

The Transformation of a Political Regime: Chile's 1925 Constitution

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Introduction

Between 1920 and the mid-1930s Chile's representative political regime was transformed from one in which a dominant legislature controlled the executive through quasi-parliamentary mechanisms, to another in which the executive was reconstituted as the more powerful branch of government. The transformation was the net result of a variety of constitutional, legislative, and administrative changes, including a shift to the direct election of the president for a longer term of office, the reduction of congressional control over ministerial appointments, new limitations on legislative budget powers, and the transfer of the authority to validate legislative elections from the congress to an independent electoral tribunal. In addition the internal rules of procedure of the two legislative chambers were reformed, and the state bureaucracy was enlarged and its autonomy increased. The transformation is important because the resulting regime, consolidated by the late 1930s, remained in place until the military coup d'etat of 1973.

The transformation took place in several phases. The first extended from the 1920 election of President Arturo Alessandri, who had campaigned for institutional change, through early 1924, when an attempt to negotiate a party pact on institutional reform failed. A second phase began with Alessandri's resignation and a military intervention in September 1924, and ended with the approval by plebiscite of a revised constitution in August 1925. The third phase encompassed the effort to implement the new constitution, and ended in May 1927 with the resignation of another civilian president, Emilio Figueroa. From that date until the Great Depression devastated the Chilean economy, politics were dominated by the military. Although the constitution technically remained in force, only some sections concerned with executive powers were implemented. Labor was repressed, censorship was widespread, and the activity of political parties was restricted.

Military rule collapsed in July 1931, initiating a fifth phase that ended with the reestablishment of democracy in 1932. In October of that year the same man elected president in 1920, Arturo Alessandri, was reelected. During his second administration changes in executive-legislative relations that had been strongly opposed by many legislators and party leaders through 1927 finally began to be implemented. A sixth phase of consolidation extended from 1932 at least through the late 1930s, as Chile's leaders responded to economic and social problems by working through the formally democratic institutional channels that had been reestablished and that remained under civilian control.

Chile's experience during the 1920s and early 1930s can inform contemporary analyses of democratization processes in at least two areas. First, the conflicts that eventually generated pressure for institutional change were socioeconomic in nature, the result of increasing dependence on cyclical mineral exports and related economic dislocation. A continual series of recessions and depressions in Chile's enclave economy placed a broad range of social and economic development issues on the political agenda by 1920. It was the repeated failure of attempts to address these issues within the existing quasi-parliamentary regime that ultimately drew attention to the structure of the regime itself. So the Chilean case can inform theoretical analysis of the relationship between economic and political transformations, and in particular, the ways in which political institutions themselves may

have shaped actors' responses to socioeconomic change, either easing or exacerbating conflict.

Second, the Chilean case has implications for understanding the relationship between political behavior and political institutions, and in particular, the impact of strategies and practices as they contribute to the destabilization or consolidation of formal institutional frameworks. Chile's pre-1925 regime was formally, constitutionally presidential. Its quasi-parliamentary nature was due to political practices that were developed by legislators explicitly in order to exert control over the executive branch, and were buttressed by legislation and rules of order. The formal institutional changes that occurred after 1925 did not automatically lead to changes in political expectations or practices. In representative forms of government, where outcomes are the net result of the interaction of many decentralized strategies, different sets of practices may have very different consequences, including the unintended consequence of weakening formal institutions.

This paper provides a brief overview of the context in which the struggle to reform political institutions developed, then describes in some detail the process by which the 1925 constitution was written, and concludes by indicating some of the implications of that process for subsequent events. The paper is based on research that is still in progress; thus the arguments are preliminary and open to revision.

Background¹

The constitution in effect in Chile in the early 1920s had been adopted in 1833, and established a presidential system in which the executive branch was designed to be far stronger than the legislative or the judicial. But although formally presidential, between 1891 and 1924 the political system functioned in a quasi-parliamentary way. In the aftermath of a civil war widely understood as a battle for supremacy between the executive and legislative branches, the bicameral congress developed the practice of forcing the resignation of cabinet ministers, as a mechanism for curbing executive power. A variety of factors facilitated the development of this practice, including requirements for annual congressional approval of key pieces of legislation, such as the national budget and the authority to collect taxes, centralized control over national fiscal resources, the structure of municipal government, and a multi-party system with no majority party. One study counted 93 complete cabinet changes and 12 partial changes during the 34 years of the "parliamentary republic:" "the average cabinet remained in office for only 133 days" (Valenzuela 1977, 201). The de facto structure of the political regime was such that politics became a permanent log-rolling process that required constant attention to coalition formation. Much of the legislation that was passed involved particularistic exchanges (Remmer 1984).

Within this political structure it proved difficult for the Chilean state to respond during the early 1900s to increasingly severe socioeconomic problems generated by recurrent fluctuations in the nitrate industry. The focal point of Chile's economy in the early twentieth century was the production and sale of nitrates, which in turn shaped the performance of other

¹This section is based on the early chapters of the author's doctoral dissertation.

economic sectors.² When international demand for nitrates was strong, export sales sustained domestic demand and provided an important impetus to industry and services. When demand fell, as it did cyclically between 1880 and 1930, the effects of the loss of export sales were felt throughout the economy.³ With each downturn, imports and thus industrial production dropped, markets for agricultural products contracted, state revenues were reduced, and thousands of workers lost their jobs.⁴ The problems of displaced workers were especially visible, and lay at the heart of what became known as the "social question."

Workers responded to the vicissitudes of the nitrate economy by organizing.⁵ The labor movement took hold first in the northern mining areas, but it quickly spread to the urban areas of central Chile as dislocated workers migrated in search of employment. The Chilean state responded to the rapid growth and militancy of the labor movement with military repression.⁶ Both the army and the navy were deployed against the workers in a series of confrontations, including the infamous massacre of striking miners at Santa María de Iquique in 1907. As repression of the labor movement was creating hundreds of martyrs, the political parties began to incorporate planks on the social question into their platforms (Remmer 1984). The parties of the traditional elites, the Conservatives and the Liberals, as well as those most identified with middle and working class demands, the Radicals and the Democrats, publicly urged socioeconomic reforms. But party planks did not translate into reform legislation. Efforts to get labor relations legislation through the Congress during the first two decades of the 20th century were almost entirely unsuccessful.⁷ Nor were there fundamental changes in the

²Although the mining sector employed only 4.1 percent of the active population in 1920, it generated 20 percent of the nation's income (Ballesteros and Davis 1963, 176; Mamalakis 1976, 15). Between 1910 and 1918 an average of 40.6 percent of the state's revenues came from export duties. Calculated from Bowman and Wallerstein (1982). During the same years an average of 87 percent of exports were mineral products. Calculated from Kirsch (1977, 162).

For overviews of the effects of nitrate volatility on the rest of Chile's economy, see Mamalakis (1976); Loveman (1979); Bergquist (1986).

³The nitrate industry experienced depressions in 1896-98, 1907, 1909, 1914-15, 1919-20, and 1922 (Loveman 1979, 227).

⁴Chile's revenue structure was highly dependent on customs revenues linked to nitrate exports. Other forms of taxation were largely eliminated in the late 1800s (Bowman and Wallerstein 1982).

⁵Chile's labor movement dates back to the emergence of mutual benefit societies around the middle of the 19th century, but first emerged with great force due to the nitrate economy. See Angell (1972); Bergquist (1986); Monteón (1984); Morris (1966); and Valenzuela (1976).

⁶Loveman argues that calls for 'law and order' in the face of labor militancy led to the expansion and modernization of the armed forces at the turn of the century. He notes that the army grew from a 'theoretical' size of 2,500 in 1879 to 17,500 by 1902. "[I]n practice the Chilean labor movement became the principal target of military operations" (1979, 225).

⁷For a discussion of pre-1924 labor legislation see Morris (1966, 95ff).

country's economic policies, although national dependence on a single commodity export-oriented economy was increasingly contested (Monteón 1982). In 1919 the economy again slid into a severe economic depression. As the 1920 presidential election approached, the dismal record on the social question and legislative paralysis were increasingly recognized as linked, leading to calls for changes in political institutions.

The parties and candidates that favored socioeconomic reform won both the 1920 presidential election and the 1921 congressional elections, raising expectations that the state would finally respond to the social question. Although several initiatives were introduced,⁸ virtually none were passed between 1920 and mid-1924. Meanwhile, there were sixteen full cabinet changes between December 1920 and September 1924. Increasingly, President Alessandri blamed the stalemate on the quasi-parliamentary regime itself, while Congress accused the President of abuse of executive power and violations of the constitution. Early in 1924 the country's political forces attempted to redress the situation through a party pact structured around proposals for procedural and institutional changes. That effort became entangled with congressional elections and collapsed in March 1924, leading to more months of paralysis that ended with a military intervention in September.

The Writing and Implementation of the 1925 Constitution: Overview

From September 1924 through May 1927 Chilean politicians struggled over the structure of the country's political institutions, and in particular, over the balance of power between the legislative and executive branches. The period began and ended with military intervention.

The intervention of September 1924 started as an expression of frustration by junior army officers over the legislative stalemate, but quickly gained the support of the senior command and escalated to the formation of a junta. The junior officers' demands included action on the annual budget, passage of the labor code, and immediate payment of back salaries to public employees. President Alessandri initially attempted to use the military action in support of his political agenda by turning to the Inspector General of the Army to form a new cabinet. But he lost control of the process within a couple of days, resigned, and went into exile.

During the next few months politics were dominated by struggles within the military, especially between junior and senior officers. The struggles bore some relation to the divisions within the society, with junior officers pressing for greater social and institutional reform, and a stronger state role in the economy. The senior command, who had gained the upper hand in the rebellion, was accused of attempting to restore the pre-1920 status quo. In January 1925 a second coup d'etat placed the junior officers firmly in charge.

⁸Included were a comprehensive labor code, as well as bills to regulate nitrate production and sales, create income and municipal taxes, create new ministries of labor, social welfare, and agriculture, reorganize the civil service, and establish new salaries and pensions for the military and public servants. Social welfare measures included bills authorizing workers' housing, public works projects, and public health facilities. The only significant pieces of legislation that were passed were a general tariff increase in February 1921 and the income tax, in January 1924. The latter achievement was the result of bargaining to resolve a cabinet crisis in December 1923.

These officers recalled President Alessandri from exile for the express purpose of pursuing political reform.

This task was originally to have been accomplished by convening a constituent assembly to rewrite the constitution. The President appointed members to a Consultative Commission charged with determining the procedures for holding the assembly. Two subcommissions were named, one to examine the mechanics of holding an assembly and a second to study the content of the proposed reforms. The first subcommission never met, nor was a constituent assembly ever held. The second, called the Subcommission on Constitutional Reforms, was presided over by Alessandri and was the body that actually re-wrote the constitution. The revised constitution was adopted in a national plebiscite in August 1925, and was promulgated on September 18, 1925.

Changes in the new constitution directly addressed the source of legislative paralysis as analyzed by Alessandri: the absence of means by which the executive could control Congress. In particular, the constitution deprived the Congress of the power to depose ministries by censure, although it retained a provision to allow the Senate to hear accusations against the executive, and provided for automatic approval of budget legislation under certain circumstances.

With the promulgation of the constitution, the era of parliamentary practice was legally ended, and efforts were made to ease the transition to new rules of the political game. With both presidential and congressional elections imminent, party pacts were negotiated to avoid divisive campaigns. Alessandri resigned his office for the second time, making way for a unity candidate, Emilio Figueroa, who was supported by all but two parties, and quotas of congressional seats were allocated among the parties. A subsequent series of accords committed most of the parties to prioritize key legislation.

Nevertheless conflict quickly re-emerged, as legislators used various strategies in their efforts to re-assert control over the ministries, and thus over the executive. There were direct attempts to censure the cabinet by legislative resolution, which failed. There were repeated interventions by legislators that were sharply critical of the military, and were intended to provoke the Minister of War, Col. Carlos Ibáñez, a key leader of the junior officers' movement. There were meetings between party representatives and the government in which the parties explicitly demanded a change of ministries. There were extended debates over the meaning of the constitutional provisions giving the executive complete control of the cabinets, and refusals by party leaders to allow their members to serve. In late 1926 the Minister of Interior was accused according to the provisions of the new constitution, but the accusation was defeated in the Chamber. That body then rejected the 1927 annual budget as a means of forcing a ministerial change.

The budget vote did lead to the resignation of the cabinet, but when the successor cabinet was formed, Col. Ibáñez again held the War portfolio. The continued military presence provoked continued congressional opposition, until in a series of maneuvers Col. Ibáñez ended up as Minister of Interior. From that point on Col. Ibáñez moved to consolidate military control over the political system. President Figueroa resigned relatively quickly, and Col. Ibáñez became his successor via an uncontested plebiscitary procedure. *De hecho*, the constitutional reform had failed.

The 1925 Constitution: Process and Content

Alessandri was recalled by the junior officers and his own political allies in order to carry forward the process of institutional change that had stalled under Gen. Altamirano's military government.⁹ In his own words, he returned with his "resolución inquebrantable de modificar [el] régimen de gobierno suprimiendo los abusos, el desorden y la anarquía administrativa y social introducida en el país por la acción desenfrenada del libertinaje parlamentario" (Alessandri 1967, Vol. II, 165). The immediate issue he confronted was how to proceed. According to the 1833 constitution, the responsibility for constitutional reform lay with the Congress. But in the correspondence with military leaders preceding the President's return, there appeared to be a clear consensus that change was to occur by means of a national constituent assembly.¹⁰

The President's initial steps were in keeping with this expectation. On April 4, 1925, Alessandri invited well over a hundred political leaders to a meeting on how to achieve institutional reform, the agenda for which included the timetable for holding a constituent assembly and the procedures for electing delegates. Specifically, the President proposed convening the assembly on July 26, and he suggested that two thirds of the participants be popularly elected, that a third be representatives of the *fuerzas vivas* of the nation, and that the assembly be elected using *voto cuotativo proporcional* (Alessandri 1967, Vol. II, 165). He also identified two potential difficulties that required attention: the lack of a valid electoral registry and the short period of time available to write and implement a new constitution. The caretaker government of Emilio Bello Codesido had issued a decree law ordering a new round of voter registration in preparation for congressional elections. Alessandri argued that in order to convoke the constituent assembly, it would be necessary to wait for the registration process to be completed. Meanwhile, Alessandri's term of office was due to expire December 23, 1925, by which time it was necessary not only to have in place a revised constitution, but also to have elected a new congress and a new president.

As a result of the April 4 meeting, the President issued a decree naming 53 individuals to a *Comisión Consultativa* "charged with informing the Government relative to all the procedures surrounding the organization and functioning of the National Constituent Assembly, and to which will also be submitted any materials the Government deems convenient."¹¹ The Consultative Commission met for the first time on April 7. The outcome of that meeting was the appointment of two subcommissions, one that would study the content of proposed constitutional reforms and a second that was to think through the procedures for holding a constituent assembly. Through at least early April, then, it appeared that an assembly would be the mechanism for achieving institutional reform.

⁹Sources on the process for revising the constitution include Vial (1986), Donoso Letelier (1976), and Monreal (1929).

¹⁰Much of the correspondence is reprinted in Monreal (1929, 219ff).

¹¹The full text of the decree is found in Chile, Ministerio del Interior (1925, 727). This volume is the official record of the Commission and its Subcommissions. Additional members were named to the Commission over time: 3 on April 22, 51 on July 17, and 15 on July 23, for a total of 122.

But in fact the constituent assembly was never held, nor was the responsibility for institutional reform returned to the Congress. Instead the 1925 constitution was written by the first subcommission of the Consultative Commission, called the Subcommission of Constitutional Reforms. The second subcommission met only three times, leaving behind no formal record of its discussions and no concrete achievements (Bernaschina 1957, 48). In lieu of the assembly, the revised constitution was submitted to a popular plebiscite in August 1925. Why the change in procedure?

Scholars as well as participants in the events of the era have suggested a variety of explanations. Some argue that Alessandri bowed to the influence of the military in by-passing the assembly.¹² However, the junior officers' movement had consistently demanded that a constituent assembly be convened, beginning with the September 11 manifesto.¹³ One cause of the second coup in January had been the possibility that Gen. Altamirano's government would forego the constituent assembly in favor of simply electing a new Congress (Sáez 1933, Vol. II, 12; Vial 1986, 532). A more plausible explanation is that the military concurred in a change of strategy primarily determined by Alessandri, due to shared fears that an assembly would produce the wrong results.

The military's fears were provoked in part by the results of the *Congreso Constituyente de Asalariados e Intelectuales*, an initiative independent of the political parties which met for several days in early March for the purpose of developing a constitutional reform project. One scholar described the participants as "gente popular o de clase media, de audaces ideas político-sociales e indudable capacidad intelectual" (Vial 1986, 533). The outcome was a list of principles rather than a fully-developed reform project, including the idea that representation should be organized along *gremial* rather than party lines, both in the constituent assembly and in a new unicameral legislature. The Congress closed by sending fraternal greetings to the Soviet Union. The *tinte comunista* of the proceedings bothered military leaders (Vial 1986, 534). At the same time, as Ibáñez had made clear in his March 9 letter, the military was also concerned to ensure that an assembly not be dominated by the political parties.

As for the President himself, he became convinced at the April 4 meeting that a way other than the constituent assembly had to be found. By his own account, he decided to name the Consultative Commission because during the April 4 meeting no one had proposed a concrete means of moving forward. But even though the stated purpose of the Commission was to prepare the way for the constituent assembly, it seems that Alessandri was already looking for an alternative. In his memoirs he comments that "[yo] había contraído con el país un compromiso que era necesario cumplir; pero, la misma opinión pública debía convencerse que no era posible tener éxito y realizar lo que deseaba, siguiendo aquel camino" (Alessandri 1967, vol. II, 166).

¹²Loveman takes this position in his brief analysis (1979, 245). Donoso says that Alessandri was told in Montevideo (en route back to Chile) both that no changes of ministers would be allowed and that there would be no constitutional assembly (1952, 404). Donoso Letelier also argues that the president did not have all the power in his hands when he returned from exile, and had to adjust to this reality (1976, 272).

¹³Compare the correspondence which preceded Alessandri's return, which reiterated (or reflected) the long-standing military position on this issue.

The fundamental issue was that many political leaders were not reconciled to the kind of reform the President envisioned,¹⁴ and even those who supported ending parliamentary-style prerogatives were opposed to having institutional reform imposed by the President and/or the military. Radical and Conservative party leaders in particular did not accept the elimination of the parliamentary regime as a foregone conclusion. Contrary views were evident, for example, in statements made on April 4¹⁵ and in declarations that emanated from a Radical Party convention held in Chillán on April 10.¹⁶

In the first meeting of the Consultative Commission on April 7, Alessandri sought to do an end-run around the opposition by threatening to remove himself from the process unless the reforms which he sought were accepted:

. . . o se aceptan las reformas constitucionales que la hora presente reclama, con la cooperación de todos, sin odios y sin renovar los resentimientos del antiguo régimen, o bien otro hombre debe tomar sobre sí las responsabilidades de la hora actual para afrontar los problemas del momento . . . En una próxima sesión propondré mi plan de reforma constitucional. Si la opinión pública me acompaña, seguiré adelante, si no me acompaña, me retiraré del Gobierno . . . (Chile, Ministerio del Interior, 1925, 12).

Throughout the session, the President was sharply critical of the political parties, and his responses to comments or questions were often angry or dismissive in tone.¹⁷ This did not prevent several party leaders from making one key point: the outcome of the constituent assembly could not be imposed by the President.¹⁸ Even though several political leaders had been involved in returning Alessandri to office, and the President's public support was very strong, and everyone recognized that reform was necessary, the parties were not willing to allow Alessandri a free hand. The historical suspicions about executive abuse of power were ever present, further reinforced by dislike and distrust of the President's apparent new ally, the military.

¹⁴For elaborated statements of the reform agenda from Alessandri's perspective, see his opening comments at the first Consultative Commission meeting on April 7, 1925 (Chile, Ministerio del Interior, 1925, 6ff) and his manifesto of May 28, 1925, reprinted in the same volume, pages 657-666.

¹⁵See the selected excerpts of speeches reprinted in Monreal (1929, 336-337).

¹⁶At Chillán the party accepted the need for a constitutional reform, not in order to strengthen the presidency, but to establish a less extreme version of parliamentarism (Vial 1986, 540). The party also endorsed the idea of holding a constituent assembly.

¹⁷See, for example, his opening remarks, where he stated that as long as he was in office, he would not recognize the right of the parties to intervene in the formation of ministries or in the administration of the state (Chile, Ministerio del Interior, 1925, 5-12).

¹⁸See the comments of Santiago Labarca (Radical), Carlos Vicuña Fuentes (Radical), Víctor Troncoso (Communist), and Manuel Hidalgo (Communist) (Chile, Ministerio del Interior, 18-19, 23, 25, 31).

Half way through the April 7 meeting, the respected founder of the *Partido Nacional*, Agustín Edwards McClure, proposed dividing the Consultative Commission in two large parts, one to be charged with studying possible reforms, and the other to study the means for convening the assembly. Eliodoro Yáñez, *Liberal aliancista*, immediately spoke in favor of the idea, and subsequently Radical Carlos Fernández Peña asked that it be accepted by acclamation. Alessandri responded to the request by stating "Aquí no se vota nada, porque la Comisión es de carácter consultivo" (Chile, Ministerio del Interior, 1925, 33). After some further discussion, Ramón Jérez of the Communist Party tried again to second Edwards' motion, which led to an extended and sharp exchange with the President on the question of the representativeness of the Consultative Commission itself.¹⁹ Although Alessandri closed the session by stating that he would name the two subcommissions, this happened without the benefit of any formal decision on the part of the Commission. The discussion revealed how different Alessandri's view of the Commission was from that of many of the participants he had named, and could only have served to highlight the point that the outcome of a constituent assembly could not be known in advance.²⁰

If the President had become rather rapidly disenchanted with the idea of a constituent assembly, why didn't he simply reconvene the Congress and allow it to take up institutional reform, in keeping with the existing constitution?

¹⁹Responding to Jérez' concern that gremial organizations were inadequately represented in the Commission, Alessandri said "El número no tiene aquí importancia porque no se trata de votaciones. Son opiniones las que quiero oír. Así, a usted lo he citado para que me manifieste las opiniones que ha recogido de sus compañeros y me las transmita . . ." (Chile, Ministerio del Interior, 1925, 39). As the debate continued, the president went on to say "Le digo que no tome en cuenta el número de personas, porque aquí no va a haber votación. Se trata sólo de exponer ideas. . . No he citado a partidos políticos, sino a personas; no he citado por eso a las mesas directivas de los partidos, porque no he querido darles representación oficial. Lo que yo necesito es conocer las corrientes de opinión, para tener una base de trabajo y acción. . . ¿Cuál es la fuerza vital que no esté aquí representada? Esta objeción sólo obedece a la mala costumbre de rezongar por todo; es el pesimismo endémico; son las fuerzas destructivas puestas en juego y que hacen más mal que bien. . . No hay ningún partido político que tenga aquí diez representantes; son amigos míos, en cuya capacidad yo tengo confianza, y ellos han concurrido aquí para pensar y deliberar; pero no representan a ningún partido político; son personas eficientes que representan corrientes de opinión y son los llamados a ayudar a raciocinar" (Ibid., 39-41).

²⁰It would only have possible to revise the constitution and conduct congressional and presidential elections by December if coming to agreement on the provisions of a new constitution turned out to be a straightforward, relatively non-controversial process. There would never have been much reason to expect this in the first place, given the prolonged debate over institutional change that had already occurred. But apparently new doubts were planted in Alessandri's mind while en route to Chile, when an Argentinean acquaintance reminded the president of a constituent assembly in Tucumán that had lasted three years, and also raised questions about whether the president would be able to accomplish what he wanted through an assembly (Vial 1986, 535; Alessandri 1967, vol. II, 166). These doubts could only have been reinforced by the discussions of April 4 and 7.

Alessandri could have recalled the Congress that had been intervened in September 1924 in time to begin the constitutionally defined regular session on June 1, and allowed that body to proceed with the reform process. Party leaders and others desiring a full return to constitutional normalcy would have welcomed this decision. By his own account, the President chose not to recall the Congress for two reasons: first, in recalling him the military had authorized the restoration of executive power, not legislative, and second, Alessandri believed that the Congress had done such a poor job of defending its own prerogatives in September 1924 that it did not deserve to be recalled; it had destroyed its own legitimacy.

Some commentators have cast doubts on Alessandri's rationale, arguing that the President's popularity upon his return was such that he could have prevailed had he overruled the military on the question of recalling the Congress, especially since by deciding against convening the constituent assembly, the President was violating the agreement with the military anyway (Monreal 1929, 357). This is probably a flawed argument. Not only did the newly dominant young military leaders not want to recall the Congress, but they also wanted to ensure that reforms were in place before a new Congress was elected; this issue had been a major motivation for the January intervention. At the same time it seems plausible that Alessandri would not have been inclined to recall the Congress for the same reason he abandoned the constituent assembly: he would not be able to control the outcome of the constitutional reform process. He believed the parties were misguided, that they were failing to understand the national interest, and on this point he and the junior officers were in full agreement. So while it does not appear that the military objected to leaving aside the constituent assembly, there are good reasons to think that they would not have allowed the reform process to be returned to the Congress. Even commentators who criticize Alessandri for attempting to impose his own reform project recognize that the President was in a difficult position vis-a-vis the military.²¹ Nevertheless, some parties did want Alessandri to re-open the Congress, and as it became increasingly likely that the constituent assembly would not be convened, this dispute further increased tensions between the President and party leaders.

Alessandri publicly introduced the idea of a plebiscite instead of a constituent assembly in a manifesto he issued on May 28.²² By that point the Subcommittee on Constitutional Reforms had met twelve times and had already reached decisions on several questions, such as whether the offices of deputy and minister should be incompatible (yes, in session 2), whether the President should be able to dissolve Congress (no, in session 6, later revisited in session 17), and whether the Chamber's budget powers should be limited (yes, in session 5). Decisions on some issues had been explicitly deferred for resolution by the assembly. Leaders continued to make references to an assembly in the press and in political fora well into the winter. It was not until after the full Consultative Commission had met twice more, on July 22 and 23, that it became absolutely clear that no assembly would be held.

The July meetings of the Commission were convened to discuss a full draft of the revised constitution that the Subcommittee had completed on July

²¹For example, Donoso simultaneously describes Alessandri as a prisoner of the military and pillories him for his determination to bury the parliamentary regime (1952, 405ff).

²²Reprinted in Chile, Ministerio del Interior (1925, 657-666).

13.²³ The Subcommission draft eliminated the "political responsibility" of the ministers of state, who were to serve only at the pleasure of the president. In exchange the Chamber of Deputies was granted the exclusive power to oversee the acts of government, and to initiate accusations against public functionaries, including the president. The oversight function was to be exercised through adoption of accords or observations which were to be answered in writing by the president, without affecting any minister's tenure in office. Accusations had to be initiated by a group of deputies, and would then be reviewed by a separate committee of deputies, with the outcome subject to Senate review. Other proposed revisions intended to further reduce congressional control over the actions of the executive branch included making the holding of congressional office incompatible with being a minister and limiting Congress' power to withhold approval of the annual budget.

As soon as debate began, it was evident that key political leaders maintained their opposition to eliminating the parliamentary regime. Although the president of the Radical Party (Enrique Oyarzún) and a director of the Conservative Party (Romualdo Silva Cortés) were members of the Subcommission and in that capacity signed off on the Subcommission draft, on the 22nd both parties submitted amendments designed to codify and regulate the ministers' political responsibility, rather than eliminate it.²⁴ The Radical amendments specified that ministers of state would remain in office as long as they counted with the confidence of the president and the Chamber of Deputies, transformed the Chamber power to oversee by adopting accords or making observations into the equivalent of a vote of confidence in the ministry, and weakened the proposed mechanisms of executive control over the budget and other annual legislation. The Conservative proposals were similar, explicitly linking the Chamber's power to *fiscalizar* to the procedure for censuring a ministry, requiring an annual legislative authorization of the power to collect taxes, and adding a requirement that the ministers defend their budgets before the Congress.

In presenting the amendments, Julio Bustos for the Radicals noted that his party's history was entwined with the struggle against authoritarianism of the executive. While he recognized the defects of the existing parliamentary regime, the purpose of the amendments was to establish an equilibrium between the powers of the various branches, and to impede a dictatorship, whether of excessive parliamentarism or a despotic executive (Chile, Ministerio del Interior, 1925, 403). On behalf of the Conservatives and in a similar vein, Subcommission member Francisco Vidal Garcés asserted that a presidential regime could easily carry the country into absolutism. The role of the

²³The Subcommission actually completed the first full revision of the constitution by the end of its 24th session on June 23. That version was printed at the press of the newspaper *La Nación* and distributed to the members of the Consultative Commission for comments and reactions. During the next six sessions, the Subcommission reviewed the draft constitution article by article, incorporating some changes and corrections. A second draft was then printed for discussion by the full Consultative Commission on July 22 and 23. The text of both drafts, or *pruebas*, can be found in Chile, Ministerio del Interior (1925, 529ff). Cf. Bernaschina (1957, 48). For a summary of the differences between the two, see Appendix I. The changes did not alter the basic structure of the proposed regime.

²⁴For the Radical Party amendments, see Chile, Ministerio del Interior (1925, 404-407). For those of the Conservative Party, see *ibid.*, 411-413.

Congress, he argued, was not only to legislate but to oversee, and he concluded by stating that "de ningún modo . . . puedan vivir [los gabinetes] . . . sin mayoría parlamentaria" (Chile, Ministerio del Interior, 1925, 413). Manuel Hidalgo of the Communist Party, another member of the Subcommittee, also spoke in favor of retaining the parliamentary regime, arguing that the presidential regime "quedó sepultado en Concón y La Placilla junto con los cadáveres de 10,000 de nuestros conciudadanos."²⁵ Although others spoke in favor of the Subcommittee project, such as Enrique Ortíz Wormwald, a retired military officer, or recalled the excesses of the parliamentary era, such as Liberal Tomás Ramírez, by the end of the session on July 22 it was clear that the Commission process had not produced a new consensus in favor of the kind of reform that the President advocated.

When the Commission met again on the 23rd, Alessandri went on the offensive. The topic of the day, he said, was which of two reform projects should be adopted, that of the Subcommittee or that offered by Radical Party members of the Commission, a reference to the set of amendments offered the day before. After pointing out that all members of the Subcommittee had accepted the draft language on *fiscalización*,²⁶ the President gave an extended and impassioned speech in which he reminded the Commission that the public supported the September and January revolutions because they sought to end parliamentarism, then went on to defend the changes proposed in the Subcommittee draft (Chile, Ministerio del Interior, 1925, 437ff). He reminded his audience that the 1833 constitution did not establish that ministers of state must have the confidence of the Congress in the first place; "esta costumbre se fué creando a través del tiempo" (Chile, Ministerio del Interior, 1925, 449). The Radical proposal, he said, was not only an attempt to revive the parliamentary regime, but to give it constitutional form; it was a reactionary project. The President's remarks once again point to the practice-based nature of the parliamentary regime:

Ahora bien, en la fórmula radical [sic], no se trata tan sólo de hacer revivir este régimen sino que se trata de darle forma constitucional. Hasta ayer este sistema de Gobierno era una apreciación y se impuso su establecimiento por medio de la costumbre; hoy, a ese sistema, régimen que acabó con el país, se le quiere dar forma constitucional, no solamente con la fuerza de la costumbre sino vivificada con la fuerza de la letra de la Constitución, establecida en una forma en que no quisieron establecerla los constituyentes del 33 ni tampoco los revolucionarios del 91 . . .

. . . el proyecto presentado por algunos miembros del Partido Radical es reaccionario, se desvía de las finalidades de la revolución, y, lejos de apartar al país del régimen parlamentario, lo lleva de nuevo a las profundidades de un abismo por el camino que seguía antes del 5 de Septiembre . . . (Chile, Ministerio del Interior, 1925, 450-451).

Alessandri concluded by disparaging the Communist Party and scolding the Radicals and Conservatives: "No [me] extraña que los comunistas sean partidarios del régimen parlamentario, porque los comunistas son enemigos de todo principio de autoridad . . . Pero que los otros partidos de orden y

²⁵Chile, Ministerio del Interior, 1925, 427. The reference is to the 1891 civil war.

²⁶The president referred specifically to the 3rd and 4th Subcommittee sessions, held on April 24 and April 29.

tradición como el Partido Radical y el Partido Conservador no hayan aprendido nada después de la revolución, eso verdaderamente [me] apena profundamente" (Chile, Ministerio del Interior, 1925, 452).

What happened next marked a turning point in the reform process. After Conservative Vidal Garcés offered a brief defense of his right to have and to express ideas different from those of the President, the next speaker was Commission member General Mariano Navarrete, also at that time Inspector General of the Army. His intervention is worth quoting at length:

. . . no [estoy] capacitado técnicamente para opinar sobre la bondad legal de las prescripciones del proyecto sometido a la consulta de esta Comisión . . . [sin embargo] [n]o hay necesidad de ser un gran constitucionalista para declarar, sin temor de equivocarse, que los resultados del sistema parlamentario han sido desastrosos para el país . . . ¿En qué forma deberían combinarse las atribuciones y derechos del Presidente de la República y del Congreso para establecer la justa armonía entre ambos poderes? Esta es una cuestión sobre la cual deben pronunciarse los que tienen aptitudes para ello; [yo cumplo] con el deber de hacer resaltar esta necesidad y de manifestar en el seno de esta Comisión, que la reforma de este estado de cosas no acepta ya postergaciones, pues el país está harto de la politiquería mezquina . . .

Los dirigentes de los diversos partidos políticos en que está dividida la opinión pública, deben aprovechar en esta ocasión las múltiples lecciones objetivas que han recibido desde el 5 de Septiembre hasta hoy. De ellas deben deducir lo que el país quiere, como asimismo inclinarse respetuosos ante su voluntad soberana, pues de otro modo se tendrán a corto plazo que hacer, bajo la presión de la fuerza, las reformas que, en representación del pueblo, ha reclamado en forma tan significativa el elemento joven del Ejército . . .

El Ejército . . . tiene horror a la política . . . pero tampoco mirará con indiferencia que se haga tabla rasa de sus ideales de depuración nacional, . . . que se olviden las finalidades de las revoluciones del 5 de Septiembre y del 23 de Enero para volver a la orgía política que dió vida a estos movimientos. Esto no lo aceptaría jamás el país ni las instituciones que lo componen . . .

Corresponde, pues, a los partidos políticos dejar a un lado las discusiones estériles y aunar sus voluntades, a fin de resolver la forma de Gobierno que conviene al país y no sólo a las colectividades que representan . . . (Chile, Ministerio del Interior, 1925, 454-455).

Two interventions followed Navarrete's. First, Subcommission member and Liberal leader Guillermo Edwards Matte sought to defend the option of reforming parliamentarism, arguing in favor of maintaining the political responsibility of ministers while granting the president the power to dissolve the Chamber of Deputies. The second commentary was that of Julio Bustos, Radical, who responded to the references to the September and January revolutions by reminding everyone that the September 11 manifesto called for the convocation of a constituent assembly (Chile, Ministerio del Interior, 1925, 462). Furious, Alessandri declared that the Consultative Commission session had ended:

. . . mañana tendrá el país el decreto de convocatoria a una libre Asamblea Constituyente. [Declaro] que ha terminado [la sesión]. Es preciso que se acabe de una vez por todas la comedia política, es preciso que el Presidente de la República no siga siendo la cabeza de turco . . . (Chile, Ministerio del Interior, 1925, 462).

With that, amidst cries that Bustos did not represent the Radical Party, the President walked out. A group of the Commission members immediately went after him, to urge him to return and re-open the session -- which he did. Four interventions followed. Liberal Subcommittee member Luis Barros Borgoño, appealing to patriotic sentiments, proposed that the Commission immediately approve the Subcommittee project "como una deferencia especial a S.E. el Presidente de la República, el ilustre ciudadano que ha estado sacrificándose por el engrandecimiento y la tranquilidad del país" (Chile, Ministerio del Interior, 1925, 464). Fernando Vial, representative of the *Unión de Empleados de Chile* of Valparaíso, offered his support and acceptance of the "general lines" of the project, noting that the details could be modified (presumably later) [Chile, Ministerio del Interior, 1925, 465]. Liberal Democrat Enrique Barbosa justified leaving aside the constituent assembly, noting that the Commission, which he described as "esta Asamblea, que representa las fuerzas vivas de la nación," had eloquently sanctioned those who wanted to go forward with an unnecessary and dangerous procedure (Chile, Ministerio del Interior, 1925, 466). Finally, senior political statesman Guillermo Subercaseaux seconded the proposal of Barros Borgoño "de que se dé por aprobado en general el proyecto de nueva Constitución" (Chile, Ministerio del Interior, 1925, 469). The Minister of Justice quickly formulated a version of the resolution which declared the Commission's labors complete and provided that the final version of the project would be submitted to a national plebiscite.²⁷ Suddenly, taking a vote in the Commission was no longer out of order; the President asked all those in favor of the resolution to stand. The record states that "[c]asi la totalidad de los miembros se ponen de pie" (Chile, Ministerio del Interior, 1925, 470). The President pronounced the resolution approved and ended the session. On July 31 Alessandri issued the decree law convoking the plebiscite for August 30.²⁸

Some historians, notably Ricardo Donoso, have accused Alessandri of stacking the Consultative Commission in his favor.²⁹ The accusation gains credence simply by virtue of the fact that the President kept adding names: 3 on April 22, 51 on July 17, and 15 more on July 23, as the Commission was meeting. But given the tone and content of the July debates, it appears that the President was adding members from a position of weakness. On the one hand, some of the members who most strongly challenged the President, whether on substantive or procedural grounds, were appointed early in the process. Then there is the issue of the party distribution of the later appointments. By July it was more than clear that the Radical and Conservative parties, as organizations, were opposed to the President's vision of the future political regime. Yet 11 of the 16 members of the Conservative Party appointed to the Commission were named in July, as were half of the Radicals, who with 28

²⁷The resolution stated: "La Gran Comisión Consultativa aprueba en general el Proyecto de Reformas Constitucionales redactado por la Subcomisión de su seno y poniendo término a sus labores, acuerda que las indicaciones que se han formulado pasen a la misma Subcomisión para que resuelva sobre ellas y redacte el Proyecto definitivo que se someterá a la consulta de un plebiscito nacional" (Chile, Ministerio del Interior, 1925, 469-470).

²⁸Decree law 461, the *convocatoria*, is reprinted in Chile, Ministerio del Interior (1925, 653-654). DL 462, also issued on July 31, established the procedures for the plebiscite, including the colors of the ballots and the text that was to appear on them.

²⁹Donoso (1952, 418). See also Vial (1986, 540).

members on the Commission had by far the largest contingent. Six, or nearly half, of the Liberal Democrats who served on the Commission were appointed in July, but their party, the only party which shared the President's vision, had a total of only 13 members on the Commission.

This is not to argue that the President did not try to stack the Commission, but that his options were constrained. As the probability of holding a constituent assembly declined, there was a need to ensure that the reform process had some minimal level of credibility in the eyes of the public. Second, there was the objective fact that many political leaders opposed the President's vision. So as time went on Alessandri found it more and more necessary to reach beyond the ranks of the parties and traditional political leaders. The largest surge of appointments in July involved those whose party identification is unknown or unspecified;³⁰ of 20 such individuals, 15 were named on July 17 and 3 more on July 23.

Some of these men³¹ were sectoral representatives; for example, Fernando Vial, who was designated by the *Unión de Empleados de Chile* in Valparaíso, and Carlos Dávila Espinoza, journalist and director of *La Nación*. Perhaps most notable, five were current or former members of the military: Oscar Fenner, a leader of the September movement; Enrique Ortíz Wormwald (ret), a supporter of the military movement; Enrique Phillips (ret); Juan Schroder, Director General of the Navy; and Mariano Navarrete, the general who spoke on July 23.³² That Navarrete's speech on that day was critical for the direction of the reform process is widely recognized; some scholars go so far as to characterize it as a third coup d'etat.³³ When push came to shove, it was not Alessandri's civilian appointments to the Commission who turned the tide, but the threat of renewed military intervention that was implicit in Navarrete's commentary.³⁴

³⁰Information on party ID was sought from biographical dictionaries and from narrative accounts of the events, including Figueroa (1925, 1928, 1929, 1931), Donoso (1952), Vial (1986), and Bernaschina and Pinto (1945). The lack of information on party ID suggests that the individuals were not party leaders or activists, but were known instead for other kinds of activities.

³¹There were no women on either the Consultative Commission or the Subcommittee on Constitutional Reforms.

³²As far as the author can tell, these five are the only members of the Commission whose appointments seem to be directly linked to their military status. One other Commission member, Miguel Urrutia Barbosa, came from a military family and had a short military career (1879-1887). Urrutia was a member of the National Party and was appointed to the Commission in the first decree.

³³For example, see Vial (1986, 539ff).

³⁴Vial cites Radical president Oyarzún to the effect that on his way out of the Consultative Commission session on July 22, Alessandri commented that Gen. Navarrete would now know what he had to do, within earshot of the General (1986, 541-542). The implication was that the president actively sought a public statement by the military, even though Navarrete himself denied that he was representing his institution when he made his intervention on the 23rd (Donoso Letelier 1976, 280).

It should be noted that there is no evidence that the military actively intervened in the writing of any of the constitutional text (Donoso Letelier

Alessandri appears to have had greater success in shaping the Subcommittee's deliberations. As he had with the Consultative Commission, the President appointed the Subcommittee, whose fifteen members were drawn from across the political spectrum and were to serve in their individual capacity.³⁵ Six had been members of Congress in September 1924, five in the Senate and one in the Chamber. Several had ministerial experience. All were well-known politicians except José Guillermo Guerra, a constitutional scholar, and Roberto Meza Fuentes, a poet and student leader. Alessandri presided, and José Maza Fernández, Minister of Justice, was present at all but two of the Subcommittee's sessions.

The composition of the Subcommittee was not necessarily all that favorable to the President. Although more than half of the members were nominally affiliated with the Liberal Alliance,³⁶ the coalition that had backed Alessandri in 1920, on the question of the balance of executive and legislative powers, those advocating a presidential system were a distinct minority. They included only the Liberal Democrats and two of the Radicals (Vicuña Fuentes and Briones Luco). The remaining members of the Subcommittee were defenders of congressional prerogatives (Vial 1986, 539). Furthermore, not everyone who favored a presidential system was Alessandri's ally on procedure. For example, Liberal Democrat Héctor Zañartu wrote often in the press in favor of holding a constituent assembly. Pedro Nicolás Montenegro, another Liberal Democrat, was described by Ricardo Donoso as an "enemigo decidido" Alessandri. And even though the members served in their individual capacity, Radical and Conservative party leaders, including Oyarzún, were amongst the most vocal in opposing what they feared would be the imposition of an excessively presidentialist regime.

Between April 18 and August 3, the Subcommittee met every two to four days, for a total of 33 times. Clear divisions emerged early and were consistently expressed. For example, the Conservatives, Silva Cortés and Vidal Garcés, worked very closely together, often speaking on each other's behalf. They were determined defenders of the status quo, opposing all efforts to weaken the parliamentary system. They did acknowledge the need to put an end to abuses, but argued that this could be done with relatively minor

1976, 284; Nunn 1970b).

³⁵Several of the Subcommittee members have already been mentioned: Enrique Oyarzún (Radical), Romualdo Silva Cortés (Conservative), Francisco Vidal Garcés (Conservative), Manuel Hidalgo (Communist), Guillermo Edwards Matte (Union Liberal), and Luis Barros Borgoño (Union Liberal). The others were: Domingo Amunátegui Solar (Alliance Liberal), Ramón Briones Luco (Radical), Nolasco Cárdenas (Democrat), José Guillermo Guerra (Liberal Democrat), Roberto Meza Fuentes (independent), Pedro Montenegro (Union Liberal Democrat), Carlos Vicuña Fuentes (Radical), Eliodoro Yáñez (Alliance Liberal), and Héctor Zañartu Prieto (Union Liberal Democrat). All except Briones Luco were named in the original decree establishing the Consultative Commission; Briones Luco was added on April 22.

³⁶Besides Alessandri and Maza Fernández, there were two other *Alianza* Liberals, a Democrat, and three Radicals, accounting for eight of the participants, compared with six declared members of the *Unión Nacional*, the opposition coalition. Had social issues been the focus of the Subcommittee's work, Communist leader Hidalgo and student leader Meza Fuentes could also have been considered potential allies for Alessandri.

adjustments; for example, requiring absolute majorities for votes of a "political" nature. Their arguments were cast in terms of Congress' traditional responsibility for overseeing all aspects of public administration.

At the other end of the political spectrum, Hidalgo of the Communist Party reacted to many proposals in terms of their probable effect on small parties and consistently demonstrated an aversion to the expansion of executive powers. He initially opposed compromise language allowing the Chamber of Deputies to send observations and recommendations to the president with a majority vote because the majority requirement undermined the capacity of small parties to perform oversight functions. He supported allowing Congress to accuse the president while still in office as a means of protecting against abuses of presidential powers. Cárdenas, the Democrat, often sided with Hidalgo on issues affecting small parties and restricting some aspects of executive power, as did Zañartu, even though he was a Liberal Democrat.

In short, the tensions that were expressed in the debates of the Consultative Commission were also evident in the deliberations of the Subcommittee. But the first draft of the revised constitution that the Subcommittee produced included many of the reforms that Alessandri sought and that were ultimately adopted in order to bring an end to parliamentary-style practices. The official minutes of the Subcommittee do not suggest that the President's participation was particularly heavy-handed, especially in comparison with his behavior in the Consultative Commission. Why was Alessandri more effective in obtaining what he wanted from the Subcommittee?

Part of the explanation may lie in the dynamics of the group itself. The Subcommittee members worked in a round-table fashion, discussing proposals advanced by the President in combination with their own, often clustering issues together and sometimes revisiting them after initial decisions had been reached. Based on the official minutes of the sessions, most issues were not decided on the basis of clear votes. Instead there were attempts to build consensus by combining and modifying proposals. In some cases subgroups of two or three members with opposing views were assigned to work out compromise language, which was then usually accepted by the rest of the Subcommittee. The small size of the group³⁷ and the number and frequency of the sessions may have facilitated a greater willingness to compromise than was evidenced in larger public fora.

Another part of the explanation may be that those who opposed the President's goal of shifting the balance of power towards the executive expected the real battle to take place in the constituent assembly, and so pursued a dual strategy of conceding in the Subcommittee but maintaining

³⁷Not all members of the Subcommittee participated consistently. Only Alessandri was present at every session. At the other end of the spectrum, Meza Fuentes only attended three times. Besides the president and the Minister of Justice, the members most consistently present were the two representatives of the Conservative Party, two Liberals (one *Alianza*, one *Unión*), and the Democrat. Guerra, the constitutional scholar, and Hidalgo, of the Communist Party, were also active participants. The Radical members, as a group, had the poorest showing of any of the parties, with the Liberal Democrats next in line -- somewhat surprising given that party's strong programmatic affinity with the reforms that Alessandri was seeking.

their opposition outside. It is interesting to note that the basic decisions regarding *fiscalización* -- granting the Chamber of Deputies the exclusive power to oversee the executive through adopted accords and ending the political responsibility of the ministers -- were reached in the 3rd and 4th Subcommission sessions, which took place on April 24 and 29, when it was still widely expected that a constituent assembly would be convened. During the 4th session several Subcommission members stated that they were accepting the changes, which had been proposed by Alessandri, out of patriotism and duty, and as a gesture of support to the President (Chile, Ministerio del Interior, 1925, 61ff). Precisely because they had been appointed in their individual capacities, their decisions were not in any way binding on their parties.

The fact that the Radical and Conservative parties presented alternative reform recommendations to the Consultative Commission on July 22 is consistent with this argument. It was the change in strategy from assembly to plebiscite that transformed the task of the Subcommission from one of developing recommendations for consideration by a full constituent assembly, to drafting a revised constitution in its entirety. As was discussed above, that change of task was not definitive until late in the process. By the time it became absolutely clear, after Navarrete's intervention provoked the resolution that endorsed both the Subcommission project and the plebiscite, those opposing the end of parliamentarism were deprived of the forum in which they would likely have prevailed, and what was left of the reform process was the Subcommission draft. The only option that remained for the opposition, which significant sectors quickly took up, was to put into question the legitimacy of the entire reform process. So, the Conservatives stopped participating in the Subcommission after the July 23 meeting of the full Consultative Commission, and Radicals Oyarzún and Vicuña Fuentes resigned. By July 31 the directorates of the Radical, Conservative, and Communist parties had all issued highly critical commentaries on the Subcommission project or the plebiscite or both.³⁸ The Radical Party statement concluded by urging voters to abstain from the plebiscite, and on August 16 the Conservative Party recommended that its followers to do the same.³⁹

The recommendations to boycott the plebiscite went out even though one of the options for which citizens would be able to vote was an alternative to the Subcommission project, which took the form of a set of specific constitutional amendments closely related to those offered by the Radicals and Conservatives in the July Consultative Commission sessions.⁴⁰ As Alessandri

³⁸Excerpts of the party manifestos can be found in Monreal (1929, 360-361), Donoso Letelier (1976, 282), and Vial (1986, 548-549).

³⁹The positions of other parties have received less attention in the historical accounts of the period, with the exception of the Liberal Democrats, who wholeheartedly endorsed the Subcommission project as the first opportunity in 33 years to fully realize their program (Monreal 1929, 361). Gil states that the Liberal and Democratic parties also endorsed the Subcommission project, but does not elaborate (1966, 89). Vial argues that only the Liberal Democrats stayed with the president; the Liberal Party had practically disintegrated, but did not favor the Subcommission project (1986, 548). Further research in party archives would be required to clarify the positions that were taken at this juncture.

⁴⁰The text of the alternative project is reprinted in Chile, Ministerio del Interior (1925, 644-646).

had complained in his speech on July 23rd, the amendments were a clear effort to give constitutional form to the parliamentary regime. The alternative project proposed to grant the exclusive power to *fiscalizar* the government's actions to the Chamber of Deputies, and to provide an explicit constitutional basis for the censuring of ministers of state, who were declared to be politically responsible to the Chamber. The major difference between the amendments offered in July and the parties' alternative project was that a provision granting the president the power to dissolve the Chamber of Deputies had been added to the project. Some relatively minor procedural constraints were placed on the Congress' power to delay passage of the annual budget and the legislation authorizing tax collection. The alternative project was silent on the other two pieces of annual legislation that historically had been used by the Congress to force the president to negotiate, the determination of the size of the armed forces and the authorization for army troops to be stationed in the city where the Congress met. No changes were proposed in the role of the Senate or in quorum requirements, nor were any reforms of either chamber's internal *reglamentos* mandated; that is, neither chamber was required to establish procedures for cloture. Finally, the alternative did not address any of a myriad of other issues that had received attention in the Subcommittee, most notably social limitations on property ownership, the separation of church and state, and the establishment of an electoral tribunal.

The silences in the alternative project were probably due to several factors, beginning with the simple fact that the project was a set of amendments, not a fully revised constitutional text. Furthermore, the short one-month time period between the convocation of the plebiscite and the event itself left little opportunity to develop a more comprehensive alternative, even had the parties desired to do so. But in addition, as soon as the decree convoking the plebiscite was issued, any incentive to further elaborate the alternative project disappeared, because it was immediately evident that the plebiscite would not be structured in an even-handed manner.

The July 31 decree law convoking the plebiscite stated that three alternatives would be available to the voters: the Subcommittee project, an alternative project proposed by the parties, or the option of rejecting both of the above. But the language of the decree also clearly indicated that the President favored the Subcommittee project. The options were described as follows:

Art. 2. Los ciudadanos son llamados a pronunciarse:

1. Si aceptan el proyecto cuya aprobación pide el Presidente de la República;

2. Si aceptan ese proyecto con el régimen de Gobierno parlamentario establecido en otras fórmulas sugeridas por representantes de partidos políticos;

3. Si rechazan ambos proyectos, fórmula que, si triunfara, importará buscar otros procedimientos para restablecer la normalidad institucional del país (Chile, Ministerio del Interior (1925, 654)).⁴¹

⁴¹The reference to "other procedures to re-establish institutional normalcy" was taken to be a reference to further military intervention.

The effort to shape voters' choices was even more transparent in the text of the ballots used in the plebiscite.⁴² In the case of the Subcommission project, the first paragraph read:

EL PRESIDENTE DE LA REPUBLICA en conformidad a los Decretos leyes números 461 y 462, somete a la aprobación de sus conciudadanos, en el plebiscito que se verificará el 30 de Agosto de 1925, por medio de la CEDULA DE COLOR ROJO, el siguiente PROYECTO DE REFORMA GENERAL DE LA CONSTITUCION POLITICA DE LA REPUBLICA DE CHILE (p607 of the Actas)

The full text of the revised constitution followed.

The parties' alternative was entitled "FORMULA DISIDENTE" and was introduced as follows:

Los ciudadanos que prefieran las modificaciones que a continuación se indican, al proyecto cuya aplicación les pide el Presidente de la República y que deseen mantener el régimen parlamentario con la facultad de la Cámara de Diputados para censurar y derribar Gabinetes y aplazar el despacho y vigencia de las leyes de Presupuestos y recursos del Estado, emitirán su sufragio por medio de la *cédula de color azul* en el plebiscito que se verificará el 30 de Agosto de 1925, en conformidad a los Decretos-Leyes números 461 y 462 (Chile, Ministerio del Interior, 1925, 644).

Not surprisingly, accusations of executive interference in an electoral process once again surfaced. Alongside the biased language, there were reports of police interference in meetings and the arrest of opposition speakers (Vial 1986, 548). These circumstances reinforced the rationale for abstention and further reduced the incentives to work on behalf of the alternative project. Only the Communist Party actually endorsed the parliamentary option (Gil 1966, 89; Donoso Letelier 1976, 282).

Although there was no prospect that the alternative project would prosper, it is important to recognize that by recommending relatively minor changes clearly directed towards providing a constitutional basis for parliamentary practices, the Radical and Conservative parties were taking the position most distant from that of the President, and of the junior army officers. In particular, the alternative project offered fewer protections against legislative obstructionism than were contained in either the package of reform measures accepted by the political parties in February 1924, before the military intervention, or in the Subcommission draft (see Appendix 1). The 1924 reforms would also have formalized some aspects of the quasi-parliamentary regime, in particular the power to censure ministers. But at the same time there was an effort to modify aspects of parliamentary practice which were seen as especially destructive. For example, with regard to the annual budget legislation, the 1924 party pact sought to provide the Congress with a six-month period for consideration, with no opportunity to extend debate beyond January 1 of each year, and authorized the president to expend funds as per the prior year's budget in the event that approval was not

⁴²Three different colored ballots were used in the plebiscite, red for the revised constitution, blue for the parties' parliamentary option, and white for the option of no reform. The system lent itself to criticisms that the votes were not truly secret.

forthcoming. The Subcommittee project provided for four months of consideration with no opportunity to extend debate, after which, if Congress had not acted, the president's budget went into effect. The alternative project would have weakened the constraint by allowing for extension of debate beyond January 1, without either mandating acceptance of the president's budget or authorizing him to expend funds in accordance with the previous year's budget.

In the case of the legislation authorizing the collection of taxes which Congress required each year, the February party pact had placed some time limits on consideration, mandated that tax authorization took precedence over other legislation for purposes of voting, required a super-majority to extend debate in the reviewing chamber, and provided for the president's bill to take effect in the event that the reviewing chamber did not act. The Subcommittee project did away with the requirement for this legislation. But in the alternative project, the parties re-worked the language of the 1833 constitution to create a specific, separate congressional power to periodically authorize the collection of taxes.⁴³ The absence of attention in the alternative project to quorum requirements and cloture procedures was also a step back from the consensus which existed in February 1924. In short, after 18 months of conflict which included military intervention, the positions of political leaders had become more, not less, polarized.

The back-sliding occurred even though early in the Subcommittee sessions, several members proposed using the February 1924 reforms as the basis for the constitutional reform (Chile, Ministerio del Interior, 1925, 49ff). But Alessandri rejected this idea immediately, arguing that the reforms envisioned in February 1924 were insufficient in the current circumstances (Chile, Ministerio del Interior, 1925, 50). Not only was he no longer willing by mid-1925 to accept the modified form of parliamentarism that

⁴³The text of the 1833 constitution with regard to the powers of Congress stated the following:

"Sólo en virtud de una ley se puede:

1. Imponer contribuciones de cualesquiera clase ó naturaleza, suprimir las existentes, y determinar en caso necesario su repartimiento entre las provincias ó departamentos.

2. Fijar anualmente los gastos de la administración pública.

3. Fijar igualmente en cada año las fuerzas de mar y tierra que han de mantenerse en pié en tiempo de paz ó de guerra.

Las contribuciones se decretan por solo el tiempo de dieziocho meses, y las fuerzas de mar y tierra se fijan solo por igual término" (Constitución 1888).

The requirement for an annual reauthorization of the president's power to collect taxes derived from this section, as the result of congressional practice.

The parties' alternative project proposed to add a new, separate item to the list of actions which required legislation, as follows:

"4. Autorizar periódicamente el cobro de las contribuciones por el plazo de diez y ocho meses" (Chile, Ministerio del Interior, 1925, 645). This would have provided an explicit constitutional basis for the practice that had evolved over time.

had been envisioned in February 1924,⁴⁴ but he had initiated discussion in the Subcommittee by proposing to combine a presidential-style cabinet with a Senate stripped of its political role and with the power to dissolve the Chamber of Deputies. Alessandri proposed to redefine the senate as a *cuerpo consultativo* or *corporación revisora*, eliminating its power to initiate legislation, and making one third of its members functional representatives. This reform would have left all legislative power in the hands of the popularly elected Chamber of Deputies, which would in turn have been subject to dissolution.

When this set of initial proposals is taken into account, the Subcommittee project appears to be more of a compromise than it is generally considered.⁴⁵ The Senate retained its traditional political role and the power to dissolve the Chamber of Deputies was not granted to the president. But in comparison with the vision of institutional change that had motivated the parties for at least 18 months, the Subcommittee draft was indeed a victory for Alessandri. It was in this context that the parties offered an alternative that was in a fundamental sense diametrically opposed to that of the Subcommittee. In the end the parties' apparent intransigence was the result of a reform process that was participatory, but not democratic, in which it was not the achievement of consensus but the threat of renewed military intervention that generated an outcome.

The plebiscite was held as scheduled on August 30, 1925. Out of a potential electorate of approximately 300,000, 134,421, or fewer than half, voted. 127,483 ballots were cast in favor of the Subcommittee project, by then thoroughly identified with the President. 5,448 were cast for the formalization of the parliamentary regime, and 1,490 individuals voted against any reform (Bernaschina 1957, 49). The results were verified within two weeks and the constitution was promulgated on September 18, 1925. Formally, the struggle over institutional reform was over.

⁴⁴The party pact negotiated in February 1924 did not provide for any formal link between the president and the parliamentary majority anyway, and so would already have represented a significant strengthening of presidential powers.

⁴⁵This is especially the case with regard to the question of whether to grant the president the power to dissolve Congress, or more precisely, the Chamber of Deputies. The topic came up in at least five of the Subcommittee sessions, as well as in the meetings of the Consultative Commission, and was generally debated explicitly in relation to the fate of the parliamentary regime. For example, during the sixth Subcommittee session several of the members argued that it only made sense to grant the president the power to dissolve congress in a parliamentary regime, but not in a regime in which the ministers had no political responsibility (Chile, Ministerio del Interior, 1925, 79). When the Radicals and Conservatives presented their amendments on July 22, designed to formalize rather than replace the parliamentary regime, Alessandri immediately pointed out that they did not include the power to dissolve Congress (Chile, Ministerio del Interior, 1925, 408). During the course of that day's debate, the party leaders acknowledged that continued political responsibility on the part of ministers would have to be accompanied by a presidential power to dissolve the Chamber of Deputies, even though they had not proposed that change (Chile, Ministerio del Interior, 1925, 413). Subsequently, as suggested above, the parties did incorporate the power to dissolve in their alternative reform project.

Some Implications

With the benefit of hindsight, it is possible to suggest some elements of the constitutional reform process that contributed to the subsequent collapse of the new political regime by May 1927. These include the military's role, and the failure to generate consensus among civilian political leaders in favor of the new regime structure.

It seems very unlikely that without military pressure, such as that implicit in Gen. Navarrete's intervention in the full Commission meetings in July, the Subcommission's draft would have been accepted by civilian political leaders. With the exception of the Liberal Democratic party, born in the aftermath of the 1891 civil war to resuscitate strong presidential government, none of the political parties formally sought the kind of institutional reform that the new constitution represented. The historical suspicions of executive power that shaped the Chilean political context were consistently reinforced by President Alessandri's actions, such as the decision to forego the constituent assembly and the bias evident in the constitutional plebiscite. This meant that the new constitution did not have deep or extensive support within the political class, which was primarily responsible for making it work. In particular, the Radical and Conservative parties, the two largest and most unified parties at that point in Chile's history, were both deeply alienated by the reform process, which they saw as anti-democratic. The fact that the military had tipped the scales in favor of the Subcommission project only reinforced this view. Presented with a *fait accompli*, politicians subsequently complied with the letter of the revised constitution, but not with the spirit. In this regard it is interesting to note that the Figueroa government eventually collapsed even though cabinet stability was achieved and reforms of congressional procedures were implemented.⁴⁶

Another way to describe what happened with the 1925 constitution would be to say that the reform process did not allow for the resolution of serious conflicts in keeping with the underlying balance of civilian political forces in the society. The fact that achieving the institutional outcome that Alessandri wanted required the participation of the military had two consequences. First, it meant that the President had to leave open the door for military involvement in politics. Second, it raised questions about the prospects for consolidating the new institutions without the continued active participation of that key actor. Consolidating a new set of democratic rules of the game is presumably about stabilizing the political practices of civilian political actors, so as to exclude the resort to strategies of force. After the 1925 constitution had been adopted, there were two alternatives: either the military would withdraw from day-to-day politics, or it would not. In the first case, the lack of support within the political class for the new

⁴⁶President Figueroa named his first cabinet on the day he was inaugurated, December 23, 1925, with Maximiliano Ibáñez as Minister of Interior. (Maximiliano Ibáñez was not a relative of Col. Ibáñez.) This cabinet survived several congressional challenges, but was finally replaced on November 20, 1926, when Manuel Rivas Vicuña took on the Interior portfolio. The final cabinet change happened a couple of months later, when Col. Ibáñez replaced Rivas Vicuña.

The 1925 constitution required both chambers of Congress to establish procedures for cloture. In the regular sessions of the Chamber of Deputies which opened on May 22, 1926, cloture was invoked at least once in at least 24 of 66 sessions.

regime meant that politicians would likely take the opportunity of the military's departure to try to alter the formal institutions through practice. But if the military remained involved, the very idea of consolidating the new rules of the game would lose meaning. President Alessandri would have won the battle only in order to lose the war.

In fact, the military did not withdraw, and the new regime was not consolidated.

Appendix 1.

Comparison of Proposed Institutional Reforms

February 1924, Subcommittee Draft, Radical/Conservative Alternative

Issues	February 1924	Subcommission Project (Draft 3)	Party Alternative
<p>Limits on Congressional action re annual budget</p>	<p>Proposed legislation rather than a constitutional reform. The proposed bill provided that discussion in the chamber of origin would end 40 days before the effective date, as long as the budget bill had been sent to the Congress 6 months in advance. Reviewing chamber had to end discussion 10 days before the budget effective date. Budget vote was to take precedence over other matters. No reference to being able to extend discussion in either chamber. If the budget law had not been approved on January 1, the president was authorized to spend 1/12 of the previous year's budget per month in the same way envisioned in that budget. Whatever was spent was to be deducted from the new budget when approved.</p>	<p>Revised the constitution to state that the president had to present the annual budget bill to Congress 4 months before it was due to take effect. If Congress had not approved the bill by its effective date, the bill took effect. Congress had no power to extend debate (Art. 44). The budget bill had to be sent first to the Chamber of Deputies (Art. 45).</p>	<p>Revised the constitution to provide that the president had to present the annual budget bill to the Congress 4 months before the date it was to take effect. If at the end of this period the Congress had not acted, the president's bill would take effect, unless in a special session called with at least 4 days' notice, the majority of Deputies [sic] <i>en ejercicio</i> agreed to extend debate on the bill. In this event, the Chamber was required to pronounce itself within 30 days, after which any part of the government's bill on which agreement had not been reached between the two chambers would be understood to have been approved.</p>

<p>Limits on Congressional action re authorization to collect taxes</p>	<p>Proposed legislation rather than a constitutional reform. The proposed bill provided that discussion in the chamber of origin was to end 10 days before the effective date of the project, unless that chamber voted to extend it. Reviewing chamber had to pronounce the same day it announced that it had received the project (<i>que se de cuenta</i>), unless 2/3 of the members present agreed to extend discussion. If an extension was not voted and the chamber did not act, the law would be understood to have been approved. Voting on this bill in either chamber was to take precedence over all other matters. These provisions would apply as long as the bill was sent to Congress 30 days before it was to go into effect.</p>	<p>Retained provision that taxes could be imposed only by virtue of a law, but removed requirement for annual or 18-month authorization of power to collect taxes (Art. 44). All legislation on taxes had to originate in the Chamber of Deputies (Art. 45).</p>	<p>Added specific congressional power to periodically authorize the collection of taxes for a period of 18 months. The president was required to submit the necessary legislation to the Chamber of Deputies at least 15 days before it was due to take effect. If at the end of this time the Chamber had not acted, the government's bill would take effect, unless in a special session called with at least 4 days notice, the majority of Deputies <i>en ejercicio</i> had agreed to extend debate.</p>
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Limits on Congressional action re size of the armed forces	Ditto above.	Retained congressional power to determine the size of the armed forces, but removed requirement that this be done annually (Art. 44).	No provision.
Limits on Congressional action re stationing of troops in Santiago	Ditto above.	Removed reference to need for congressional authorization in order for army troops to be stationed in site where Congress met.	No provision.

<p>Quorum requirements</p>	<p>Pending constitutional reform. In the interim Art. 45 of the constitution was to be interpreted to be fulfilled if within the enclosure (<i>recinto</i>) in which each chamber functions was found 1/3 of the members of the Senate or 1/4 of the members of the Chamber of Deputies. But to begin a session or reach agreements or vote the members must be in the salon (<i>sala</i>). This did not override laws or regulations which required a specific number of members in the salon. Subsequently, the constitution was to be revised to change the quorum for entering into session or adopting accords to 1/5 of members for the Chamber of Deputies, 1/4 for the Senate.</p>	<p>Sets quorum for entering into session or adopting accords at 1/5 of its members for the Chamber of Deputies, and 1/4 of its members for the Senate (Art. 58).</p>	<p>No provision.</p>
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<p>Role of the Senate</p>	<p>Pending constitutional reform. In the interim, by interpretative law, oversight powers were to be exercised by either chamber, but the power of manifesting confidence or no confidence in the ministers, and of accusing, was to be exclusively of the Chamber of Deputies, and the power of judging was exclusively of the Senate. This interpretation was time-limited, in keeping with the anticipated constitutional reform process.</p>	<p>Retained full legislative role. In passing judgment on an accusation against the president, a vote of 2/3 of the Senators <i>en ejercicio</i> was required.</p>	<p>No amendments.</p>
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<p>Role of the Chamber of Deputies</p>	<p>Ditto above.</p>	<p>Gave Chamber exclusive power to bring accusations against the president (while in office and for 6 months after), ministers of state (while in office and for 3 months after), and other officials, and specified the procedures. An accusation against the president required a vote of a majority of the Deputies <i>en ejercicio</i>. Accusations were to be forwarded to the Senate for review. Also gave Chamber exclusive power to <i>fiscalizar</i> the government. (Art. 39)</p>	<p>One proposed constitutional amendment gave the Chamber the power to accuse the president (only during the six months following his term in office), the ministers of state (while in office and for 3 months after their departure), and other specified officials of the state, and specified the procedures, including time limits. If after investigation an accusation was found to have a basis in fact, it was to be forwarded to the Senate for review. A second amendment specified that the power to <i>fiscalizar</i> acts of government belonged to the Chamber, and required that all resolutions to censure a ministry be motivated. Censure could be voted by the majority of Deputies <i>en ejercicio</i>.</p>
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<p>Compatibility between holding legislative and ministerial office</p>	<p>Pending constitutional reform providing that if a legislator is named minister, he must solicit ratification of his legislative position from his constituency within 30 days.</p>	<p>Provided that no minister of state could be elected to Congress, and if a sitting Deputy or Senator were accepted to be named minister, he had to be replaced within 30 days (Arts. 28, 36)</p>	<p>No provision (thus no prohibition on serving simultaneously as minister and member of Congress).</p>
<p>Political responsibility of the ministers of state</p>	<p>No explicit provision. But one of the proposed constitutional reforms would have granted the Chamber of Deputies the power to manifest confidence or the lack thereof in the ministers of state.</p>	<p>President to have power to name ministers of state (and other specified officials) who are of his exclusive confidence, and who retain their positions as long as they have his confidence (Art. 72). Ministers were to be personally responsible for the acts they signed, and in solidarity, responsible for those acts signed by other ministers (Art. 76).</p>	<p>Proposed new article stating explicitly that the ministers of state were politically responsible before the Chamber of Deputies.</p>

<p>Dissolution of the Chamber of Deputies</p>	<p>Powers of the president to be revised to permit the dissolution of the Chamber of Deputies once during the first 4 years of the president's term. This power could only be exercised during the first 2 years of the Congress' period of office. The dissolution decree had to include a call for new elections, to be held between 30 and 60 days after the date of the decree. The new Chamber would complete the term of that which had been dissolved.</p>	<p>No provision.</p>	<p>Added presidential power to dissolve the Chamber of Deputies. This power could only be exercised within the first 5 years of the president's term, and within the first 3 years of the congressional period. A minimum of two years had to pass between dissolutions. The dissolution decree had to convoke elections, to be held no sooner than 30 days and no longer than 60 days after the date of the decree. The period of office of the new Chamber would be 4 years.</p>
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<p>Internal <i>reglamentos</i>, including cloture</p>	<p>Chamber of Deputies: proposed legislation would have modified use of <i>Tabla de Fácil Despacho</i>, number and length of deputies' speeches, use of cloture, use of <i>interpelaciones</i>, use of style correction committee, and use of public vs. secret votes. Senate: would have limited length of speeches, regulated use of cloture, and provided for style correction committee.</p>	<p>Requires each chamber to establish in its internal <i>reglamentos</i> cloture by a simple majority (Art. 58).</p>	<p>No provision.</p>
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<p>Other</p>	<p>Other constitutional reforms identified for consideration by next Congress: Make explicit Chamber of Deputies power to manifest confidence in the ministers of state; provide for remuneration of members of Congress. Also proposed reform of the Law of Elections to strengthen penalties for fraud and for intervention by governmental authorities, and to place limits on campaign spending.</p>	<p>Other changes included: elimination of the <i>Comisión Conservadora</i>, establishment of the Electoral Tribunal, changes in terms of office and method of election of president and members of Congress, including adoption of proportional representation, authorization of compensation for members of Congress, new presidential power to expedite legislation by declaring urgency, changes in procedures for amending the constitution, changes in the government and administrative structures of the country, including return of authority for provincial government to the <i>intendente</i>, constitutional authorization of progressive income tax, definition of social limitations on property, and separation of church and state.</p>	<p>No other provisions.</p>
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