

DECREE DECLARING ALL KINDS OF WORKS OF ART BY THE LATE PAINTERS JOSÉ CLEMENTE OROZCO AND DIEGO RIVERA TO BE HISTORICAL MONUMENTS.

Published in the Official Gazette of the Federation on December 15, 1959.

On the margin, a seal with the National Coat of Arms, which reads: United Mexican States.- Presidency of the Republic.

ADOLFO LOPEZ MATEOS, **Constitutional President of the United Mexican**

States, to all Mexican citizens. Let it be known:

That, while a law is issued that protects especially the cultural patrimony of the country and considering the exceptional merits of all paintings and drawings made by Mexican artists José Clemente Orozco and Diego Rivera as per the opinion issued on the works of said artist by the Monuments Commission, a consultation agency under the Ministry of Public Education, based upon the provisions of article 89, section I of the Political Constitution of the Mexican Republic and articles 2, sections II and III, 13 section b), 14, 15, 17, 23, 25, 26 and 31 of the Law for the Protection and Conservation of Archaeological and Historical Monuments, Typical Towns and Places of Natural Beauty; articles 18, 23, 25, 27, 31, 32 and 37 of the regulations pertaining to said Law and upon article 834 of the Civil Code for the Federal District and Territories, I have considered it to be convenient to issue the following

DECREE

ARTICLE 1.- All artworks by artists José Clemente Orozco and Diego Rivera, regardless of the technique employed whether national or private property, are hereby declared to be historical monuments.

ARTICLE 2 .- The effects which the aforementioned declaration shall have are the following:

I.- The owners or possessors —regardless of circumstance— of any works by José Clemente Orozco or Diego Rivera must notify the Ministry of Public Education, through the National Institute of Fine Arts and Literature, of any changes in the ownership or possession of the works, of alienation and of any real property rights that may encumber them, so that the Federal Government, if it deems it convenient, may exercise its rights of preemption, which shall be exercised within thirty days after the above notification is received. In this same manner they are bound to notify the Institute of any changes in the place where the works may be kept, even if these changes are only of a temporary nature.

II.- Only through an authorization granted by the Ministry of Public Education may the owners or possessors of any works referred to in this Decree carry out any repairs or restoration work on same and said owner must notify of any alterations, changes or deterioration that may have come to his/her attention.

III.- Reproduction of the works, when they are the property of the nation, may only be carried out with an authorization by the Ministry of Public Education. If such reproduction were for commercial purposes, the National Institute of Fine Arts and Literature shall determine the fees to be covered.

IV.- Export of drawings and paintings by the artists José Clemente Orozco and Diego Rivera are hereby prohibited. The Ministry of Public Education, in compliance with an opinion therefore issued by the Consulting Technical Committee of the National Institute of Fine Arts and Literature may exceptionally authorize the export of one or several of these works, for a limited amount of time, provided the necessary guarantees for insuring their re-entry into the country are given; it may also exceptionally authorize the definitive export of said works whenever they are acquired by a prestigious museum or art gallery, for the purpose of their public exhibition in conditions deemed convenient to the cultural interest of Mexico. Unlawful or surreptitious export shall be considered contraband and shall be punished as per the provisions of applicable laws.

ARTICLE 3.- Any acts of non-compliance of the provisions of this Decree that are not criminal in nature shall be punished administratively, through assessment of a fine of between ten and one thousand pesos, according to the seriousness of the offense. The Ministry of Public Education, before assessing said fine, shall grant the alleged responsible party a term no greater than thirty days to hear his/her/its defense and receive any evidence he/she/it may wish to present. Once said term is elapsed, a resolution shall be issued.

TRANSITORY ARTICLES

FIRST.- This Decree shall enter into force the day after its publication in the Official Gazette of the Federation.

SECOND.- Said publication shall be considered as notice to any owner or possessor of the works referred to in this Decree.

I hereby issue this Decree for its publication and due compliance at the residence of the Federal Executive Power, in Mexico City, Federal District, on the eighth day of the month of December, nineteen fifty-nine.- Adolfo López Mateos.-Signature.-
The Minister of Public Education, Jaime Torres Bodet.- Signature.