

Bolívar, Simón.

SELECTED WRITINGS
of
BOLIVAR

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251. MESSAGE TO THE CONGRESS OF BOLIVIA

[Original]

Lima, May 25, 1826.

Legislators:

In submitting to you my draft of a constitution for Bolivia, I am overcome with embarrassment and trepidation, for I am convinced that I am not qualified as a lawgiver. When I reflect that all the wisdom of the ages has not been sufficient for the drafting of a perfect fundamental law, and that the most enlightened legislator has been the direct promoter of human misery, in travesty, as it were, of his divine mission—what can I say of a soldier who, born among slaves and isolated in the wildest section of his country, has known only captives in chains and his comrades-in-arms, pledged to unshackle them? I, a legislator! Your deception and my embarrassment may well argue for preference in this matter. I do not know who suffers most in this terrible dilemma—you, for the evils that may result from the laws you have asked of me, or I, for the opprobrium to which you have condemned me by your confidence.

I have summoned all my powers in order to expound to you my opinions relative to the manner of governing free men, in accordance with the accepted principles of civilized peoples, although the lessons of experience point only to long periods of disaster, interrupted by the briefest intervals of success. What guideposts shall we follow amidst the gloom of such disheartening precedents?

Legislators! Your duty compels you to avoid a struggle with two monstrous enemies, who, although they are themselves ever locked in mortal combat, will attack you at once. *Tyranny* and *anarchy* constitute an immense sea of oppression encircling a tiny island of freedom that is perpetually battered by the forces of the waves and the hurricane that ceaselessly threatens to submerge it. Beware, then, of the sea that you are about to cross in a fragile bark with so inexperienced a pilot at the helm.

My draft of a constitution for Bolivia provides for four branches of government, an additional one having been devised without affecting the time-honored powers of any of the others. The electoral [legislative] branch has been accorded powers not granted it in other reputedly very liberal governments. These powers resemble, in great part, those of the federal system. I have thought it expedient and desirable, and also feasible, to accord to the most direct representatives

of the people privileges that the citizens of every department, province, and canton probably desire most. Nothing is more important to a citizen than the right to elect his legislators, governors, judges, and pastors. The electoral college of each province represents its needs and interests and serves as a forum from which to denounce any infractions of the laws or abuses of the magistrates. I might, with some truth, describe this as a form of representation providing the rights enjoyed by individual governments in federal systems. In this manner, additional weight has been placed in the balance to check the executive; the government will acquire greater guarantees, a more popular character, and a greater claim to be numbered among the most democratic of governments.

Every ten citizens will elect one elector, and thus the nation will be represented by a tenth of its citizens. Ability is the only prerequisite for this post. It is not necessary to possess property to have the august right of representing popular sovereignty. The elector must, however, be able to write out his ballots, sign his name, and read the laws. He must be skilled in some trade or useful art that assures him an honest living. The only disqualifications are those of crime, idleness, and utter ignorance. Understanding and honesty, rather than wealth, are the sole requirements for exercising the public trust.

The legislative body is so composed that its parts will necessarily be in harmony. It will not find itself divided for lack of an arbiter, as is the case where there are only two chambers. Since this legislature has three parts, disagreement between two can be settled by the third. The issue is thus examined by two contending parties and decided by an impartial third party. In this way no useful law is without effect; at least it shall have been reviewed once, twice, and a third time before being discarded. In all matters between two contending parties, a third party is named to render the decision. Would it not be absurd, therefore, if, in matters of the deepest concern to the nation, this expedient, dictated by practical necessity, were scorned? The chambers will thus observe toward each other the consideration which is indispensable in preserving the unity of the Congress, which must deliberate without passion and with the calm of wisdom. Our modern congresses, I shall be told, consist of only two houses. This is because England, which has provided the model, was forced to have the nobility and the people represented in two chambers; and, while the same pattern was followed in North America where there is no nobility, it may be presumed that the habits acquired under British rule inspired this imitation. The fact is that two deliberating bodies

are always found to be in conflict. It was for this reason that Sieyès insisted on only one—a classic error.

The first body [I propose] is the Chamber of Tribunes. It has the right to initiate laws pertaining to finance, peace, and war. It exercises the immediate supervision of the departments administered by the executive branch with a minimum of interference by the legislative branch.

The Senators enact the codes of law and the ecclesiastical regulations and supervise the courts and public worship. The Senate shall appoint the prefects, district judges, governors, *corregidores*, and all the lesser officials in the department of justice. It shall submit to the Chamber of Censors nominations for members of the Supreme Court, archbishops, bishops, prebendaries, and canons. Everything relating to religion and the laws comes within the province of the Senate.

The Censors exercise a political and moral power not unlike that of the Arcopagus of Athens and the censors of Rome. They are the prosecuting attorneys [*fiscales*] against the government in defense of the Constitution and popular rights, to see that these are strictly observed. Under their aegis has been placed the power of national judgment, which is to decide whether or not the administration of the executive is satisfactory.

The Censors are to safeguard morality, the sciences, the arts, education, and the press. The Censors exercise the most fearful yet the most august authority. They can condemn to eternal opprobrium arch criminals and usurpers of the sovereign authority. They can bestow public honors upon citizens who have distinguished themselves by their probity and public service. The sceptre of glory has been placed in their hands, for which reason the Censors must possess integrity and a conduct above reproach. For any trespass on their part, however slight, they shall be prosecuted. To these high priests of the laws I have entrusted the preservation of our sacred tablets, as it is for them to denounce the violators of these laws.

The President of the Republic, in our Constitution, becomes the sun which, fixed in its orbit, imparts life to the universe. This supreme authority must be perpetual, for in non-hierarchical systems, more than in others, a fixed point is needed about which leaders and citizens, men and affairs can revolve. "Give me a point where I may stand," said an ancient sage, "and I will move the earth." For Bolivia this point is the life-term President [*presidente vitalicio*]. Upon him rests our entire order, notwithstanding his lack of powers. Not only

has he been rendered headless in order that none may fear his intentions, but his hands have been tied so that he can do no harm.

The President of Bolivia enjoys many of the powers of the [North] American chief executive but with limitations that favor the people. His term of office is that enjoyed by the President of Haiti. For Bolivia, I have borrowed the executive system of the most democratic republic in the world.

The island of Haiti, if you will permit the digression, was in a state of perpetual insurrection. Having experimented with an empire, a kingdom, and a republic, in fact every known type of government and more besides, the people were compelled to call upon the illustrious Pétion to save them. After they had put their trust in him, Haiti's destinies pursued a steady course. Pétion was made President for life, with the right to choose his successor. Thus, neither the death of that great man nor the advent of a new president imperiled that state in the slightest. Under the worthy Boyer, everything has proceeded as tranquilly as in a legitimate monarchy. There you have conclusive proof that a *life-term president, with the power to choose his successor*, is the most sublime inspiration amongst republican regimes.

The President of Bolivia will be less dangerous than the President of Haiti, as the succession is provided for in a manner that better secures the interests of the state. Moreover, the President of Bolivia is deprived of all patronage. He can appoint neither governors, nor judges, nor ecclesiastic dignitaries of any kind. This limitation of powers has never before been imposed in any constituted government. One check after another has thus been placed upon the authority of the head of the government, who will in every way find that the people are ruled directly by those who exercise the significant functions of the commonwealth. The priests will rule in matters of conscience, the judges in matters involving property, honor, and life, and the magistrates or men of state in all major public acts. As they owe their position, their distinction, and their fortune to the people alone, the President cannot hope to entangle them in his personal ambitions. If to this is added the natural growth of opposition which a democratic government experiences throughout the course of its administration, there is reason to believe that, under this form of government, usurpation of the popular sovereignty is less likely to occur than under any other.

Legislators, from this day forth liberty will be indestructible in America. Observe the savage character of our continent, which of

itself bars a monarchical order, for the deserts invite independence. Here, there are no great nobles or churchmen. Our wealth has amounted to little, and it is no greater today. The Church, though not without influence, is far from seeking domination as it is satisfied to insure its own preservation. Without these supporting factors, tyrants cannot survive, and, should any ambitious soul aspire to make himself emperor, there are Dessalines, Christophe, and Iturbide to warn him of what he may expect. No power is harder to maintain than that of a newly crowned prince. This truth, which is stronger than empires, defeated Bonaparte, the conqueror of all armies. If the great Napoleon could not maintain himself against an alliance of republicans and aristocrats, who then in America will undertake to establish monarchies upon a soil fired with the bright flames of liberty, which would consume the very pillars intended to support the royalist structure? No, Legislators, fear not the pretenders to a crown which will hang over their heads like the sword of Dionysius. New-found princes who should be so bold as to erect thrones upon the ruins of liberty will instead erect tombs for their own remains, which will proclaim to future ages the fact that they *preferred vain ambition to freedom and glory*.

The constitutional limitations upon the President of Bolivia are the narrowest ever known. He can appoint only the officials of the Ministries of the Treasury, Peace, and War; and he is Commander in Chief of the army. These are his only powers.

Administration is the province of the Cabinet, which is responsible to the Censors and subject to the close vigilance of every legislator, governor, judge, and citizen. The revenue officers and soldiers, who are agents of the Cabinet alone, are hardly the persons calculated to make it the object of public affection, and therefore its influence will be next to nothing.

Of all the higher officials, the Vice President is the one with the most limited power. He must obey both the legislative and the executive branches of a republican government. From the former, he receives the laws, and from the latter his instructions, and he must proceed between these two branches, following the narrowest of paths, with precipices on either side. Despite these disadvantages, this form of government is better than an absolute government. Constitutional limitations increase political consciousness, thereby giving hope of ultimately finding a beacon light which will act as a guide

through the ever-present shoals and reefs. These limitations serve as dikes against the violence of our passions, which are prompted by selfish interests.

In the government of the United States it has of late become the practice for the Secretary of State to succeed the President. Nothing could be more expedient, in any republic, than this practice. It has the advantage of placing at the head of the administration a man experienced in the management of a nation. In entering upon his duties, he is fully prepared and brings with him the advantages of popularity and practical experience. I have borrowed this practice [of succession] and embodied it in the law.

The President of the Republic will appoint the Vice President, who will administer the affairs of the state and succeed the President in office. By means of this device we shall avoid elections, which result in that great scourge of republics—anarchy, which is the hand-maiden of tyranny, the most imminent and terrible peril of popular government. Compare the tremendous crises in republics when a change of rulers takes place with the equivalent situation in legitimate monarchies.

The Vice President must be a man of the loftiest character, for, should the President not appoint an honorable citizen, he will fear him as an enemy incarnate and be ever suspicious of his secret ambitions. The Vice President will have to exert himself in order to merit, through faithful service, the high esteem necessary to discharge the highest duties and to deserve that great national honor—the supreme command. The legislative body and the people will expect both ability and integrity of this high ranking office as well as a blind obedience to the principles of freedom.

If hereditary succession perpetuates the monarchical system and is all but universal, is not the plan which I have just proposed, wherein the Vice President succeeds to the presidency, much more expedient? What if hereditary princes were chosen for merit and not by fate? What if, instead of wallowing in idleness and ignorance, they were put in charge of government administration? They would unquestionably be more enlightened monarchs, and they would contribute to the happiness of their peoples. Indeed, Legitimacy, monarchy, which rules the world, has won its claim for approval by means of the hereditary principle, which renders it stable, and by *unity*, which makes it strong. Hence, although a ruling prince is a spoiled child, cloistered in his palace, reared on adulation, and swayed by every passion, this other prince, whom I might venture to call the impossible

man, is a ruler of men, for, by virtue of power firmly and constantly applied, he maintains order and willing subordination among the citizens. Do not forget, Gentlemen, that these great advantages are combined in a life-term presidential and vice presidential tenure and a vice presidential succession.

The judicial power that I propose enjoys an absolute independence not to be found in any other nation. The people nominate the candidates, and the legislature chooses the persons who are to serve in the courts. Unless the judicial powers emanate from this source, the judiciary cannot possibly be faithful to its obligation to safeguard individual rights. These rights, Legislators, are those that insure freedom, equality, and security—all guarantees of the social order. The real foundation of liberty resides in the civil and criminal codes, and the worst kind of tyranny is that which is exercised by the courts through that powerful instrument, law. As a rule, the executive is the custodian of public affairs, but the courts are the arbiters of private affairs—of the concerns of individuals. The judicial power determines the happiness or the unhappiness of the citizens. Whatever liberty and justice the Republic enjoys is dispensed by this power. At times, the political structure is of minor importance if the civil organization is perfect, that is, if the laws are rigorously enforced and held to be as inexorable as fate.

It was to be expected that, in keeping with the ideas of our time, we should prohibit the use of torture and confessions, and that we should shorten the procedures by which law suits are made lengthy by the intricate maze of appeals.

The territory of the Republic will be governed by prefects, governors, *corregidores*, justices of the peace, and *alcaldes*. I have been unable to elaborate upon the internal organization and the exact authority of each of these positions. It is my duty, nevertheless, to commend to the Congress rules and regulations governing the administration of departments and provinces. Bear in mind, Legislators, that nations are composed of cities and towns, and that the happiness of a nation stems from their well-being. You can never give too much attention to the proper administration of the provinces. This is the crux of the legislative art, yet it is neglected only too often.

I have divided the armed forces into four parts: regular army, fleet, national militia, and internal revenue patrol. The duty of the army is to protect the border. God grant that it will never have to turn its weapons upon our citizens! The national militia will suffice to preserve order at home. Bolivia has no extensive coastline and therefore

has no need of a navy, although the day may come when we will have both.¹ The internal revenue patrol is in every way preferable to a civilian guard, which is not merely superfluous but evil. Accordingly, the Republic must garrison her borders with regular troops, using the revenue patrol to combat fraud at home.

I have felt that the Constitution of Bolivia may have to be amended at intervals, in accordance with the demands of changing world conditions. The amendment procedure has been provided for in terms that I consider best adapted to the subject.

The responsibility of government officials is set forth in the Bolivian Constitution in the most explicit terms. Without responsibility and restraint, the nation becomes a chaos. I should like most forcefully to urge upon you, the legislators, the enactment of strict and well-defined laws on this important matter. Everyone speaks of responsibility, but it receives lip service only. When there is no responsibility, Legislators, the judges and all the other officials, high and low, abuse their powers, as there is no rigid check on government servants. The citizens, consequently, are the victims of this abuse. I recommend a law that will provide for an annual check on every government employee.

The most perfect guarantees have been provided for the individual. *Civil liberty* is the one true freedom; the others are nominal, or they affect the citizens slightly. The inviolability of the individual—the true purpose of society and the source of all other safeguards—is guaranteed. *Property rights* will be covered by a civil code, which you should wisely draft in due time for the good of your fellow-citizens. I have left intact that law of laws—*equality*. Neglect it, and all rights and safeguards will vanish. We must make every sacrifice for it and, at its feet, cast the dishonored and infamous relics of slavery.

Legislators, slavery is the negation of all law, and any law which should perpetuate it would be a sacrilege. What justification can there be for its perpetuation? Examine this crime from every aspect and tell me if there is a single Bolivian so depraved as to wish to sanctify by law this shameless violation of human dignity. One man owned by another! A man reduced to a chattel! An image of God coupled to the yoke like a beast! Where are the legal claims of the enslavers of men? Guinea did not authorize them, for Africa, devastated by fratricidal struggles, spawned nothing but crime. Now that

¹ Bolivia, until the 1870's, possessed a coastal strip between Chile and Perú (ed.).

the remnants of those African tribes have been transplanted here, what law or power has jurisdiction to sanction these victims' becoming the slaves of masters? To transmit, to ignore, to perpetuate this criminal breeder of torture would be a most detestable outrage. To establish a principle of ownership based upon a heinous dereliction cannot be conceived unless the very elements of law and right are distorted and all our concepts of men's obligations perverted beyond recognition. No one can violate the sacred doctrine of *equality*. And can slavery exist where equality reigns supreme? Such contradictions impugn our sense of reason even more than our sense of justice. We would be better entitled madmen than tyrants.

If there were no divine Protector of innocence and freedom, I should prefer the life of a great-hearted lion, lording it in the wilderness and the forests, to that of a captive in the keep of an infamous tyrant, a party to his crimes, provoking the wrath of Heaven. But no! God has willed freedom to man, who protects it in order to exercise the divine faculty of *free will*.

Legislators, I shall mention one item which my conscience has compelled me to omit. A political constitution should not prescribe any particular religion, for, according to the best doctrines, fundamental laws guarantee political and civil rights, and, since religion has no bearing upon these rights, it is by nature indefinable in the social organization, because it lies in the moral and intellectual sphere. Religion governs man in his home, within his own walls, within himself. Religion alone is entitled to examine a man's innermost conscience. Laws, on the contrary, deal with surface things; they are applicable outside the home of a citizen. If we apply these criteria, how can a state rule the conscience of its subjects, enforce the observance of religious laws, and mete out rewards and punishments, when the tribunals are in Heaven and God is the judge? Only the Inquisition could presume to do their work on earth. Would you bring back the Inquisition with its burnings at the stake?

Religion is the law of conscience. Any law that imposes it negates it, because to apply compulsion to conscience is to destroy the value of faith, which is the very essence of religion. The sacred precepts and doctrines are useful, enlightening, and spiritually nourishing. We should all avow them, but the obligation is moral rather than political.

On the other hand, what are the religious rights of man on earth? These rights reside in Heaven where there is a tribunal that rewards merit and dispenses justice according to the code laid down by the

great Lawgiver. As all this is within divine jurisdiction, it would seem to me, at first sight, to be sacrilegious and profane for us to interfere with the Commandments of the Lord by enactments of our own. Prescribing religion is therefore not the task of the legislator, who, for any infractions, must provide penalties, not mere exhortations. Where there are no temporal punishments or judges to apply them, the law ceases to be law.

The moral development of man is the legislator's first concern. Once such a growth has been attained, man bases his morality upon the truths so revealed and acknowledges religion *de facto* and all the more effectively for having come to it by personal experience. Moreover, heads of families cannot neglect their religious obligations to their children. The spiritual pastors are obliged to teach the Gospel of Heaven. The example of all the true disciples of Christ is the most eloquent teacher of his divine doctrine. But doctrine cannot be commanded, nor is one who commands a teacher, for force can play no part in the giving of spiritual counsel. God and his ministers are the authorities on religion, and religion exerts its influence solely through spiritual means and bodies, never through instruments of the nation's body politic, which serves only to direct public energies toward purely temporal ends.

Legislators, as you now proclaim the new Bolivian nation, what noble, generous, and elevated thoughts must inspire you! The admission of a new state into the community of nations is just cause for man's rejoicing, for it augments the great family of nations. What a joy it is then to its founders, and to me, to see myself likened to the most renowned of the ancients—the father of the Eternal City. This honor rightly belongs to the creators of nations, who, as their very first benefactors, truly deserve the rewards of immortality. Similarly the honor done me is immortal, and it has the added factor of being gratuitous because it is undeserved. Where is the Republic, where is the city that I have founded? Your magnanimity in giving my name to a nation has far outdone any services I may have rendered, for it is infinitely superior to the service of any one man.

My embarrassment increases as I contemplate the magnitude of your reward, for even if I had contributed the talents and virtues, indeed the genius, of the greatest heroes, I should still be unworthy to give the name you have desired to take—my own! Shall I express gratitude, when gratitude alone can never express, however feebly, the emotion stirred within me by your kindness, which, like that of God himself, is infinite! Yes! God alone had sovereign power to call

this land Bolivia. And what does Bolivia signify? A boundless love of liberty, and, after you had received it, you, in your enthusiasm, could conceive of nothing equal to it in value. When, carried away by the immensity of your joy, you could find no adequate way to express the sweep of your emotions, you put your own name aside and adopted mine for all time to come. This act, which is without parallel in all history, is especially so in view of the sublime disinterestedness which inspired it. Your deed shall demonstrate to the ages that as yet exist only in the infinite years of the future how strongly you cherished your right—the right to exercise political virtue, to acquire sublime talents, and to know the satisfaction of being men. Your deed, I repeat, shall prove that you were indeed fit to receive that great heavenly benediction—the *Sovereignty of the People*—the sole legitimate authority of any nation.

Legislators, happy are you who preside over the destinies of a republic that at birth was crowned with the laurels of Ayacucho, a republic destined to enduring life under benign laws which, in the calm that has followed the fearful tempest of war, shall be dictated by your wisdom.

BOLÍVAR

252. TO F[RANCISCO] DE P[AULA] SANTANDER,
VICE PRESIDENT OF COLOMBIA

[Original]

Lima, May 30, 1826.

My dear General:

After a great deal of thought concerning the affairs of the day, I have decided to dispatch Colonel O'Leary to bring you these papers, which, though they are of little immediate importance, may prove to be of great value in the future.

My purpose in sending O'Leary is to enable him to tell you at length whatever you care to know about Perú, Bolivia, Chile and Buenos Aires, the army, and myself. As soon as you have been fully and well informed, O'Leary is to continue to Caracas in order to see

General Páez on my behalf and to persuade him to do nothing in violation of his oath respecting the matter now pending in Congress as a result of the Caracas incident.¹ You may give him any message you please for Páez and in whatever manner may seem advisable. I have sensed that this is an affair of major importance, and I have therefore decided to inform you in this fashion. O'Leary will report to you fully concerning the matter.

Your vice presidency and my reflection constitute two additional reasons that have made me dispatch O'Leary. In the present circumstances your continuance in office is the best thing that we could have hoped for. With you at the head of the government, I can devote myself to the affairs of the south and later I can proceed to Venezuela and remain there a year or two to set those men, or, rather, those complex affairs, in order. But, during the four years to come, I must not act as president. Otherwise, the year 1831 will mark the outbreak of a long-overdue tempest. I should like you to be elected president, so that, on completion of your term, I would be eligible for reelection to that office. If, in violation of the law, I am reelected for another term, the respect due the majesty of the law will be impaired, and we will thereby cause a real revolution. If I am not reelected later, I am certain that the question of a new president and the revision of the Constitution will bring on a crisis in the Republic. For this reason, I want our friends to make certain that the resignation which I shall submit to the new legislature is accepted. In this way the public interest will coincide with my private wishes. I am very much in need of a rest so that I can return to work in earnest during the years to come. Otherwise, I shall have no strength left for the future, and my first step will be to leave Colombia in order to breathe more easily. I must on no account hold the command during the next four years, as I intend to remain in the south until I receive permission from Congress to go to Venezuela. Once in Venezuela, I shall have a thousand excuses for not going to Bogotá. As my services will, in any case, not be available, I disqualify myself now for the future. I wish you would use these arguments in a manner most likely to accomplish the purpose I have in mind.

¹ Páez, in Venezuela, had called out the militia to put down various roving bands of brigands. The civil governor of Venezuela refused to acknowledge the order and complained to the government in Bogotá that Páez had exceeded his authority in drafting the militia, whereupon the Congress accused him of violating the Constitution and ordered him to Bogotá for trial—such was the beginning of the downfall of the Republic of Colombia (ed.).