

war of attrition merely in order to force the . . . Veteran's Administration to provide him with the service to which he ought to be entitled by law."³¹

Without an Amparo or similar procedure which in the course of due process allows an aggrieved party every opportunity to overcome bureaucratic decisions with presently undisclosed administrative evidence, Californians have no ultimate meaningful remedy.³² Under Amparo, if, during the administrative proceedings his constitutional guarantees are procedurally violated, the individual does not have to wait until the end of the hearing or case before commencing an appeal. He has immediate access by petition of Amparo to the Federal court on the constitutional issue involved to interrupt, to interpose Amparo for decision and remand (interrumpir el termino para la interposicion del amparo).³³

This interruption by the supplementary remedy of injunction under Amparo prior to "conclusive presumptions" attaching would be a significant forward step. When a person's individual constitutional rights or freedoms are being procedurally violated, the Amparo concept at once re-establishes the individual rights of the petitioner and allows the proceedings to continue as to him after the interruption which would make available to him all of the evidence in accordance with due process of law, i.e. a legal proceeding readily, promptly and cheaply available to defend freedoms and constitutional guarantees.

AMPARO AND CONSTITUTIONAL RIGHTS

The individual guarantee of a person's right of privacy from governmental invasion of coercion has recently been probed by the U.S. Senate Subcommittee on Constitutional Rights. There is evidence that the Federal government is seeking to dominate the private lives of its employees in violation of constitutional guarantees. The committee's five year investigation was summed up by its chairman, Senator Sam Ervin, who said: "Administrative tyranny is self-generating. Inevitably, each new program arms administrative agencies with more money, more authority, new rules and regulations extending over wider areas of citizen activities."

The applicability of the Amparo concept to the problem delved into by the Subcommittee is obvious. As stated in the Introduction, the purpose of this publication is to foster debate on its potential use. It would seem to be quite pertinent to the necessity for restraint on governmental coercion in the invasion of individual rights of citizens, by legal remedies through Federal courts.³⁴ Senator Ervin's committee is apparently searching for a remedy like the Amparo. If the idea was also extended to programs administered with the aid of federal funds or personnel at the state and local level, a major step forward in the improvement of citizen grievance redress mechanisms could be accomplished. In Mexico, if the President has by decree or legislative authority delegated to lower units of government, authority to execute acts and in the process of so doing individual rights are violated, the President, himself, is named in the Amparo petition as one of the responsible parties (autoridad responsable). Amparo may then issue, enjoining the executive acts of the President, as well as his delegated subordinates.

The remedy is intended to be available at the time the overt act by the Government takes place or is announced for implementation. It is not intended that the grievances caused by bureaucratic behavior be placed in the hands of an agency or commission for processing through archaic or slow administrative procedures. Amparo is immediately available in a court of law to enjoin, suspend and set aside acts by the sovereign or his agents, which invade or imperil the individual guarantees of citizens, without prejudice to the petitioner. It is quick, well-known, cheap, simple and widely available and thus provides a positive answer to a question recently raised by U.S. Representative Jack Edwards of Alabama who asked: "How many people does the bureaucracy run over each day because they don't know how to get help?"³⁵

³¹ Wheeler, Harvey, *The Restoration of Politics*, "Administrative Law and Constitutionalism," Center for the Study of Democratic Institutions, Santa Barbara, California, February 1966, p. 13.

³² "Meaningful" is defined as quick, orderly, simple, inexpensive, widely-known and widely available means for the redress of citizen grievances.

³³ *Ibid.* Tomo XXVI, p. 1723.

³⁴ As noted in the Introduction, it is believed that this is the first English language educational publication dealing solely with the Mexican Amparo.

³⁵ Stevenson, Charles, "Big Brother Is Here," *Readers Digest*, November 1966.