones del Trabajo de la Capital y la Suprema Corte de Justicia de la Provincia de Buenos Aires*. Buenos Aires, Edit. Bibliográfica Argentina [1960] 167 p.

protective of human rights.<sup>71</sup> The meeting was held in Mexico in 1961 and attended by delegates of 19 Western Hemisphere nations including Canada and the United States. The discussion between experts of Mexico and other countries was most enlightening. One of the most complete studies on the amparo is a doctoral dissertation written by Prof. Richard Baker,<sup>72</sup> who would seem to have exhausted all available published sources in his research. He has been able to make his product especially valuable by on-the-spot visits to the courts hearing such cases and personal interviews with the outstanding authorities and practitioners of Mexico on the amparo. His study covers the history, legislation, case law, and commentaries and is an excellent source of material in English.

A briefer, more recent English work on the amparo<sup>73</sup> recommends adoption of the Mexican institution for a special use in California. This is a paper prepared by attorney Manuel Ruiz for discussion at a Conference on Redress of Citizen Grievances in California, sponsored by the Institute for Local Self Government.

A noted legal author and professor of law in Mexico, Héctor Fix Zamudio,<sup>74</sup> has published a comprehensive general treatise on the history and use of amparo and includes therein an unusually complete bibliography. Dr. Fix also wrote his law school dissertation in the field of amparo law, limiting his discussion to its use in the protection of civil rights. Active in the teaching and research aspects of law, Dr. Fix has published a number of comparative works in the field of constitutional law, all with copious references to the Mexican amparo in this field. He translated into Spanish an Italian work by Mauro Cappelletti on judicial control of constitutional freedoms, as compared with those of Germany, Austria, and Switzerland.

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<sup>71</sup> *Seminar on amparo, habeas corpus and other similar remedies*. New York, United Nations, 1962. 114 p. [U.N. Doc. ST/TAO/HR/12]

<sup>72</sup> Baker, Richard Don. *The judicial control of constitutionality in Mexico: a study of the juicio de amparo*. Chapel Hill, N.C., 1962. 485 p. (Thesis) [Published in 1971 under the title *Judicial review in Mexico; a study of the amparo suit*. Austin, Univ. of Texas Press. 304 p.]

<sup>73</sup> Institute for Local Self Government. *The Mexican "amparo" as a supplemental remedy for the redress of citizen grievances in California*. Berkeley, 1967. 32 p.

<sup>74</sup> Fix Zamudio, Héctor. *El juicio de amparo. Presentación de Antonio Martínez Bdez.* México, Edit. Porrúa, 1964. 438 p.

———. *La garantía jurisdiccional de la constitución mexicana; ensayo de una estructuración procesal del amparo*. México, 1955. 178 p. (Thesis)

In the same volume Dr. Fix included a study of his own<sup>75</sup> on the use of the amparo action to accomplish this type of protection of human rights. In another comparative work, Dr. Fix issued a collection of essays<sup>76</sup> written by himself and two other authorities on the Brazilian writ of security in which he compares this writ to the amparo in effect and application by the Federal courts. The other studies are limited to the Brazilian institution and were contributed by Alejandro Ríos Espanoza and an eminent Spanish proceduralist, Niceto Alcalá Zamora. The most recent work from the pen of Dr. Fix is a broad survey<sup>77</sup> of the development over a quarter century of the administration of justice with respect to constitutional guarantees. He devotes chapters to the Western Hemisphere, Asia, Africa, Europe, and Communist countries, ending with general statements and conclusions.

A number of more recent monographic works appeared between 1966 and 1968, several of which were much above average in scholarly content and merit special mention. A study was made by Carlos Arellano García<sup>78</sup> on court congestion and delays in administration of justice caused by the accumulation of amparo suits which, by law, could be heard only by the Supreme Court. His work appeared only a year or so before steps were taken to solve this problem through amendments to the Constitution and its implementary amparo statute. A very comprehensive treatise covering both theory and practice with relation to the amparo is the valuable contribution of Humberto Briseño Sierra.<sup>79</sup> It is difficult to suggest any aspect or point that is not covered in this treatise, since it deals with the history, both constitutional and legislative, of this institution, as well as theory, practice, comparison and contrast with similar institutions, and procedural matters from complaint through execution of judgment. It also contains a fine index and a good bibliography of national and foreign authors and

<sup>75</sup> ——. *Estudio sobre la jurisdicción constitucional mexicana*. México, Impr. Universitaria, 1961. [Bound with: Cappelletti, Mauro. *La jurisdicción constitucional de la libertad, con referencia a los ordenamientos alemán, suizo y austriaco*]

<sup>76</sup> ——. *Tres estudios sobre el mandato de seguridad brasileño . . .* México, Univ. Nacional Autónoma de México, 1963. 126 p.

<sup>77</sup> ——. *Veinticinco años de evolución de la justicia constitucional, 1940-1965*. México, UNAM Instituto de Investigaciones Jurídicas, 1968. 183 p.

<sup>78</sup> Arellano García, Carlos. *El rezago en el amparo*. México, 1966. 177 p.

<sup>79</sup> Briseño Sierra, Humberto. *Teoría y técnica del amparo*. Puebla, México, Edit. Cajica [1966] 2 v.



sources. Extensive citations and excerpts from literature, case digests, and personal opinions and comments are all incorporated and enhance the value of this work. Dr. Briseño also briefly discusses the amparo within broader contexts of civil rights in general, the declaration of unconstitutionality of law, and the cassation effects of amparo judgments. A commemorative work<sup>80</sup> by this same author on the occasion of the 50th anniversary of the 1917 Constitution concerns due process of law and protection of individual rights in criminal cases.

The fundamental principles of the application, interpretation, and use of amparo form the basis of a lecture course supervised by Prof. Octavio Hernández.<sup>81</sup> He increased the value of his work for both the student and researcher by including numerous aids in the form of charts, schedules, definitions, case law citations, bibliographical notes, and subject indexing. Eduardo Pallares<sup>82</sup> has designated his particular contribution to the literature on amparo as a dictionary, but in reality it is more encyclopedic in nature, dealing with theory, law, and practice under an alphabetical topic arrangement. Some definitions quote extensively from the pertinent legal provisions and others contain judicial definitions. Binding precedent or jurisprudencia as established by the highest court with respect to the amparo is included in digest form at the end of this work.

Alfonso Noriega<sup>83</sup> devoted his monographic contribution to the underlying philosophy and the history of rights of man and also discusses the nature of protection afforded such rights under the constitutional provisions of his country. The work was intended to commemorate the 50th anniversary of the adoption of the Constitution of 1917.

Two examples of the growing concern of Mexican lawyers for the need of reform in the amparo legislation, to make it conform to rapidly changing social conditions, were published in the form of lectures delivered at a

<sup>80</sup> ———. *El artículo 16 de la constitución mexicana*. [México] Univ. Nacional Autónoma de México, Coordinación de Humanidades [1967] 101 p.

<sup>81</sup> Hernández, Octavio A. *Curso de amparo; instituciones fundamentales*. México, Ediciones Botas, 1966. 528 p.

<sup>82</sup> Pallares, Eduardo. *Diccionario teórico y práctico del juicio de amparo*. México, Edit. Porrúa, 1967. 274 p.; 2.ed. 1970. 321 p.

<sup>83</sup> Noriega C., Alfonso. *La naturaleza de las garantías individuales en la Constitución de 1917*. [México] UNAM Coordinación de Humanidades [1967] 119 p.

special bar association meeting devoted to urging such reform. Pedro Zorrilla Martínez<sup>84</sup> devoted his paper to the legal technicalities to obtain harmony with social reality, while Luis Capín Martínez<sup>85</sup> directed his observations to specific reforms and their terminology.

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<sup>84</sup> Zorrilla Martínez, Pedro G. *La técnica jurídica y la realidad social como factores condicionantes de las reformas a la legislación de amparo*. México, Libr. de M. Porrúa [1968?] 31 p.

<sup>85</sup> Capín Martínez, Luis. *Reforma a la Ley de Amparo* [conferencia] México, Libr. de M. Porrúa [1968] 28 p.